For Official use

COMPILATION OF ADDITIONAL INSTRUCTIONS OF ECI

VOLUME - IV

ELECTION DEPARTMENT
RAJASTHAN, JAIPUR

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ELECTION MACHINERY

Assigning Election Duties, Randomization + Training

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2013-EPS

Dated:- 27th November, 2013

To,

The Chief Electoral Officer of
Delhi and Rajasthan.

Sub: General Election to the Legislative Assembly of Rajasthan and NCT of Delhi, 2013 – Randomisation of Police Personnel – Regarding.

Sir,

I am to invite your attention to the Press Note dated 4th October, 2013 wherein it was announced that there will be randomisation for such Police Constables and Home Guards, who are deployed at the polling stations on the poll day.

2. The randomisation of police personnel may be done in the following manner:

a) Those Police constables / Home Guards coming from outside the district can be deployed without randomisation.

b) In case of Constables / Home Guards of the same district it would be ensured that they shall be deployed in the Polling Stations falling outside the area of the police station where they are presently posted.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

Remuneration, Transfer, Disciplinary Action & other issues

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2013-EPS

Dated: 6th September, 2013

To

The Chief Electoral Officer of
All the States and Union Territories.

Subject: **Reimbursement of TA of polling personnel and observer for attending judicial proceedings on behalf of the Commission after retirement - regarding.**

Sir,

I am directed to state that during elections, the officers/officials of the Government are nominated as Polling Personnel/Observers on behalf of Election Commission of India and they perform such other functions as may be entrusted to them by the Commission.

2. However, instances have come to the notice of the Commission, where, these officers/officials sometimes, even after their retirement, have to appear in different courts to attend judicial proceedings arose on account of the functions performed by them during elections. Though, these persons on their appearance are reimbursed the amount of Traveling Allowance/Dearness Allowance incurred by them by the court as per the rates fixed by the Court concerned, in some cases they face problem or have to wait for reimbursement for a long period.

3. In cognition to the practical problems faced by these persons, the Commission has decided that such persons, on their appearance before Court, can raise their claims from the Election Commission of India also through Chief Electoral Officer of the state concerned provided that they furnish a certificate that they have not claimed any Traveling Allowance from the Court or from any other office.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

By e-mail/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2014-CC&BE

Dated: 9th January, 2014

To

1. The Chief Secretaries to
all the States and Union Territories

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

Subject: - General Election to House of the People (Lok Sabha), 2014- Transfer/Posting of Officers- regarding.

Sir/Madam,

As you might be aware that the General Election to the House of the People (Lok Sabha), 2014 is 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 31.05.2014.

It has been observed that the cut off date prescribed by the Commission has not been scrupulously followed by some State Governments. The Commission has therefore stressed that all the State Governments should strictly follow the cut-off date prescribed for calculating the three year period. Accordingly the 3 year period may be reckoned backwards from 31.05.2014.

(ii) These instructions cover not only officers appointed for specific election duties like District Election Officers, Deputy District Election Officer, Returning Officers and Assistant Returning Officers but also other district officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers or any other officer proposed to be deployed 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 years in that sub-division or would be completing 3 years on or before 31.5.2014.

(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 out of the 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 in the past, 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 district 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 all the States/UTs 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 officers falling in category (home/3+ criteria if they are due to retire within 6 months) shall 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 **15.02.2014.**

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 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

Copy to: Principal Secretaries/Secretaries of the Election Commission of India for follow up action.

ELECTION PREPARATION

EVMs

By Speed Post/e-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

K.N.Bhar
Under Secretary

No.51/8/7/2009-EMS Dated: 18th February, 2009

To

The Chief Electoral Officers of
all States and Union Territories.

602
25/2/09

Subject: Issuance of EVM Identification Slips to Candidates/Polling Agents present in a Polling Station on poll day- regarding.

Sir,

I am directed to invite your attention to the Proforma for submission of information to candidates or their agents after Second Level of Randomization of the EVM (i.e. list of Polling Station wise deployed EVMs) attached with the Commission's letter of even number dated 3rd February, 2009 and to state that the Returning Officer/Assistant Returning Officer will also prepare a polling station wise slip on Control Unit No. and Ballot Unit No. that are allotted for a particular Polling Station. The number of such slips for a particular polling station should be equal to the number of contesting candidates.

2. Such slips may be kept in the Kit to be issued to the Presiding Officer concerned. The Presiding Officer will issue such slips to the polling agent of the candidates before mock poll to ascertain that the Control Unit and Ballot Unit are the same, which are allotted to that polling station.

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

Yours faithfully,

(K.N.Bhar)

Electronic Voting Machine Identification Slip

Name of Parliamentary Constituency.....

Name of Assembly Segment.....

No. & Name of Polling Station.....

Serial No. of Control Unit.....

Serial No. of Ballot Unit.....

(Signature and Stamp)
(Returning Officer/Assistant Returning Officer)

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 509/Misc./2013-RCC

Dated:2nd August, 2013

To

The Chief Electoral Officers
of all States and UTs.

Subject: - Use of EVM in elections- period of retention thereof - regarding.

Sir/ Madam,

Attention is invited to the directions issued by the Commission under Rule 94 (aa) of the Conduct of Elections Rules, 1961, vide letter No. 51/8/6/2009/EMS dated 24th July, 2009 regarding the period of retention of EVMs kept in the custody of DEOs after an election. As per the said direction, the voting machines used at all polling stations in a constituency in which an Election Petition has been filed are required to be kept in the safe custody of DEO till such time the Election Petition is finally disposed of by the Courts.

On a reference received from the CEO, Gujarat, the Commission has reconsidered the matter and it has been decided to slightly modify the above direction. It has been decided that in view of the imminent Lok Sabha election next year, the CEOs may review the position having regard to the allegations in the Election Petitions and the prayers made therein. In respect of those constituencies where, in the Election Petition, there is no challenge with regard to the EVMs directly or no prayer is made for recount of votes polled in the EVMs applications may be filed in the High Court to seek permission to take out the EVMs kept in the safe custody before disposal of the pending election petitions for use in the ensuing election. In the application to be moved before the High Court it should be clearly explained that the request is being made to undertake the preparatory steps required to assess the availability of stock of EVMs for conduct of the impending general election to Lok Sabha due in 2014 and to undertake First Level Checking of the EVMs for their proper functioning by the engineers of the ECIL/BEL well in time.

The Commission has, therefore, directed that the grounds and prayers in the pending Election Petitions and Election Appeals may be studied and wherever the ground for filing the Election Petition/ Appeal is not related to use of EVM or for recounting of votes, an application may be filed before the Hon'ble High Court/ Hon'ble Supreme Court for release of the EVMs. The number of cases in which such applications are filed and the total number of EVMs involved may kindly be reported after the petitions are studied. The process of filing of such applications, wherever necessary, may be completed by the end of August, 2013 so that the Orders of the High Court could be obtained within a reasonable time.

Kindly acknowledge receipt.

Yours faithfully

Sd/-

(Ashish Chakraborty)
SECRETARY

Immediate

ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001.

No. 576/3/2013/SDR

Dated :11th Oct., 2013

To

The Chief Electoral Officers of
all States and UTs.

Sub : Provision for "None of the above" option on the EVM/Ballot Paper- Instructions.

Sir/Madam,

The Hon'ble Supreme Court, in its judgment dated 27th September, 2013, in Writ Petition (C) No. 161 of 2004 (People's Union for Civil Liberties &Anr.Vs Union of India &Anr), has directed that the Commission should make necessary provision in the ballot papers/ EVMs for "None of the Above (NOTA)" option so that the electors who do not wish to vote for any of the candidates can exercise their right not to vote for any candidate without violation of the secrecy of their decision. Rules 41 (2), 41(3) and 49-O of the Conduct of Elections Rules, 1961, have been held to be *ultra vires* Section 128 of the Representation of the People Act, 1951 and Article 19(1)(a) of the Constitution. A copy of the operative part of the Judgment is enclosedat **Annexure-1.**

2. In compliance of the judgment and order of the Hon'ble Supreme Court, referred to above, the Commission hereby gives the following directions to implement the NOTA option on EVMs/Ballot Papers:-

(a) In the directions regarding the form and language of the postal ballot papers and the ballot papers to be affixed on the balloting unit of the EVM, given in Paragraphs 4.2 and 25.2, respectively in Chapter X of the Handbook for Returning Officers (2009 version), the following modifications shall be made:

(i) After clause (v) of para 4.2, the following clause shall be added:
"(vi-a) After the panel containing the name and particulars of the last candidate on the ballot paper, there shall be a panel belowthe said last panel with the words "None of the Above" written therein, for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. These words shall

bewritten in the same language or languages as used in the case of names of candidates. The size of the panel shall be the same as in the case of the candidates."

(ii) In para 25.2, after clause (xiv), the flowing clause shall be added:
"(xiv a) After the panel containing the name and symbol of the last candidate, there shall be a panel below the said last panel with the words "None of the Above" written therein, for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. These words shall be written in the same language or languages as used in the case of names of candidates. The size of the panel for "None of the Above"shall be the same as for the candidates. For example, if these are 12 candidates contesting the election, these shall be provided the 13th panel with the words "None of the Above" and the ballot button against such 13th panel shall also be kept open. If there are sixteen candidates in the fray, an additional balloting unit shall be attached to the first balloting unit for the "None of the Above" panel. Thus, in case more than one balloting unit is used, "None of the Above" panel shall be only in the last balloting unit below the panel for the last candidate.

(b) In Part II (Result of Counting) of Form 17C, the names of the candidates and number of votes recorded in the EVM for each candidate is to mentioned in columns 2 and 3 thereof. In view of the "None of the Above" option now being provided, after the name and votes for the last candidate, the votes recorded against "None of the Above" shall also be shown. Thus, the total votes to be indicated in this Part should also include the votes against "None of the Above" option.

(c) In Form 20 (Final Result Sheet), in the last but one column of the table in Part I, the number of votes recorded against "None of the Above" option shall also be mentioned for each polling station and the total votes for NOTA option for all polling stations shall be mentioned at the bottom of the Table. Similarly, in Part II of Form 20 also, the number of votes recorded against "None of the Above" option for each Assembly segment shall be mentioned.

(d) In Form 21E (Return Of Election) , after the name and number of votes in respect of the last candidate, the number of votes against "None of the Above" option shall be mentioned.

3. A sample each of the Postal Ballot paper, Ballot Paper to be affixed on the balloting unit, Form 17C Part II, Form 20 and Form 21E is enclosed for guidance (Annexure 2-Collectively).

4. Since Rules 41(2), 41(3) and 49-O have been declared as *ultra vires* the provisions of the Constitution and RP Act 51, the option under Rules 41(2) and Rule 49-O shall not be available henceforth. The Presiding Officers and Polling Officers should be specifically briefed about this position in the training sessions. [They should, however, be told specifically that where ballot papers are used for taking poll, the ballot papers returned as 'spoilt' under Rule 41(1) shall continue to be kept and sealed in a separate packet].

5. It is clarified that NOTA has the same effect as not voting for any candidate under the earlier provisions of Rule 49-O. Therefore, even if, in any extreme case, the number of votes against NOTA is more than the number of votes secured by the candidates, the candidate who secures the largest number of votes among the contesting candidates shall be declared to be elected as per the provisions of Rule 64.

6. The changes are being made in the soft copy of the Handbook for ROs on the website of the Commission. Latest version of the Handbook can be downloaded from the website.

7. These instructions may be immediately conveyed to the District Election Officers, Returning Officers, Assistant Returning Officers and Presiding Officers of all Parliamentary and Assembly Constituencies in the State/ UT. This may also be brought to the notice of all political parties based in your State, including the State units of National and State recognised political parties.

8 . Please acknowledge receipt of this letter and confirm action taken as required above.

Yours faithfully,

(K.F.WILFRED)
PRINCIPAL SECRETARY

Conduct of Election Rules, 1961
(Statutory Rules and Others)

[FORM 21E]
(See rules 64)

Return of Election

Election to the .....from the
.....constituency

Return of Election

Serial No.	Name of Candidate	Party affiliation	Number of votes polled
1.	A	XXXXX	ab
2.	B	YYYYY	cd
3.	C	Independent	ef

Total number of electors ..... LMN .....

Total number of valid votes polled..... (ab+cd+ef)

Total number of votes for 'None of the Above' ..... (xy)

Total number of rejected votes .....

Total number of tendered votes .....

I declare that –

Sh. ..... (Name)
of ..... (Address)

Has been duly elected to fill the seat/

Place .....
Date .....

Returning Officer

Conduct of Elections Rules, 1961
(Statutory Rules and Others)

[FORM 20

[See rule 56 (7)]

Final Result Sheet

(To be used for recording the result of voting at polling station other than notified polling stations)

Election to the .....from the ..... constituency.

Part I

(To be used both for Parliamentary and Assembly Elections)

Name of the Assembly segment (in the case of election from

a parliamentary constituency) .....

Total No. of Electors in Assembly Constituency/ segment.....

Serial No. of polling station	*No. of Valid votes cast in favor of* *A*	*B*	*C*	*Total of valid votes*	*No. of rejected votes (Test Votes)*	*Votes for 'NOTA' option*	*Total no. of tendered votes*
1.	..	..	..	..	..	..	..
2.	..	..	..	..	..	..	..
3.							
4.							
TOTAL No. of votes recorded at Polling Stations:	..	..	..	..	..	..	..
No. of votes recorded on postal ballot papers. (*TO be filled in the case of election from an Assembly constituency.*)	..	..	..	..	..	..	..
TOTAL votes polled.	..	..	..	..	..	..	..

Place.....
Date.....

Returning Officer

Annexure- 2

FORM 17C

PART II- RESULT OF COUNTING

Sl No. of candidates	Name of candidates	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes (3-4)
(1)	(2)	(3)	(4)	(5)
1.	A	ab	..	..
2.	B	cd	..	..
3.	..	..	..	..
4.	..	..	..	..
5.	..	..	..	..
6.	None of the Above	xy	..	..
TOTAL				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place .....
Date.....

Signature of Counting Supervisor
Full signature

Name of candidate/ election agent/ counting agent

1.

2.

3.

4.

5.

6.

7.

Place .....
Date .....

Signature of Returning Officer."

69

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 161 OF 2004

People's Union for Civil Liberties & Anr. .... Petitioner (s)

Versus

Union of India & Anr. .... Respondent(s)

JUDGMENT

P.Sathasivam, CJI.

1) The present writ petition, under Article 32 of the Constitution of India, has been filed by the petitioners herein challenging the constitutional validity of Rules 41(2) & (3) and 49-O of the Conduct of Election Rules, 1961 (in short 'the Rules') to the extent that these provisions violate the secrecy of voting which is fundamental to the free and fair elections and is required to be maintained as per Section 128 of the

Representation of the People Act, 1951 (in short 'the RP Act') and Rules 39 and 49-M of the Rules.

2) The petitioners herein have preferred this petition for the issuance of a writ or direction(s) of like nature on the ground that though the above said Rules, viz., Rules 41(2) & (3) and 49-O, recognize the right of a voter not to vote but still the secrecy of his having not voted is not maintained in its implementation and thus the impugned rules, to the extent of such violation of the right to secrecy, are not only *ultra vires* to the said Rules but also violative of Articles 19(1)(a) and 21 of the Constitution of India besides International Covenants.

3) In the above backdrop, the petitioners herein prayed for declaring Rules 41(2) & (3) and 49-O of the Rules *ultra vires* and unconstitutional and also prayed for a direction to the Election Commission of India-Respondent No. 2 herein, to provide necessary provision in the ballot papers as well as in the electronic voting machines for the protection of the right of not to vote in order to keep the exercise of such right a

secret under the existing RP Act/the Rules or under Article 324 of the Constitution.

4) On 23.02.2009, a Division Bench of this Court, on an objection with regard to maintainability of the writ petition on the ground that right to vote is not a fundamental right but is a statutory right, after considering ***Union of India*** vs. ***Association for Democratic Reforms and Anr.*** (2002) 5 SCC 294 and ***People's Union for Civil Liberties*** vs. ***Union of India*** (2003) 4 SCC 399 held that even though the judgment in ***Kuldip Nayar & Ors.*** vs. ***Union of India & Ors.*** (2006) 7 SCC 1 did not overrule or discard the ratio laid down in the judgments mentioned above, however, it creates a doubt in this regard, referred the matter to a larger Bench to arrive at a decision.

5) One Centre for Consumer Education and Association for Democratic Reforms have filed applications for impleadment in this Writ Petition. Impleadment applications are allowed.

6) Heard Mr. Rajinder Sachhar, learned senior counsel for the petitioners, Mr. P.P. Malhotra, learned Additional Solicitor General for the Union of India-Respondent No. 1 herein, Ms. Meenakshi Arora, learned counsel for the Election Commission of India-Respondent No. 2 herein, Ms Kamini Jaiswal and Mr. Raghenth Basant, learned counsel for the impleading parties.

Contentions:

7) Mr. Rajinder Sachhar, learned senior counsel for the petitioners, by taking us through various provisions, particularly, Section 128 of the RP Act as well as Rules 39, 41, 49-M and 49-O of the Rules submitted that in terms of Rule 41(2) of the Rules, an elector has a right not to vote but still the secrecy of his having not voted is not maintained under Rules 41(2) and (3) thereof. He further pointed out that similarly according to Rule 49-O of the Rules, the right of a voter who decides not to vote has been accepted but the secrecy is not maintained. According to him, in case an elector decides not to record his vote, a remark to this effect

shall be made against the said entry in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark. Hence, if a voter decides not to vote, his record will be maintained by the Presiding Officer which will thereby disclose that he has decided not to vote. The main substance of the arguments of learned senior counsel for the petitioners is that though right not to vote is recognized by Rules 41 and 49-O of the Rules and is also a part of the freedom of expression of a voter, if a voter chooses to exercise the said right, it has to be kept secret. Learned senior counsel further submitted that both the above provisions, to the extent of such violation of the secrecy clause are not only *ultra vires* but also contrary to Section 128 of the RP Act, Rules 39 and 49-M of the Rules as well as Articles 19(1)(a) and 21 of the Constitution.

8) On the other hand, Mr. P.P. Malhotra, learned Additional Solicitor General appearing for the Union of India submitted that the right to vote is neither a fundamental right nor a

constitutional right nor a common law right but is a pure and simple statutory right. He asserted that neither the RP Act nor the Constitution of India declares the right to vote as anything more than a statutory right and hence the present writ petition is not maintainable. He further pointed out that in view of the decision of the Constitution Bench in ***Kuldip Nayar (supra)***, the reference for deciding the same by a larger Bench was unnecessary. He further pointed out that in view of the above decision, the earlier two decisions of this Court, viz., ***Association for Democratic Reforms and Another (supra)*** and ***People's Union for Civil Liberties (supra)***, stood impliedly overruled, hence, on this ground also reference to a larger Bench was not required. He further pointed out that though the power of Election Commission under Article 324 of the Constitution is wide enough, but still the same can, in no manner, be construed as to cover those areas, which are already covered by the statutory provisions. He further pointed out that even from the existing provisions, it is clear that secrecy of ballot is a principle which has been formulated to ensure that in no case it shall be known to the

candidates or their representatives that in whose favour a particular voter has voted so that he can exercise his right to vote freely and fearlessly. He also pointed out that the right of secrecy has been extended to only those voters who have exercised their right to vote and the same, in no manner, can be extended to those who have not voted at all. Finally, he submitted that since Section 2(d) of the RP Act specifically defines "election" to mean an election to fill a seat, it cannot be construed as an election not to fill a seat.

9) Ms. Meenakshi Arora, learned counsel appearing for the Election Commission of India – Respondent No. 2 herein, by pointing out various provisions both from the RP Act and the Rules submitted that inasmuch as secrecy is an essential feature of "free and fair elections", Rules 41(2) & (3) and 49-O of the Rules violate the requirement of secrecy.

10) Ms. Kamini Jaiswal and Mr. Raghenth Basant, learned counsel appearing for the impleading parties, while agreeing with the stand of the petitioners as well as the Election

Commission of India, prayed that necessary directions may be issued for providing another button viz., "None of the Above" (NOTA) in the Electronic Voting Machines (EVMs) so that the voters who come to the polling booth and decide not to vote for any of the candidates, are able to exercise their right not to vote while maintaining their right of secrecy.

11) We have carefully considered the rival submissions and perused the relevant provisions of the RP Act and the Rules.

Discussion:

12) In order to answer the above contentions, it is vital to refer to the relevant provisions of the RP Act and the Rules. Sections 79(d) and 128 of the RP Act read as under:

> **"79(d)--**"electoral right" means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election.
>
> **128 - Maintenance of secrecy of voting--**(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some

purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy:

Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."

Rules 39(1), 41, 49-M and 49-O of the Rules read as under:

"**39. Maintenance of secrecy of voting by electors within polling station and voting procedure.**--(1) Every elector to whom a ballot paper has been issued under rule 38 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

41. Spoilt and returned ballot papers.--(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt: cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned: cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

49M. Maintenance of secrecy of voting by electors within the polling station and voting procedures.--(1) Every elector who has been permitted to vote under rule 49L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit; for recording of elector's vote.

(3) The elector shall thereafter forthwith--

(a) proceed to the voting compartment;

(b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(c) come out of the voting compartment and leave the polling station.

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 49L or rule 49P refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 17A by the presiding officer under his signature.

49-O. Elector deciding not to vote.--If an elector, after his electoral roll number has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 49L, decide not to record his vote, a remark to this effect shall be made against the said entry in Form 17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark."

13) Apart from the above provisions, it is also relevant to refer Article 21(3) of the Universal Declaration of Human Rights and Article 25(b) of the International Covenant on Civil and Political Rights, which read as under:

"**21(3)** The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

"**25.** Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) *** *** ***;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;"

14) Articles 19(1)(a) and 21 of the Constitution, which are also pertinent for this matter, are as under:

SUPREME COURT OF

"**19 - Protection of certain rights regarding freedom of speech, etc.--** (1) All citizens shall have the right-

(a) to freedom of speech and expression;

xxxxx

21 - Protection of life and personal liberty--No person shall be deprived of his life or personal liberty except according to procedure established by law."

15) From the above provisions, it is clear that in case an elector decides not to record his vote, a remark to this effect shall be made in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark. Form 17-A reads as under:

"FORM 17A
[See rule 49L)
REGISTER OF VOTERS

Election to the House of the People/ Legislative Assembly of the State/ Union territory .....from.....Constituency No. and Name of Polling Station.....Part No. of Electoral Roll.....

Sl. No.	Sl. No. of elector in the electoral roll	Details of the document produced by the elector in proof of his/ her identification	Signature/ Thumb impression of elector	Remarks
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				

etc.

Signature of the Presiding Officer"

16) Before elaborating the contentions relating to the above provisions with reference to the secrecy of voting, let us first consider the issue of maintainability of the Writ Petition as raised by the Union of India. In the present Writ Petition, which is of the year 2004, the petitioners have prayed for the following reliefs:

> "(i) declaring that Rules 41(2) & (3) and 49-O of the Conduct of Election Rules, 1961 are ultra vires and unconstitutional to the extent they violate secrecy of vote;

(ii) direct the Election Commission under the existing Representation of People Act, 1951 and the Conduct of Election Rules, 1961 and/ or under Article 324 to provide necessary provision in the ballot papers and the voting machines for protection of right not to vote and to keep the exercise of such right secret;"

17) It is relevant to point out that initially the present Writ Petition came up for hearing before a Bench of two-Judges. During the course of hearing, an objection was raised with regard to the maintainability of the Writ Petition under Article 32 on the ground that the right claimed by the petitioners is not a fundamental right as enshrined in Part III of the Constitution. It is the categorical objection of the Union of India that inasmuch as the writ petition under Article 32 would lie to this Court only for the violation of fundamental rights and since the right to vote is not a fundamental right, the present Writ Petition under Article 32 is not maintainable. It is the specific stand of the Union of India that right to vote is not a fundamental right but merely a statutory right. It is further pointed out that this Court, in Para 20 of the referral order dated 23.02.2009, reported in (2009) 3 SCC 200, observed that since in ***Kuldip Nayar (supra),*** the judgments of this Court in ***Association for Democratic***

Reforms (supra) and ***People's Union for Civil Liberties (supra)*** have not been specifically overruled which tend to create a doubt whether the right to vote is a fundamental right or not and referred the same to a larger Bench stating that the issue requires clarity. In view of the reference, we have to decide:

(i) Whether there is any doubt or confusion with regard to the right of a voter in ***Kuldip Nayar (supra)***;

(ii) Whether earlier two judgments viz., ***Association for Democratic Reforms (supra)*** and ***People's Union for Civil Liberties (supra)*** referred to by the Constitution Bench in ***Kuldip Nayar (supra)*** stand impliedly overruled.

18) Though, Mr. Malhotra relied on a large number of decisions, we are of the view that there is no need to refer to those decisions except a reference to the decision of this Court in ***Kuldip Nayar (supra), Association for Democratic Reforms (supra)*** and ***People's Union for Civil Liberties (supra)***.

19) A three-Judge Bench of this Court comprising M.B Shah, P. Venkatarama Reddi and D.M. Dharmadhikari, JJ. expressed separate but concurring opinions in the ***People's Union for Civil Liberties (supra)***. In para 97, Reddi, J made an observation as to the right to vote being a Constitutional right if not a fundamental right which reads as under:

> "97. In *Jyoti Basu v. Debi Ghosal* [1982] 3 SCR 318 this Court again pointed out in no uncertain terms that:
>
> > 8 "a right to elect, fundamental though it is to democracy, is, anomalously enough, neither a fundamental right nor a common law right. It is pure and simple a statutory right."
>
> With great reverence to the eminent Judges, I would like to clarify that the right to vote, if not a fundamental right, is certainly a constitutional right. The right originates from the Constitution and in accordance with the constitutional mandate contained in Article 326, the right has been shaped by the statute, namely, R.P. act. That, in my understanding, is the correct legal position as regards the nature of the right to vote in elections to the House of the People and Legislative Assemblies. It is not very accurate to describe it as a statutory right, pure and simple. Even with this clarification, the argument of the learned Solicitor General that the right to vote not being a fundamental right, the information which at best facilitates meaningful exercise of that right cannot be read as an integral part of any fundamental right, remains to be squarely met...."

Similarly, in para 123, point No. 2 Reddi, J., held as under:-

> "(2) The right to vote at the elections to the House of the People or Legislative Assembly is a constitutional right but not merely a statutory right; freedom of voting as distinct from right to vote is a facet of the fundamental right enshrined in Article 19(1)(a). The casting of vote in favour of one or the other candidate marks the accomplishment of freedom of expression of the voter."

Except the above two paragraphs, this aspect has nowhere been discussed or elaborated wherein all the three Judges, in their separate but concurring judgments, have taken the pains to specifically distinguish between right to vote and freedom of voting as a species of freedom of expression. In succinct, the ratio of the judgment was that though the right to vote is a statutory right but the decision taken by a voter after verifying the credentials of the candidate either to vote or not is his right of expression under Article 19(1)(a) of the Constitution.

20) As a result, the judgments in ***Association for Democratic Reforms (supra)*** and ***People's Union for Civil Liberties (supra)*** have not disturbed the position that right to vote is a statutory right. Both the judgments have only added that the right to know the background of a

candidate is a fundamental right of a voter so that he can take a rational decision of expressing himself while exercising the statutory right to vote. In ***People's Union for Civil Liberties (supra),*** Shah J., in para 78D, held as under:-

> "...However, voters' fundamental right to know the antecedents of a candidate is independent of statutory rights under the election law. A voter is first citizen of this country and apart from statutory rights, he is having fundamental rights conferred by the Constitution..."

P. Venkatrama Reddi, J., in Para 97, held as under:-

> "...Though the initial right cannot be placed on the pedestal of a fundamental right, but, at the stage when the voter goes to the polling booth and casts his vote, his freedom to express arises. The casting of vote in favour of one or the other candidate tantamounts to expression of his opinion and preference and that final stage in the exercise of voting right marks the accomplishment of freedom of expression of the voter. That is where Article 19(1)(*a*) is attracted. Freedom of voting as distinct from right to vote is thus a species of freedom of expression and therefore carries with it the auxiliary and complementary rights such as right to secure information about the candidate which are conducive to the freedom..."

Dharmadhikari, J., in para 127, held as under:-

> "...This freedom of a citizen to participate and choose a candidate at an election is distinct from exercise of his

> right as a voter which is to be regulated by statutory law on the election like the RP Act..."

In view of the above, Para 362 in ***Kuldip Nayar (supra)*** does not hold to the contrary, which reads as under:-

> "We do not agree with the above submission. It is clear that a fine distinction was drawn between the right to vote and the freedom of voting as a species of freedom of expression, while reiterating the view in *Jyoti Basu* v. *Debi Ghosal* that a right to elect, fundamental though it is to democracy, is neither a fundamental right nor a common law right, but pure and simple, a statutory right".

21) After a careful perusal of the verdicts of this Court in ***Kuldip Nayar (supra), Association for Democratic Reforms (supra)*** and ***People's Union for Civil Liberties (supra),*** we are of the considered view that ***Kuldip Nayar (supra)*** does not overrule the other two decisions rather it only reaffirms what has already been said by the two aforesaid decisions. The said paragraphs recognize that right to vote is a statutory right and also in ***People's Union for Civil Liberties (supra)*** it was held that "a fine distinction was drawn between the right to vote and the freedom of voting as a species of freedom of expression". Therefore, it

cannot be said that ***Kuldip Nayar (supra)*** has observed anything to the contrary. In view of the whole debate of whether these two decisions were overruled or discarded because of the opening line in Para 362 of ***Kuldip Nayar (supra)*** i.e., "we do not agree with the above submissions..." we are of the opinion that this line must be read as a whole and not in isolation. The contention of the petitioners in ***Kuldip Nayar (supra)*** was that majority view in ***People's Union for Civil Liberties (supra)*** held that right to vote is a Constitutional right besides that it is also a facet of fundamental right under Article 19(1)(a) of the Constitution. It is this contention on which the Constitution Bench did not agree too in the opening line in para 362 and thereafter went on to clarify that in fact in ***People's Union for Civil Liberties (supra),*** a fine distinction was drawn between the right to vote and the freedom of voting as a species of freedom of expression. Thus, there is no contradiction as to the fact that right to vote is neither a fundamental right nor a Constitutional right but a pure and simple statutory right. The same has been settled in a catena of cases and it is

clearly not an issue in dispute in the present case. With the above observation, we hold that there is no doubt or confusion persisting in the Constitution Bench judgment of this Court in ***Kuldip Nayar (supra)*** and the decisions in ***Association for Democratic Reforms (supra)*** and ***People's Union for Civil Liberties (PUCL) (supra)*** do not stand impliedly overruled.

Whether the present writ petition under Article 32 is maintainable:

22) In the earlier part of our judgment, we have quoted the reliefs prayed for by the petitioners in the writ petition. Mr. Malhotra, learned Additional Solicitor General, by citing various decisions submitted that since right to vote is not a fundamental right but is merely a statutory right, hence, the present writ petition under Article 32 is not maintainable and is liable to be dismissed. He referred to the following decisions of this Court in ***N.P. Ponnuswami*** vs. ***Returning officer,*** 1952 SCR 218, ***Jamuna Prasad Mukhariya*** vs. ***Lachhi Ram,*** 1955 (1) SCR 608, ***University of Delhi*** vs.

Anand Vardhan Chandal, (2000) 10 SCC 648, ***Kuldip Nayar (supra)*** **and** ***K. Krishna Murthy (Dr.)*** vs. ***Union of India,*** (2010) 7 SCC 202, wherein it has been held that the right to vote is not a fundamental right but is merely a statutory right.

23) In ***Kochunni*** vs. ***State of Madras,*** 1959 (2) Supp. SCR 316, this Court held that the right to move before this Court under Article 32, when a fundamental right has been breached, is a substantive fundamental right by itself. In a series of cases, this Court has held that it is the duty of this Court to enforce the guaranteed fundamental rights.[Vide ***Daryo*** vs. ***State of U.P.*** 1962 (1) SCR 574].

24) The decision taken by a voter after verifying the credentials of the candidate either to vote or not is a form of expression under Article 19(1)(a) of the Constitution. The fundamental right under Article 19(1)(a) read with statutory right under Section 79(d) of the RP Act is violated unreasonably if right not to vote effectively is denied and

secrecy is breached. This is how Articles 14 and 19(1)(a) are required to be read for deciding the issue raised in this writ petition. The casting of the vote is a facet of the right of expression of an individual and the said right is provided under Article 19(1)(a) of the Constitution of India (Vide: ***Association for Democratic Reforms (supra)*** and ***People's Union for Civil Liberties (supra)***. Therefore, any violation of the said rights gives the aggrieved person the right to approach this Court under Article 32 of the Constitution of India. In view of the above said decisions as well as the observations of the Constitution Bench in ***Kuldip Nayar (supra)***, a *prima facie* case exists for the exercise of jurisdiction of this Court under Article 32.

25) Apart from the above, we would not be justified in asking the petitioners to approach the High Court to vindicate their grievance by way of a writ petition under Article 226 of the Constitution of India at this juncture. Considering the reliefs prayed for which relate to the right of a voter and applicable to all eligible voters, it may not be

appropriate to direct the petitioners to go to each and every High Court and seek appropriate relief. Accordingly, apart from our conclusion on legal issue, in view of the fact that the writ petition is pending before this Court for the last more than nine years, it may not be proper to reject the same on the ground, as pleaded by learned ASG. For the reasons mentioned above, we reject the said contention and hold that this Court is competent to hear the issues raised in this writ petition filed under Article 32 of the Constitution.

Discussion about the relief prayed for in the writ petition:

26) We have already quoted the relevant provisions, particularly, Section 128 of the RP Act, Rules 39, 41, 49M and 49-O of the Rules. It is clear from the above provisions that secrecy of casting vote is duly recognized and is necessary for strengthening democracy. We are of the opinion that paragraph Nos. 441, 442 and 452 to 454 of the decision of the Constitution Bench in ***Kuldip Nayar (supra)***, are relevant for this purpose which are extracted hereinbelow:

"441. Voting at elections to the Council of States cannot be compared with a general election. In a general election, the electors have to vote in a secret manner without fear that their votes would be disclosed to anyone or would result in victimisation. There is no party affiliation and hence the choice is entirely with the voter. This is not the case when elections are held to the Council of States as the electors are elected Members of the Legislative Assemblies who in turn have party affiliations.

442. The electoral systems world over contemplate variations. No one yardstick can be applied to an electoral system. The question whether election is direct or indirect and for which House members are to be chosen is a relevant aspect. All over the world in democracies, members of the House of Representatives are chosen directly by popular vote. Secrecy there is a must and insisted upon; in representative democracy, particularly to the upper chamber, indirect means of election adopted on party lines is well accepted practice.

452. Parliamentary democracy and multi-party system are an inherent part of the basic structure of the Indian Constitution. It is the political parties that set up candidates at an election who are predominantly elected as Members of the State Legislatures. The context in which general elections are held, secrecy of the vote is necessary in order to maintain the purity of the electoral system. Every voter has a right to vote in a free and fair manner and not disclose to any person how he has voted. But here we are concerned with a voter who is elected on the ticket of a political party. In this view, the context entirely changes.

453. That the concept of "constituency-based representation" is different from "proportional representation" has been eloquently brought out in United Democratic Movement v. President of the Republic of South Africa where the question before the Supreme Court was: whether "floor crossing" was fundamental to the Constitution of South Africa. In this judgment the concept of proportional representation vis-à-vis constituency-based representation is highlighted...

> 454. The distinguishing feature between "constituency-based representation" and "proportional representation" in a representative democracy is that in the case of the list system of proportional representation, members are elected on party lines. They are subject to party discipline. They are liable to be expelled for breach of discipline. Therefore, to give effect to the concept of proportional representation, Parliament can suggest "open ballot". In such a case, it cannot be said that "free and fair elections" would stand defeated by "open ballot". As stated above, in a constituency-based election it is the people who vote whereas in proportional representation it is the elector who votes. This distinction is indicated also in the Australian judgment in R. v. Jones. **In constituency-based representation, "secrecy" is the basis** whereas in the case of proportional representation in a representative democracy the basis can be "open ballot" and it would not violate the concept of "free and fair elections", which concept is one of the pillars of democracy."

27) The above discussion in the cited paragraphs makes it clear that in direct elections to Lok Sabha or State Legislatures, maintenance of secrecy is a must and is insisted upon all over the world in democracies where direct elections are involved to ensure that a voter casts his vote without any fear of being victimized if his vote is disclosed.

28) After referring to Section 128 of the RP Act and Rule 39 of the Rules, this Court in ***S. Raghbir Singh Gill*** vs. ***S. Gurcharan Singh Tohra and Others*** 1980 (Supp) SCC 53 held as under:

> "14...Secrecy of ballot can be appropriately styled as a postulate of constitutional democracy. It enshrines a vital principle of parliamentary institutions set up under the Constitution. It subserves a very vital public interest in that an elector or a voter should be absolutely free in exercise of his franchise untrammelled by any constraint, which includes constraint as to the disclosure. A remote or distinct possibility that at some point a voter may under a compulsion of law be forced to disclose for whom he has voted would act as a positive constraint and check on his freedom to exercise his franchise in the manner he freely chooses to exercise. Therefore, it can be said with confidence that this postulate of constitutional democracy rests on public policy."

29) In the earlier part of this judgment, we have referred to Article 21(3) of the Universal Declaration of Human Rights and Article 25(b) of the International Covenant on Civil and Political Rights, which also recognize the right of secrecy.

30) With regard to the first prayer of the petitioners, viz., extension of principle of secrecy of ballot to those voters who decide not to vote, Mr. Malhotra, learned ASG submitted that principle of secrecy of ballot is extended only to those voters who have cast their votes in favour of one or the other candidates, but the same, in no manner, can be read as extended to even those voters who have not voted in the

election. He further pointed out that the principle of secrecy of ballot pre-supposes validly cast vote and the object of secrecy is to assure a voter to allow him to cast his vote without any fear and in no manner it will be disclosed that in whose favour he has voted or he will not be compelled to disclose in whose favour he voted. The pith and substance of his argument is that secrecy of ballot is a principle which has been formulated to ensure a voter (who has exercised his right to vote) that in no case it shall be known to the candidates or their representatives that in whose favour a particular voter has voted so that he can exercise his right to vote freely and fearlessly. The stand of the Union of India as projected by learned ASG is that the principle of secrecy of ballot is extended only to those voters who have cast their vote and the same in no manner can be extended to those who have not voted at all.

31) Right to vote as well as right not to vote have been statutorily recognized under Section 79(d) of the RP Act and Rules 41(2) & (3) and 49-O of the Rules respectively.

Whether a voter decides to cast his vote or decides not to cast his vote, in both cases, secrecy has to be maintained. It cannot be said that if a voter decides to cast his vote, secrecy will be maintained under Section 128 of the RP Act read with Rules 39 and 49M of the Rules and if in case a voter decides not to cast his vote, secrecy will not be maintained. Therefore, a part of Rule 49-O read with Form 17-A, which treats a voter who decides not to cast his vote differently and allows the secrecy to be violated, is arbitrary, unreasonable and violative of Article 19 and is also *ultra vires* Sections 79(d) and 128 of the RP Act.

32) As regards the question as to whether the right of expression under Article 19 stands infringed when secrecy of the poll is not maintained, it is useful to refer ***S. Raghbir Singh (supra)*** wherein this Court deliberated on the interpretation of Section 94 of the RP Act which mandates that no elector can be compelled as a witness to disclose his vote. In that case, this Court found that the "secrecy of ballots constitutes a postulate of constitutional democracy...

A remote or distinct possibility that the voter at some point of time may under a compulsion of law be forced to disclose for whom he has voted would act as a positive constraint and check on his freedom to exercise his franchise in the manner he freely chooses to exercise". Secrecy of ballot, thus, was held to be a privilege granted in public interest to an individual. It is pertinent to note that in the said case, the issue of the disclosure by an elector of his vote arose in the first place because there was an allegation that the postal ballot of an MLA was tampered with to secure the victory of one of the candidates to the Rajya Sabha. Therefore, seemingly there was a conflict between the "fair vote" and "secret ballot".

33) In ***Kuldip Nayar (supra)***, this Court held that though secrecy of ballots is a vital principle for ensuring free and fair elections, the higher principle is free and fair elections. However, in the same case, this Court made a copious distinction between "constituency based representation" and "proportional representation". It was held that while in the

former, secrecy is the basis, in the latter the system of open ballot and it would not be violative of "free and fair elections". In the said case, ***R*** vs. ***Jones,*** (1972) 128 CLR 221 and ***United Democractic Movement*** vs. ***President of the Republic of South Africa,*** (2003) 1 SA 495 were also cited with approval.

34) Therefore, in view of the decisions of this Court in ***S. Raghubir Singh Gill (supra)*** and ***Kuldip Nayar (supra)***, the policy is clear that secrecy principle is integral to free and fair elections which can be removed only when it can be shown that there is any conflict between secrecy and the "higher principle" of free elections. The instant case concerns elections to Central and State Legislatures that are undoubtedly "constituency based". No discernible public interest shall be served by disclosing the elector's vote or his identity. Therefore, secrecy is an essential feature of the "free and fair elections" and Rule 49-O undoubtedly violates that requirement.

35) In ***Lily Thomas*** vs. ***Speaker, Lok Sabha,*** (1993) 4 SCC 234, this Court held that "voting is a formal expression of will or opinion by the person entitled to exercise the right on the subject or issue in question" and that "right to vote means right to exercise the right in favour of or against the motion or resolution. Such a right implies right to remain neutral as well".

36) In view of the same, this Court also referred to the Practice and Procedure of the Parliament for voting which provides for three buttons: viz., AYES, NOES and ABSTAIN whereby a member can abstain or refuse from expressing his opinion by casting vote in favour or against the motion. The constitutional interpretation given by this Court was based on inherent philosophy of parliamentary sovereignty.

37) A perusal of Section 79(d) of the RP Act, Rules 41(2) & (3) and Rule 49-O of the Rules make it clear that a right not to vote has been recognized both under the RP Act and the Rules. A positive 'right not to vote' is a part of expression of

a voter in a parliamentary democracy and it has to be recognized and given effect to in the same manner as 'right to vote'. A voter may refrain from voting at an election for several reasons including the reason that he does not consider any of the candidates in the field worthy of his vote. One of the ways of such expression may be to abstain from voting, which is not an ideal option for a conscientious and responsible citizen. Thus, the only way by which it can be made effectual is by providing a button in the EVMs to express that right. This is the basic requirement if the lasting values in a healthy democracy have to be sustained, which the Election Commission has not only recognized but has also asserted.

38) The Law Commission of India, in its 170th Report relating to Reform of the Electoral Laws recommended for implementation of the concept of negative vote and also pointed out its advantages.

39) In India, elections traditionally have been held with ballot papers. As explained by the Election Commission, from 1998 onwards, the Electronic Voting Machines (EVMs) were introduced on a large scale. Formerly, under the ballots paper system, it was possible to secretly cast a neutral/negative vote by going to the polling booth, marking presence and dropping one's ballot in the ballot box without making any mark on the same. However, under the system of EVMs, such secret neutral voting is not possible, in view of the provision of Rule 49B of the Rules and the design of the EVM and other related voting procedures. Rule 49B of the Rules mandates that the names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of contesting candidates and there is no provision for a neutral button.

40) It was further clarified by the Election Commission that EVM comprises of two units, i.e. control and balloting units, which are interconnected by a cable. While the balloting unit is placed in a screened enclosure where an elector may cast

his vote in secrecy, the control unit remains under the charge of the Presiding Officer and so placed that all polling agents and others present have an unhindered view of all the operations. The balloting unit, placed inside the screened compartment at the polling station gets activated for recording votes only when the button marked "Ballot" on the control unit is pressed by the presiding officer/polling officer in charge. Once the ballot button is pressed, the Control unit emanates red light while the ballot unit which has been activated to receive the vote emanates green light. Once an elector casts his vote by pressing balloting button against the candidate of his choice, he can see a red light glow against the name and symbol of that candidate and a high-pitched beep sound emanates from the machine. Upon such casting of vote, the balloting unit is blocked, green light emanates on the control unit, which is in public gaze, and the high pitched beep sound is heard by one and all. Thereafter, the EVM has to re-activate for the next elector by pressing "ballot button". However, should an elector choose not to cast his vote in favour of any of the candidates labeled on the EVM, and

consequently, not press any of the labeled button neither will the light on the control unit change from red to green nor will the beep sound emanate. Hence, all present in the poll booth at the relevant time will come to know that a vote has not been cast by the elector.

41) Rule 49-O of the Rules provides that if an elector, after his electoral roll number has been entered in the register of electors in Form 17-A, decides not to record his vote on the EVM, a remark to this effect shall be made against the said entry in Form 17-A by the Presiding Officer and signature/thumb impression of the elector shall be obtained against such remark. As is apparent, mechanism of casting vote through EVM and Rule 49-O compromise on the secrecy of the vote as the elector is not provided any privacy when the fact of the neutral/negative voting goes into record.

42) Rules 49A to 49X of the Rules come under Chapter II of Part IV of the Rules. Chapter II deals with voting by Electronic Voting Machines only. Therefore, Rule 49-O, which

talks about Form 17-A, is applicable only in cases of voting by EVMs. The said Chapter was introduced in the Rules by way of an amendment dated 24.03.1992. Voting by ballot papers is governed by Chapter I of Part IV of the Rules. Rule 39 talks about secrecy while voting by ballot and Rule 41 talks about ballot papers. However, as said earlier, in the case of voting by ballot paper, the candidate always had the option of not putting the cross mark against the names of any of the candidates and thereby record his disapproval for all the candidates in the fray. Even though such a ballot paper would be considered as an invalid vote, the voter still had the right not to vote for anybody without compromising on his/her right of secrecy. However, with the introduction of EVMs, the said option of not voting for anybody without compromising the right of secrecy is not available to the voter since the voting machines did not have 'None of the Above' (NOTA) button.

43) It is also pointed out that in order to rectify this serious defect, on 10.12.2001, the Election Commission addressed a

letter to the Secretary, Ministry of Law and Justice stating, *inter alia*, that the "electoral right" under Section 79(d) includes a right not to cast vote and sought to provide a panel in the EVMs so that an elector may indicate that he does not wish to vote for any of the aforementioned candidates. The letter also stated that such number of votes expressing dissatisfaction with all the candidates may be recorded in a result sheet. It is also brought to our notice that no action was taken on the said letter dated 10.12.2001.

44) The Election Commission further pointed out that in the larger interest of promoting democracy, a provision for "None of the Above" or "NOTA" button should be made in the EVMs/ ballot papers. It is also highlighted that such an action, apart from promoting free and fair elections in a democracy, will provide an opportunity to the elector to express his dissent/disapproval against the contesting candidates and will have the benefit of reducing bogus voting.

45) Democracy and free elections are part of the basic structure of the Constitution. In ***Indira Nehru Gandhi*** vs. ***Raj Narain,*** 1975 Supp 1 SCC 198, Khanna, J., held that democracy postulates that there should be periodic elections where the people should be in a position to re-elect their old representatives or change the representatives or elect in their place new representatives. It was also held that democracy can function only when elections are free and fair and the people are free to vote for the candidates of their choice. In the said case, Article 19 was not in issue and the observations were in the context of basic structure of the Constitution. Thereafter, this Court reiterated that democracy is the basic structure of the Constitution in ***Mohinder Singh Gill and Another*** vs. ***Chief Election Commissioner, New Delhi and Others,*** (1978) 1 SCC 405 and ***Kihoto Hollohon vs. Zachillhu and Others,*** 1992 (Supp) 2 SCC 651.

46) In order to protect the right in terms of Section 79(d) and Rule 49-O, viz., "right not to vote", we are of the view

that this Court is competent/well within its power to issue directions that secrecy of a voter who decides not to cast his vote has to be protected in the same manner as the Statute has protected the right of a voter who decides to cast his vote in favour of a candidate. This Court is also justified in giving such directions in order to give effect to the right of expression under Article 19(1)(a) and to avoid any discrimination by directing the Election Commission to provide NOTA button in the EVMs.

47) With regard to the above, Mr. Malhotra, learned ASG, by drawing our attention to Section 62 of the RP Act, contended that this Section enables a person to cast a vote and it has no scope for negative voting. Section 62(1) of the RP Act reads as under:

> **"62. Right to vote**.(1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency."

48) Mr. Malhotra, learned ASG has also pointed out that elections are conducted to fill a seat by electing a person by a positive voting in his favour and there is no concept of negative voting under the RP Act. According to him, the Act does not envisage that a voter has any right to cast a negative vote if he does not like any of the candidates. Referring to Section 2(d) of the RP Act, he asserted that election is only a means of choice or election between various candidates to fill a seat. Finally, he concluded that negative voting (NOTA) has no legal consequence and there shall be no motivation for the voters to travel to the polling booth and reject all the candidates, which would have the same effect of not going to the polling station at all.

49) However, correspondingly, we should also appreciate that the election is a mechanism, which ultimately represents the will of the people. The essence of the electoral system should be to ensure freedom of voters to exercise their free choice. Article 19 guarantees all individuals the right to speak, criticize, and disagree on a particular issue. It

stands on the spirit of tolerance and allows people to have diverse views, ideas and ideologies. Not allowing a person to cast vote negatively defeats the very freedom of expression and the right ensured in Article 21 i.e., the right to liberty.

50) Eventually, voters' participation explains the strength of the democracy. Lesser voter participation is the rejection of commitment to democracy slowly but definitely whereas larger participation is better for the democracy. But, there is no yardstick to determine what the correct and right voter participation is. If introducing a NOTA button can increase the participation of democracy then, in our cogent view, nothing should stop the same. The voters' participation in the election is indeed the participation in the democracy itself. Non-participation causes frustration and disinterest, which is not a healthy sign of a growing democracy like India.

Conclusion:

51) Democracy being the basic feature of our constitutional set up, there can be no two opinions that free and fair

elections would alone guarantee the growth of a healthy democracy in the country. The 'Fair' denotes equal opportunity to all people. Universal adult suffrage conferred on the citizens of India by the Constitution has made it possible for these millions of individual voters to go to the polls and thus participate in the governance of our country. For democracy to survive, it is essential that the best available men should be chosen as people's representatives for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote. Thus in a vibrant democracy, the voter must be given an opportunity to choose none of the above (NOTA) button, which will indeed compel the political parties to nominate a sound candidate. This situation palpably tells us the dire need of negative voting.

52) No doubt, the right to vote is a statutory right but it is equally vital to recollect that this statutory right is the essence of democracy. Without this, democracy will fail to

thrive. Therefore, even if the right to vote is statutory, the significance attached with the right is massive. Thus, it is necessary to keep in mind these facets while deciding the issue at hand.

53) Democracy is all about choice. This choice can be better expressed by giving the voters an opportunity to verbalize themselves unreservedly and by imposing least restrictions on their ability to make such a choice. By providing NOTA button in the EVMs, it will accelerate the effective political participation in the present state of democratic system and the voters in fact will be empowered. We are of the considered view that in bringing out this right to cast negative vote at a time when electioneering is in full swing, it will foster the purity of the electoral process and also fulfill one of its objective, namely, wide participation of people.

54) Free and fair election is a basic structure of the Constitution and necessarily includes within its ambit the right of an elector to cast his vote without fear of reprisal,

duress or coercion. Protection of elector's identity and affording secrecy is therefore integral to free and fair elections and an arbitrary distinction between the voter who casts his vote and the voter who does not cast his vote is violative of Article 14. Thus, secrecy is required to be maintained for both categories of persons.

55) Giving right to a voter not to vote for any candidate while protecting his right of secrecy is extremely important in a democracy. Such an option gives the voter the right to express his disapproval with the kind of candidates that are being put up by the political parties. When the political parties will realize that a large number of people are expressing their disapproval with the candidates being put up by them, gradually there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates who are known for their integrity.

56) The direction can also be supported by the fact that in the existing system a dissatisfied voter ordinarily does not

turn up for voting which in turn provides a chance to unscrupulous elements to impersonate the dissatisfied voter and cast a vote, be it a negative one. Furthermore, a provision of negative voting would be in the interest of promoting democracy as it would send clear signals to political parties and their candidates as to what the electorate think about them.

57) As mentioned above, the voting machines in the Parliament have three buttons, namely, AYES, NOES, and ABSTAIN. Therefore, it can be seen that an option has been given to the members to press the ABSTAIN button. Similarly, the NOTA button being sought for by the petitioners is exactly similar to the ABSTAIN button since by pressing the NOTA button the voter is in effect saying that he is abstaining from voting since he does not find any of the candidates to be worthy of his vote.

58) The mechanism of negative voting, thus, serves a very fundamental and essential part of a vibrant democracy. The

following countries have provided for neutral/protest/negative voting in their electoral systems:

S.No	Name of the Country	Method of Voting	Form of Negative Vote
1.	France	Electronic	NOTA
2.	Belgium	Electronic	NOTA
3.	Brazil	Ballot Paper	NOTA
4.	Greece	Ballot Paper	NOTA
5.	Ukraine	Ballot Paper	NOTA
6.	Chile	Ballot Paper	NOTA
7.	Bangladesh	Ballot Paper	NOTA
8.	State of Nevada, USA	Ballot Paper	NOTA
9.	Finland	Ballot Paper	Blank Vote and/or 'write in*'
10.	Sweden	Ballot Paper	Blank Vote and/or 'write in*'
11.	United States of America	Electronic/Ballot (Depending on State)	Blank Vote and/or 'write in*'
12.	Colombia	Ballot Paper	Blank Vote

13.	Spain	Ballot Paper	Blank Vote

* Write-in' – The 'write-in' form of negative voting allows a voter to cast a vote in favour of any fictional name/candidate.

59) The Election Commission also brought to the notice of this Court that the present electronic voting machines can be used in a constituency where the number of contesting candidates is up to 64. However, in the event of there being more than 64 candidates in the poll fray, the conventional system of ballot paper is resorted to. Learned counsel appearing for the Election Commission also asserted through supplementary written submission that the Election Commission of India is presently exploring the possibility of developing balloting unit with 200 panels. Therefore, it was submitted that if in case this Court decides to uphold the prayers of the petitioners herein, the additional panel on the balloting unit after the last panel containing the name and election symbol of the last contesting candidate can be utilized as the NOTA button. Further, it was explicitly

asserted in the written submission that the provision for the above facility for a negative or neutral vote can be provided in the existing electronic voting machines without any additional cost or administrative effort or change in design or technology of the existing machines. For illustration, if there are 12 candidates contesting an election, the 13th panel on the balloting unit will contain the words like "None of the above" and the ballot button against this panel will be kept open and the elector who does not wish to vote for any of the abovementioned 12 contesting candidates, can press the button against the 13th panel and his vote will be accordingly recorded by the control unit. At the time of the counting, the votes recorded against serial number 13 will indicate as to how many electors have decided not to vote for any candidate.

60) Taking note of the submissions of Election Commission, we are of the view that the implementation of the NOTA button will not require much effort except for allotting the last panel in the EVM for the same.

61) In the light of the above discussion, we hold that Rules 41(2) & (3) and 49-O of the Rules are *ultra vires* Section 128 of the RP Act and Article 19(1)(a) of the Constitution to the extent they violate secrecy of voting. In view of our conclusion, we direct the Election Commission to provide necessary provision in the ballot papers/EVMs and another button called "None of the Above" (NOTA) may be provided in EVMs so that the voters, who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote while maintaining their right of secrecy. Inasmuch as the Election Commission itself is in favour of the provision for NOTA in EVMs, we direct the Election Commission to implement the same either in a phased manner or at a time with the assistance of the Government of India. We also direct the Government of India to provide necessary help for implementation of the above direction. Besides, we also direct the Election Commission to undertake awareness programmes to educate the masses.

62) The writ petition is disposed of with the aforesaid directions.

.....CJI.
(P. SATHASIVAM)

.....J.
(RANJANA PRAKASH DESAI)

.....J.
(RANJAN GOGOI)

NEW DELHI;
SEPTEMBER 27, 2013.

SUPREME COURT OF INDIA

By Speed Post/E-Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2013/SDR Date 14th October, 2013

To

The Chief Electoral Officers of
all States and UTs.

Subject: - Provision for "None of the Above" option on the EVM/ballot Paper-instructions

Sir,

In continuation of the Commission's letter of even number dated 11th October 2013 on the subject, I am directed to forward herewith a sample copy each of the Postal Ballot Paper and Ballot Paper to be affixed on the Balloting Unit as mentioned in the para 3 of the Commission's aforesaid letter dated 11th October 2013.

Kindly acknowledge receipt.

Yours faithfully

(N.T.Bhutia)
Under Secretary

Sl. No.

180-Burhanpur LA/2008-Genl.

POSTAL BALLOT PAPER

Electoral Roll Part No.

Serial No. of Elector

Sl. No.

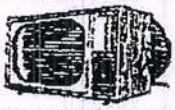
180-Burhanpur LA/2008-Genl.

POSTAL BALLOT PAPER

Archana Didi (Bhartiya Janata Party)
Manoj Kumar Vishvabmbharnath Agrawal (Bahujan Samaj Party
Nafees Mansha Khan (Samajwadi Party)
Sharif Rajgir (Communist Party of India)
Mohan Patil Baliram Patil (Independent)
Premchand Baliram Nagraj (Independent)
None of the Above

ANNEXURE XXVIII
(CHAPTER X, PARA – 10.70)

000220
S. No. . . . . 82-Dhouhani (S.T.) LA/2008-Genl.

1.	कुँवर सिंह टेकाम Kunwar Singh Tekam	
2.	तिलक राज सिंह Tilak Raj Singh	
3.	महिपाल सिंह Mahipal Singh	
4.	सूर्यबली कोल "बहुजन" Suryaball Kol "Bahujan"	
5.	चन्द्रपाल सिंह "उइके" Chandrapal Singh Uekey	
6.	शेषभान सिंह Sheshbhan Singh	
7.	हुब्ब लाल सिंह मरकाम Hubb Lal Singh Markam	
8.	अवधेश कोल Awdhesh Kol	
9.	अशोक सिंह पैगाम Ashok Singh Paigam	
10.	राम प्रकाश Ram Prakash	

11. NONE OF THE ABOVE

तत्काल

भारत निर्वाचन आयोग
निर्वाचन सदन अशोक रोड़, नई दिल्ली–110001

नं0 576/3/2013/एस0डी0आर

दिनांक: 11 अक्टूबर, 2013

सेवा में,

सभी राज्यों तथा संघ राज्य क्षेत्रों के
मुख्य निर्वाचन अधिकारी।

विषयः– ई0वी0एम/मतपत्र में "इनमें से कोई नहीं" के विकल्प का प्रावधान –अनुदेश।

महोदय/महोदया,

माननीय उच्चतम न्यायालय ने 2004 की रिट् याचिका (सी) सं0 161(पीपुल्स यूनियन फॉर सिविल लिबर्टिज़ तथा अन्य बनाम भारत संघ एवं अन्य) में दिनांक 27 सितंबर, 2013 के अपने निर्णय में निदेश दिया हैं कि आयोग को मतपत्र/ई0वी0एम में "इनमें से कोई नहीं" (नोटा) के विकल्प के लिए आवश्यक प्रावधान करने चाहिए ताकि वे निर्वाचक, जो किसी अभ्यर्थी के लिए वोट नहीं करना चाहते, वे अपने निर्णय की गोपनीयता का उल्लंघन किए बिना, किसी भी अभ्यर्थी के लिए वोट न देकर अपने मताधिकार का प्रयोग कर सकें। निर्वाचनों का संचालन नियम, 1961 के नियम 41(2), 41(3) तथा 49ण को लोकप्रतिनिधित्व अधिनियम, 1951 की धारा 128 तथा संविधान के अनुच्छेद 19 (1)(क) के अधिकारातीत अभिनिर्धारित किया गया है। निर्णय के सक्रिय अंश की प्रति संलग्नक –1 पर संलग्न है।

2. माननीय उच्चतम न्यायालय के निर्णय तथा आदेश के अनुसरण में, जिसका संदर्भ ऊपर दिया गया है, आयोग ई0वी0एम/मतपत्रों पर 'नोटा' विकल्प का प्रयोग करने के लिए एतद्द्वारा निम्नलिखित निदेश देता है:–

(क) रिटर्निंग आफिसरों के लिए हैंडबुक के अध्याय 10 में दिए गए पैरा 4.2 तथा 25.2 2009, संस्करण में क्रमशः डाक मतपत्रों तथा ई0वी0एम की मतपत्र इकाई पर चिपकाए जाने वाले मतपत्रों की भाषा तथा शैली के संबंध में निदेशों में निम्नलिखित सुधार किए जाएंगे:

(i) पैरा 4.2 के खण्ड (v) के पश्चात निम्नलिखित जोड़ा जायेगा:

"(vi-क) मतपत्र पर अंतिम अभ्यर्थी के नाम तथा ब्यौरों वाले पैनल के पश्चात, उक्त अंतिम पैनल के नीचे "इनमें से कोई नहीं" शब्दों वाला पैनल होगा जिससे कि वे निर्वाचक जो निर्वाचन मैदान में खड़े अभ्यर्थियों मे से किसी को भी मत नहीं देना चाहते, वे इस विकल्प का प्रयोग करके अपने मताधिकार का प्रयोग कर सकें। ये शब्द उसी भाषा या भाषाओं में लिखे जाएंगे जिसमें कि अभ्यर्थी का नाम लिखा गया है। पैनल का आकार भी अभ्यर्थी के नाम वाले पैनल के आकार के समान ही होगा।"

(ii) पैरा 25.2 में खंड (xiv) के पश्चात निम्नलिखित खंड जोड़ा जाएगा:

"(xiv क)" अंतिम अभ्यर्थी के नाम तथा प्रतीक वाले पैनल के पश्चात उपरोक्त अंतिम पैनल के नीचे "इनमें से कोई नहीं" शब्दों वाला पैनल होगा जिससे ऐसे निर्वाचक जो निर्वाचन मैदान में खड़े किसी भी अभ्यर्थी को वोट न देने के विकल्प का प्रयोग करना चाहते है, वे इसका लाभ उठा सकें। ये शब्द उसी भाषा या भाषाओं में लिखे जाएंगे जिसमें कि अभ्यर्थियों के नाम लिखे होंगे। "इनमें से कोई नहीं" पैनल का आकार भी वही होगा जो कि अभ्यर्थियों के नामों वाले पैनलों का है। उदाहरणार्थ, यदि निर्वाचन में 12 अभ्यर्थी खड़े हैं तो इसमें 13 पैनल होंगे और 13वां पैनल "इनमें से कोई नहीं" होगा और 13वें पैनल के सामने वाला बटन भी खुला होगा यदि निर्वाचन मैदान में 16 अभ्यर्थी हैं तो "इनमें से कोई नहीं" पैनल के लिए पहली मतपत्र ईकाई के साथ एक अतिरिक्त मतपत्र ईकाई जोड़ी जाएगी। यदि एक से अधिक मतपत्र ईकाईयों का प्रयोग किया जाता है तो "इनमें से कोई नहीं" पैनल अंतिम अभ्यर्थी वाले पैनल के नीचे अंतिम मतपत्र ईकाई में होगा।

(ख) फॉर्म 17 ग के भाग 2 (गणना का परिणाम) में अभ्यर्थी का नाम तथा प्रत्येक अभ्यर्थी के लिए ई0वी0एम में रिकार्ड किए गए मतों की संख्या का उल्लेख उसके स्तंभ 2 व 3 में करना होगा। अब उपलब्ध करवाए जा रहे "इनमें से कोई नहीं" विकल्प के मद्देनज़र अंतिम अभ्यर्थी के नाम तथा वोटों के पश्चात "इनमें से कोई नहीं" के लिए रिकॉर्ड किए गए मत भी दिखाए जाएंगे। अतः इस भाग में दिखाए जाने वाले कुल मतों में "इनमें से कोई नहीं" विकल्प के लिए दिए गए मत भी सम्मिलित होंगे।

(ग) फॉर्म 20 (अंतिम परिणाम पत्र) भाग 1 में सारणी के अन्तिम स्तम्भ से एक पहले स्तंभ में "इनमें से कोई नहीं" विकल्प के लिए रिकार्ड किए गए मतो की संख्या का प्रत्येक मतदान केंद के लिए भी उल्लेख किया जाएगा और सभी मतदान केंद्रों के लिए नोटा विकल्प हेतु कुल मतों का उल्लेख सारणी के अधेभाग में किया जाएगा । इसी प्रकार से प्रत्येक विधान सभा खंड के लिए भी फॉर्म 20 के भाग II में "इनमें से कोई नहीं" विकल्प के लिए रिकार्ड किए गए मतों की संख्या का उल्लेख किया जाएगा।

(घ) फॉर्म 21 ड. (निर्वाचन रिटर्न) में, अंतिम अभ्यर्थी के संबंध में उसके नाम और वोटों की संख्या के पश्चात "इनमें से कोई नहीं" विकल्प के संबंध में वोटों की संख्या का उल्लेख किया जाएगा।

3. मतपत्र इकाई पर चिपकायें जाने वाले मतपत्र, डाक मतपत्र, फार्म 17 ग भाग 2, फॉर्म 20 तथा फॉर्म 21 ड., प्रत्येक के नमूने मार्गदर्शन के लिए संलग्न हैं (संलग्नक –2, सामूहिक रूप से),

4. चूंकि नियम 41(2), 41(3) तथा 49–ण को लोक प्रतिनिधित्व अधिनियम 1951 तथा संविधान के प्रावधानों से अधिकारातीत घोषित कर दिया गया है, अतः अब से नियम 41(2) तथा नियम 49–ण उपलब्ध नहीं होंगे। पीठासीन अधिकारियों तथा मतदान अधिकारियों को प्रशिक्षण सत्रों में इस स्थिति के बारे में विशेषतः अवगत कराया जाना चाहिए। [उन्हे विशेष रूप से यह बताया जाना चाहिए कि जहाँ मतदान में मतपत्रों का प्रयोग किया जाता है, नियम 41(1) के अधीन 'नष्ट' रूप में लौटाए गए मतपत्रों को सील करके अलग पैकेट में रखा जाना जारी रहेगा।]

5. यह स्पष्ट किया जाता है कि नोटा का वही प्रभाव होगा जैसा कि नियम 49–ण के पूर्व प्रावधानों के अधीन किसी अभ्यर्थी के लिए वोट न डालने का था। अतः, यदि किसी भी आत्यन्तिक मामले में नोटा के संबंध में दिए गए मतों की संख्या किसी अभ्यर्थी द्वारा प्राप्त किए गए मतों की संख्या से अधिक होती है तो जिस अभ्यर्थी ने निर्वाचन लड़ने वाले अभ्यर्थियों के मध्य सबसे अधिक मत प्राप्त किए है उसे नियम 64 के प्रावधानों के अनुसार निर्वाचित घोषित कर दिया जाएगा।

6. आयोग की वेबसाइट पर रिटर्निंग आफिसरों हेतु हैंडबुक की सॉफ्ट कॉपी में परिवर्तन किए जा रहे है। हैंडबुक का नवीनतम संस्करण वेबसाइट से डाउनलोड किया जा सकता है।

7. राज्यों/संघ राज्य क्षेत्रों के सभी संसदीय निर्वाचन क्षेत्रों तथा विधान सभा निर्वाचन क्षेत्रों के जिला निर्वाचन अधिकारियों, रिटर्निंग आफिसरों, सहायक रिटर्निंग आफिसरों और पीठासीन अधिकारियों को इन अनुदेशों के बारे में तत्काल सूचित कर दिया जाए। इसे आपके राज्य के राष्ट्रीय तथा राज्यीय मान्यता प्राप्त राजनैतिक दलों सहित सभी राजनैतिक दलों के संज्ञान में भी लाया जाए।

8. कृप्या इस पत्र की पावती दें और उपर्युक्त के अनुसार की गई अपेक्षित कार्रवाई की पुष्टि करें।

भवदीय

(के0 एफ0 विल्फ्रेड)
प्रधान सचिव

नोट- माननीय उच्चतम न्यायालय के उपरोक्त वर्णित निर्णय दिनांक 27 सितम्बर, 2013 के निर्णय की क्रियाकारी अंश की प्रति पत्र के अंग्रेजी संकरण के साथ पूर्व में ही भेजी जा चुकी है।

अनुलग्नक–2

फॉर्म 17ग

भाग II- मतगणना का परिणाम

अभ्यर्थियों की क्रम सं0	अभ्यर्थियों के नाम	कंट्रोल यूनिट पर यथा प्रदर्शित मतों की सं0	भाग I की मद सं0 5 के अनुसार परीक्षण वोटों की घटाए जाने वाली सं0	वैध मतों की संख्या (3–4)
(1)	(2)	(3)	(4)	(5)
1.	क	क ख	..	..
2.	ख	ग घ	..	..
3.	..	..	..	..
4.	..	..	..	..
5.	..	..	..	..
6.	उपरोक्त में से कोई नहीं	फ ब	..	..
कुल				

क्या उपरोक्त दर्शाई गई मतों की कुल सं0, भाग I की मद सं0 6 के सामने दर्शाई गई मतों की कुल सं0 के साथ मिलान खाती है या दो कुलों के बीच कोई विसंगति ध्यान में आई है।

स्थान . . . . .

तारीख . . . . .

मतगणना पर्यवेक्षक के हस्ताक्षर

पूर्ण हस्ताक्षर

अभ्यर्थी/निर्वाचन एजेंट/मतगणना एजेंट का नाम

1.
2.
3.
4.
5.
6.
7.

स्थान . . . . .

तारीख . . . . .

रिटर्निंग आफिसर के हस्ताक्षर"

निर्वाचनों का संचालन नियम, 1961
[सांविधिक नियम एवं अन्य]

[फ़ॉर्म 20

[नियम 56 (7) देखें]

अंतिम परिणाम शीट

(अधिसूचित मतदान केन्द्रों के अलावा, मतदान केन्द्रों पर मतदान के परिणाम की रिकार्डिंग करने के लिए प्रयोग किया जाए।)

निर्वाचन क्षेत्र से . . . . . के लिए निर्वाचन।

भाग–1

(संसदीय एवं विधानसभा दोनों निर्वाचनों के लिए प्रयोग हेतु)

विधानसभा खण्ड का नाम (संसदीय निर्वाचन क्षेत्र से निर्वाचन की स्थिति में) . . . . . .

विधानसभा निर्वाचन क्षेत्र/खण्ड में निर्वाचकों की कुल संख्या . . . . . .

मतदान केन्द्रों की क्रम सं0	पक्ष में डाले गए वैध मतों की सं0			वैध मतों की कुल	निरस्त मतों की सं0 (परीक्षण मत)	'नोटा' विकल्प के लिए मत	निविदा मतों की कुल सं0
	क	ख	ग				
1.							
2.							
3.							
4.							
मतदान केन्द्रों पर रिकार्ड किए गए मतों की कुल सं0							
डाक मतपत्रों पर रिकार्ड किए गए मतों की कुल सं0 (विधान सभा निर्वाचन क्षेत्र से निर्वाचन की स्थिति में भरे जाने के लिए)							
डाले गए कुल मत							

स्थान . . . . . .

दिनांक . . . . . .

रिटर्निंग आफिसर

निर्वाचनों का संचालन नियम, 1961
(सांविधिक नियम एवं अन्य)
[फॉर्म 21 ड
नियम 64 देखें
निर्वाचन विवरणी

..... निर्वाचन क्षेत्र से ..... के लिए निर्वाचन।

निर्वाचन विवरणी

क्रम सं0	अभ्यर्थी का नाम	पार्टी संबंधन	ड़ाले गए मतों के नम्बर
1.	क	XXXXX	ए बी
2.	ख	YYYYY	सी डी
3.	ग	निदर्लीय	ई एफ

निर्वाचकों की कुल संख्या ..... एल एम एन .....
ड़ाले गए वैध मतों की कुल सं0 ..... (ए बी + सी डी+ इ एफ)
'इनमें से कोई नहीं' के लिए मतों की कुल सं0 ..... (एक्स वाए)
निरस्त मतों की कुल सं0 .....
निविदा मतों की कुल सं0 .....
मैं घोषित करता हूं कि –
श्री ..... (नाम)
..... (पता)

सीट को भरने के लिए विधिवत निर्वाचित किए गए।

स्थान .....
दिनांक .....

रिटर्निंग आफिसर

क्रम सं0

180–बुरहनपुर विधान सभा / 2008–साधारण
डाक मतपत्र
निर्वाचक नामावली खण्ड सं0
निर्वाचक की क्र सं0

क्रम सं0

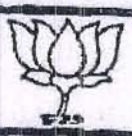
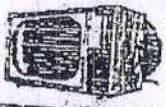
180–बुरहनपुर विधान सभा / 2008–साधारण
डाक मतपत्र

अर्चना दीदी (भारतीय जनता पार्टी)
मनोज कुमार विश्वम्भरनाथ (बहुजन समाज पार्टी)
नफिस मंशा खान (समाजवादी पार्टी)
शरीफ राजगीर (भारतीय कम्युनिस्ट पार्टी)
मोहन पाटिल बलीराम पाटिल (निर्दलीय)
प्रेमचन्द बालाराम नागराज (निर्दलीय)
इनमें से कोई नहीं

ANNEXURE XXVIII
(CHAPTER X, PARA – 10.70)

000220

S. No. . . . . 82-Dhouhani (S.T.) LA/2008-Genl.

1.	कुंवर सिंह टेकाम Kunwar Singh Tekam	
2.	तिलक राज सिंह Tilak Raj Singh	
3.	महिपाल सिंह Mahipal Singh	
4.	सूर्यबली कोल "बहुजन" Suryabali Kol "Bahujan"	
5.	चन्द्रपाल सिंह "उइके" Chandrapal Singh Uekey	
6.	शेषधान सिंह Sheshdhan Singh	
7.	हुब्ब लाल सिंह मरकाम Hubb Lal Singh Markam	
8.	अवधेश कोल Awdhesh Kol	
9.	अशोक सिंह पैगाम Ashok Singh Paigam	
10.	राम प्रकाश Ram Prakash	
11.	इनमें से कोई नहीं NONE OF THE ABOVE	

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/1/2013/VVPAT/SDR Dated: 15th October, 2013

To

The Chief Electoral Officers of
all States and Union Territories

Subject: The Conduct of Election (Amendment) Rules, 2013-reg.

Sir/ Madam,

I am directed to forward herewith a copy of the Conduct of Elections (Amendment) Rules, 2013, as published in Extraordinary Issues of the Gazette of India dated 14th August, 2013, amending/ making rules for the use of 'Printer for paper trial' of votes recorded in EVMs. These amendments would be relevant in cases which VVPAT system is used with EVMs, under the Commission's instructions.

This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also the State Units or recognized political parties and all registered unrecognized political parties based in your State/ Union Territory for their information.

Please note that the format of Statutory From 17C appended to the CE Rules, 1961 that is used for keeping account of votes recorded at polling stations with the use of EVMs and noting down the result of counting displayed on the Central Unit of EVM has been amended by this notification. Henceforth, only this Form 17C will be used at all future elections conducted by use of EVMs irrespective of the fact whether the printer is used for printing of paper trail or not. The stock of existing Form 17C may be replaced with the modified Form.

Kindly acknowledge the receipt.

Yours faithfully,

(N. T. Bhutia)
UNDER SECRETARY

STANDARD DISTRIBUTION

80

रजिस्ट्री सं० डी० एल० 33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 14 अगस्त, 2013

का.आ. 2470(अ).—केन्द्रीय 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 लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2013 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. निर्वाचनों का संचालन नियम, 1961 (जिन्हे इसमें इसके पश्चात् मूल नियम कहा गया है), के नियम 49क के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :—

"परंतु ऐसे निर्वाचन क्षेत्र या निर्वाचन क्षेत्रों या उनके हिस्सों में, जैसा निर्वाचन आयोग निदेशित करे, मत के कागज़ पुच्छ के मुद्रण के लिए मतदान मशीन से ऐसे अभिकल्प के ड्रॉपबॉक्स के साथ प्रिंटर जोड़ा जा सकेगा, जैसा निर्वाचन आयोग द्वारा अनुमोदित किया जाए ।"।

3. मूल नियमों के नियम 49ख के उपनियम (4) में खंड (ख) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—

"(ग) नियम 49क के परंतुक के अधीन जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है—

(i) खंड (क) के अधीन मतदान यूनिटों पर यथाप्रदत्त अभ्यर्थियों के क्रम संख्यांक और नाम तथा उन्हें आबंटित चिह्नों को प्रिंटर में लोड करके ;

(ii) प्रिंटर में कागज़ लोड करके ; और

(iii) प्रिंटर को ऐसी रीति में मुद्राबंद करके जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए,

नियंत्रण युनिटों में सेट किए गए निर्वाचन लड़ने वाले अभ्यर्थियों की संख्या के अनुसार प्रिंटर सेट किया जाएगा ।" ।

4. मूल नियमों के नियम 49ङ में,--

(क) उपनियम (1) आरंभिक भाग में, "प्रत्येक मतदान मशीन के नियंत्रण यूनिट और मतदान यूनिट पर" शब्दों के पश्चात्, "और कागज़ पुच्छ के लिए प्रिंटर पर, जहां प्रयुक्त हो" शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में, "मतदान मशीन में पहले से ही कोई मत दर्ज नहीं किया गया है और उस पर उपनियम (4) में निर्दिष्ट लेबल लगा है" शब्दों, कोष्ठकों और अंक के स्थान पर, "मतदान मशीन में पहले से ही कोई मत दर्ज नहीं है और उस पर उपनियम (1) में निर्दिष्ट लेबल लगा है, और जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है वहां प्रिंटर का ड्रापबॉक्स खाली है" शब्द, कोष्ठक और अंक रखे जाएंगे ।

(ग) उपनियम (6) के पश्चात् निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात् :--

"(7) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, वहां मतदान कोष्ठ में मतदान यूनिट के साथ प्रिंटर भी रखा जाएगा और उस रीति में इलैक्ट्रानिक मतदान मशीन से जोड़ा जाएगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए ।"।

5. मूल नियमों के नियम 49ङ के उपनियम (3) में, खंड (ग) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :--

"परंतु जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, खंड (ख) में यथानिर्दिष्ट बटन दबाकर मतदान करने पर निर्वाचक मतदान कोष्ठ के अंदर मतदान यूनिट के साथ रखे प्रिंटर की पारदर्शी खिड़की से प्रिंटर के ड्रापबॉक्स में ऐसी कागज़ की पर्ची कटकर गिरने के पूर्व उस अभ्यर्थी का क्रम संख्यांक, नाम और चिह्न, जिसे उसने अपना मत दिया है, दर्शित करने वाली मुद्रित कागज़ की पर्ची देखने में समर्थ होगा ।" ।

6. मूल नियमों के नियम 49ङ के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :--

"**49ङक. कागज़ की पर्ची पर मुद्रित विशिष्टियों के बारे में परिवाद की दशा में प्रक्रिया**-(1) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, यदि नियम 49ङ के अधीन अपना मत अभिलिखित करने के पश्चात् निर्वाचक यह आरोप लगाता है कि प्रिंटर से निकली हुई कागज़ की पर्ची में उस अभ्यर्थी से भिन्न अभ्यर्थी का नाम या चिह्न दर्शाया गया है जिसे उसने मत दिया था, तो पीठासीन अधिकारी निर्वाचक को झूठी घोषणा करने के परिणाम के बारे में चेतावनी देने के पश्चात्, निर्वाचक से आरोप के संबंध में लिखित घोषणा प्राप्त करेगा ।

(2) यदि निर्वाचक उपनियम (1) में निर्दिष्ट लिखित घोषणा देता है तो पीठासीन अधिकारी प्ररूप 17क में उस निर्वाचक से संबंधित दूसरी प्रविष्टि करेगा, अपनी उपस्थिति में तथा अभ्यर्थियों या मतदान अभिकर्ताओं की उपस्थिति में, जो मतदान केन्द्र में उपस्थित रह सकेंगे तथा प्रिंटर द्वारा निकाली गई कागज़ की पर्ची का प्रेक्षण करेंगे, निर्वाचक को मतदान मशीन में एक परीक्षण मतदान अभिलिखित करने की अनुज्ञा देगा ।

(3) यदि आरोप सत्य पाया जाता है तो पीठासीन अधिकारी इन तथ्यों की रिपोर्ट तुरंत रिटर्निंग आफिसर को करेगा, उस मतदान मशीन में और मत अभिलिखित करना बंद कर देगा तथा उन निदेशों के अनुसार कार्य करेगा जो रिटर्निंग आफिसर द्वारा दिए जाएं ।

(4) तथापि, यदि आरोप मिथ्या पाया जाता है और उपनियम (1) के अधीन इस प्रकार निकाली हुई कागज़ की पर्ची उपनियम (2) के अधीन निर्वाचक द्वारा अभिलिखित परीक्षण मत से मेल खाती है तो पीठासीन अधिकारी-

(i) प्ररूप 17क में उस अभ्यर्थी का क्रम संख्यांक और नाम जिसके लिए ऐसा परीक्षण मत अभिलिखित किया गया है, वर्णित करते हुए उस निर्वाचक से संबंधित दूसरी प्रविष्टि के सामने उस प्रभाव की टिप्पणी करेगा ;

(ii) ऐसी टिप्पणियों के सामने उस निर्वाचक के हस्ताक्षर या अंगूठे की छाप लेगा ; और

(iii) प्ररूप 17ग के भाग 1 में मद 5 में ऐसे परीक्षण मत के संबंध में आवश्यक प्रविष्टियां करेगा ।"।

7. मूल नियमों के नियम 49न में,--

(क) उपनियम (1) में, "मतदान यूनिट को नियंत्रण यूनिट से" शब्दों के पश्चात्, "और प्रिंटर से, जहां प्रिंटर भी प्रयुक्त होता है, किंतु इस प्रकार कि प्रिंटर के ड्रापबॉक्स में अंतर्विष्ट कागज़ की पर्चियां अविकल रहेंगी," शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में "नियंत्रण यूनिट और मतदान यूनिट को" शब्दों के स्थान पर, जहां प्रयुक्त होते है, "नियंत्रण यूनिट, मतदान यूनिट और प्रिंटर को, शब्द अंतःस्थापित किए जाएंगे"

8. मूल नियमों के नियम 66क में, खंड (i) में, –

(अ) नियम 56ग के उपनियम (2) में खंड (क) के पश्चात्, निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :--

"परंतु प्ररूप 17ग के भाग 1 के मद 5 के अनुसार, किसी अभ्यर्थी के लिए, अभिलिखित परीक्षण मत, यदि कोई हो, नियंत्रण यूनिट पर यथा प्रदर्शित ऐसे अभ्यर्थी के लिए अभिलिखित किए गए मतों की संख्या में से घटा दिया जाएगा ।";

(आ) नियम 56ग के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :--

"**56घ. कागज़ पुच्छ की संवीक्षा**-(1) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, परिणाम शीट में की गई प्रविष्टियों की घोषणा किए जाने के पश्चात्, कोई अभ्यर्थी, या उसकी अनुपस्थिति में उसका निर्वाचन अभिकर्ता या उसका कोई मतगणना अभिकर्ता किसी मतदान केन्द्र या मतदान केन्द्रो के संबंध में प्रिंटर के ड्रापबॉक्स में मुद्रित कागज़ पर्चियों की गणना करने के लिए लिखित में रिटर्निंग आफिसर को आवेदन कर सकेगा ।

(2) ऐसा आवेदन किए जाने पर, रिटर्निंग आफिसर, ऐसे साधारण या विशेष दिशा निर्देशों के अधीन रहते हुए जो निर्वाचन आयोग द्वारा जारी किए जाएं, मामले का विनिश्चय करेगा तथा आवेदन को पूर्णतः या भागतः अनुज्ञात कर सकेगा या पूर्णतः अस्वीकृत कर सकेगा, यदि उसे वह तुच्छ या अयुक्तियुक्त प्रतीत होता है ।

(3) उपनियम (2) के अधीन रिटर्निंग आफिसर का प्रत्येक विनिश्चय लिखित में होगा तथा उसमें उसके कारण अंतर्विष्ट होंगे ।

(4) यदि उपनियम (2) के अधीन रिटर्निंग आफिसर कागज़ पर्चियों की गणना या तो पूर्णतः या भाग या भागों को अनुज्ञात करता है तो वह--

(क) गणना उस रीति में करेगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए ;

(ख) यदि नियंत्रण यूनिट पर प्रदर्शित मतों और कागज़ की पर्चियों की गणना में कोई विसंगति है तो कागज़ की पर्चियों की गणना के अनुसार प्ररूप 20 में परिणाम शीट को संशोधित करेगा ;

(ग) उसके द्वारा इस प्रकार किए गए संशोधनों की घोषणा करेगा ; और

(घ) परिणाम शीट को पूर्ण करेगा तथा उस पर हस्ताक्षर करेगा";

(इ) नियम 57ग में,--

(क) उपनियम (1) में, "ऐसे परिणाम की स्मृति प्रतिधारित कर सके" शब्दों के पश्चात्, "और जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, रिटर्निंग आफिसर ऐसी रीति में कागज की पर्चियों को मुद्राबंद करेगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए" शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में,-

(i) आरंभिक भाग में, "नियंत्रण यूनिट" शब्दों के पश्चात्, "और कागज़ की पर्चियों" शब्द अंतःस्थापित किए जाएंगे ;

(ii) खंड (ग) में, "नियंत्रण यूनिट" शब्दों के पश्चात्, "और प्रिंटर, जहां कहीं प्रयुक्त हो," शब्द अंतःस्थापित किए जाएंगे ।

9. मूल नियमों के नियम 92 के उपनियम (2) में, खंड (ग) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :--

"(गग) नियम 57ग के उपबंधों के अधीन मुद्राबंद मुद्रित कागज़ की पर्चियां ;" ।

10. मूल नियमों के नियम 93 के उपनियम (1) में, खंड (ग) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :--

"(गग) नियम 57ग के उपबंधों के अधीन मुद्राबंद मुद्रित कागज़ की पर्चियां ;" ।

11. मूल नियमों के नियम 94 में, खंड (ख) के परंतुक में "प्रयुक्त मतपत्रों के प्रतिपर्णों" शब्दों के पश्चात्, "और मुद्रित कागज़ की पर्चियों, यदि कोई हों," शब्द अंतःस्थापित किए जाएंगे ।

12. मूल नियमों में, प्ररूप 17ग के स्थान पर, निम्नलिखित प्ररूप रखा जाएगा, अर्थात् :--

प्ररूप 17ग

(नियम 49घ और 56ग (2) देखिए)

भाग 1 - अभिलिखित मतों का लेखा

.....निर्वाचन-क्षेत्र से.....लोक सभा क्षेत्र/राज्य/संघ राज्यक्षेत्र की विधान सभा के लिए निर्वाचन

मतदान केन्द्र संख्यांक और नाम : .....

नियंत्रण यूनिट.....

मतदान केन्द्र में प्रयुक्त मतदान मशीन का पहचान संख्यांक : मतदान यूनिट.....

प्रिंटर (यदि प्रयुक्त हुआ है) .....

1. मतदान केन्द्र को नियत निर्वाचकों की कुल संख्या
2. मतदाता रजिस्टर (प्ररूप 17क) में दर्ज मतदाताओं की कुल संख्या
3. नियम 49ण के अधीन मतदान अभिलिखित न करने का विनिश्चय करने वाले मतदाताओं की संख्या
4. नियम 49ड के अधीन मतदान करने के लिए अनुज्ञात न किए गए मतदाताओं की संख्या
5. नियम 43एमए(घ) के अधीन अपेक्षित कटौती के लिए अभिलिखित परीक्षण मत-

(क) कटौती के लिए परीक्षण मतों की कुल संख्या — क्रम संख्या (संख्यांए) ..... — प्ररूप 17(क) में निर्वाचक (निर्वाचकों) की क्रम सं0 .....

(ख) अभ्यर्थी (अभ्यर्थियों) जिनके लिए परीक्षण मत डाले गए

क्रम सं0	अभ्यर्थी का नाम	मतों की सं0
.....	.....	.....
.....	.....	.....

6. मतदान मशीन के अनुसार अभिलिखित मतों की कुल संख्या : .....
7. क्या मद 5 के सामने यथादर्शित मतों की कुल संख्या मद 2 के सामने यथादर्शित मतदाताओं की कुल संख्या घटा--मद 3 के सामने दर्शित मत अभिलिखित न करने का विनिश्चय करने वाले मतदाताओं की संख्या घटा--मद 4 के सामने मतदाताओं की संख्या (2-3-4) से मेल करती है या इसमें कोई फर्क पाया गया है

7. उन मतदाताओं की संख्या जिनको नियम 49त के अधीन निविदत्त मतपत्र जारी किए गए :
8. निविदत्त मतपत्रों की संख्या

	कुल	क्रम संख्या से	तक
(क) प्रयोग के लिए प्राप्त.....			
(ख) निर्वाचकों को जारी किए गए.....			
(ग) प्रयुक्त न किए गए और वापस लिए गए			

9. कागज की सीलों का लेखा

मतदान अभिकर्ता के हस्ताक्षर

1. उपयोग के लिए प्रदाय की गई कागज की सीलें	कुल सं0..... क्र0सं0 ..... से..... तक	1.....
2. प्रयुक्त हुई कागज की सीलें	कुल सं0..... क्र0सं0 ..... से..... तक	2.....
3. रिटर्निंग आफिसर को वापस की गई अप्रयुक्त कागज की सीलें	कुल सं0..... क्र0सं0 ..... से..... तक	3.....
4. नष्ट हुई कागज की सीलें, यदि कोई हों :	कुल सं0..... क्र0सं0 ..... से..... तक	4..... 5..... 6.....

तारीख .....

स्थान.....

पीठासीन अधिकारी के हस्ताक्षर

मतदान केन्द्र सं0.....

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भाग 2 -- मतगणना का परिणाम

क्रम संख्यांक	अभ्यर्थी का नाम	नियंत्रण यूनिट पर प्रदर्शित मतों की संख्या	भाग 1 के मद 5 के अनुसार कटौती किए जाने वाले परीक्षण मतों की संख्या	विधिमान्य मतों की संख्या (3-4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
योग				

क्या ऊपर दर्शित मतों की कुल संख्या भाग 1 की मद 6 के सामने दर्शित मतों की कुल संख्या से मेल करती है या उनके दोनों योगों में कोई फर्क दर्शित होता है ।

स्थान.....
तारीख.....

गणन पर्यवेक्षक के हस्ताक्षर
अभ्यर्थी/निर्वाचन अभिकर्ता/गणन अभिकर्ता का नाम
पूरे हस्ताक्षर

1.
2.
3.
4.
5.
6.
7.

स्थान.....
तारीख.....

रिटर्निंग आफिसर के हस्ताक्षर ।"।

[फा. सं. एच-11019(10)/2010-वि. 2]

डॉ. जी. नारायण राजू, संयुक्त सचिव और विधायी प्रामर्शी

टिप्पणी : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उपखण्ड (ii), में अधिसूचना संख्यांक का.आ. 859 तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए और उनमें अंतिम संशोधन अधिसूचना संख्यांक का.आ. 1732(अ) तारीख 1 अगस्त, 2012 द्वारा किया गया ।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 14th August, 2013

S.O. 2470(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, 2013.
(*2*) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules), after rule 49A, the following proviso shall be inserted, namely:-

"Provided that a printer with a drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct.".

3. In the principal rules, in rule 49B, in sub-rule (4), after clause (b), the following clause shall be inserted, namely:-

"(c)where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the control unit by –

(i) loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a);
(ii) loading paper in the printer; and
(iii) sealing the printer in such manner as may be directed by the Election Commission.".

4. In the principal rules, in rule 49E,—

(a) in sub-rule (1), in the opening portion, after the words "every voting machine used at polling station,", the words "and the printer for paper trail where used," shall be inserted;

(b) in sub-rule (2), for the words, brackets and figure "no voter has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).", the words, brackets and figure " no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty." shall be substituted;

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(c) after sub-rule (6), the following sub-rule shall be inserted, namely:-

"(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Election Commission.".

5. In the principal rules, in rule 49M, in sub-rule (3), after clause (c), the following proviso shall be inserted, namely:—

"Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.".

6. In the principal rules, after rule 49M, the following rule shall be inserted, namely:-

"**49MA.Procedure in case of complaint about particulars printed on paper slip.**–(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall—

(i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
(ii) obtain the signature or thumb impression of that elector against such remarks; and
(iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.".

7. In the principal rules, in rule 49T,—

(a) in sub-rule (1), after the words "detach the balloting unit from the control unit", the words "and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact" shall be inserted;

(b) in sub-rule (2), for the words "The control unit and the balloting unit shall,", the words "The control unit, the balloting unit and the printer, where it is used, shall" shall be inserted.

8. In the principal rules, in rule 66A, in clause (i),—

(A) in rule 56C, in sub-rule (2), after clause (a), the following proviso shall be inserted, namely:—

"Provided that the test vote recorded, if any, for a candidate, as per item 5 in Part I of Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit.";

(B) after rule 56C, the following rule shall be inserted, namely:—

"**56D. Scrutiny of paper trail.**– (1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall—

(a) do the counting in the manner as may be directed by the Election Commission;

(b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;

(c) announce the amendments so made by him; and

(d) complete and sign the result sheet.";

(C) in rule 57C,—

(a) in sub-rule (1), after the words "the memory of such result", the words "and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Election Commission" shall be inserted;

(b) in sub-rule (2), —

(i) in the opening portion, after the words "The control unit", the words "and the paper slips" shall be inserted;

(ii) in clause (c), after the words "the control unit", the words "and printer wherever used" shall be inserted.

9. In the principal rules, in rule 92, in sub-rule (2), after clause (c), the following clause shall be inserted, namely:-

"(cc) the printed paper slips sealed under the provisions of rule 57C;".

10. In the principal rules, in rule 93, in sub-rule (1), after clause (c), the following clause shall be inserted, namely:-

"(cc) the printed paper slips sealed under the provisions of rule 57C;".

11. In the principal rules, in rule 94, in the proviso to clause (b), after the words "counterfoils of used ballot papers", the words "and the printed paper slips, if any," shall be inserted.

12. In the principal rules, for FORM 17C, the following form shall be substituted, namely:—

"FORM 17C

[See rules 49S and 56C(2)]

PART I.—ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union territory.....from.....Constituency.

Number and Name of Polling Station: .....

Identification Number of voting Machine used at the Polling Station : control unit .....
balloting unit.....
Printer (if used) .....

1. Total number of electors assigned to the Polling Station

2. Total number of voters as entered in the Register for Voters (Form 17A)

3. Number of voters deciding not to record votes under rule 49-O

4. Number of voters not allowed to vote under rule 49M

5. Test votes recorded under rule 49MA (d) required to be deducted-

(a) total number of test votes to be deducted: Total No. Sl. No.(s) of elector(s) in Form 17A

....

(b) candidate(s) for whom test vote(s) cast:

Sl.No	Name of candidate	No. of votes
....	.....	.....
....	.....	.....

6. Total number of votes recorded as per voting machine:.....

7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (**i.e.** 2-3-4) or any discrepancy noticed:.....

8. Number of voters to whom tendered ballot papers were issued under rule 49P:.....

9. Number of tendered ballot papers.

	Total	Sl.No. From	To
(a) received for use			
(b) issued to electors			
(c) not used and returned			

10. Account of papers seals

		Signature of polling agents.
1. Paper seals supplied for use :	Total No..... Sl. No. from.....to	1. _____
2. Paper seals used :	Total No ..... Sl. No. (s).....	2_____
3. Unused paper seals returned to Returning Officer :	Total No ..... Sl. No.(s)	3_____
4. Damaged paper seal, if any :	Total No ..... Sl. No.(s)	4_____ 5_____ 6_____

Date.....
Place.....

Signature of Presiding Officer
Polling Station No.....

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PART II—RESULT OF COUNTING

Sl.No. of candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I.	Number of valid votes. (3 -4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....
Date.....

Signature of Counting Supervisor
Full signature

Name of candidate/election agent/counting agent

1.

2.

3.

4.

5.

6.

7.

Place .....
Date.....

Signature of Returning Officer.".

[F. No. II-11019(10)/2010-Leg.II]

Dr. G. NARAYANA RAJU, Jt. Secy. and Legislative Counsel.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* notification number S.O. 859, dated the 15th April, 1961 and last amended *vide* notification number S.O. 1732(E), dated 1st August, 2012.

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/2013-EMS

Dated: 28th October, 2013

To

The Chief Electoral Officers of
all States and Union Territories

Subject: Introduction of Braille Signage Features in Electronic Voting Machines.

Sir/ Madam,

The Commission has been receiving references from various States/UTs regarding the language of the Dummy Ballot Sheets to be got printed for the visually impaired electors. In this connection, I am directed to state that the Commission has directed that the dummy ballot sheets for use by the visually impaired electors shall be printed in the language in which the ballot papers is printed in the concerned constituency.

Yours faithfully,

sd/-

(Dilip K. Varma)
UNDER SECRETARY

स्पीड पोस्ट द्वारा

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

सं0 51/8/नोटा/2013–ई एम एस दि0 : 30 अक्तूबर, 2013

सेवा में,

सभी राज्यों व केंद्र शसित प्रदेशों के
मुख्य निर्वाचन अधिकारी

विषय : 'उपर्युक्त में से कोई नहीं' के लिए प्रावधान–तत्संबंधी।

महोदय/महोदया,

मुझे, उपर्युक्त विषय पर दिनांक 28 अक्तूबर, 2013 के आयोग के पत्र के अधिक्रमण में, यह कहने का निदेश हुआ है कि आयोग ने मत पत्र में **'उपर्युक्त में से कोई नहीं'** के चित्रण हेतु एक भिन्न शैली का प्रयोग करने का निश्चय किया है तथा उक्त चित्रण का आयोग द्वारा अनुमोदित डिजाइन आवश्यक कार्रवाई हेतु संलग्न किया जा रहा है। अनुमोदित चित्रण एक गोल किनारों वाला आयताकार चित्रण है जिसकी पृष्ठभूमि काली है और उसमें अंग्रेजी के कैपिटल अक्षरों में **'NOTA'** लिखा है। विधान सभा निर्वाचनों के मामले में चूंकि मत पत्र गुलाबी रंग का होता है तो **'NOTA'** शब्द को गुलाबी रंग में कैपिटल अक्षरों में लिखा जाएगा और संसदीय निर्वाचनों के मामले में जहां मत पत्र सफेद रंग का है **'NOTA'** शब्द को सफेद रंग में अंग्रेजी के कैपिटल अक्षरों में लिखा जाएगा।

यह चित्रण अंतिम पैनल में **"उपर्युक्त में से कोई नहीं"** शब्दों के बाद किया जाएगा अर्थात् **"उपर्युक्त में से कोई नहीं** NOTA **"** । NOTA का चित्रण सभी निर्वाचन क्षेत्रों में एक समान होगा चाहे उस निर्वाचन क्षेत्र के मत पत्र की भाषा कोई भी हो। परन्तु **'उपर्युक्त में से कोई नहीं'** शब्द उसी भाषा (ओं) में मुद्रित होंगे जिसमें मत पत्र मुद्रित हैं। जहां मत पत्र एक भाषा से अधिक भाषाओं में मुद्रित हैं वहां उपरोक्त शब्दों **"उपर्युक्त में से कोई नहीं"** शब्दों का अनुवादित रूप उन सभी भाषाओं में मुद्रित किया जाएगा परन्तु चित्रण NOTA का मुद्रण इस प्रकार किया जाएगा कि वह **"उपर्युक्त में से कोई नहीं"** के अन्य सभी भाषायी रूपों के सामने एक समान चित्रण के रूप में दिखाई दे।

भवदीय,

(दिलीप के.वमी)
अवर सचिव

NOTA

By speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/NOTA/2013-EMS Dated: 30th October, 2013

To

The Chief Electoral Officers
of all States and UTs.

Subject: Provision for 'None of the Above' - Regarding.

Sir/Madam,

I am directed to state that in supersession of Commission's earlier letter dated 28th October 2013 on the subject cited, the Commission has decided to use a different manner of depiction of the 'None of the Above' option in the ballot paper and the design of the said depiction approved by the Commission is enclosed for necessary action. The depiction approved is a rectangular depiction with rounded corners, with black background and "NOTA" written in capital letters in English. In the case of Assembly elections, as the ballot paper is in pink colour, the word 'NOTA' will be written in pink colour in capital letters, and in the case of Parliamentary elections for which ballot papers are white in colour, the word 'NOTA' will be written in white, in capital letters in English.

This depiction shall be printed in the last panel after the words; "None of the Above" that is to say "None of the Above NOTA ". The depiction NOTA will remain the same in all constituencies whatever be the language of the ballot paper for that constituency, but the words "None of the Above" shall be printed in the language(s) in which the ballot paper are printed. Where the ballot paper are printed in more than one language, the translated versions of the above words "None of the Above" shall be printed in all such languages but the depiction NOTA shall be so printed that it appears as one common depiction against all the aforesaid versions of the words "None of the Above".

Yours faithfully,

(Dilip K. Varma)
Under Secretary

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NOTA

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/NOTA/2013-EMS Dated: 21st November, 2013

To

The Chief Electoral Officer
Rajasthan, Jaipur

Subject: General Elections to the Legislative assembly, 2013 — Translation of 'None of the above' in regional language - Regarding.

Sir,

With reference to your letter No. F.3(1)(2)/Pratham/Nirva/2013/8512 dated 13.11.2013, on the subject cited. I am directed to state that the Commission has decided to use "इनमें से कोई नहीं" as Hindi version for the phrase 'None of the Above' in the ballot paper. Therefore, the words "इनमें से कोई नहीं" shall be used for printing of ballot papers in the Rajasthan.

Yours faithfully,

sd/-

(Dilip K. Varma)
UNDER SECRETARY

By speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/NO(J)A/2013-EMS

Dated: 22nd November, 2013

22-11-2013

To

The Chief Electoral Officer,
Rajasthan,
Jaipur.

Subject: General Elections to the legislative assembly, 2013 – Printing of Ballot Papers - Regarding.

Sir,

I am directed to refer to the tele-conversation you had with Dr. Alok Shuka, Deputy Election Commissioner on the subject cited and to state that the Commission has allowed you to use the words "उपर्युक्त में से कोई नहीं" for 'None of the above'(NOTA) in Hindi, as ballot papers have already been printed and advertisements have been made.

Yours faithfully,

(Dilip K. Varma)
Under Secretary

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Electoral Rolls

Main F. No. 23/2007-PLN-II-Vol-II

Election Commission Of India

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 30/2007/ERS

Dated: 2nd November, 2007

To

The Chief Secretaries
to the Government of
all States/Union Territories.

Sub: Preparation of Electoral Rolls – regarding.

Sir,

You are aware that under Article 324 (1) of the Constitution of India, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the Office of President and Vice-President held under the Constitution is vested in the Election Commission of India. In the discharge of its Constitutional obligations of preparation/revision of electoral rolls, the Commission issues various directions under the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960, from time to time. In addition, the Commission has also issued different instructions and clarifications. All the above constitute the framework under which the preparation and revision of electoral roll is carried out.

2. Under Section 13 A of the R.P. Act, 1950, there is a Chief Electoral Officer for each State/UT who is designated or nominated by the Election Commission in consultation with the State Government. Similarly, under Sections 13AA, 13B and 13C of the 1950 Act, there are District Election Officer in each district, an Electoral Registration Officer for each constituency and one or more Assistant Electoral Registration Officers who supervise the preparation and revision of electoral rolls of the State/district/constituencies within their respective jurisdictions subject to the superintendence, direction and control of the Election Commission.

3. For conduct of administrative business related to the elections, many States have either a separate department or a separate division in a department and, in most of these cases, the CEO is designated as the ex-Officio Secretary. These departments discharge their duties under a

Minister allotted elections as a subject. However, it is clarified that this administrative arrangement does not make the officers mentioned in Part II-A of R.P. Act of 1950 and Part-IV of the R.P. Act of 1951 subject to superintendence, direction and control of the Minister, and, thus he does not have any role to play in the activities listed in Article 324 of the Constitution of India, preparation and revision of electoral rolls being one of those.

4. It has come to the notice of the Commission that a Minister, in one of the State Governments, chaired a meeting in a Collector's (DEO's) Office for review of work of photo electoral rolls. The Commission has considered this as violation of the provisions of Constitution stated above and those of R.P. Act of 1950. It is directed that any officer or staff required by or under the R.P. Act 1950 to perform any official duty in connection with preparation, revision or correction of electoral rolls, shall not attend or arrange a meeting on the subject by or for anyone, other than the persons authorized under law or nominated by the Election Commission in that behalf.

5. The Commission desires that this matter be conveyed to elected representatives in the State including the Council of Ministers and they may be advised against any direct involvement with the process of revision of Electoral Rolls.

Yours faithfully,

(Ritvik Pandey)
Secretary

1. Copy to the CEOs of all States and Union Territories for their information.

2. The contents of the letter should be brought to the notice of all DEOs/EROs/AEROs for their information and compliance.

(Ritvik Pandey)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi –110001

No. 23/GOA/2008 Dated: 2nd September,2008

To

The Chief Secretaries
to the Government of
all States/Union Territories.

कार्यालय मुख्य निर्वाचन अधिकारी
एवं पदेन प्रमुख शासन सचिव,
निर्वाचन विभाग, राजस्थान
प्राप्ति क्रमांक ..... 9823 .....
दिनांक ..... 2/9 .....

Sub: Preparation of Electoral Rolls - regarding.

Sir,

I am directed to invite your attention to the Commission's letter No.30/2007/ERS dated 2-11-2007(a copy of which is enclosed for ready reference) in which it is clearly stated that under Article 324(1) of the Constitution of India, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the Office of President and Vice- President held under the Constitution is vested in the Election Commission of India. In the discharge of its Constitutional obligations of preparation/revision of electoral rolls and conduct of elections, the Commission issues various directions under the Representation of the People Act of 1950 and 1951 and the Registration of Electors Rules, 1960 and Conduct of Elections Rules, 1961 from time to time. All the above constitutional provisions, Acts and Rules constitute the framework under which all the works related to the conduct of elections and preparation and revision of electoral rolls are carried out. Under Section 13 A of the Representation of the People Act, 1950, there is a Chief Electoral Officer for each State/UT who is designated or nominated by the Election Commission in consultation with the State Government. Similarly, under Sections 13AA, 13B and 13 C of the 1950 Act, there is a District Election Officer in each district, an Electoral Registration officer for each constituency and one or more Assistant Electoral Registration Officers who supervise the preparation and revision of electoral rolls of the State/district/constituencies within their respective jurisdictions subject to the superintendence, direction and control of the Election Commission. Likewise, there are Returning Officers and Assistant Returning Officers appointed under Sections 21 and 22 of the Representation of People Act, 1951.

2. It is also stated in the above said letter that for conduct of administrative business related to the elections, many States have either a separate department or a separate division in a department and, in most of these cases, the Chief Electoral Officer is designated as the ex-officio Secretary. These departments discharge their duties under the Government of their respective state headed by the Chief Secretary to that

State Government and the Minister allotted elections as the subject. **However, it is clarified that this administrative arrangement does not make the above mentioned officers in Part II-A of the R.P. Act, 1950 and Part-IV of the R.P. Act, 1951 subject to superintendence, direction and control of the Chief Secretary or the said Minister while these officers are assigned the duties relating to the conduct of elections and preparation of electoral rolls.**

3. It has come to the notice of the Commission that perhaps unwittingly ignoring the above said instructions of the Commission, Chief Secretary of a State recently chaired a video conferencing meeting with the District Election Officers for a review of the preparation of EPICs and disposal of claims and objections with reference to the revision of the rolls by the Electoral Registration Officers which was also attended by the Chief Electoral Officer of the concerned State. The Commission has considered this as violation of the provisions of Constitution stated above and those of R.P. Act, 1950. It is directed that any officer or staff required by or under the R.P. Act, 1950 or R.P. Act, 1951 to perform any official duty in connection with preparation, revision or correction of electoral rolls or conduct of elections, shall not attend or arrange a meeting on the subject by or for anyone, other than the persons authorized under law or nominated by the Election Commission in that behalf.

4. The Commission again directs that it shall be ensured that there is no such interference by the executive in the process of conduct of elections and revision of electoral rolls and related activities.

5. **Whenever there is a change of incumbent of the office of the Chief Secretary, the instructions contained in the present letter may be brought to the notice of the new Chief Secretary.**

Yours faithfully,

(Satyendra Kumar Rudola)
Secretary

Copy to the CEOs of all States and Union Territories for their information. with the direction that the contents of the letter should be brought to the notice of all DEOs/EROs/AEROs for their information and compliance. The Commission has further directed that it would be the responsibility of the CEOs to prevent unauthorised interference of the nature referred to above. They should bring to the notice of the Commission any instance that may lead to such interference by the executive.

(Satyendra Kumar Rudola)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Raod, New Delhi-110001

No.24/ID/2008/ERS Dated: 16th September,2008

To

The Director PS-2,
Addl. Dte. Gen Personnel Services,
Adjutant Generals Branch,
Integrated HQ of MoD (Army),
New Delhi-110001.

Subject: Issue of Voter Identity Cards to Service Personnel-Regarding.

Sir,

Kindly refer to your reference No.B/25222/AG/PS-2(c), dated 27th August, 2008 on the above subject, requesting the Commission to issue necessary instructions to the DEOs/EROs for issue of voter identity cards to soldiers on priority basis during their leave period.

It appears that the soldiers of the Dogra Regiment and Dogra Scouts are registered as general electors in their native place and not as a service elector in the last part of the electoral roll and had approached the DEO/ERO for issue of EPIC as general electors when they visited their native place on annual leave.

This is not in consonance with the existing provisions of law. All service personnel who want to get them registered at their native place, where, but for the service qualification, they would have been ordinarily resident can register themselves only in the last part of the electoral roll. No. EPIC is issued to a person enrolled in the last part of the roll as of now.

Service personnel can get them enrolled as a general elector only at the place of posting provided they ordinarily reside at that place with family for a sufficient span of time and not otherwise. Those registered as general electors are entitled to get EPIC. However, it will not be at native place but at the place of posting where they ordinarily reside with family. Once included in the general part of a roll there is not distinction between a common man and a soldier. The EPIC is issued to electors whenever a campaign for the same is undertaken. In places where

permanent centres have been set up (like VRECs in Delhi) one can get EPIC throughout the year except when the database is updated during revision period.

Yours faithfully,

Sd/-

(Ashish Chakraborty)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 64/2012-ERS

Dated: 17th June 2013

To,

The Chief Electoral Officers of
All states/UTs

Sub: - Instructions for rationalization of polling stations- reg.

Sir,

Polling Stations rationalization is very important activity under taken before the revision of electoral rolls. It is better to rationalize polling stations well before elections so that all stakeholders can be properly consulted and all polling stations can be physically verified before rationalization decision is taken. In view of the forthcoming Parliament Elections the exercise of polling station rationalization assumes greater importance this year. The Commission desires that this exercise is undertaken by all states as pre-revision activity before summary revision of electoral rolls this year. The Commission has issued instructions on this subject from time to time. The process to be followed in rationalization of polling stations is once again explained below : -

1. **Physical Verification of existing polling stations-** All existing polling stations must be inspected to find out -

   a. Whether the building is dilapidated or dangerous;
   b. Whether polling station is situated outside the polling area;
   c. Whether voters have to cross river/canals/ravines etc. to reach the polling station;
   d. Whether voters are not required to cover distance of more than 2 KMs to reach polling station;
   e. Whether the PS location has more than 2 polling stations in rural areas or more than 4 polling stations in urban areas;
   f. Whether polling station is in private building. Polling stations should be in Govt/semi Govt building, preferably in a school;
   g. Whether polling station is located in a police station/hospital/ dhramshala/temple or religious place;
   h. Whether polling station is on 1st floor or above;
   i. Whether any political party office is situated within 200 meters from PS premises;
   j. In localities predominately inhabited by minorities, weaker section of society like Scheduled caste/tribes the polling station should be located in such a manner that such communities are not prevented from reaching the polling station and casting their votes. If required polling stations may be created in localities inhabited by such communities irrespective of numbers of electors. The Inspecting Officer should give a special written report in this respect. Inputs should also be obtained from NGOs and CSOs working for their welfare;

k. Whether the minimum area of PS room is 20 sq meters and whether it is having two doors;
l. Whether the building has an electric connection;
m. Whether ramps have been provided for physically challenged persons;
n. Whether toilet and drinking water facilities exist in the polling station premises;
o. Whether there is a shed to shelter the voters from sun and rain;
p. Whether the polling station has telephone connection. If yes what is the phone number;
q. Whether polling station area has been correctly and fully described in the existing polling station list (if not please do it). Further, to the extent possible, the villages/localities comprised within PS area should fall within one administrative unit like police station/firka/patwari circle etc.

2. **Collection of Information and updating it on Control Table Database** – Information in item "1" above should be collected for each polling station by inspection and physical verification. This information should be updated in the polling stations table of ECI Control Table database, for which a web application has been provided on the ECI website. Decision for creation of new polling stations can be taken in a rational manner after collection of this information.

3. **Creation of new polling stations** – Following may be kept in mind while preparing proposals for creation of new polling stations: -

a. Optimum number of the electors that can be assigned to a polling station is 1200 in case of rural and 1400 in case of urban areas. However, depending upon various issues, the CEOs may by providing necessary justification request to the Commission to approve the lower or higher limit proposed by them.
b. All existing auxiliary polling stations should be converted into main polling stations by dividing the electoral part.
c. Some criteria for proposing new polling stations may be: -

    i. New polling station may be proposed if a village has more than 300 electors and a suitable Government building is available for the polling station.
    ii. If it is necessary to do so in view of vulnerability mapping.
    iii. If a new colony with a number of dwelling units has cropped up, then new polling station may be created.
    iv. Polling area assigned to a polling station should be compact.

d. All instructions contained in Handbook for Returning Officers relating to consultation with political parties and preparation and publication of list of polling stations must be followed scrupulously.
e. A nodal officer should be appointed by the DEO for verification and rationalization of the polling stations. All complaints and suggestions received from political parties regarding polling stations should be duly inquired into and disposed of with a suitable reply to them.
f. The entire exercise has to be done within the time frame given in the Commission's letter No. 23/1/2013, dated 5th February 2013. This exercise should be done in a

professional manner without fear or favour, strictly in the light of statutory provisions and ECI guidelines.

g. After the rationalization of polling stations is done in this manner last minute changes in the location of polling stations should not be necessary.

h. Safety of polling teams and police force sent to conduct elections should also be kept in mind while proposing polling stations in Maoist or terrorist affected areas. As far as possible in these areas, polling station should be made in places which have easy and safe access. It may also be useful if polling stations are provided in a cluster in such areas to maximize and synergise the available force.

4. **Process of Sending Proposals for approval of the Commission** - Following should be included in the proposal sent to the Commission for approval of rationalization of polling stations: -

a. Report of the RO and DEO on the process followed in rationalization of polling stations. The report should mention all proposals received from political parties and also whether the proposals were accepted or not. If the proposals of political parties are not accepted the report should mention reasons for not accepting them. The report should have a special section on how it has been ensured that vulnerable sections of society have unhindered access to polling stations access of polling stations without threat or intimidation.

b. The proposal should have copies of the minutes of meeting with political parties in which the subject of rationalization of polling stations was discussed. The proposal should specifically mention which proposals of political parties have not been accepted along with reasons.

c. The proposal should specifically mention that no polling station is in a dilapidated building, or in a religious place or within 200 meters of the office of a political party.

d. The proposal should specifically mention that all infrastructure e.g. ramp, drinking water, toilet facility, shade and shelter etc. has been provided in the proposed polling stations.

e. **Control Tables in "ECI Control Tables Database" must be updated on the ECI website, before sending the proposal for approval of rationalized polling stations list. A printout of the list of polling stations from the updated "ECI Control Tables Database" must be included in the proposal.**

Please ensure compliance by all concerned.

Yours faithfully,

(NARENDRA N. BUTOLIA)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23/Conf./2013-ERS

Dated: 17th June 2013

To,

The Chief Electoral Officers of
All States/Union Territories

Subject: Guidelines to prevent duplicate entries in electoral rolls and errors in electoral rolls.

Sir/Madam,

I am directed to state that the Commission, from time to time, has been issuing instructions on removing duplicate entries from the electoral rolls to achieve objective of clean and pure electoral rolls. While this exercise on de-duplication is going on, it is necessary to build in processes which will prevent duplicate entries being generated in the electoral rolls. The most important reason why duplicates are generated is that people migrate from one place to another and get their names included at the new place without deletion from the old place of enrolment. Another reason of the tendency is to have names enrolled at native place as well as the other place where the person is actually living. This is done for various reasons like property/heredity related issues or for the benefits of Govt. welfare schemes. It is necessary to look at the legal provisions for enrolment in electoral rolls to decide proper strategy and process for prevention of duplicate entries in the electoral rolls.

2. Legal Provisions-

2.1. Section 17 of ROP Act, 1950 provides that, no person shall be entitled to be registered in the electoral roll for more than one constituency.

2.2. Section 18 of ROP Act, 1950 provides that, no person shall be entitled to be registered in the electoral roll for any constituency more than once.

2.3. Section 19 of ROP Act, 1950 provides the conditions of registration, which are, age not less than eighteen years on the qualifying date and being ordinarily resident in the constituency.

2.4. Form-6 for inclusion of names in electoral rolls has a declaration in Part-IV as follows : -

IV. Declaration:
I hereby declare that to the best of my knowledge and belief: -
(i) I am a citizen of India;
(ii) (ii) I am ordinarily resident at the address given in para II above since .....(date, month, year)
(iii) I have not applied for the inclusion of my name in the electoral roll for any other constituency;
(iv) *My name has not already been included in the electoral roll for this or any other assembly constituency; Or

*My name may have been included in the electoral roll for_____ Constituency in _____State in which I was ordinarily resident earlier at the address mentioned below and if so, I request that the same may be deleted from that electoral roll. Full Address (Earlier Place of ordinary residence)

_____ _____

_____ _____

Electors Photo Identity Card number (if issued)_____

Date of issue _____

Place: Date: Signature or thumb impression of the applicant Please give your mobile number /E-mail I.D (Optional)/.....

2.5. The proviso to section 23 of the ROP 1950 provide that if the applicant is registered in the electoral roll of any other constituency, the ERO shall inform the ERO of that other constituency and that officer shall , on receipt of information, strike off the applicant's name from that roll

3. **Process to be followed** – In order to prevent duplicate entries in electoral rolls the following process must be followed: -

3.1. At the time of receipt of Form-6, the person receiving form-6 must verify that Part-IV of Form-6 is duly filled.

3.2. In those cases where Form-6 has been received without filling Part-IV, the BLO should be asked to visit the house of the elector and get Part- IV filled. If the cell phone number or email ID of the applicant is available, a message should be auto generated from ERMS module and be sent to him, that the Form-6 filled by him is incomplete. The applicant should be advised to fill up and submit a completed Form-6.

3.3. Part-IV should be made mandatory in on-line Form-6.

3.4. ERMS should provide that based on Part-IV of the Form-6, in those cases where the elector has declared that he is already enrolled in another constituency and has requested for deletion of his name from the place of earlier registration, a suo-moto form for deletion should be auto-generated in the dash boards of the concerned EROs, and a scanned copy of the Form-6 should also be sent electronically to the concerned ERO, so that the name can be deleted by the concerned ERO from the place of earlier registration. **There is no need to get a separate Form-7 filled by the elector.**

3.5. ERMS should also have validation checks at the time of approval of Form-6 by the ERO which should show a list of possible duplicates along with photographs to the ERO before approval of a fresh Form-6. The ERO should cross verify the photograph and if he finds on the basis of photo comparison that the name of the applicant already exists at some other place and he has filled a false declaration in Part-IV, the elector should be given an opportunity to correct the Part-IV. If the elector does not correct the Part-IV in spite of the opportunity given to him, actions under section 31 for giving false declaration should be initiated against him. The concerned EROs should take actions for suo-moto deletion under Rule 21A or Section 22 of the names of such elector from all places other than the place of his ordinary residence.

4. <u>Preventing other errors in Electoral Rolls and EPIC:</u>

4.1. There are several complaints that electoral rolls have many errors of spellings, wrong relationships, wrong age and date of birth, wrong gender etc. A software has been prepared by the ECI and given to CEOs to identify such possible errors and correct them after field verification by the BLOs. The Commission now feels that there should be a mechanism to prevent such errors in all fresh inclusions in the electoral rolls.

4.2. Validation checks should be put in the data entry forms and also in all on-line application forms to prevent certain types of errors like names being blank, females being shown to have a wife and males being shown to have husband, etc.

4.3. Some validation checks can be put to alert the data entry operators about the possibility of the error and allowing the entry to be made after cross checking by the BLOs with the applicants .These may be things like a huge age difference between the husband and wife etc. In such cases of doubts, the data entry operator should encircle such columns and not complete the data entry. After the doubtful entry is verified/ corrected, then only the data entry of form should be done.

4.4. There should be field provided in Form-6 for the applicant to give the address as he wants it to appear in the EPIC. EPIC software should be modified to ensure that the address in EPIC should appear in the manner given in this field. The field size can be fixed and the form should clearly specify the number of characters allowed.

4.5. In case of on-line as well as off-line forms, bilingual forms i.e. English and the vernacular ,should be printed so that the elector can fill his form in both languages, and names etc. instead of being transliterated should be entered in the form in both languages separately by key punching.

4.6. In case of on-line Forms (Form-6, Form-8 and Form-8A), a preview of the EPIC should be shown after the form is completed and before it is finalized by the applicant. The applicant should have the facility to edit the Form-6 before finalizing it if he is not satisfied with the preview of EPIC.

4.7. In those cases where the applicant has given his cell phone number or email ID, a preview of his EPIC should be sent to him by SMS and email for verification before approval by ERO. Verification can be by a confirm SMS. In case the applicant wishes to change any detail in the EPIC he should have the option of correcting it on-line if he informs that he wishes to do so by a return SMS, or by giving an off-line corrected form to the BLO.

The above instructions may be brought to notice of all the officers concerned immediately for future compliance.

Yours faithfully,

(NARENDRA N. BUTOLIA)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23/Conf./2013-ERS

Dated:17th June 2013

To,

The Chief Electoral Officers of
All States/Union Territories

Subject: EPIC-Introduction of EPIC at home service - regarding.

Sir/Madam,

I am directed to state that the Commission has decided to introduce a new scheme of 'EPIC at home service'. It will be a paid service for urban /metropolitan areas. A person who wishes to avail this, he needs to call the call centre and furnish details like name, address, and contact number and the time slot when he wants the facilitator to visit his home. The call centers will, in turn, forward such request to the "Facilitator". He facilitators will be such 10th class pass unemployed youths of the district/locality who should have their own vehicles and mobile numbers. They should be able to read, write and understand vernacular language and English to the effect of getting Form 6 filled correctly with appropriate entry in part IV of the Form. They will charge a fee of Rs. 50 per form from the elector for the service provided.

They will go to the caller's home at prefixed time and will get the Form-6 or other forms filled up and will collect the fee for the same. The amount so collected will be kept by them as compensation for their work and no part of it will be deducted. They will hand over the forms so collected and after fresh/ R-EPIC is prepared, the same will be delivered to the elector within one day from receipt of the same from ERO's office.

The above instructions may be brought to notice of all the officers concerned immediately for future compliance.

Yours faithfully,

(NARENDRA N. BUTOLIA)
SECRETARY

भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

NO. 23/2013-ERS

2126/CE
4.10.13

Dated: - 28th September, 2013

To

The Chief Electoral Officer of
All States/UTs

Sub: **Summary Revision of Electoral Rolls w.r.t. 01.01.2014 as the qualifying date – clarification-regarding.**

Sir,

I am directed to make a reference to check list for roll observers (1st visit) enclosed with ECI letter dated 15th September,2013, which inter alia, provides that ". this year being the election year, no *suo-moto* deletions are to be made , unless specifically permitted." Now, the CEO, Bihar has pointed out that during the CEOs conference on 15th and 16th September, 2013, it was decided /directed that de-duplicating/error detecting software shall be run and lists so generated will be properly verified and necessary deletions/corrections, using *suo-moto* powers under Rule 21A also, will be taken as a part of roll revision exercise,2014 so that defect free rolls are made.

Hence, it is clarified that during roll revision exercise w.r.t. 1.1.2014, *suo-moto* deletions can be made after following the due procedure, However, no *suo-moto deletions shall* be allowed /made after the final publication of the roll, without the ECIs written prior approval.

Yours faithfully,

(R.K.Srivastava)
Principal Secretary

Speed Post/e-mail

भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली – 110 001
ASHOKA ROAD, NEW DELHI - 110 001

NO. 23/ID/2012-ERS

Dated: - 11th October, 2013

To,

The Chief Electoral Officers,
Of all States/UTs

Sub: - Preparation of EPICS- preparation and retention of miniature sheets -reg

Sir /Madam,

I am directed to invite a reference to Para 8.4.6.6 to 8.5.1 of the EPIC Guidelines forwarded with ECI letter dated 27th February, 2013, on the subject cited, and to state that aforesaid paragraphs shall be replaced by the following Para-

" 8.4 In case of constituencies, where photo electoral rolls (PERs) are prepared and printed with photograph of the electors, **it shall not be necessary to prepare miniature sheets of the EPICs** separately. In such cases, keeping a certified copy of each of the PERs in the custody of the ERO and DEO concerned shall be deemed to serve the purpose of duplicate copy of the EPICs under the provisions of sub-rule (4) of the Rule 28 of the Registration of Electors' Rules 1960. It should be certified that the images in the PER and EPIC issued to the electors are identical."

However, it is further clarified that miniature sheets already prepared shall be kept in safe custody. It shall be ensured that digital data(in CD as well as hard disk, preferably with a magnetic tape backup as well) is kept at DEO and CEO level. "

It disposes of number F3/III-A/Elec/EPIC/ECI/09/4138 dated 29th August, 2013 of the CEO Rajasthan.

Yours faithfully,

(R.K.Srivastava) 11.10.13
Principal Secretary

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By Special Messenger

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/2/2013/SDR

Dated: 11th October, 2013

To,

The Secretary to the Government of India,
Ministry of Law and Justice,
Legislative Department,
Shastri Bhawan,
New Delhi.

Sub:- Discrepancies noticed in the Registration of the Electors Rules 1960 and the Representation of the People Act, 1951- regarding.

Sir,

I am directed to state that the following discrepancies have been noticed in the Registration of the Electors Rules 1960 printed in the Manual of Election Laws Vol-II-(2011 Edition).

1. The figure and letter "8B" in sub-rule(1) of rule 26 of the Rules, was deleted vide Notification S.O. 934(E) dated 18th August, 2003, as corrected by subsequent corrigendum issued vide Notification S.O. No 956(E) dated 21st August 2003 (copy enclosed). However, in the Manual, Form 8B continues to be mentioned in rule 26(1) of the Registration of Electors Rules, 1960 at page 31

2. Also Forms **6, 8, 8A and 8B** –had been substituted by Forms **6, 7, 8, and 8A** vide the above said same Notification S.O. 934(E) dated 18th August, 2003 as corrected by subsequent corrigendum issued vide Notification S.O. No 956(E) dated 21st August 2003. Form 8B which was omitted is still incorporated in the aforesaid Registration of Electors Rules, 1960 at page 31.

You are therefore, requested to remove the above said discrepancies (printing mistakes) in the Registration of Electors Rules, 1960, expeditiously, by reflecting the amendments and corrections made by the above referred notification and corrigendum.

Apart from the above, in English version of the Manual of Election Law Vol.-I (2011 edition), after clause (c) of Sub-section (2) of Section 8 of the Representation of the People Act 1951, the words ***"and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to disqualified for a further period of six years since his release."*** *are* missing at page 69. The same may also be incorporated in the said manual and also in the web-version of the Representation of the People Act, 1951 uploaded on your web-site expeditiously. Same corrections may be made in the hard copies of the Manual of Election Law.

Yours faithfully,

(N.T.Bhutia)
Under Secretary

Copy to:- All CEOs for carrying out the above corrections in both the Volumes of the Manual of Election Law (2011 Edition).

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

सत्यमेव जयते

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 735] नई दिल्ली, सोमवार, अगस्त 18, 2003/श्रावण 27, 1925
No. 735] NEW DELHI, MONDAY, AUGUST 18, 2003/SRAVANA 27, 1925

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 18 अगस्त, 2003

का.आ. 934(अ).— केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 28 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचक रजिस्ट्रीकरण नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :--

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचक रजिस्ट्रीकरण (संशोधन) नियम, 2003 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. निर्वाचक रजिस्ट्रीकरण नियम, 1960 में,-

(1) नियम 13 के उपनियम (3) के पश्चात् निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात् :--

"(4) किसी प्रविष्टि को नामावली के एक भाग से दूसरे भाग में अन्यत्र रखने के लिए प्रत्येक आवेदन प्ररूप 8क में होगा ।";

(2) नियम 26 के उपनियम (1) में, "6, 8, 8क और 8ख" अंकों, अक्षरों और शब्द के स्थान पर, "6, 7, 8, 8क और 8ख" अंक, अक्षर और शब्द रखे जाएंगे ;

(3) प्ररूप 6, प्ररूप 7, प्ररूप 8 और प्ररूप 8क के स्थान पर निम्नलिखित प्ररूप रखे जाएंगे, अर्थात् :--

"प्ररूप 6

[नियम 13(1) और 26 देखिए]

निर्वाचक नामावली में नाम सम्मिलित किए जाने के लिए आवेदन

सेवा में,

निर्वाचक रजिस्ट्रीकरण अधिकारी,

.....सभा निर्वाचन-क्षेत्र/संसदीय[£] निर्वाचन-क्षेत्र ।

महोदय,

मैं प्रार्थना करता हूं कि उक्त निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में मेरा नाम सम्मिलित कर लिया जाए । निर्वाचक नामावली में सम्मिलित किए जाने के लिए मेरे दावे के समर्थन में विशिष्टियां नीचे दी गई हैं :

1. आवेदक का ब्यौरा	नाम		उपनाम (यदि कोई है)
1 जनवरी.....को आयु #	वर्ष :	मास :	लिंग (पुरुष/स्त्री) :
जन्म-तिथि, यदि ज्ञात है :	दिन :	मास :	वर्ष :
जन्म का स्थान :	ग्राम/नगर :		
	जिला :		राज्य :
*पिता माता का नाम पति	नाम		उपनाम (यदि कोई है)
2.	**मामूली तौर पर निवास स्थान की विशिष्टियां (पूरा पता) :**		
मकान / गृह सं0 :			
गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क:			
नगर/ग्राम :			
डाकघर :	पिनकोड :		
तहसील/तालुक/मंडल/थाना :			
जिला :			

[£] ऐसे संघ राज्यक्षेत्र जहां विधान सभा नहीं है और जम्मू-कश्मीर राज्य के मामले में ।

कृपया वर्ष लिखें अर्थात् 2003, 2004, आदि ।

*अनुपयुक्त विकल्प को काट दें ।

आवेदन की रसीद

श्री/श्रीमती/कुमारी.....जो.....का/की निवासी है, से प्ररूप 6 में आवेदन प्राप्त हुआ ।

तारीख.....

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले आफिसर के
हस्ताक्षर

(पता).....
.....

** आवेदक द्वारा भरा जाएगा ।

3. निर्वाचन क्षेत्र की वर्तमान निर्वाचक नामावली में पहले से ही सम्मिलित किए गए आवेदक के कुटुंब के सदस्य (यों) के ब्यौरे :

नाम	आवेदक के साथ नातेदारी	निर्वाचन क्षेत्र की नामावली का भाग सं0	उस भाग में क्रम सं0	निर्वाचक की फोटो पहचान पत्र सं0 (यदि जारी किया गया है)
1.				
2.				

4. घोषणा :

मैं घोषणा करता हूँ कि अपने सर्वोत्तम ज्ञान और विश्वास के अनुसार :

(i) मैं भारत का नागरिक हूं, (ii) मैं————————से (तारीख, मास, वर्ष) ऊपर भाग-2 में दिए गए पते वाले स्थान में मामूली तौर से निवासी हूँ ; (iii) मैंने किसी अन्य निर्वाचन- क्षेत्र के लिए निर्वाचक नामावली में अपना नाम सम्मिलित किए जाने के लिए आवेदन नहीं किया है ; (iv) * इस या किसी अन्य सभा निर्वाचन क्षेत्र के लिए निर्वाचक नामावली में मेरा नाम पहले से ही सम्मिलित नहीं किया गया है

या

* मेरा नाम————राज्य के———— निर्वाचन क्षेत्र के, जिसमें मैं नीचे उल्लिखित पते पर पहले से ही मामूली तौर से निवास कर रहा था निर्वाचक नामावली में सम्मिलित कर लिया गया होगा और यदि ऐसा है तो मैं प्रार्थना करता हूं कि उसे उस निर्वाचक नामावली से हटा दिया जाए ।

पूरा पता (मामूली तौर से निवास का पूर्व स्थान)

	निर्वाचक फोटो पहचान पत्र सं0 (यदि जारी किया गया है)..... ;जारी करने की तारीख.....;

स्थान :

तारीख :

आवेदक के हस्ताक्षर या अंगूठे का निशान

टिप्पण- कोई व्यक्ति ऐसा कथन या घोषणा करता है जो मिथ्या है और जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का उसे विश्वास नहीं है वह लोकप्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दंडनीय है ।

* अनुपयुक्त विकल्प को काट दें ।

की गई कार्रवाई के ब्यौरे

(निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाना है)

श्री/श्रीमती/कुमारी ——————जो——————का/की निवासी है, के प्ररूप 6 में निर्वाचक नामावली में नाम सम्मिलित किए जाने के आवेदन को *स्वीकार कर लिया गया है/*नामंजूर कर दिया गया है ।

*स्वीकार करने [नियम 18 */20 */26 *(4)[£] के अधीन या उसके अनुसरण में] या *नामंजूर करने [नियम 17 */20 */26 *(4)[£] के अधीन या उसके अनुसरण में] के लिए विस्तृत कारण :

स्थान : निर्वाचक रजिस्ट्रीकरण आफिसर का हस्ताक्षर (निर्वाचक रजिस्ट्रीकरण आफिसर की मुहर)

तारीख :

[£] निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् उसे लगातार अद्यतन बनाए रखने के दौरान ।

*अनुपयुक्त विकल्प को काट दें ।

प्ररूप 7

(नियम 13(2) और 26 देखिए)

निर्वाचक नामावली में नाम सम्मिलित किए जाने या हटाए जाने की वांछा पर आक्षेप के लिए आवेदन

सेवा में,

निर्वाचक रजिस्ट्रीकरण आफिसर

.....

विधान सभा/ £ संसदीय निर्वाचन क्षेत्र के ।

महोदय,

@मैं उपर्युक्त निर्वाचन क्षेत्र के लिए निर्वाचक नामावली में नीचे उल्लिखित व्यक्ति का नाम सम्मिलित किए जाने के प्रस्ताव पर आक्षेप करता हूँ । मेरे आक्षेप के समर्थन में विशिष्टियां नीचे दी जा रही हैं ।

या

@मैं निवेदन करता हूँ कि *मुझसे / *नीचे नामित व्यक्ति से संबंधित प्रविष्टि इसमें आगे कथित कारणों से हटाए जाने के लिए अपेक्षित है:

1. @उस व्यक्ति के ब्यौरे जिसका नाम सम्मिलित किए जाने पर आक्षेप किया गया है :		नाम		उपनाम (यदि कोई है)
	@उस व्यक्ति के ब्यौरे जिसकी प्रविष्टि हटायी जानी है :	निर्वाचक नामावली के उस भाग की सं0 जिसमें उसका नाम सम्मिलित किया गया है :	उस भाग में उसका/उसकी क्र0 सं0 :	निर्वाचक की फोटो पहचान पत्र सं0 (यदि जारी किया गया है) :
#2.	आक्षेपकर्ता के ब्यौरे	नाम		उपनाम (यदि कोई है)
	लिंग (पुरुष/स्त्री):	निर्वाचक नामावली के उस भाग की सं0 जिसमें आक्षेपकर्ता का नाम सम्मिलित किया गया है :		उस भाग में उसका / उसकी क्र0 सं0:
*पिता / माता / पति का नाम		नाम		उपनाम (यदि कोई है)
3.	@आक्षेपकर्ता/@नाम हटाए जाने वाले व्यक्ति के मामूली तौर पर निवास स्थान की विशिष्टियां (पूरा पता) :			
मकान/ गृह सं0:				
गली / क्षेत्र / परिक्षेत्र / मोहल्ला / सड़क:				

नगर / गांव :	
डाकघर :	
तहसील / ताल्लुक / मंडल / थाना :	पिन कोड
जिला :	

£ ऐसे संघ राज्य क्षेत्रों जिनमें विधान सभा नहीं हैं और जम्मू - कश्मीर राज्य के मामले में ।

@पहला विकल्प, निर्वाचक नामावली तैयार किए जाने / उसका पुनर्विलोकन किए जाने के दौरान सुसंगत होगा । दूसरा विकल्प निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् उसे लगातार अद्यतन करने के दौरान सुसंगत होगा । अनुपयुक्त विकल्प को काट दें ।

*अनुपयुक्त विकल्प को काट दें ।

"भाग 2 वहाँ नहीं भरा जाना है जहाँ आवेदक स्वयं से संबंधित प्रविष्टि को हटाने की वांछा करता है

.....

आवेदन की रसीद

श्री / श्रीमती / कुमारी .....जो.....का / की निवासी है, प्ररूप 7 में आवेदन प्राप्त हुआ

तारीख.....

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से आवेदन प्राप्त करने वाले आफिसर का हस्ताक्षर

(पता).....

.....

**आवेदक द्वारा भरा जाना है ।

4. *आक्षेप /*हटाए जाने के लिए कारण :

5. घोषणा :

मैं घोषणा करता हूँ कि ऊपर उल्लिखित तथ्य और विशिष्टियाँ मेरे सर्वोत्तम ज्ञान और विश्वास के अनुसार सही हैं ।

स्थान :

तारीख :

आवेदक का हस्ताक्षर या अंगूठे का निशान

टिप्पण - जो कोई व्यक्ति ऐसा कथन या घोषणा करता है जो मिथ्या है और जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का उसे विश्वास नहीं है, वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दण्डनीय है ।

*अनुपयुक्त विकल्प को काट दें ।

की गई कार्रवाई के ब्यौरे

(निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाना है)

श्री/श्रीमती/कुमारी ..... जिसने प्ररूप 7 में निर्वाचक नामावली में श्री/श्रीमती/कुमारी के नाम को *सम्मिलित किए जाने/* हटाए जाने का आक्षेप करने का आवेदन *स्वीकार कर लिया गया है/*नामंजूर कर दिया गया है ।

*स्वीकार करने [नियम 18 */20 */26(4)£ के अधीन या उसके अनुसरण में] या *नामंजूर करने [नियम 17 */20 */26 (4)£ के अधीन या उसके अनुसरण में] के लिए विस्तृत कारण :

स्थान : निर्वाचक रजिस्ट्रीकरण आफिसर का हस्ताक्षर (निर्वाचक रजिस्ट्रीकरण आफिसर की मुहर)

तारीख :

*अनुपयुक्त विकल्प को काट दें ।

£ निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् उसे लगातार अद्यतन बनाए रखने के दौरान ।

प्ररुप 8

[नियम 13(3) और 26 देखिए]

निर्वाचक नामावली में प्रविष्ट विशिष्टियों की शुद्धि के लिए आवेदन

सेवा में,

निर्वाचक रजिस्ट्रीकरण आफिसर,

..... विधान सभा/संसदीय[$] निर्वाचन-क्षेत्र

महोदय,

मैं निवेदन करता हूं कि उपरोक्त निर्वाचन-क्षेत्र की निर्वाचक नामावली में आने वाली मुझसे संबंधित प्रविष्टि शुद्ध नहीं है और इसे शुद्ध कर दिया जाए । मेरे निवेदन के समर्थन में शुद्ध विशिष्टियां निम्नानुसार हैं :-

1. आवेदक के ब्यौरे	नाम		उपनाम (यदि कोई है)	
निर्वाचक नामावली का भाग सं. :		उस भाग में क्रम सं. :		
1 जनवरी, ...[#] - को ..... आयु :		वर्ष :	मास :	लिंग (पुरुष/स्त्री) :
जन्म तिथि, यदि ज्ञात है :		तारीख :	मास :	वर्ष :
*पिता माता का नाम पति	नाम		उपनाम (यदि कोई है)	

2. साधारण निवास स्थान की विशिष्टियां (पूरा पता) :

मकान/गृह सं. :

गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :

नगर/ग्राम :

डाकघर : पिन कोड :

तहसील/तालुक/मंडल/थाना :

जिला :

3. निर्वाचक फोटो पहचान पत्र के ब्यौरे (यदि इस या किसी अन्य निर्वाचन-क्षेत्र में जारी किया गया है)

निर्वाचक फोटो पहचान-पत्र सं. :

निर्वाचन क्षेत्र का नाम :

4. शुद्ध की जाने वाली प्रविष्टियों के ब्यौरे

इस प्ररुप में ऊपर उपलब्ध कराई गई जानकारी के अनुसार मेरा नाम*/आयु*/मेरे पिता/माता/पति का नाम*/लिंग*/पता*/निर्वाचक फोटो पहचान-पत्र सं.* शुद्ध कर दिया जाए ।

स्थान :

तारीख : निर्वाचक के हस्ताक्षर या अंगूठें का निशान

टिप्पण - जो कोई व्यक्ति ऐसा कथन या घोषणा करता है, जो मिथ्या है या जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का विश्वास नहीं है, वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दंडनीय है ।

[$] उन संघ राज्यक्षेत्रों की, जिनमें विधान सभा नहीं है और जम्मू-कश्मीर राज्य की दशा में ।

[#] कृपया वर्ष अर्थात् 2002, 2003 आदि दें ।

* अनुपयुक्त विकल्प को काट दें ।

आवेदन की रसीद

** श्री/श्रीमती/कुमारी - ..... जो ..... ** का/की निवासी है, से प्ररुप 8 में आवेदन प्राप्त हुआ ।

तारीख .....

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले आफिसर के हस्ताक्षर

(पता) .....

.....

** आवेदक द्वारा भरा जाए ।

की गई कार्रवाई के ब्यौरे

(निर्वाचन-क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाए)

श्री/श्रीमती/कुमारी ..... के निर्वाचक नामावली में प्रविष्टि की शुद्धि के लिए प्ररुप 8 में आवेदन को स्वीकार*/नामंजूर* कर दिया गया है ।

स्वीकार* किए जाने [नियम 18*/20*/26 (4)$ के अधीन या अनुसरण में] या नामंजूर किए जाने [नियम 17*/20*/26 (4)$ के अधीन या अनुसरण में] के लिए विस्तृत कारण :

स्थान :
तारीख :

निर्वाचक रजिस्ट्रीकरण आफिसर
के हस्ताक्षर

(निर्वाचक रजिस्ट्रीकरण
आफिसर की मुद्रा)

* अनुपयुक्त विकल्प को काट दें ।

$ निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् निरंतर अद्यतन करने के दौरान ।

प्ररुप 8क

[नियम 13(4) और 26 देखिए]

निर्वाचक नामावली में प्रविष्टि को अन्यत्र रखने के लिए आवेदन

सेवा में,

निर्वाचक रजिस्ट्रीकरण आफिसर,
..... विधान सभा/संसदीय$ निर्वाचन-क्षेत्र

महोदय,

मैं निवेदन करता हूं कि उपरोक्त निर्वाचन-क्षेत्र की निर्वाचक नामावली में आने वाली मुझसे*/नीचे नामित व्यक्ति* से संबंधित प्रविष्टि, इस निर्वाचन क्षेत्र की नामावली के सुसंगत भाग में अन्यत्र रख दी जानी चाहिए । अन्यत्र रखी जाने वाली प्रविष्टि की विशिष्टियां निम्नानुसार हैं :-

1. उस व्यक्ति के, जिसकी प्रविष्टि को अन्यत्र रखा जाना है, ब्यौरे	नाम		उपनाम (यदि कोई है)
	उस निर्वाचक नामावली का, जिसमें उसका नाम सम्मिलित है, भाग सं. :	उस भाग में उसका/उसकी क्रम सं. :	निर्वाचक फोटो पहचान पत्र सं. (यदि जारी किया गया हो) :
*पिता / माता / पति का नाम	नाम		उपनाम (यदि कोई है)

2. वर्तमान साधारण निवास स्थान की विशिष्टियां (पूरा पता) :			
मकान/गृह सं. :			
गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :			
नगर/ग्राम :			
डाकघर :	पिन कोड :		
तहसील/तालुक/मंडल/थाना :			
जिला :			
3. आवेदन की तारीख को उपरोक्त पते पर लगातार निवास करने की अवधि	वर्ष :	मास :	
4. वह भाग सं., जिसमें प्रविष्टि अन्यत्र रखी जानी है (यदि ज्ञात हो) :			
@5. आवेदक के ब्यौरे	नाम :		उपनाम (यदि कोई है) :
	उस निर्वाचक नामावली का, जिसमें उसका नाम सम्मिलित है, भाग सं. :	उस भाग में उसका/उसकी क्रम सं. :	निर्वाचक फोटो पहचान पत्र सं. (यदि जारी किया गया है) :

$ उन संघ राज्यक्षेत्रों की, जिनमें विधान सभा नहीं है और जम्मू-कश्मीर राज्य की दशा में ।

* अनुपयुक्त विकल्प को काट दें ।

@ जहां आवेदक स्वयं से संबंधित प्रविष्टि को अन्यत्र रखने की मांग करता है वहां भाग 5 नहीं भरा जाए ।

.....

आवेदन की रसीद

** श्री/श्रीमती/कुमारी - ..... जो ..... ** का/की निवासी है, से प्ररुप 8क में आवेदन प्राप्त हुआ ।

तारीख

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले अधिकारी के हस्ताक्षर

(पता) .....

.....

6. घोषणा :

मैं यह घोषणा करता हूं कि ऊपर वर्णित तथ्य और विशिष्टियां मेरे सर्वोत्तम ज्ञान और विश्वास से ठीक हैं ।

स्थान :

तारीख : आवेदक के हस्ताक्षर या अंगुठे का नि ान

टिप्पण - जो कोई व्यक्ति ऐसा कथन या घोषणा करता है, जो मिथ्या है या जिसके मिथ्या है, का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का विश्वास नहीं है, वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दंडनीय है ।

की गई कार्रवाई के ब्यौरे

(निर्वाचन-क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाए)

श्री/श्रीमती/कुमारी ..... के स्वयं से/श्री/श्रीमती/कुमारी से संबंधित प्रविष्टि को निर्वाचक

नामावली में अन्यत्र रखने के लिए प्ररुप 8क में आवेदन को स्वीकार*/नामंजूर* कर दिया गया है ।

स्वीकार* किए जाने या नामंजूर किए जाने [नियम 26 (4) के अधीन]* के लिए विस्तृत कारण :

स्थान :
तारीख :

निर्वाचक रजिस्ट्रीकरण आफिसर
के हस्ताक्षर

(निर्वाचक रजिस्ट्रीकरण
आफिसर की मुद्रा)

* अनुपयुक्त विकल्प को काट दें ।

[फा. सं. एच-11019(9)/03-वि. 2]

एन. एल. मीणा, संयुक्त सचिव

पाद टिप्पण :—मूल नियम का.आ. 2750, तारीख 10 नवंबर, 1960 द्वारा अधिसूचित किए गए थे और का.आ. 207(अ), तारीख 31 मार्च, 1999 द्वारा उनमें अंतिम बार संशोधन किए गए।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 18th August, 2003

S.O. 934(E).— In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (43 of 1950), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Registration of Electors Rules, 1960, namely:-

1. (1) These rules may be called the Registration of Electors (Amendment) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Registration of Electors Rules, 1960,-

(1) after sub-rule 3 of rule 13, the following sub-rule shall be inserted, namely:-

"(4) Every application for transposition of an entry from one part to another part of the roll shall be in Form 8A.";

(2) in sub-rule (1) of rule 26, for the figures, letters and word "6, 8, 8A and 8B", the figures, letters and word "6, 7, 8, 8A and 8B" shall be substituted;

(3) for Forms 6, 7, 8, and 8A and 8B the following Forms shall respectively be substituted, namely:-

* See Corrigendum issued vide Notification S.O. No. 956(E) dated 21 August, 2003.

"FORM 6

[See rules 13(1) and 26]

Application for inclusion of name in electoral roll

To

The Electoral Registration Officer,

..... Assembly/Parliamentary£ constituency.

Sir,

I request that my name be included in the electoral roll for the above constituency. Particulars in support of my claim for inclusion in the electoral roll are given below:

I. **Applicant's details**	Name			Surname (if any)
Age as on 1st January ..... #	Years:		Months:	Sex (male/female):
Date of birth, if known:	Day:		Month:	Year:
Place of birth:	Village/Town:			
	District:			State:
* Father's / Mother's / Husband's Name	Name			Surname (if any)
II. **Particulars of place of ordinary residence (Full address):**				
House/Door number:				
Street/Area/Locality/Mohalla/Road:				
Town/Village:				
Post Office:			Pin Code:	
Tehsil/Taluka/Mandal/Thana:				
District:				

£ In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.

Please give the year i.e. 2003, 2004, etc.

* Strike out the inappropriate alternative.

.....(Perforation).....

Receipt for application

Received the application in Form 6 of **Shri/Shrimati/Kumari .....

.....

**Address .....

Date .....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer

(Address) .....

.....

**To be filled in by the applicant.

III. Details of member(s) of applicant's family already included in the current electoral roll of the Constituency:

Name	Relationship with applicant	Part number of the roll of the constituency	Serial number in that Part	Elector's photo identity card (if issued) number
1.				
2.				

IV. **Declaration:**

I hereby declare that to the best of my knowledge and belief-

(i) I am a citizen of India; (ii) I am ordinarily resident at the address given in para II above since ..... (date, month, year); (iii) I have not applied for the inclusion of my name in the electoral roll for any other constituency; (iv) *my name has not already been included in the electoral roll for this or any other assembly constituency;

or

*my name may have been included in the electoral roll for ..... constituency in ..... State in which I was ordinarily resident earlier at the address mentioned below and, if so, I request that the same may be deleted from that electoral roll.

Full address (Earlier place of ordinary residence):

	Electors photo identity card (if issued) number,..... , date of issue

Place:
Date:

Signature or thumb impression of the applicant

Note.- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).

*Strike out the inappropriate alternative.

Details of action taken
(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. .....
for inclusion of name in the electoral roll in Form 6 has been accepted*/rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20* /26(4)][£] or *rejection [under or in pursuance of rule 17*/20*/26(4)[£]]:

Place:
Date:

Signature of Electoral Registration Officer

(Seal of the Electoral Registration Officer)

[£]During continuous updating after final publication of electoral roll.
*Strike out the inappropriate alternative.

FORM 7

[See rules 13(2) and 26]

Application for objecting inclusion or seeking deletion of name in electoral roll

To

The Electoral Registration Officer,

..... Assembly/[£]Parliamentary constituency.

Sir,

[@] I object to the proposed inclusion of the name of the undermentioned person in the electoral roll for the above constituency. Particulars in support of my objection are given below:

or

[@] I submit that the entry relating to [*]myself /[*]the person named below is required to be deleted for the reasons stated hereunder:

I.	[@]**Details of person inclusion of whose name is objected to:** [@]**Details of person whose entry is to be deleted:**	Name		Surname (if any)
		Part number of electoral roll in which his/her name is included:	His/her serial number in that part:	Elector's photo identity card (if issued) number:
[#]II.	**Details of objector**	Name		Surname (if any)
	Sex (~~male/female~~):	Part number of electoral roll in which objector's name is included:		His/her serial number in that part:
[*]~~Father's~~ ~~Mother's~~ ~~Husband's~~ Name		Name		Surname (if any)
III.	**Particulars of place of ordinary residence of [@]objector/[@]person seeking deletion. (Full address):**			
House/Door number:				
Street/Area/Locality/Mohalla/Road:				
Town/Village:				
Post Office:		Pin Code:		
Tehsil/Taluka/Mandal/Thana:				
District:				

[£] In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.

[@] First alternative will be relevant during preparation/revision of electoral roll. Second alternative will be relevant during continuous updating after final publication of electoral roll. Strike out the inappropriate alternative.

[*] Strike out the inappropriate alternative.

[#] Part-II not to be filled where applicant seeks deletion of entry relating to himself.

.....(Perforation).....

Receipt for application

Received the application in Form 7 of **Shri/Shrimati/Kumari .....
**Address .....

Date .....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) .....
.....

**To be filled in by the applicant.

IV. Reason(s) for *objection/ *deletion :

V. Declaration:

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place:
Date:

Signature or thumb impression of the applicant

Note.- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).

*Strike out the inappropriate alternative.

Details of action taken
(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. .....
*objecting to inclusion/*seeking deletion of name of Shri/Smt./Km. ..... in the electoral roll in Form 7 has been accepted*/*rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20*/26(4)£] or *rejection [under or in pursuance of rule 17*/20*/26(4)£]:

Place:
Date:

Signature of Electoral Registration Officer

(Seal of the Electoral Registration Officer)

*Strike out the inappropriate alternative
£During continuous updating after final publication of electoral roll.

FORM 8

[See rules 13(3) and 26]

Application for correction to particulars entered in electoral roll

To

The Electoral Registration Officer,

..... Assembly/Parliamentary[£] constituency.

Sir,

I request that entry relating to myself appearing in the electoral roll for the above constituency is not correct and it should be corrected. Correct particulars in support of my request are given below:

I. **Applicant's details**	Name		Surname (if any)	
Part number of electoral roll:			Serial number in that part:	
Age as on 1st January ..... #	Years:	Months:	Sex (male/female):	
Date of birth, if known:	Day:	Month:	Year:	
* Father's / Mother's / Husband's Name	Name		Surname (if any)	

II.	**Particulars of place of ordinary residence (Full address):**
House/Door number:	
Street/Area/Locality/Mohalla/Road:	
Town/Village:	
Post Office:	Pin Code:
Tehsil/Taluka/Mandal/Thana:	
District:	
III.	**Details of Electors' photo identity card (if issued, in this or some other constituency)**
Electors' photo identity card number:	
Name of the constituency:	
IV.	**Details of entries to be corrected:**
*My name/*Age/*Father's/Mother's/Husband's name/*Sex/Address/*Electors' photo identity card number may be corrected in terms of information provided in this Form above.	
Place:	
Date:	**Signature or thumb impression of the elector**

Note.- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).

[£]In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.

#Please give the year i.e. 2002, 2003, etc.

*Strike out the inappropriate alternative.

.....(Perforation).....

2327 G1/03—3

Receipt for application

Received the application in Form 8 of **Shri/Shrimati/Kumari .....
**Address .....

Date .....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) .....

**To be filled in by the applicant.

Details of action taken
(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. ..... for correction of entry in the electoral roll in Form 8 has been accepted*/ rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20*/26(4)£] or *rejection [under or in pursuance of rule 17*/20*/26(4)£]:

Place:
Date:

Signature of Electoral Registration Officer

(Seal of the Electoral Registration Officer)

*Strike out the inappropriate alternative.
£During continuous updating after final publication of electoral roll.

FORM 8A

[See rules 13(4) and 26]

Application for transposition of entry in electoral roll

To

The Electoral Registration Officer,

..... Assembly/£Parliamentary constituency.

Sir,

I request that the entry in the electoral roll for the above mentioned constituency relating to myself/ person named below should be transposed to the relevant part of the roll in this constituency. Particulars of the entry to be transposed are given below:

I. **Details of person whose entry is to be transposed**	Name		Surname (if any)
	Part number of electoral roll in which his/her name is included:	His/her serial number in that part:	Elector's photo identity card (if issued) number:

* Father's / Mother's / Husband's Name	Name	Surname (if any)

II.	**Particulars of present place of ordinary residence (Full address):**
House/Door number:	
Street/Area/Locality/Mohalla/Road:	
Town/Village:	
Post Office:	Pin Code:
Tehsil/Taluka/Mandal/Thana:	
District:	

III. **Period of continuous residence at the above address on the date of application**	Years:	Months:

IV. **Part number to which the entry has to be transposed (if known):**

@V. **Details of applicant**	Name		Surname (if any)
	Part number of electoral roll in which his/her name is included:	His/her serial number in that part:	Elector's photo identity card(if issued) number:

£In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.

*Strike out the inappropriate alternative.

@Part V not to be filled where applicant seeks transposition of entry relating to himself.

.....(Perforation).....

Receipt for application

Received the application in Form 8A of **Shri/Shrimati/Kumari .....
**Address .....

Date .....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) .....
.....

VI. Declaration:

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place:
Date: **Signature or thumb impression of the applicant**

Note.– Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950)

Details of action taken
(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. ..... for transposition of entry relating to himself/herself/Shri/Smt./Km. ..... in the electoral roll in Form 8A has been accepted*/rejected*.

Detailed reasons for acceptance or rejection [under rule 26(4)]*:

Place: Signature of (Seal of the Electoral
Date: Electoral Registration Officer Registration Officer)

*Strike out the inappropriate alternative.

[F. No. H-11019(9)/03-Leg. II]
N. L. MEENA, Jt. Secy.

Foot Note :—The Principal rules were notified vide S.O. 2750, dated the 10th November, 1960 and last amended vide S.O. 207(E), dated the 31st March, 1999.

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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
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विधि एवम् न्याय मंत्रालय

(विधायी विभाग)

शुद्धि पत्र

नई दिल्ली, 21 अगस्त, 2003

का.आ. 956(अ).—भारत के राजपत्र (असाधारण), भाग II, खण्ड 3, उपखण्ड (ii), दिनांक 18 अगस्त, 2003 के पृष्ठ 1 से 12 पर प्रकाशित, भारत सरकार के विधि एवम् न्याय मंत्रालय की अधिसूचना संख्या का.आ. 934(अ), दिनांक 18 अगस्त, 2003 में—

(1) पृष्ठ 1, पंक्ति 17 में ''8, 8क और 8ख'' के स्थान पर ''8 और 8क'' पढ़ें,

(2) पृष्ठ 1, पंक्ति 18 में ''8 और प्ररूप 8ख'' के स्थान पर ''8, प्ररूप 8क और 8ख'' पढ़ें।

[फा. सं. एच-11019(9)/03-विधायी-II]

एन. एल. मीणा, संयुक्त सचिव एवं विधायी परामर्शदाता

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

CORRIGENDUM

New Delhi, the 21st August, 2003

S.O. 956 (E).—In the notification of the Government of India, in the Ministry of Law and Justice (Legislative Department) published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 18th August, 2003 *vide* number S.O. 934 (E), dated the 18th August, 2003, at pages 12 to 20—

(i) at page 12, in line 19, for "letters" read "letter";

(ii) at page 12, in line 19, for "8, 8A and 8B" read "8 and 8A";

(iii) at page 12, in line 21, for "8 and 8A" read "8, 8A and 8B";

(iv) at page 12, in line 21, omit "respectively".

[F. No. H-11019(9)/03-Leg.II]

N. L. MEENA, Jt. Secy. and Legislative Counsel

2364 GI/2003

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

Election Commission of India

Ashok Road, Nirvachan Sadan, New Delhi -110001

No.22/2/2013-ERS /79 Dated: 28.10.2013

To

Chief Electoral Officers of

Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi.

Sub:- Integration, carrying out corrections, printing and sharing of Second Supplementary of Electoral Rolls before the polls-regarding.

Ref: (A) Commission's letter No. 22/2/2008-PLN-II, dated 08th August 2008 containing instructions about reprinting of Mother Roll to reflect the changes in the supplementary and for carrying out changes in the Mother Roll manually in the second supplementary before the polls.

(B) Commission's letter No. 22/2/2012/ERS-II, dated 15th January, 2012 regarding integration carrying out correction, printing and sharing of photo rolls with political parties and contesting candidates, and

(c) Commission's letter No. 464/Inst./EPS/2013, dated 26th October 2013 forwarding a copy of Commission's letter No. 22/2/2012/ERS-II, dated 15th January, 2012 .

Sir,

I am directed to state that as per the instructions, vide the Commission's letters cited above, the mother roll, at the time of final publication of electoral rolls after a summary revision, should also be printed again to reflect changes in the electoral roll which are printed in the supplementary .The word DELETED is printed diagonally across the entry box containing details of electors which is deleted. The reason for deletion is indicated by the letter "E" for expired, "S" for shifted and "R" for repeated etc. In case of modification, a "(#)" sign is printed against the entry in the Mother Roll. Commission had also directed that when supplementary is printed after the period of continuous updating is over after the last date of filing of nominations in case of a poll, these changes should be made by hand in the Mother Roll for the purpose of preparing the Marked copy of the electoral roll, and letter should be given to all the candidates, that they should

make these changes by hand themselves in the copies of the roll given to them on the basis of the supplementary.

It has however been the experience of the Commission that candidates often do not carry out the changes by hand and the Commission gets complaints that the copy of the electoral rolls given to the Presiding Officers for poll is different from the copy of the electoral roll given to the candidates.

Having considered the matter, the Commission has directed that Mother Roll shall also be printed along with all supplements, using the software provided for this purpose, at the end of the period of continuous updating after the last date of nominations is over, so that there should be no need to make any corrections in the electoral roll by hand. A copy of this electoral roll with the Mother Roll and supplements printed by software shall be given free of cost to contesting candidates of recognized political parties and will also be made available for sale by the ERO to other persons. The same copy shall also be used for preparation of the Marked Copy of electoral rolls to be used in polls.

It may be noted that the time available for re-printing of electoral roll after last date of nominations is short; therefore all arrangements for printing quickly should be made in advance. Printing can be done in a decentralized manner as well if the PDFs to be printed are generated by the software. Printing of electoral roll may be required only for those polling stations where there have been changes in the roll during the period of continuous updating and supplementary is being printed after the last date of filing of nominations. Printing of the rolls again shall not be necessary for those polling stations where no change has taken place in the electoral roll and no supplementary is being printed.

These instructions may be brought to the notice of all concerned including DEOs, ROs, Political Parties, Candidates and Observers. A compliance report indicating the arrangements made for printing the electoral roll quickly after the last date of nominations may please be sent to the Commission at the earliest.

Yours faithfully,

(NARENDRA N. BUTOLIA)
SECRETARY

By e-mail/speed post/camp bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.22/2/2008-PLN-II Dated 8th August, 2008.

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.

Sir,

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 2nd supplementary therefore shall be marked by hand through a rubber stamp DELETED 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.

Yours faithfully,

(Ashish Chakraborty)
Under Secretary

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 2nd 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:
Date :

Signature & Seal of
the Returning Officer/Asstt. Returning Officer

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI

File No. 23/2/2012/ERS-II

Dated 15th January 2012

To

The Chief Electoral Officers
Of all States

Subject: Integration carrying out correction, printing and sharing of photo rolls with political parties and contesting candidate.

Sir,

I am directed to refer to Commission's instructions issued vide letter No. 23/2/2008-PLN-II dated 8th August, addressed to all CEOs on the above matter, wherein it was inter-alia instructed that the Returning Officer will supply one complete copy of the electoral roll to contesting candidate of every recognized political parties in the state within 3 days after the last date of withdrawal of candidatures. Further political parties should be asked in writing to mark deletions and corrections of supplement 2 by hand.

Recently, complaints have been received from various political parties that there is a variation in the marked copy of the electoral roll with the copies of electoral and supplement provided to the candidates of recognized political parties.

On the basis complaints received the Commission has reviewed the matter and has directed that

(1) Henceforth to avoid and discrepancy, the Returning Officers will themselves incorporate the addition and deletions of supplement 2 by hand in the copy of the electoral roll and supply one such copy of

electoral roll within 7 days after the last date of withdrawal of candidatures to the candidate of recognized political parties.

(2) One copy shall be kept with Returning Officers/District Election Officers for inspection.

This shall be brought to notice to all concerned for strict compliance.

Yours faithfully

Sd/-

(R.K.Srivastava)
Pr. Secretary

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/Inst /EPS/2013 | 242. to 246 Date: 26th Oct. 2013

The Chief Electoral Officer

1. Chhattisgarh
2. Rajasthan
3. Madhya Pradesh
4. Mizoram
5. Delhi

Integration carrying out correction, printing and sharing of photo rolls with political parties and contesting candidate.

I am directed to state that a copy of the Commissions' letter no. 22/2/2012/ERS-II dated 15th January, 2012 on the subject cited was circulated to the Chief Electoral Officers of all States/UTs.

During the visit of the Commission to various states it was brought to the notice of the Commission that some of the States have not received the instructions referred to above. In view of this as desired by the Commission a copy of letter no. 22/2/2012/ERS-II dated 15th January, 2012 is forwarded herewith for ensuring strict compliance.

Yours Faithfully

Sumit Mukherjee

(Secretary)

जारी किया / ISSUED ON 26 OCT 2013 भारत निर्वाचन आयोग Election Commission of India नई दिल्ली / New Delhi

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

F. No. 22/2/2013-ERS

Dated : 30th October, 2013

To

The Chief Electoral Officers of
All states / Union Territories.

Sub.: Guidelines for Application Form 6 – modification - reg.

Reference :- (i) Commission's Letter No. 23/2010-ERS – II, dated 7th June, 2011.
(ii) Commission's Letter No. 23/2010-ERS – II, dated 10th May, 2012.
(iii) Commission's Letter No. 23/2012-ERS/Vol-IV, dated 8th August, 2012.
(iv) Commission's Letter No. 23/2010-ERS –Vol-II, dated 5th April, 2013.

Sir/Madam,

I am directed to state that the Commission has issued Guidelines for guidance of the applicants for filling up claim application in Form 6. These Guidelines are attached to Form 6. In course of time, for facilitation of electors, the Commission has issued several instructions regarding revision of rolls. All these instructions have been suitably incorporated in the Guidelines and the revised Guidelines are enclosed herewith for your information and necessary action.

2. I am further to refer to the above correspondence and to state that the Commission has decided to accept Rent Agreement signed between a landlord and a tenant as an alternative document as proof of ordinary residence, in addition to the documents already specified as proof of residence vide the Commission's first two letters referred to above. This document has also been included in the list of documents specified under item number 7 of the Guidelines.

3. I am also to refer to the letter No. 23/2012-ERS/Vol-IV dated 8th August, 2012 mentioned above and to say that the Form of Oath and Affirmation (to be made by either of the parents / guru of the first time applicant who has no age proof) attached therewith has also been slightly modified and is being sent herewith for your reference.

4. Kindly acknowledge receipt of the letter.

Yours faithfully,

(Ajoy Kumar)
UNDER SECRETARY

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FORM 6

[See rules 13(1) and 26]

Application for inclusion of name in electoral roll

To

The Electoral Registration Officer

.....Assembly/ Parliamentary £ Constituency.

Sir,

I request that my name be included in the electoral roll for the above Constituency. Particulars in support of my claim for inclusion in the electoral roll are given below:

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX

I. Applicant's details	Name			Surname (if any)
Age as on 1st January .....#		Years:	Months:	Sex (male/female/others):
Date of birth, if known:	Day:		Month:	Year:
Place of birth:	Village/ Town:			
	District:			State:
* Father's/ Mother's/ Husband's	Name			Surname (if any)

II. Particulars of place of present ordinary Residence (Full address)

House/ Door number:								
Street/ Area/Locality/ Mohalla/Road:								
Town/ Village:								
Post Office:				Pin Code:				
Tehsil/ Taluka/ Mandal/ Thana:								
District:								

III. Details of member(s) of applicant's family already included in the current electoral roll of the Constituency:

Name	Relationship with applicant	Part number of the roll of the Constituency	Serial number in that Part	Elector's Photo Identity Card Number
1.				
2.				

£ In case of Union territories having no Legislative Assembly and the State of Jammu & Kashmir.

Please give the year i.e. 2007, 2008, etc.

* Strike out the inappropriate alternative

IV. Declaration

I hereby declare that to the best of my knowledge and belief: -

(i) I am a citizen of India;

(ii) I am ordinarily resident at the address given in para II above since .....(date, month, year) .

(iii) I have not applied for the inclusion of my name in the electoral roll for any other constituency;

(iv) *My name has not already been included in the electoral roll for this or any other assembly constituency;

Or

*My name may have been included in the electoral roll for_____ Constituency in _____State in which I was ordinarily resident earlier at the address mentioned below and if so, I request that the same may be deleted from that electoral roll.

Full Address (Earlier Place of ordinary residence)	Electors Photo Identity Card number (if already issued)_____ Date of issue _____
_____ _____ _____ _____	

Place:
Date:

Signature or thumb impression of the applicant

Please give your mobile number /E-mail I.D (Optional)/.....

A) Note – ***Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under Section 31 of the Representation of the People Act, 1950 (43 of 1950).***

* Strike out the inappropriate alternative.

Details of action taken
(To be filled by Electoral Registration Officer of the constituency)

The application of
Shri/Smt./Km.....for inclusion of name in the electoral roll in Form 6 has been accepted*/rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20*/26(4)]£ or* rejection [under or in pursuance of rule 17/20*/26(4)£]:

Place: Date	Signature of Electoral Registration Officer	(Seal of the Electoral Registration Officer)

£ During continuous updating after final publication of electoral roll.

* Strike out the inappropriate alternative.

Remarks of Field Level Officers (e.g BLO, Designated Officer, Supervisory Officer)

[This page should be thick enough so that it does not get mutilated /damaged in postal transit]

Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

The application in Form 6 of
**Shri/ Shrimati/ Kumari.....

** (Full address)	
House/ Door number:	
Street/ Area/Locality/ Mohalla/Road:	
Town/ Village:	
Post Office:	Pin Code:
Tehsil/ Taluka/ Mandal/ Thana:	
District:	

** To be filled in by the applicant.

----------Second Fold----------

Section-II

has been—
(a) accepted and the name of Shri/Shrimati/Kumari.....has been registered at Serial No.....in Part No..... of AC No. .....
(b) rejected for the reason.....

Date.....

Electoral Registration Officer.
(Address).....
.....
.....

.....Perforation for detachment.....

Receipt for application

Received the application in Form 6 of ** Shri/Shrimati/Kumari.....
**Address.....

Date.....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) .....

** To be filled in by the applicant.

GUIDELINES FOR FILLING UP THE APPLICATION FORM-6
General Instructions

Who can file Form-6

A. An Indian citizen who has attained age of 18 years or more on the first day of January of the year with reference to which the electoral roll is being revised. For example, for revision being conducted with reference to 1.1.2014 as qualifying date, a person completing 18 years of age on 1.1.2014 (i.e. a person born on or before 1.1.1995) is eligible to get enrolled as an elector and thus can file Form 6.

B. A person shifting his / her place of ordinary residence outside the constituency in which he / she is already registered.

When Form-6 can be filed

The application can be filed throughout the year. During the revision of electoral roll, it can be filed after draft publication of electoral roll of the constituency. The application is to be filed within the specific period provided for filing of claims and objections. Due publicity is given about the above period when the revision programme is announced. Only one copy of the application is to be filed during the revision programme. During non-revision period, application must be filed in duplicate.

Where to file Form-6

A. During revision period, the application can be filed at the designated locations where the draft electoral roll is displayed (mostly polling station locations) as well as the offices of Electoral Registration Officer and Assistant Electoral Registration Officer of the constituency. The application can also be filed online on the website of Chief Electoral Officer of the State concerned.

B. When revision programme is not going on, the application can be filed only with the Electoral Registration Officer or can be filed online.

How to fill Form-6

1. The application should be addressed to the Electoral Registration Officer of the constituency in which you seek registration. The name of the constituency should be mentioned in the blank space given for the purpose.

2. **Name**
The name as it should appear in the electoral roll and Electors Photo Identity Card (EPIC) should be furnished. The full name should be written in the first box and surname should be written in the second box. In case you do not have a surname, just write the given name. Caste should not be mentioned except where the caste name is used as part of the elector's name or a surname. Honorific appellations like Shri, Smt. Kumari, Khan, Begum, Pandit etc. should not be mentioned. Please mention your name in English and official language of the State both, if possible.

3. **Age and Date of Birth**

A. The age of the applicant should be 18 years or more on 1st day of January of the year with reference to which the electoral roll is being revised. Fill up the Date of Birth in figures in the space provided in dd/mm/yyyy. If the age of the applicant is between 18 and 21 years, a documentary proof of Date of Birth should be attached. A copy of any one of the following documents can be attached as a proof of Date of Birth:-

i) Birth certificate issued by a Municipal Authorities or district office of the Registrar of Births & Deaths or Baptism certificate ; or
ii) Birth certificate from the school (Govt. / Recognized) last attended by the applicant or any other recognized educational institution ; or
iii) If a person in class 10 or more pass, he should give a copy of the marksheet of class 10, if it contains date of birth as a proof of date of birth ; or
iv) Marksheet of class 8 if it contains date of birth ; or
v) Marksheet of class 5 if it contains date of birth ; or
vi) Indian Passport ; or
vii) PAN card ; or
viii) Driving License ; or
ix) Aadhar letter issued by UIDAI.

B. In case none of the above document is available, a declaration in prescribed format given in Annexure – I (enclosed with the guidelines) made by either of the parents of the applicant (or by guru in case of an elector in transsexual category) can be given. In those cases where parental declaration is given as proof of age, the applicant will have to be present himself for verification before Booth Level Officer /Assistant Electoral Registration Officer / Electoral Registration Officer. Further, if none of the above document is available and neither of the parents is alive, the applicant can attach a certificate of his age given by a sarpanch of the concerned Gram Panchayat or by a member of the concerned Municipal Corporation / Municipal Committee.

C. In cases where the applicant is more than 21 years and physically appears to be so to Booth Level Officer /Assistant Electoral Registration Officer / Electoral Registration Officer, declaration of age by him / her will be taken as proof of age and no documentary proof will be insisted on. The age should be indicated in years and completed months as on the qualifying date i.e. 1st January, of the year with the reference to which electoral roll is being revised.

4. **Sex**

Write your sex in full in the space provided e.g. 'Male' / 'Female'. The applicants may indicate their sex as 'Other' where they do not want to be described as 'Male' or 'Female'.

5. **Place of Birth**

Please mention name of place like Village / Town, District, State.

6. **Relation's Name**

In case of an unmarried female applicant, name of Father / Mother is to be mentioned. In case of a married female applicant, name of Husband is to be mentioned. Strike out the inapplicable options in the column.

7. **Place of Ordinary Residence**

A. Fill up the full and complete postal address including PIN code where you are ordinarily residing and want to get registered, in the space provided. A copy of any of the following documents should be attached as a proof of ordinary residence: -

(i) Bank / Kisan / Post Office current Pass Book ; or
(ii) Ration Card ; or
(iii) Passport ; or
(iv) Driving License ; or
(v) Income Tax Assessment Order ; or
(vi) Latest rent agreement ; or
(vii) Latest Water / Telephone / Electricity / Gas Connection Bill for that address, either in the name of the applicant or that of his / her immediate relation like parents etc. ; or
(viii) Any post / letter / mail delivered through Indian Postal Department in the applicant's name at the address of ordinary residence.

B. In case of a homeless person, who does not possess any of the documents mentioned above, Booth Level Officer will visit the address given in Form 6 at night to ascertain that the homeless person actually sleeps at the place which is given as his address in Form 6. If the Booth Level Officer is able to verify that the homeless person actually sleeps at that place, no documentary proof of place of residence shall be necessary. Booth Level Officer must visit for more than one night for such verification.

C. In case of a student residing at the place of study, in hostel or mess managed by the educational institutions or elsewhere will have the option to get himself / herself registered as elector at his / her native place with his / her parents or at the address of hostel / mess where he / she resident or the time being for pursuing his / her studies. The course pursued by the said students should be recognized by Central / State Governments / Boards / Universities / Deemed Universities and such courses should be of not less than 1 year's duration. Such student who wants to enroll himself / herself at the hostel / mess will have to attach a bonafide certificate (as per the specimen at Annexure II) from the Headmaster / Principal / Director / Registrar / Dean of the educational institution with Form 6.

8. **Details of Family Members Already Included in the Electoral Roll**
Please fill up name and other particulars of immediate family members i.e. Father / Mother / Brother / Sister / Spouse residing at the same address included in the current electoral roll of the constituency. Name of any relative other than the above should not be mentioned.

9. **Declaration**

A. Please indicate date from which you are residing at the given address. If you are not able to recall the exact date, mention the month and year from which you are residing at that place.
B. If your name is already included in the electoral roll of any other constituency, please write legibly the complete previous address with PIN code.
C. If you already have been issued with an EPIC (Electors Photo Identity Card) please mention the card number (printed on the front side) and date of issue (printed on the back side) of the card in the space provided. You can check you EPIC number at the website of the Chief Electoral Officer of the State.

10. **Miscellaneous**

A. Please fill up all the required details in application. Incomplete application form will be liable to be rejected.
B. Please also give your full name and address in the acknowledgement and intimation portions.
C. Please give your mobile number and E-mail I.D in the Form, which is optional, as the same ,if given, may be used by the Electoral Registration Officer for further communication with you whenever required.

ANNEXURE – I

FORM OF OATH OR AFFIRMATION

(To be made by either of the parents / Guru of the first time applicant in the age group of 18-21 years who has no age proof)

I, ... whose name is enrolled at the Serial No. ..... in the Part No..... of electoral roll of the ..... Assembly Constituency do swear in the name of God / solemnly affirm that my son / daughter / chela ..... is ..... years of age as on 1st January, 20 ..... and is residing with me.

Place :
Date :

Signature of the parent / Guru

Sworn in the name of God / solemnly affirmed by Shri / Shrimati .....at .... (Place) at ..... (hour) this the ..... day of ..... 20 ..... before me.

Signature of Electoral Registration Officer / Assistant Electoral Registration Officer with Seal

ANNEXURE – II

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX

DECLARATION BY STUDENTS LIVING IN HOSTELS / MESSES / ELSEWHERE

(TO BE ATTACHED WITH FORM 6)

I. I ..... (NAME IN BLOCK LETTERS). son / daughter of _____ resident of _____ (complete postal address of native place). Hereby declare that :-

(a) I am a bonafide student of _____ (name of the institution) and pursuing _____ (details of the course) from _____ (month)_____ (year) to _____ (month) _____ (year);

* (b) I am presently residing at –

(i) _____ (if residing in hostel/mess, mention Room No. / Block No./Block Name, etc. of the hostel/mess).

OR

* (ii) _____ (if residing elsewhere outside the hostel / mess, mention complete postal address of the place of stay outside the hostel / mess).

(c) * I want to be registered in the electoral roll/retain my registration in the electoral roll of my native place at my above – mentioned residential address with my parents / guardian.

OR

* I want to be registered in the electoral roll of the constituency where I am presently residing.

II. I am aware that registration in the electoral roll of more than one constituency or more than once in a constituency is not permitted under the election law and am also aware of the penal provisions of Sec. 31 of the R.P. Act, 1950, which reads as follows:-

"If any person makes in connection with (a) the preparation, revision or correction of an electoral roll, or (b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, **he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.**"

Place :
Date :

(signature of the student)

It is certified that the information given in the declaration at (a) above and the photograph have been verified from the records of the institution and are found to be correct.

Place/Date :

Signature and seal of the Head Master / Principal / Registrar / Director / Dean

* **Strike out the inapplicable alternatives.**
Note – The onus of delivery of the declaration to the ERO concerned will lie on the applicant.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23/2013 – ERS

Dated : 22nd November, 2013

To

The Chief Electoral Officers of
All states / Union Territories.

Sub.: Disposal of claims and objections received after period for filing claims and objections during revision process - reg.

Sir/Madam,

A question has been raised by certain Chief Electoral Officers whether claims and objections received by Electoral Registration Officers after the period for filing of claims and objections is over should be taken up for disposal during the ongoing revision period or after the final publication of electoral rolls with respect to the ongoing special summary revision.

The issue has been examined in detail and it is clarified that all such applications which have been received after the last date for making claims and objections should be considered after final publication of roll in January, 2014, as part of continuous updation of the 2014 roll.

(This disposes reference No. EL.25/2013/78 dated 28th October, 2013 received from Chief Electoral Officer, Meghalaya.)

Yours faithfully,

(AJOY KUMAR)
UNDER SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 3/1/2009/SDR

Dated: 27th November, 2013

To,

The Chief Electoral Officers
of all States/UTs

Subject: - Amendment to the Registration of Electors Rules, 1960-regarding

Sir,

I am directed to forward herewith a copy of the Registration of Electors (Amendment) Rules, 2013 as published in Extraordinary issue of the Gazette of India dated 24th October, 2013, and to state that by this Amendment, Rule 8B(Inclusion of names of overseas electors in the rolls),Rule14(Manner of lodging claims and objections),Rule15(Procedure of designated officers),Rule16 (Procedure of registration officers)&Rule34(Disposal of electoral rolls and connected papers) of the R.E.Rules, 1960 and Forms 6,6A,7,8and 11A appended thereto, have been amended. In addition, two Rules 27(Appeals from under rule 26) and 32(Custody and preservation of rolls and connected papers) of the R.E. Rules 1960 have also been substituted by new rules.

2. The consequences of the amendments are following:-

(i) Overseas electors can now file application for inclusion of name in electoral roll in Form 6A "electronically" also, apart from directly to registration officer concerned or sending to him by post.

(ii) Now all applications for inclusion/deletion/correction of particulars or transposition of entries can also be filed electronically to registration officer.

(iii) List of applications for transposition of entries in electoral roll received in form 8A by designated officer or registration officer are required to be maintained in new Form 11A.

(iv) Appeal under Section 24 of the R.E. Rules 1960 against the order of the Electoral Registration officer (during continuous updation) passed under section 22 or 23 of the R.P. act 1950 will first lie before the DM/ADM/Executive Magistrate/District collector without any fee within the period of fifteen days of the order appealed from or sent by registered post so as to reach him within that period. A further appeal against the order of DM/ADM/Executive Magistrate/District collector on the first appeal will lie before the CEO of the State within the period of thirty days of the order appealed from or sent by registered post so as to reach him within that period.

(v) One authenticated printed copy of the roll will now be retained by the registration officer till at least one year after final publication of roll after the next intensive revision, or summary revision, as thecase may be. One

authenticated printed copy of the roll along with one copy of the roll in electronic form will have to be retained by the office of the District Election Officer as a permanent record. All other papers connected to revision of the roll including Forms 6, 6A, 7, 8 and 8A will be retained at least for three years after the completion of the next intensive revision or summary revision, as the case may be.

(vi) In Forms 6,7,8, and 8A appended to the R.E. Rules 1960, applicant will now have to mention mobile phone number and e-mail-id, if any.

(vii) In Form 6A overseas applicant will have to indicate contact number and e-mail id.

3. The provisions of theRegistration of Electors (Amendment) Rules, 2013, may pleasebe brought to the notice of all Electoral Registration Officer and election authorities in your State/Union Territory for their information and compliance

4. Kindly acknowledge receipt.

Yours faithfully,

(N.T.Bhutia)
Under Secretary

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 24 अक्तूबर, 2013

का.आ. 3242(अ).—केन्द्रीय सरकार, निर्वाचन आयोग से परामर्श के पश्चात्, लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 28 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचक रजिस्ट्रीकरण नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचक रजिस्ट्रीकरण (संशोधन) नियम, 2013 है ।

(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. निर्वाचक रजिस्ट्रीकरण नियम, 1960 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 8ख के उपनियम (1) में, "सीधे आवेदन कर सकेगा या " शब्दों के पश्चात् , "इलेक्ट्रानिकी रूप में या" शब्द अंतःस्थापित किए जाएंगे ।

3. उक्त नियमों के नियम 14 में, -

(i) प्रारंभिक भाग में, "आक्षेप" शब्द के पश्चात्, "या विशिष्टियों में शुद्धि के लिए या प्रविष्टियों के क्रम में परिवर्तन के लिए आवेदन " शब्द अंतःस्थापित किए जाएंगे ;

(ii) खंड (ख) में, "रजिष्ट्रीकरण अधिकारी को डाक द्वारा" शब्दों के स्थान पर "रजिष्ट्रीकरण अधिकारी को डाक द्वारा ; या" शब्द रखे जाएंगे ;

(iii) यथा संशोधित खंड (ख) के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा :-

"(ग) रजिस्ट्रीकरण अधिकारी को इलेक्ट्रोनिकी रूप में प्रस्तुत किया जाएगा ।"।

4. उक्त नियमों के नियम 15 में, -

(क) उपनियम (1) में, खंड (क) में,

(i) "प्ररूप 10 में सूची और " शब्दों और अंकों के स्थान पर "प्ररूप 10" शब्द और अंक रखे जाएंगे ;

(ii) " प्ररूप 11" शब्द और अंकों के पश्चात्, " और प्ररूप 11क में प्रविष्टियों को अन्यत्र रखे जाने के लिए एक सूची " शब्द, अंक और अक्षर अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में, "आक्षेप" शब्द के पश्चात् , "या विशिष्टियों में शुद्धि के लिए या प्रविष्टियों को अन्यत्र रखे जाने के लिए आवेदन " शब्द अंतःस्थापित किए जाएंगे ।

5. उक्त नियमों के नियम 16 मे खंड (क) मे :-

(क) "प्ररूप 9, 10 और 11 में तीन सूचियां" शब्दों और अंकों के स्थान पर " प्ररूप 9, 10, 11 और 11क में चार सूचियां" शब्द, अंक और अक्षर रखे जाएंगे ;

(ख) "आक्षेप" शब्द के पश्चात् , "या विशिष्टियों में शुद्धि के लिए या प्रविष्टियों प्रविष्टियों को अन्यत्र रखे जाने के लिए आवेदन" शब्द अंतःस्थापित किए जाएंगे ।

6. उक्त नियमों में नियम 27 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:-

" **27. अधिनियम की धारा 24 के अधीन अपीलें-** (1) अधिनियम की धारा 24 के खंड (क) के अधीन प्रत्येक अपील-

(क) अपीलार्थी द्वारा हस्ताक्षरित ज्ञापन के रूप में होगी ;

(ख) अपील के साथ जिस आदेश के विरुद्ध अपील की गई है की प्रति होगी ; और

(ग) अपील किए गए आदेश की तारीख से पंद्रह दिन के भीतर जिला मजिस्ट्रेट या अपर जिला मजिस्ट्रेट या कार्यकारी मजिस्ट्रेट या जिला कलेक्टर या निर्वाचक आयोग द्वारा राजपत्र में यथा अधिसूचित समतुल्य रैंक के अधिकारी को प्रस्तुत की जाएगी या रजिस्ट्रीकृत डाक से भेजी जाएगी ताकि उस अवधि के भीतर उन तक पहुंच सके :

परंतु यह कि ऐसा मजिस्ट्रेट, कलेक्टर या अधिकारी उसे अपील प्रस्तुत करने में विलंब को माफ कर सकेगा यदि उसका यह समाधान हो जाता है कि अपीलार्थी के पास विनिर्दिष्ट समय के भीतर अपील प्रस्तुत न करने के पर्याप्त कारण थे ।

(2) अधिनियम की धारा 24 के उपखंड (ख) के अधीन प्रत्येक अपील-

(क) अपीलार्थी द्वारा हस्ताक्षरित ज्ञापन के रूप में होगी ;

(ख) अपील के साथ जिस आदेश के विरुद्ध अपील की गई है की प्रति होगी ; और

(ग) अपील किए गए आदेश की तारीख से तीस दिन के भीतर मुख्य निर्वाचन अधिकारी को प्रस्तुत की जाएगी या रजिस्ट्रीकृत डाक से भेजी जाएगी ताकि उस अवधि के भीतर उन तक पहुंच सके:

परंतु यह कि ऐसा मुख्य निर्वाचन अधिकारी उसे अपील प्रस्तुत करने में विलंब को माफ कर सकेगा यदि उसका यह समाधान हो जाता है कि अपीलार्थी के पास विनिर्दिष्ट समय के भीतर अपील प्रस्तुत न करने के पर्याप्त कारण थे ।

(3) उपनियम (1) और उपनियम (2) के प्रयोजनों के लिए किसी अपील को प्रस्तुत किया गया माना जाएगा जब अपील का ज्ञापन अपीलार्थी द्वारा या उसके निमित्त संबंधित मजिस्ट्रेट, कलेक्टर, अधिकारी या, यथास्थिति, संबंधित मुख्य निर्वाचन अधिकारी या इस निमित्त उसके द्वारा नियुक्त किसी अन्य व्यक्ति को परिदत्त कर दिया जाता है ।" ।

7. उक्त नियमों में नियम 32 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :-

" **32. नामावलियों और संसक्त कागज पत्रों की अभिरक्षा और परिरक्षण-** पुनरीक्षण के पश्चात् किसी नामावली का अंतिम प्रकाशन,-

(क) नामावली की अधिप्रमाणित एक मुद्रित प्रति रजिस्ट्रीकरण अधिकारी द्वारा, यथास्थिति, अगले गहन पुनरीक्षण या संक्षिप्त पुनरीक्षण के पश्चात् ऐसे अंतिम प्रकाशन के पश्चात् कम से कम एक वर्ष तक रखी जाएगी ;

(ख) नामावली की एक अधिप्रमाणित मुद्रित प्रति स्थायी अभिलेख के रूप में जिला निर्वाचन अधिकारी द्वारा रखी जाएगी;

(ग) नामावली की इलेक्ट्रानिकी रूप में प्रति स्थायी अभिलेख के रूप में जिला निर्वाचन अधिकारी के कार्यालय में रखी जाएगी;

(घ) नामावली की अतिरिक्त प्रतियों का अगला पुनरीक्षण पूरा होने के पश्चात् यथाशीघ्र निर्वाचन आयोग के पूर्व अनुमोदन से निपटान किया जा सकेगा ;

(ङ) नामावलियों के पुनरीक्षण से संबंधित सभी अन्य कागज पत्र जैसे कि प्रगणना पैड, गृह-से-गृह सत्यापन के लिए उपयोग की गई नामावलियों की प्रतियों, उनके आधार पर तैयार की गई पांडुलिपियों, प्रविष्टियों में शुद्धि के लिए दावे और आक्षेप तथा प्रविष्टियों को अन्यत्र रखा जाना (प्ररूप 6, प्ररूप 6क, प्ररूप 7, प्ररूप 8 और प्ररूप 8क) तथा उनके निपटान से संबंधित सभी कागज पत्र यथास्थिति अगले गहन पुनरीक्षण या संक्षिप्त पूरा होने के पश्चात् कम से कम तीन वर्ष तक रखे जाएंगे ।

स्पष्टीकरण- इस नियम के प्रयोजनों के लिए, "इलेक्ट्रानिकी रूप" और " इलेक्ट्रानिक अभिलेख" का क्रमशः वही अर्थ होगा जो उनका सूचना प्रौद्योगिकी अधिनियम, 2000(2000 का 21) की धारा 2 के खंड (द) और खंड (ट) में है ।" ।

8. उक्त नियमों में नियम 34 के उपनियम (2) का लोप किया जाएगा ।

9. उक्त नियमों से उपाबद्ध प्ररूप 6 के स्थान पर निम्नलिखित प्ररूप रखा जाएगा, अर्थात् :-

"प्ररूप 6

[नियम 13(1) और 26 देखिए]

निर्वाचक नामावली में नाम सम्मिलित किए जाने के लिए आवेदन

पूरे चेहरे को सामने से उपदर्शित करते हुए नवीनतम फोटो (3.5 सें.मी. X 3.5 सें.मी.) चिपकाने के लिए स्थान

सेवा में,

निर्वाचक रजिस्ट्रीकरण अधिकारी,

.....सभा निर्वाचन-क्षेत्र/संसदीय निर्वाचन-क्षेत्र ।

महोदय,

मैं प्रार्थना करता हूं कि उक्त निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में मेरा नाम सम्मिलित कर लिया जाए । निर्वाचक नामावली में सम्मिलित किए जाने के लिए मेरे दावे के समर्थन में विशिष्टियां नीचे दी गई हैं :

1. आवेदक का ब्यौरा	नाम		उपनाम (यदि कोई है)
1 जनवरी..... # को आयु	वर्ष :	मास :	लिंग (पुरुष/स्त्री/अन्य) :
जन्म-तिथि, यदि ज्ञात है :	दिन :	मास :	वर्ष :
जन्म का स्थान :	ग्राम/नगर :		

	जिला :	राज्य :
	नाम	उपनाम (यदि कोई है)
* माता/ पिता/ का नाम पति/		
2.मामूली तौर पर निवास स्थान की विशिष्टियां (पूरा पता) :		
मकान / गृह सं0 :		
गली/क्षेत्र/पक्षिेत्र/मोहल्ला/सड़क :		
नगर/ग्राम :		
कस्बा/गांव		
डाकघर	पिन कोड :	
तहसील/ताल्लुका/मंडल/थाना :		
जिला :		
मोबाइल :	ई-मेल:	

£ ऐसे संघ राज्यक्षेत्र जहां विधान सभा नहीं है और जम्मू-कश्मीर राज्य के मामले में ।

कृपया वर्ष लिखें अर्थात् 2007, 2008, आदि ।

*अनुपयुक्त विकल्प को काट दें ।

डाकघर :	पिन कोड :
तहसील/तालुक/मंडल/थाना :	
जिला :	
मोबाइल :	ई-मेल:

3. निर्वाचन-क्षेत्र की वर्तमान निर्वाचक नामावली में पहले से ही सम्मिलित किए गए आवेदक के कुटुंब के सदस्य(यों) के ब्यौरे :

नाम	आवेदक के साथ नातेदारी	निर्वाचन-क्षेत्र की नामावली का भाग सं0	उस भाग में क्रम सं0	**पूरे चेहरे को सामने से उपदर्शित करते हुए नवीनतम फोटो (3.5 सें.मी. X 3.5 सें.मी.) चिपकाने के लिए स्थान**
1.				
2.				

£ ऐसे संघ राज्यक्षेत्र जहां विधान सभा नहीं है और जम्मू-कश्मीर राज्य के मामले में ।

कृपया वर्ष लिखें अर्थात् 2007, 2008, आदि ।

*अनुपयुक्त विकल्प को काट दें ।

4. घोषणा :

मैं घोषणा करता हूं कि अपने सर्वोत्तम ज्ञान और विश्वास के अनुसार

(i) मैं भारत का नागरिक हूं

(i) मैं----------से (तारीख, मास, वर्ष) ऊपर भाग-2 मे दिए गए पते वाले स्थान मे मामूली तौर से निवासी हूँ .

(ii) मैंने किसी अन्य निर्वाचन- क्षेत्र के लिए निर्वाचक नामावली में अपना नाम सम्मिलित किए जाने के लिए आवेदन नही किया है .

(ii) *इस या किसी अन्य सभा निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में मेरा नाम पहले से ही सम्मिलित नहीं किया गया है

या

*मेरा नाम———राज्य के——— निर्वाचन-क्षेत्र के, जिसमें मैं नीचे उल्लिखित पते पर पहले से ही मामूली तौर से निवास कर रहा था निर्वाचक नामावली में सम्मिलित कर लिया गया होगा और यदि ऐसा है तो मैं प्रार्थना करता हूं कि उसे उस निर्वाचक नामावली से हटा दिया जाए ।

पूरा पता (मामूली तौर से निवास का पूर्व स्थान)

पूरा पता(मामूली रूप से निवास का पूर्व स्थान)	निर्वाचक फोटो पहचान पत्र सं0 (यदि जारी किया गया है)..... ;जारी करने की तारीख.....;
स्थान :	आवेदक के हस्ताक्षर या अंगूठे का निशान
तारीख :	

टिप्पण- कोई व्यक्ति ऐसा कथन या घोषणा करता है जो मिथ्या है और जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का उसे विश्वास नहीं है वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दंडनीय है ।

*अनुपयुक्त विकल्प को काट दें ।

की गई कार्रवाई के ब्यौरे
(निर्वाचन-क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाना है)

श्री/श्रीमती/कुमारी ----------के निर्वाचक नामावली में श्री/श्रीमती/कुमारी ----------के नाम को शामिल करने/* हटाने के लिए प्ररूप 7 में आवेदन को *स्वीकार कर लिया गया है/*नामंजूर कर दिया गया है ।

स्वीकार करने [नियम 18/*20/*26/(4)]$^{£}$ के अधीन या उसके अनुसरण में] या * नामंजूर करने [नियम 17/* 20/*26/(4)$^{£}$ के अधीन या उसके अनुसरण में] के लिए विस्तृत कारण :

स्थान : निर्वाचक रजिस्ट्रीकरण आफिसर के हस्ताक्षर (निर्वाचक रजिस्ट्रीकरण आफिसर की मुहर)

तारीख :

$^{£}$ निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् उसे लगातार अद्यतन बनाए रखने के दौरान ।

* अनुपयुक्त विकल्प को काट दें ।

क्षेत्रीय स्तर के अधिकारियों की टिप्पणियां (अर्थात् बीएलओ, पदाविहित अधिकारी, पर्यवेक्षक अधिकारी)

[यह पृष्ठ इतना मोटा होना चाहिए कि डाक में पारेषण के दौरान विकृत या नष्ट न हो जाए]

की गई कार्रवाई की संसूचना
पृष्ठ के अनुभाग 2 को निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा भरा जाना है और आवेदक द्वारा अनुभाग 1 में दिए गए पते पर डाक द्वारा भेजा जाना है

——————————पहला मोड——————————

अनुभाग 1

निर्वाचक रजिस्ट्रीकरण प्राधिकारी द्वारा परेषण के समय डाक टिकट चस्पा किए जाने हैं

** श्री/श्रीमती/कुमारी ——————का प्ररूप 6 में आवेदन

** (पूरा पता)								
गृह /मकान संख्या :								
गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :								
कस्बा/गांव								
डाकघर	पिन कोड :							
तहसील/ताल्लुका/मंडल/थाना :								
जिला :								

** आवेदक द्वारा भरा जाएगा

——————————दूसरा मोड——————————

अनुभाग 2

(क) स्वीकार कर लिया गया है और श्री/श्रीमती/कुमारी————को सभा निर्वाचन क्षेत्र——————के ——भाग सं. ——————के क्रम संख्या——————पर रजिस्ट्रीकृत कर लिया गया है

(ख) ——————कारण से अस्वीकृत कर लिया गया है

तारीख	निर्वाचक रजिस्ट्रीकरण अधिकारी (पता)———————— ———————— ————————

.....अलग करने के लिए छिद्रक.....

आवेदन की रसीद

श्री/श्रीमती/कुमारी..... पता.....का प्ररूप 6 में आवेदन प्राप्त हुआ ।

तारीख.....

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले आफिसर के
हस्ताक्षर

(पता).....

.....

**आवेदक द्वारा भरा जाएगा ।

10. भाग क में इन नियमों से उपाबद्ध प्ररूप 6क में, क्रम संख्या 1 पर--

(क) मद (ङ) और उससे संबंधित प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित मद और प्रविष्टियां रखी जांएगी, अर्थात् :-

'(ङ) लिंग (पुरुष/स्त्री/अन्य).....

[आवेदक पुरुष/स्त्री/अन्य भरने के लिए उपबंधित स्थान में, अपना लिंग 'अन्य ' के रूप में उपदर्शित कर सकते हैं, जब वह स्वयं को पुरुष या स्त्री के रूप में वर्णित नहीं करवाना चाहते हैं"}';

(ख) मद (ञ) और उससे संबंधित प्रविष्टियो के पश्चात् निम्नलिखित मद और प्रविष्टियां अंत:स्थापित की जाएगी, अर्थात् :-

"(ट) सम्पर्क संख्या/ ई-मेल के ब्यौरे-

सम्पर्क संख्या.....

ई-मेल..... "।

11. उक्त नियमों में उनके साथ उपाबद्ध प्ररूप 7, प्ररूप 8 और प्ररूप 8क के स्थान पर क्रमशः निम्नलिखित प्ररूप रखे जाएंगे, अर्थात् :-

प्ररूप 7

[नियम 13(2) और 26 देखिए]

निर्वाचक नामावली में नाम सम्मिलित किए जाने या हटाए जाने की वांछा पर आक्षेप के लिए आवेदन

सेवा में,

निर्वाचक रजिस्ट्रीकरण आफिसर

.....

विधान सभा/ [£] संसदीय निर्वाचन-क्षेत्र के ।

महोदय,

[@]मैं उपर्युक्त निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में नीचे उल्लिखित व्यक्ति का नाम सम्मिलित किए जाने के प्रस्ताव पर आक्षेप करता हूँ मेरेआक्षेप के समर्थन में विशिष्टियां नीचे दी जा रही हैं ।

या

[@]मैं निवेदन करता हूँ कि *मुझसे/*नीचे नामित व्यक्ति से संबंधित प्रविष्टि इसमें आगे कथित कारणों से हटाए जाने के लिए अपेक्षित है:

1. [@]उस व्यक्ति के ब्यौरे जिसका नाम सम्मिलित किए जाने पर आक्षेप किया गया है :	नाम		उपनाम (यदि कोई है)
[@]उस व्यक्ति के ब्यौरे जिसकी प्रविष्टि को हटाया जाना है :	निर्वाचक नामावली के उस भाग की सं0 जिसमें उसका नाम सम्मिलित किया गया है :	उस भाग में उसका/उसकी क्र0 सं0 :	निर्वाचक की फोटो पहचान पत्र सं0 (यदि जारी किया गया है) :

#2.	आक्षेपकर्ता के ब्यौरे	नाम	उपनाम (यदि कोई है)
	लिंग (पुरुष/स्त्री):	निर्वाचक नामावली के उस भाग की सं0 जिसमें आक्षेपकर्ता का नाम सम्मिलित किया गया है :	उस भाग में उसका / उसकी क्र0 सं0:
। माता पिता का नाम पति		नाम	उपनाम (यदि कोई है)

3. [@]आक्षेपकर्ता/[@]नाम हटाए जाने की ईप्सा करने वाले व्यक्ति के मामूली तौर पर निवास स्थान की विशिष्टियां (पूरा पता) :

मकान/ गृह सं0:

गली / क्षेत्र / परिक्षेत्र / मोहल्ला / सड़क:

नगर / गांव :

डाकघर : पिन कोड

तहसील / ताल्लुक / मंडल / थाना :	
जिला :	
मोबाइल :	ई-मेल:
4 आक्षेप*/ लोप* के कारण	

£ ऐसे संघ राज्यक्षेत्रों जिनमें विधान सभा नहीं हैं और जम्मू-कश्मीर राज्य के मामले में ।

@ पहला विकल्प, निर्वाचक नामावली तैयार किए जाने/उसका पुनर्विलोकन किए जाने के दौरान सुसंगत होगा * दूसरा विकल्प निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् उसे लगातार अद्यतन करने के दौरान सुसंगत होगा ।

*अनुपयुक्त विकल्प को काट दें ।

#भाग 2 वहां नहीं भरा जाना है जहां आवेदक स्वयं से संबंधित प्रविष्टि का लोप करने की वांछा करता है

5. घोषणा :

मैं घोषणा करता हूँ कि ऊपर उल्लिखित तथ्य और विशिष्टियाँ मेरे सर्वोत्तम ज्ञान और विश्वास के अनुसार सही हैं ।

स्थान :

तारीख : **आवेदक का हस्ताक्षर या अंगूठे का निशान**

टिप्पण - जो कोई व्यक्ति ऐसा कथन या घोषणा करता है जो मिथ्या है और जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का उसे विश्वास नहीं है, वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दण्डनीय है ।

*अनुपयुक्त विकल्प को काट दें ।

की गई कार्रवाई के ब्यौरे
(निर्वाचन-क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाना है)

श्री/श्रीमती/कुमारी ——————जो——————का/की निवासी है, के प्ररूप 7 में निर्वाचक नामावली में नाम सम्मिलित किए जाने के आवेदन को *स्वीकार कर लिया गया है/*नामंजूर कर दिया गया है ।

स्वीकार करने [नियम 18/*20/*26/(4)]£ के अधीन या उसके अनुसरण में] या *नामंजूर करने [नियम 17/* 20/*26/(4)£ के अधीन या उसके अनुसरण में] के लिए विस्तृत कारण :

स्थान : निर्वाचक रजिस्ट्रीकरण आफिसर के हस्ताक्षर (निर्वाचक रजिस्ट्रीकरण आफिसर की मुहर)

तारीख :

* अनुपयुक्त विकल्प को काट दें ।

£ निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् उसे लगातार अद्यतन बनाए रखने के दौरान ।

क्षेत्रीय स्तर के अधिकारियों की टिप्पणियां (अर्थात् बीएलओ, पदाविहित अधिकारी, पर्यवेक्षक अधिकारी)

[यह पृष्ठ इतना मोटा होना चाहिए कि डाक में पारेषण के दौरान विकृत या नष्ट न हो जाए]

की गई कार्रवाई की संसूचना

पृष्ठ के अनुभाग 2 को निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा भरा जाना है और आवेदक द्वारा अनुभाग 1 में दिए गए पते पर आवेदक को डाक द्वारा भेजा जाना है

——————————पहला मोड——————————

अनुभाग 1निर्वाचक रजिस्ट्रीकरण प्राधिकारी
द्वारा परेषण के समय डाक टिकट
चस्पा किए जाने हैं

** श्री/श्रीमती/कुमारी ----------का प्ररूप 7 मे आवेदन

** (पूरा पता)								
गृह /मकान संख्या :								
गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :								
कस्बा/गांव								
डाकघर	पिन कोड :							
तहसील/ताल्लुका/मंडल/थाना :								
जिला :								

** आवेदक द्वारा भरा जाएगा

----------दूसरा मोड----------

अनुभाग 2

(क) स्वीकार कर लिया गया है और श्री/श्रीमती/कुमारी------ के नाम को सभा निर्वाचन क्षेत्र----------के ------भाग सं. ------ ------के क्रम संख्या----------से लोप कर दिया गया है

(ख) ----------कारण से अस्वीकृत कर लिया गया है

तारीख	निर्वाचक रजिस्ट्रीकरण अधिकारी (पता)---------- ---------- ----------

.....अलग करने के लिए छिद्रक.....

आवेदन की रसीद

श्री/श्रीमती/कुमारी..... पता.....का प्ररूप 7 में आवेदन प्राप्त हुआ ।

तारीख.....

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले आफिसर के
हस्ताक्षर
(पता).....
.....

**आवेदक द्वारा भरा जाएगा ।

प्ररूप 8

[नियम 13(3) और 26 देखिए]

निर्वाचक नामावली में प्रविष्टि को अन्यत्र रखने के लिए आवेदन

		पूरे चेहरे को सामने से उपदर्शित करते हुए नवीनतम फोटो (3.5 सें.मी. X 3.5 सें.मी.) चिपकाने के लिए स्थान	

सेवा में,

निर्वाचक रजिस्ट्रीकरण आफिसर,

..... विधान सभा/संसदीय[$] निर्वाचन-क्षेत्र

महोदय,

मैं निवेदन करता हूं कि उपरोक्त निर्वाचन-क्षेत्र की निर्वाचक नामावली में आने वाली मुझसे संबंधित प्रविष्टि शुद्ध नहीं है और इसे शुद्ध कर दिया जाए । मेरे निवेदन के समर्थन में शुद्ध विशिष्टियां निम्नानुसार हैं :-

1. आवेदक के ब्यौरे	नाम	उपनाम (यदि कोई है)	
निर्वाचक नामावली का भाग सं. :	उस भाग में क्रम सं. :		
1 जनवरी, ...[#] - को ..... आयु :	वर्ष :	मास :	लिंग (पुरुष /स्त्री/ अन्य) :
जन्म तिथि, यदि ज्ञात है :	तारीख :	मास :	वर्ष :
*पिता माता का नाम पति	नाम	उपनाम (यदि कोई है)	

2. साधारण निवास स्थान की विशिष्टियां (पूरा पता) :

मकान/गृह सं. :

गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :

नगर/ग्राम :

डाकघर : पिन कोड : | | | | | | | |

तहसील/तालुक/मंडल/थाना :

जिला :

मोबाइल : ई-मेल:

3. निर्वाचक फोटो पहचान पत्र के ब्यौरे (यदि इस या किसी अन्य निर्वाचन-क्षेत्र में जारी किया गया है)

निर्वाचक फोटो पहचान-पत्र सं. :

निर्वाचन-क्षेत्र का नाम :

4. शुद्ध की जाने वाली प्रविष्टियों के ब्यौरे

इस प्ररूप में ऊपर उपलब्ध कराई गई जानकारी के अनुसार मेरा नाम - *आयु/*मेरे पिता/माता/पति का नाम/*लिंग/पिता/*निर्वाचक फोटो पहचान-पत्र सं0*शुद्ध कर दिया जाए ।

स्थान :

तारीख : निर्वाचक के हस्ताक्षर या अंगूठे का निशान

टिप्पण - जो कोई व्यक्ति ऐसा कथन या घोषणा करता है, जो मिथ्या है या जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का विश्वास नहीं है, वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दंडनीय है ।

[$] उन संघ राज्यक्षेत्रों की, जिनमें विधान सभा नहीं है और जम्मू-कश्मीर राज्य की दशा में ।

[#] कृपया वर्ष अर्थात् 2007, 2008 आदि दें ।

* अनुपयुक्त विकल्प को काट दें *

की गई कार्रवाई के ब्यौरे
(निर्वाचन-क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाए)

श्री/श्रीमती/कुमारी ———— के निर्वाचक नामावली मे प्रविष्टि की शुद्धि के लिए प्ररूप 8 मे आवेदन को स्वीकार/नामंजूर कर दिया गया है ।

स्वीकार *किए जाने [नियम 18*/20*/26* (4)$^{\$}$ के अधीन या अनुसरण में] या नामंजूर किए जाने [नियम 17/*20/*26 (4)$^{\$}$ के अधीन या अनुसरण में] के लिए विस्तृत कारण :

स्थान : तारीख :	निर्वाचक रजिस्ट्रीकरण आफिसर के हस्ताक्षर	(निर्वाचक रजिस्ट्रीकरण आफिसर की मुद्रा)

*अनुपयुक्त विकल्प को काट दें ।

$^{\$}$ निर्वाचक नामावली के अंतिम प्रकाशन के पश्चात् निरंतर अद्यतन करने के दौरान ।

क्षेत्रीय स्तर के अधिकारियों की टिप्पणियां (अर्थात् बीएलओ, पदाविहित अधिकारी, पर्यवेक्षक अधिकारी)

[यह पृष्ठ इतना मोटा होना चाहिए कि डाक में पारेषण के दौरान विकृत या नष्ट न हो जाए]

की गई कार्रवाई की संसूचना

पृष्ठ के अनुभाग 2 को निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा भरा जाना है और आवेदक द्वारा अनुभाग 1 में दिए गए पते पर डाक द्वारा भेजा जाना है

————————————पहला मोड————————————

अनुभाग 1

निर्वाचक रजिस्ट्रीकरण प्राधिकारी द्वारा परेषण के समय डाक टिकट चस्पा किए जाने हैं

** श्री/श्रीमती/कुमारी ————का प्ररूप 8 में आवेदन

**(पूरा पता)								
गृह /मकान संख्या :								
गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :								
नगर/ग्राम								
डाकघर	पिन कोड :							
तहसील/ताल्लुका/मंडल/थाना :								
जिला :								

** आवेदक द्वारा भरा जाएगा

————————————दूसरा मोड————————————

अनुभाग 2

(क) स्वीकार कर लिया गया है और ————को सभा निर्वाचन क्षेत्र————के ——भाग सं. ————के क्रम संख्या———— ————पर रजिस्ट्रीकृत कर लिया गया है

(ख) ————कारण से अस्वीकृत कर दिया गया है

तारीख	निर्वाचक रजिस्ट्रीकरण अधिकारी (पता)————

————————————अलग करने के लिए छिद्रक————————————

आवेदन की रसीद

श्री/श्रीमती/कुमारा———— पता————का प्ररूप 8 में आवेदन प्राप्त हुआ ।

तारीख.....

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले आफिसर के
हस्ताक्षर

(पता) ————

**आवेदक द्वारा भरा जाएगा ।

प्ररूप 8क

[नियम 13(4) और 26 देखिए]

निर्वाचक नामावली में प्रविष्टि को अन्यत्र रखने के लिए आवेदन

पूरे चेहरे को सामने से उपदर्शित करते हुए नवीनतम फोटो (3.5 सें.मी. X 3.5 सें.मी.) चिपकाने के लिए स्थान

सेवा में,
निर्वाचक रजिस्ट्रीकरण आफिसर,
———————— विधान सभा/संसदीय[$] निर्वाचन-क्षेत्र

महोदय,

मैं निवेदन करता हूं कि उपरोक्त निर्वाचन-क्षेत्र की निर्वाचक नामावली में आने वाली मुझसे*/नीचे नामित व्यक्ति से संबंधित प्रविष्टि, इस निर्वाचन-क्षेत्र की नामावली के सुसंगत भाग में अन्यत्र रख दी जानी चाहिए । अन्यत्र रखी जाने वाली प्रविष्टि की विशिष्टियां निम्नानुसार हैं :-

1. उस व्यक्ति के, जिसकी प्रविष्टि को अन्यत्र रखा जाना है, ब्यौरे	नाम		उपनाम (यदि कोई है)
	उस निर्वाचक नामावली का, जिसमें उसका नाम सम्मिलित है, भाग सं. :	उस भाग में उसका/उसकी क्रम सं. :	निर्वाचक फोटो पहचान पत्र सं. (यदि जारी किया गया हो) :
* पिता / माता / पति का नाम	नाम		उपनाम (यदि कोई है)

2. वर्तमान साधारण निवास स्थान की विशिष्टियां (पूरा पता) :								
मकान/गृह सं0 :								
गली/क्षेत्र/परिक्षेत्र/मोहल्ला/सड़क :								
नगर/ग्राम :								
डाकघर :	पिन कोड :							
तहसील/तालुक/मंडल/थाना :								
जिला :								
मोबाइलः	ई-मेलः							
3. आवेदन की तारीख को उपरोक्त पते पर लगातार निवास करने की अवधि	वर्ष :			मास :				
4. वह भाग सं., जिसमें प्रविष्टि अन्यत्र रखी जानी है (यदि ज्ञात हो) :								

[@]5. आवेदक के ब्यौरे	नाम :		उपनाम (यदि कोई है) :
	उस निर्वाचक नामावली की, जिसमें उसका नाम सम्मिलित है, भाग सं0 :	उस भाग में उसका/उसकी क्रम सं0 :	निर्वाचक फोटो पहचान पत्र सं. (यदि जारी किया गया है) :

टिप्पण - जो कोई व्यक्ति ऐसा कथन या घोषणा करता है, जो मिथ्या है या जिसके मिथ्या होने का या तो उसे ज्ञान या विश्वास है या जिसके सत्य होने का विश्वास नहीं है, वह लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 31 के अधीन दंडनीय है ।

[$] उन संघ राज्यक्षेत्रों की, जिनमें विधान सभा नहीं है और जम्मू-कश्मीर राज्य की दशा में ।

* अनुपयुक्त विकल्प को काट दें ।

[@] जहां आवेदक स्वयं से संबंधित प्रविष्टि को अन्यत्र रखने की मांग करता है वहां भाग 5 नहीं भरा जाए ।

6. घोषणा :

मैं घोषणा करता हूँ कि ऊपर उल्लिखित तथ्य और विशिष्टियाँ मेरे सर्वोत्तम ज्ञान और विश्वास के अनुसार सही हैं ।

स्थान :

तारीख : **आवेदक का हस्ताक्षर या अंगूठे का निशान**

की गई कार्रवाई के ब्यौरे

(निर्वाचन-क्षेत्र के निर्वाचक रजिस्ट्रीकरण आफिसर द्वारा भरा जाए)

श्री/श्रीमती/कुमारी ---------- के निर्वाचक नामावली में प्रविष्टियों को अन्यत्र रखने के संबंध में उसका/उनकी/श्री/श्रीमती/कुमारी के प्ररूप 8क में आवेदन को स्वीकार*/नामंजूर* कर दिया गया है ।

स्वीकार *किए जाने [नियम 18/20/26 (4)$ के अधीन या अनुसरण में या नामंजूर किए जाने [नियम 17/*20/*26 (4)$ के अधीन या अनुसरण में] के लिए विस्तृत कारण :

स्थान : तारीख :	निर्वाचक रजिस्ट्रीकरण आफिसर के हस्ताक्षर	(निर्वाचक रजिस्ट्रीकरण आफिसर की मुद्रा)

* अनुपयुक्त विकल्प को काट दें ।

क्षेत्रीय स्तर के अधिकारियों की टिप्पणियां (अर्थात् बीएलओ, पदाविहित अधिकारी, पर्यवेक्षक अधिकारी)

[यह पृष्ठ इतना मोटा होना चाहिए कि डाक में पारेषण के दौरान विकृत या नष्ट न हो जाए]

की गई कार्रवाई की संसूचना

पृष्ठ के अनुभाग 2 को निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा भरा जाना है और आवेदक द्वारा अनुभाग 1 में दिए गए पते पर आवेदक को डाक द्वारा भेजा जाना है

----------पहला मोड----------

अनुभाग 1

निर्वाचक रजिस्ट्रीकरण प्राधिकारी द्वारा परेषण के समय डाक टिकट चस्पा किए जाने हैं

** श्री/श्रीमती/कुमारी ----------का प्ररूप 8क में आवेदन

** (पूरा पता)								
गृह /मकान संख्या :								
गली/क्षेत्र/स्थान/मोहल्ला/मार्ग :								
नगर/ग्राम								
डाकघर	पिन कोड :							
तहसील/ताल्लुका/मंडल/थाना :								
जिला :								

** आवेदक द्वारा भरा जाएगा

----------दूसरा मोड----------

अनुभाग 2

(क) स्वीकार कर लिया गया है और श्री/श्रीमती/कुमारी----------के नाम को भाग संख्या ----------से हटा दिया गया है और सभा निर्वाचन क्षेत्र----------के ----------भाग सं. ----------के क्रम संख्या----------पर रजिस्ट्रीकृत कर लिया गया है

(ख) ----------कारण से अस्वीकृत कर लिया गया है

तारीख	निर्वाचक रजिस्ट्रीकरण अधिकारी (पता)----------

.....अलग करने के लिए छिद्रक.....

आवेदन की रसीद

श्री/श्रीमती/कुमारा---------- पता----------का प्ररूप 8क में आवेदन प्राप्त हुआ ।
तारीख----------

निर्वाचक रजिस्ट्रीकरण आफिसर की ओर से
आवेदन प्राप्त करने वाले आफिसर के
हस्ताक्षर
(पता) ----------

**आवेदक द्वारा भरा जाएगा ।

12. उक्त नियमों में उनके साथ उपाबद्ध प्ररूप 11 के पश्चात् निम्नलिखित प्ररूप अंत:स्थापित किया जाएगा, अर्थात् :-

"प्ररूप 11क

[नियम 15 और 16 देखिए]

निर्वाचक नामावली में प्रविष्टियों को अन्यत्र रखने के लिए प्ररूप 8क में प्राप्त आवेदनों की सूची

अभिहित अवस्थान की पहचान (जहां आवेदन प्राप्त किए गए हैं)	निर्वाचन-क्षेत्र (विधान सभा/संसदीय$ निर्वाचन-क्षेत्र)	पुनरीक्षण पहचान

1. सूची संख्या@	2. आवेदन प्राप्त करने की अवधि (इस सूची में कवर की गई)	तारीख से	तारीख तक

3. सुनवाई का स्थान*

आवेदन का क्रम संख्यांक$	प्राप्त करने की तारीख	आवेदक के ब्यौरे (प्ररूप 8क के भाग 5 में दिए गए अनुसार)	उन व्यक्तियों के ब्यौरे जिनकी प्रविष्टियों को अन्यत्र रख जाना है			सुनवाई की तारीख/समय	
			उस व्यक्ति का नाम जिसकी प्रविष्टियों को अन्यत्र रख जाना है	नामावली का भाग/ क्रम संख्या जिसमें नाम शामिल किया जाना है	ईपीआईसी सं0	मामूली तौर पर निवास का वर्तमान स्थान	सुनवाई की तारीख/समय*
1	2	3	4	5	6	7	8

$ उन संघ राज्यक्षेत्रों की, जिनमें विधान सभा नहीं है और जम्मू-कश्मीर राज्य की दशा में

@ उस अभिहित स्थान के इस पुनरीक्षण के लिए

* निर्वाचक रजिस्ट्रीकरण अधिकारी द्वारा सुनवाई के लिए यथा नियत स्थान, समय और तारीख

$ प्रत्येक अभिहित स्थान के लिए प्रत्येक पुनरीक्षण के लिए चालू क्रम संख्या का अनुरक्षण किया जाना है

नियम 15(1)(ख) के अधीन अभिहित स्थान पर प्रदर्शन की तारीख	नियम 16 (ख) के अधीन निर्वाचक रजिस्ट्रीकरण अधिकारी के कार्यालय में प्रदर्शन की तारीख

[फा. सं. एच-11019(14)/2011-विधायी-2]

डा. (सुश्री) मुकुलिता विजयवर्गीय, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, में अधिसूचना संख्या का.आ. 2750(अ) तारीख 10 नवंबर, 1960 द्वारा प्रकाशित किए गए थे और उनका अंतिम संशोधन अधिसूचना सं. का.आ. 426(अ) तारीख 23 फरवरी, 2011 द्वारा किया गया था ।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 24th October, 2013

S.O. 3242(E).—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (43 of 1950), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Registration of Electors Rules, 1960, namely:—

1. (1) These rules may be called the Registration of the Electors (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Registration of Electors Rules, 1960 (hereinafter referred to as the said rules), in rule 8B, in sub-rule (1), after the words "directly or", the words "electronically or" shall be inserted.

3. In the said rules, in rule 14,-

(i) in the opening portion, after the word "objection", the words " or application for correction of particulars or transposition of entries" shall be inserted;

(ii) in clause (b), for the words " post to the registration officer.", the words "post to the registration officer; or" shall be substituted;

(iii) after clause (b) as amended, the following shall be inserted, namely:-

"(c) be submitted electronically to the registration officer.".

4. In the said rules, in rule 15, —

(a) in sub-rule (1), in clause (a), —

(i) for the words and figures "Form 10 and", the word and figures "Form 10," shall be substituted;

(ii) after the word and figures, "Form 11", the words, figures and letter, "and a list for transpositions of entries in Form 11A', shall be inserted;

(b) in sub-rule (2), after the word, "objection", the words "or application for correction of particulars or transposition of entries" shall be inserted.

5. In the said rules, in rule 16, in clause (a), —

(a) for the words and figures "three lists in Forms 9, 10 and 11", the words, figures and letter "four lists in Forms 9, 10, 11 and 11A" shall be substituted;

(b) after the word "objection", the words "or application for correction of particulars or transposition of entries" shall be inserted.

6. In the said rules, for rule 27, the following rule shall be substituted, namely:-

"27. Appeals under section 24 of the Act.— Every appeal under clause (a) of section 24 of the Act shall be—

(*a*) in the form of a memorandum signed by the appellant;

(*b*) accompanied by a copy of the order appealed from; and

(*c*) presented to the district magistrate, or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank as may be notified in the Official Gazette by the Election Commission, within the period of fifteen days of the order appealed from or sent by registered post so as to reach him within that period:

Provided that such magistrate, collector or officer may condone the delay in presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the specified time.

(*2*) Every appeal under clause (*b*) of section 24 of the Act shall be—

(*a*) in the form of a memorandum signed by the appellant;

(*b*) accompanied by a copy of the order appealed from; and

(*c*) presented to the chief electoral officer within a period of thirty days from the date of the order appealed from or sent by registered post so as to reach him within that period:

Provided that the chief electoral officer may condone the delay in presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the specified time.

(*3*) For the purposes of sub-rule (*1*) and sub-rule (*2*), an appeal shall be deemed to have been presented when the memorandum of appeal is delivered by, or on behalf of, the appellant to the concerned magistrate, collector, officer or, as the case may be, the concerned chief electoral officer, or to any other officer appointed by him in this behalf. ".

7. In the said rules, for rule 32, the following rule shall be substituted, namely:-

"32.Custody and preservation of rolls and connected papers.— After final publication of a roll on its revision,—

(a) one authenticated printed copy of the roll shall be retained with the registration officer till at least one year after such final publication of roll after the next intensive revision, or summary revision, as the case may be;

(b) one authenticated printed copy of the roll shall be retained with the district election officer as a permanent record;

(c) one copy of the roll in electronic form shall be retained in the office of the district election officer as a permanent electronic record;

(d) extra copies of the roll may be disposed of, with the prior approval of the Election Commission, as soon as may be, after the next revision is completed;

(e) all other papers relating to revision of the roll, such as the enumeration pads, copies of the roll used for house-to-house verification, manuscripts prepared on the basis thereof, claims and objections and applications for correction of entries and transposition of entries (Forms 6, 6A, 7, 8 and 8A), and all papers connected with their disposal, shall be retained at least for three years after the completion of the next intensive revision or summary revision, as the case may be.

Explanation.— For the purposes of this rule, the expression "electronic form" and "electronic records" shall have the same meaning assigned to them, respectively, in clauses (r) and (t) of section 2 of the Information Technology Act, 2000 (21 of 2000).".

8. In the said rules, in rule 34, sub-rule (2) shall be omitted.

9. In the said rules for Form 6 appended thereto, the following Form shall be substituted, namely:-

"FORM 6

[See rules 13(1) and 26]

Application for inclusion of name in electoral roll

To

The Electoral Registration Officer

.....Assembly/ Parliamentary £ Constituency.

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX

Sir,

I request that my name be included in the electoral roll for the above Constituency. Particulars in support of my claim for inclusion in the electoral roll are given below:

I. Applicant's details	Name			Surname (if any)
Age as on 1st January .....#		Years:	Months:	Sex (male/female/others):
Date of birth, if known:	Day:		Month:	Year:
Place of birth:	Village/ Town:			
	District:			State:
* Father's/ Mother's/ Husband's Name	Name			Surname (if any)

II. Particulars of place of present ordinary Residence (Full address)

House/ Door number:								
Street/ Area/Locality/ Mohalla/Road:								
Town/ Village:								
Post Office:				Pin Code:				
Tehsil/ Taluka/Mandal/ Thana:								
District:								
Mobile No.			Email ID:					

III. Details of member(s) of applicant's family already included in the current electoral roll of the Constituency:

Name	Relationship with applicant	Part number of the roll of the Constituency	Serial number in that part	Elector's Photo Identity Card Number
1.				
2.				

£ In case of Union territories having no Legislative Assembly and the State of Jammu & Kashmir.

Please give the year i.e. 2007, 2008, etc.

* Strike out the inappropriate alternative.

IV. Declaration

I hereby declare that to the best of my knowledge and belief: -

(i) I am a citizen of India;
(ii) I am ordinarily resident at the address given in para II above since .....(date, month, year)
(iii) I have not applied for the inclusion of my name in the electoral roll for any other constituency;
(iv) *My name has not already been included in the electoral roll for this or any other assembly constituency;

Or

*My name may have been included in the electoral roll for_____ Constituency in _____State in which I was ordinarily resident earlier at the address mentioned bel so, I request that the same may be deleted from that electoral roll.

Full Address (Earlier Place of ordinary residence)	Electors Photo Identity Card number (if already issued)_____
_____	Date of issue _____

Place:

Date: Signature or thumb impression of the applicant

Note – ***Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).***

* Strike out the inappropriate alternative.

Details of action taken
(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km.....for inclusion of name in the electoral roll in Form 6 has been accepted*/rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20*/26(4)*]£ or* rejection [under or in pursuance of rule 17/20*/26(4)*]£:

Place :
Date :

Signature of Electoral Registration Officer

(Seal of the Electoral Registration Officer)

£ During continuous updating after final publication of electoral roll.

* Strike out the inappropriate alternative.

Remarks of Field Level Officers (e.g. BLO, Designated Officer, Supervisory Officer)

[This page should be thick enough so that it does not get mutilated or damaged in postal transit]

(i) Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

The application in Form 6 of
**Shri/ Shrimati/ Kumari.....

** ***(Full address)***								
House/ Door number:								
Street/ Area/Locality/ Mohalla/Road:								
Town/ Village:								
Post Office:	Pin Code:							
Tehsil/ Taluka/ Mandal/ Thana:								
District:								

** To be filled in by the applicant.

----------Second Fold----------

Section-II

has been—
(a) accepted and the name of Shri/Shrimati/Kumari.....has been registered at Serial No.....in Part No..... of AC No. .....
(b) rejected for the reason.....

Date.....
Officer.

Electoral Registration Office

(Address).....
.....
.....

.....(Perforation for detachment) .....

Receipt for application

Received the application in Form 6 of **
Shri/Shrimati/Kumari.....
**Address.....

Date.....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer
(Address) ..... .".

** To be filled in by the applicant.

10. In Form 6A appended to the said rules, in PART-A, at serial number 1, —
(a) for item (e) and the entries relating thereto, the following item and entries shall respectively be substituted, namely: —
'(e) Sex (Male/Female/Others).....
[The applicant(s) may indicate their sex as 'Other' where they do not want to be described as male or female, in full, in the space provided against "Male/Female/Others"]';
(b) after item (j) and the entries relating thereto, the following item and entries shall be inserted, namely:—
"(k) Contact No./e-mail-id details-
Contact No.....
email-id.....".

11. In the said rules, for Forms 7, 8 and 8A appended thereto, the following Forms shall, respectively, be substituted, namely: -

" FORM 7

[See rule 13(2) and 26]

Application for objecting inclusion or seeking deletion of name in electoral roll

To

The Electoral Registration Officer,

.....Assembly/Parliamentary[£] Constituency.

Sir,

[@] I object to the proposed inclusion of the name of the undermentioned person in the electoral roll for the above Constituency. Particulars in support of my objection are given below:

or

[@] I submit that the entry relating to *myself/ *the person named below is required to be deleted for the reasons stated hereunder:

I [@]Details of person inclusion of whose name is objected to: [@] Details of person whose entry is to be deleted:		Name		Surname (if any)
		Part number of electoral roll in which his/her name is included:	His/her serial number in that part:	Elector's Photo Identity Card number (if issued):
	II Details of objector	Name		Surname (if any)
	Sex (Male/Female/Others)	Part number of electoral roll in which objector's name is included:		His/her serial number in that part:
* Father's/ Mother's/ Husband's	Name	Name		Surname (if any)

III.	Particulars of place of ordinary residence of [@]objector/ [@]person seeking deletion. (Full address)
House/ Door number:	
Street/ Area/Locality/Mohalla/Road:	
Town/ Village:	
Post Office:	Pin Code:
Tehsil/ Taluka/Mandal/ Thana:	
District:	
Mobile No.:	E Mail ID:

IV. Reason(s) for *objection/*deletion:

£ In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.
@ First alternative will be relevant during preparation/revision of electoral roll. Second alternative will be relevant during continuous updating after final publication of electoral roll. Strike out the inappropriate alternative.
* Strike out the inappropriate alternative.
# Part-II not to be filled where applicant seeks deletion of entry relating to himself.

V. Declaration

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place: Date: Signature or thumb impression of the applicant

Note:- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).

* Strike out the inappropriate alternative.

Details of action taken

(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. ..... *objecting to inclusion/ *seeking deletion of name of Shri/Smt./Km..... in the electoral roll in Form 7 has been acepted*/rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20*/26(4)£] or *rejection [under or in pursuance of rule 17*/20*/26(4)£].

Place: Signature of (Seal of the Electoral
Date: Electoral Registration Officer Registration Officer)

* Strike out the inappropriate alternative.
£ During continuous updating after final publication of electoral roll.

Remarks of Field Level Officers (e.g. BLO, Designated Officer, Supervisory Officer)

[This page should be thick enough so that it does not get mutilated or damaged in postal transit]

Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

The application in Form 7 of

**Shri/ Shrimati/ Kumari.....

** *(Full address)*		
House/ Door number:		
Street/ Area/Locality/ Mohalla/Road:		
Town/ Village:		
Post Office:	Pin Code:	
Tehsil/ Taluka/ Mandal/ Thana:		
District		

**To be filled in by the applicant.

----------Second Fold----------

Section-II

has been—

(a) accepted and the name of Shri/Shrimati/Kumari.....has been deleted from Serial No..... .....

(b) Part No..... AC No.....

(b) rejected for the reason.....

Date.....

Electoral Registration Officer.
(Address).....
.....
.....

.....(Perforation for detachment).....

Receipt for application

Received the application in Form 7 of **
Shri/Shrimati/Kumari.....
**Address.....
.....

Date.....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer

(Address) .....

** To be filled in by the applicant.

FORM 8

[See rule 13(3) and 26]

Application for correction to particulars entered in electoral roll

To The Electoral Registration Officer,

.....Assembly/Parliamentary£ Constituency.

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX

Sir,

I request that entry relating to myself appearing in the electoral roll the above Constituency is not correct and it should be corrected. Correct particulars in support of my request are given below:

Applicant's details	Name			Surname (if any)
Part number of electoral roll:			Serial number in that part:	
Age as on 1st January .....#		Years:	Months:	Sex (male/female/others):
Date of birth, if known:		Day:	Month:	Year:
* Father's/ Mother's/ Husband's Name		Name		Surname (if any)

II. Particulars of place of present ordinary residence (Full address)

House/ Door number:									
Street/ Area/Locality/Mohalla/Road:									
Town/ Village:									
Post Office:	Pin Code:								
Tehsil/ Taluka/Mandal/ Thana:									
District:									
Mobile No.	Email ID:								

III. **Details of Elector's Photo Identity Card (if issued, in this or some other constituency)**

Elector's Photo Identity Card number:

Name of the Constituency:

IV. **Details of entries to be corrected:**

*My name / *Age/ *Father's/Mother's/Husband's name/ *Sex/ *Address/ *Elector's Photo Identity Card Number may be corrected in terms of information provided in this Form above.

Place:

Date: Signature or thumb impression of the elector

Note- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).

£ In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.

Please give the year i.e. 2007, 2008, etc.

* Strike out the inappropriate alternative.

Details of action taken

(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. ..... for correction of entry in the electoral roll in Form 8 has been accepted*/rejected*.

Detailed reasons for *acceptance [under or in pursuance of rule 18*/20*/26(4)*] £ or *rejection [under or in pursuance of rule 17*/20*/26(4)*]£.

Place: Signature of (Seal of the Electoral

Date: Electoral Registration Officer Registration Officer)

* Strike out the inappropriate alternative.

£ During continuous updating after final publication of electoral roll.

Remarks of Field Level Officers (e.g. BLO, Designated Officer, Supervisory Officer)

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[This page should be thick enough so that it does not get mutilated or damaged in postal transit]

(ii) Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Postage Stamp to be affixed by Electoral Registration Authority time of dispatch

The application in Form 8 of
**Shri/ Shrimati/ Kumari.....

** *(Full address)*								
House/ Door number:								
Street/ Area/Locality/ Mohalla/Road:								
Town/ Village:								
Post Office:	Pin Code:							
Tehsil/ Taluka/ Mandal/ Thana:								
District:								

**To be filled in by the applicant.

----------Second Fold----------

Section-II

has been—

(a) accepted and the entry at Serial. No. .....of Part No..... ....of AC No..... has been modified accordingly.

(b) rejected for the reason.....

Date.....

Electoral Registration Officer.
(Address).....
.....
.....

.....(Perforation for detachment).....

Receipt for application

Received the application in Form 8 of **
Shri/Shrimati/Kumari.....
**Address.....

** To be filled in by the applicant.

FORM 8A

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[See rule 13(4) and 26)

Application for transposition of entry in electoral roll

To

The Electoral Registration Officer,

.....Assembly/Parliamentary[£] Constituency.

SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX

Sir,

I request that entry in the electoral roll for the abovementioned Constituency relating to *Myself / *person named below should be transposed to the relevant part of the roll in this constituency. Particulars of the entry to transposed are given below:

I. **Details of person w entry is to be transposed:**	Name		Surname (if any)
	Part number of electoral roll in wh name is included:	His/her serial number i	Elector's Photo Identity Card number (if issued):

* Father's/ Mother's/ Husband's Name	Name	Surname (if any)

II. Particulars of present place of ordinary residence (Full address)

House/ Door number:								
Street/ Area/Locality/Mohalla/Road:								
Town/ Village:								
Post Office:	Pin Code:							
Tehsil/ Taluka/Mandal/ Thana:								
District:								
Mobile No.	E Mail ID:							
III. Period of continuous residence at the above address on th application	Years:	Months:						
IV. Part number to which the entry has to be transposed (if known)								

[@]**V. Details of applicant:**	Name		Surname (if any)
	Part number of electoral roll in wh name is included:	His/her serial number i	Elector's Photo Identity C number (if issued):

Note- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under section 31 of the Representation of the People Act, 1950 (43 of 1950).

[£] In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir.

* Strike out the inappropriate alternative.

@ Part V not to be filled where applicant seeks transposition of entry relating to himself.

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VI. Declaration

I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief.

Place:

Date:

Signature or thumb impression of the applicant

Details of action taken

(To be filled by Electoral Registration Officer of the constituency)

The application of Shri/Smt./Km. ..... for transposition of entry relating to himself/ herself/ Shri/ Smt. / Km. ..... in the electoral roll in Form 8A has been accepted*/rejected*.

Detailed reasons for *acceptance or *rejection [under or in pursuance of rule 26(4)*].

Place:
Date:

Signature of
Electoral Registration Officer

(Seal of the Electoral Registration Officer)

* Strike out the inappropriate alternative.

Remarks of the field level officers (e.g. BLO, Designated Office, Supervisory Officers)

[This page should be thick enough so that it does not get mutilated /damaged in postal transit]

(iii) Intimation of action taken

(Section-II of the page is to be filled by Electoral Registration Officer of the constituency and to be posted to applicant on the address as given by the applicant in Section-I)

----------First Fold----------

Section-I

Postage Stamp to be affixed by the Electoral Registration Authority at the time of dispatch

The application in Form 8A of
**..Shri/ Shrimati/ Kumari.....

** *(Full address)*								
House/ Door number:								
Street/ Area/Locality/ Mohalla/Road:								
Town/ Village:								
Post Office:	Pin Code:							
Tehsil/ Taluka/ Mandal/ Thana:								
District:								

** To be filled in by the applicant.

----------Second Fold----------

Section-II

has been—
a) accepted and the name of Shri/Shrimati/Kumari..... has been deleted from Part No ..... and registered at Serial.No..... in Part No.....of AC No.....
(b) rejected for the reason.....

Date.....

Electoral Registration Officer.
(Address).....
.....
.....

.....(Perforation for detachment).....

Receipt for application

Received the application in Form 8A of ** Shri/Shrimati/Kumari.....
**Address.....

Date.....

Signature of the officer receiving the application on behalf of the Electoral Registration Officer

(Address) .....

** To be filled in by the applicant.

---

12. In the said rules after Form 11 appended thereto, the following Form shall be inserted, namely:–

"FORM 11A

[See rules 15 and 16]

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List of applications for transposition of entries in electoral roll received in Form 8A

Designated location identity (where applications have been received)	Constituency (Assembly / Parliamentary£ Constituency	Revision identity	
1. List number@	2. Period of receipt of applications (covered in this list)	From date	To date
		/ /	/ /

3. Place of hearing*

Serial number§ of application	Date of receipt	Details of applicant (As given in Part V of Form 8A)	Details of person whose entry is to be transposed				Date/Time of hearing*
			Name of person whose entry is to be transposed	Part/Serial no. of roll in which name is included	EPIC No.	Present place of ordinary residence	
1	2	3	4	5	6	7	8

£ In case of Union territories having no Legislative Assembly and the State of Jammu and Kashmir

@ For this revision for this designated location

* Place, time and date of hearing as fixed by electoral registration officer

§ Running serial number is to be maintained for each revision for each designated location

Date of exhibition at designated location under rule 15(1)(b)	Date of exhibition at Electoral Registration Officer's Office under rule 16(b)

[F.No. H-11019(14)/2011-Leg.II]
Dr (Ms) Mukulita Vijayawargiya, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, *vide* notification number S.O. 2750(E), dated the 10th November, 1960 and last amended *vide* notification number S.O.426(E) dated 23rd February, 2011.

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001

No.23/1/2013-ERS

Dated: 11th December, 2013

To,

The Chief Electoral Officers
of all States and UTs

Sub: Preparation of error free electoral roll for the forthcoming Lok Sabha Elections.

Ref: (i) Letter No.23/1/2013-ERS dated 05.02.2013
(ii) Letter No.485/Comp/ERMS/2013 dated 08.04.2013
(iii) Letter No.23/2013-ERS/Vol.III dated 11.04.2013, and
(iv) Letter No.23/Conf./2013-ERS dated 17.06.2013

Sir/Madam,

An accurate error free electoral roll is the corner stone of free and fair elections. The Commission has always laid emphasis on the electoral roll in which:-

(a) All eligible persons are enrolled.

(b) No ineligible person is enrolled.

(c) There are no duplicates (and wrongful deletions of eligible voters).

(d) All entries are correct especially with reference to name, surname, relative's name and surname, date of birth, age, gender, photograph, etc. for every elector.

2. The Commission has issued detailed instructions from time to time to ensure purity and quality of electoral rolls. In view of the fact that summary revision of electoral rolls, 2014 is going on in most of the States and also in view of the forthcoming general elections to Lok Sabha, the Commission has decided to reiterate and issue comprehensive instructions on preparation of electoral rolls. CEOs, DEOs, EROs and AEROs must ensure that these instructions are followed in letter and spirit so that electoral rolls are in perfect shape and are completely free from errors.

3. Identification of duplicates –

The Commission received complaints from time to time that there are duplicates in electoral rolls. A software tool based on SQL server was developed by the Commission and given to all the States for identification of possible duplicates. Another software based on Python has been given for identification of possible duplicates in the electoral rolls. This tool has been kept on the following location at the Commission's server – FTP Server: ftp://164.100.34.8/ with the Username: Administrator, Password: 12oct@sysnet and Folder Name: De-duplication (Python). The Commission has directed that these software tools may be used to identify possible duplicates in the electoral rolls.

(a) The Commission has also directed that data should be pooled for de-duplication in electoral roll across border State boundaries. For example, for NCT of Delhi, de-duplication must be done with data pooled from other regions in NCR including Noida, Ghaziabad, Faridabad, Gurgaon, etc. Similarly, de-duplication between urban and rural areas near big cities and metropolitan towns must also be done.

(b) Once possible duplicates have been identified, these should be printed along with photographs one below the other. ERO should then compare the photographs visually to identify whether photographs match. If photographs match then the probability of the record being duplicated is very high.

(c) All cases where photographs match must be verified by BLOs and if they are found to be real duplicates, the name of the person should be deleted from the place where he is no longer ordinarily resident by following the due process of law as per instructions contained in the Commission's Letter No.23/Conf./2013/ERS dated 17.06.2013.

(d) In those cases where rolls are in different languages State boundaries, de-duplication may not be possible using software. In such cases, de-duplication of only border polling stations across State may be done by physical verification of electoral rolls at the level of ERO.

4. Prevention of creation of duplicates-

It has been noticed that duplicates get created because when electors shift from one place to another, they get themselves enrolled at the new place without getting their name deleted from the old address. In order to avoid such a thing from happening, the following must be done:-

a. Those CEOs who have provided online application facility on their website must combine such facility with elector search based on name and EPIC. The person filing up online Form 6/Form 6A should be prompted by the website to first search his name and ensure that his name is not already enrolled somewhere else. In case his name is already enrolled, he should be prompted to fill part IV of Form 6 indicating that he is already enrolled somewhere else and requesting the ERO for deletion of his name from the earlier place of enrollment.

b. In online application facility filling of part IV of Form 6 must be made a mandatory field. The person filing up this form online should be required to clearly indicate in part IV whether he is applying for enrolment for the first time or he is already enrolled somewhere else. It should not be possible to submit the online form without filling this information. It should also be made clear in the online form that giving wrong information is violation of Sec.31 of R P Act, 1950 which is punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

c. In all cases where Form 6 is received on paper, the BLO must check whether part IV of Form 6 has been filled or not. If part IV of Form 6 is not filled, the BLO should get this part filled from the elector before receiving the Form 6. In case applicant refuses to fill part IV, the BLO will not accept the Form. In case ERO comes across Form 6 in which part IV is not filled, he shall get it filled from the elector with the help of BLO. If BLO is not successful in getting part IV filled, the Form shall be rejected summarily.

d. In all such cases where part IV of Form 6 indicates that the elector is already enrolled in some other constituency or part, a photocopy of Form

6 should be sent to the concerned ERO for deletion of his name by following the process described in paragraph 5 below.

5. Process where Part IV of Form 6 indicates that the elector is already enrolled in some other constituency or part:-

i. In case the elector has indicated that he is already enrolled in another part of the same constituency, the declaration in Form 6 should be treated as Form 8A. ERO should delete his name from the part where he is no longer ordinarily resident and include his name in the part where he is ordinarily resident.

ii. In all other cases a photocopy of the Form 6 shall be sent to the concerned ERO for deletion of his name from the earlier place of enrollment. For this purpose, every ERO shall maintain two registers. First will be register of Forms 6 (as per Format 'A' enclosed) sent to other EROs for deletion of name. Second will be the register of Forms 6 (as per Format 'B' enclosed) which have been received from other EROs for deletion of name. When an ERO receives Form 6 in which part IV indicates that the elector is enrolled in some other constituency he shall make an entry of this Form 6 in the register in Format A. He shall then make a photocopy of this Form 6 and send it by courier with acknowledgement due to the concerned ERO. Photocopies to be sent to other EROs should be collected for a week. Separate weekly bundles should be made for each concerned ERO to whom these photocopies have to be sent and these bundles should be couriered to the concerned ERO. Thus the courier is not required to be sent on daily basis but on weekly basis. After acknowledgement of receipt is received from the concerned ERO the acknowledgement shall be pasted against the relevant entry in the register. When an ERO receives Form 6 from another ERO in which deletion of name has been requested in part IV by the elector, he shall make entry in the register in Format B and shall delete the name of the concerned elector after following due process

of law. Thereafter, he shall send information to the concerned ERO of having deleted the name of the elector. The concerned ERO on receiving this information shall make an entry to that effect in the register in the Format A.

iii. For each case where part IV of the Form 6 is to be sent to another ERO, sending ERO shall fill up online Form 6 with respect to that elector on the website of the CEO. In case online application facility is not available on the website of the CEO, online Form 6 shall be filed up on the website of Election Commission of India.

6. Prevention of creation of new errors -

Following steps should be taken by the CEOs for prevention of creation of new errors in the electoral rolls:-

a) Filing up of online forms for inclusion and modification should be encouraged. All CEOs must provide online form filing facility on their websites.

b) Utmost care must be taken in data entry of forms received on paper. Once the data entry has been done a manuscript should be printed. Proof reading of manuscript should be done to ensure that there are no key punching errors.

c) In case the elector has given his mobile number or email id, the proposed entry which is going to be made in the electoral roll should be sent to him as SMS and email with the request that the elector should confirm within three days whether the entry is correct or not. If the elector points out any errors in the entry, those should be corrected. If elector does not point out any correction within three days, it shall be assumed that the elector has nothing to point out. The SMS/ email sent to the applicant shall contain the telephone number of ERO's office on which the applicant can make call to point out errors.

7. Prevention of wrong deletions-

The Commission has received complaints from time to time that names of eligible electors are wrongly deleted from electoral rolls. Complaints are also received on the poll day that electors having EPIC have been denied the right to vote because their names were wrongly deleted from the electoral roll. Such instances should never be allowed to occur. The Commission, therefore, has directed that following steps must be taken to ensure that no wrong deletion takes place from the electoral roll:-

a) Polling station wise list of claims and objections should be put on the website of the CEOs according to the directions contained in the Commission's letter no.22/2/2012-ERS dated 28.09.2012. This list should have a drill down to the original application form without photographs. CEOs must ensure that photographs of electors are not visible on the website.

b) No deletion should be done without following due process of law as contained in the R P Act, 1950 and the Registration of Electors Rules, 1960. In all cases a notice must be issued to the elector and must be duly served on him. In cases where the elector is not found living at the address in the electoral roll due service of notice must be done by affixation on the wall in the presence of at least 2 witnesses whose signatures should be obtained on a copy of notice and kept in the file by the ERO. Only in the case of death, a death certificate or a statement of relatives, friends or neighbors can be accepted in lieu of the proof of due service of notice.

c) After the final publication of rolls has been made, no suo moto deletion shall be done in an election year. Deletion can be done only on the basis of Form 7 or on the basis of a request of deletion made by the concerned elector in part IV of Form 6.

d) Special care must be taken for deletion of names of persons who have already been issued EPIC. Whenever the ERO/AERO is making deletion whether suo moto or on application, he must check

whether the entry in the electoral roll for that elector has a photograph or an EPIC number. In case the entry has a photograph or an EPIC number the following procedure should be followed:-

I. In case of deletion due to death, the ERO should satisfy himself about the fact of death of the elector by re-verifying the evidence.

II. In case of deletion because of duplicate entry, the ERO must make a certification in the concerned file in his own hand that he has verified and is satisfied that this entry is a duplicate entry.

III. Whenever any entry is deleted from the electoral roll a SMS and email should be sent to the concerned elector if his mobile phone or email is available in the electoral database.

8. **Further safeguards against wrong deletions** -

The Commission has decided that certain additional safeguards should be put in place to prevent wrong deletions before Parliamentary elections. These are described below and shall be treated as special direction of the Commission in terms of Section 22 of the R.P. Act, 1950:-

I. If any deletion has to be made in the electoral rolls after the final publication of rolls at the end of current summary revision, the ERO shall consult the District Election Officer before making any such deletion. The DEO shall monitor all additions, deletions and modifications from the date of final publication of electoral rolls onwards. In case deletions required in any Assembly constituency are more than 0.1 % of the number of electors in the finally published rolls, the DEO shall take the approval of the CEO before allowing such deletions to the ERO.

II. The ERO shall maintain a daily monitoring register (as per Format 'D' enclosed) of all application forms received in

Form-6, Form6-A, Form-7, Form-8 and Form 8-A, date wise. As soon as announcement of elections has been made by the Election Commission, the ERO will submit to the DEO a statement of Forms 7, Forms 8 and Forms 8A pending with him on the date of announcement of elections. The DEO shall make a statement by compiling the information of all ACs and send it to the CEO on the date following the date on which announcement of elections is made. The CEO shall compile the information for the entire state and submit it to the Commission on the same day i.e the day following the date of the announcement of elections. All Form 7, Form 8 and Form 8A received till the date of announcement of elections shall be disposed of within 10 days of announcement of elections.

III. No deletion or modification of entries in the electoral rolls shall be done by the ERO either suo moto or on the basis of forms received after the announcement of elections by the Election Commission. If it becomes necessary to delete or modify certain entries after the announcement of elections, the ERO shall make a reference to the Commission through the DEO and CEO and the Commission shall take an appropriate decision in the matter.

IV. Since no deletion or modification shall be done in the electoral roll after ten days of announcement of elections without prior approval of the Commission, the deletion and modification supplementary along with the mother roll reflecting the changes carried out in these supplementaries can be printed immediately after the tenth day of announcement of election has been made by the Commission. The deletion and modification supplementary and the mother rolls so printed shall be put on the website of the CEO as a PDF. Since the First supplementary will be printed at the time of final publication of electoral rolls at the end of summary

revision, the supplementary printed immediately after announcement of elections will be supplementary 2. It may be noted that inclusions of names will carry on till the last date of filing of nominations, therefore, the inclusion supplementary shall be printed only after the last date of filing of nominations is over. It may also be noted that no changes are reflected in the mother roll as a result of the inclusions supplementary, therefore, printing of mother roll, deletion and modification supplementary shall not be affected by entries by the inclusion supplementary.

V. The mother roll, modification and deletion supplementaries should be printed and kept ready. As soon as the inclusion supplementary is printed after the last date of filing nominations and certainly within 3 days of last date of withdrawal of candidatures, the mother roll along with the modification, deletion and inclusion supplementaries should be given to the contesting candidates. Only in those polling stations where deletions and modifications have been made subsequent to the announcement of elections on the directions of Election Commission, the deletion and modification supplementaries and the mother roll reflecting the changes contained therein will have to be reprinted. In case these are printed they will be supplementary 3.

VI. Three master copies of the complete electoral roll with deletion, modification and addition supplementaries and the mother roll reflecting changes in these supplementaries should be prepared. The ERO/AERO shall put his signature on each page of these master copies. One master copy shall be kept in the custody of DEO, second master copy in the custody of the ERO and third in the custody of RO. Contesting candidates shall be allowed to inspect these master copies at any time and compare them with the copies

of the electoral rolls given to them. This shall ensure that the copies of the electoral roll given to the candidates are identical with the marked copy of the electoral roll given to the Presiding Officer with the exception of PB, EDC mark on them. This will also ensure that no hand stamping of mother roll for deleted or modified entries will be required.

9. Record keeping-

All orders of EROs are quasi judicial orders for which two appeals are provided. First appeal is provided to the District Magistrate and second to the CEO. It is, therefore, necessary that proper record is maintained for all the cases. Following instructions should be followed to maintain these records:-

a. Case register (as per Format 'C' enclosed) should be maintained for all forms received by the ERO/AERO. Every ERO/AERO shall maintain a separate case register. The case register shall include the details of the applicant, date of receipt of application form, the report of inquiry officer, if any, the dates of hearing, if any and gist of the final order passed by the ERO.

b. Every application form should be registered in the case register. All documents, notices, statements and other evidence with respect to that application should be kept with it. ERO may pass the order on the application form itself. In case longer order is required to be passed, it should be passed on separate sheet which shall also be kept alongwith application. All applications and other documents including the order of the ERO with respect to one polling station shall be bound in the form of booklet and kept as record of the case as per Rule 30 of Registration of Electors Rules, 1930.

c. The ERO shall pass the proper order with respect to each Form. Order shall be communicated in writing to the

applicant and proof of due service of order on the application should also be kept in record.

d. Only after the proper order has been passed by the ERO/AERO, and placed in the file changes will be carried out in the electoral database.

e. If an appeal is filed before the appellate authority the original file shall be called from the ERO/AERO so that the reasons for the ERO's orders are available to the appellate authority while disposing of the case.

f. The ERO/AERO should remember that every order must be a speaking order giving clear reasons for arriving at the decision.

10. Data Security and accountability-

The Commission has from time to time given instructions that electoral database shall be kept in the custody of the CEO in one or more servers. The server should be kept in data centres with proper fire wall and data security. The Commission has also issued instructions from time to time that only EROs/AEROs should have "Write" permission on the electoral database and this "write" permission should be only on the basis of the "digital signature" of the concerned ERO/AERO. This policy of the Commission must be implemented strictly. A date and time stamp and complete audit trail of all transactions on database must be maintained. No record shall be physically deleted from the database. Deletions shall be only through deletion flags so that in the event of a complaint the audit trail shall be available and full enquiries can reveal the identity of the person who made any change in the database. Nobody except authorized Database Administrator should have access to the backend of the database. CEOs should also ensure that the entire database is replicated at a disaster management site at a different location.

11. Provision of manpower and infrastructure to DEOs and EROs.

In view of the forthcoming Parliamentary Elections and the amount of work which will be required to be done during revision of electoral rolls and thereafter, following manpower and infrastructure to DEOs and EROs should be provided with immediate effect:-

(i) At least one computer programmer and two data entry operators in the office of DEO. At least two computers with broadband internet connectivity in the office of each DEO.

(ii) At least one computer programmer and two data entry operators, with at least broadband internet connectivity in the office of each ERO and each AERO.

(iii) Once elections are announced and tasks related to conduct of elections begin, the manpower and infrastructure in the office of ERO and AERO can be transferred to the office of RO and ARO respectively.

(iv) The manpower may be recruited immediately, if necessary, on contract. However, the contract should be at least till the end of June, 2014.

(v) The computer hardware may also be provided immediately, if necessary on rent, but it should be at least till the end of June, 2014.

12. Supervision and inspection –

The Commission is concerned about the quality of record keeping and disposals by EROs and AEROs. The Commission has, therefore, directed that a proper mechanism of supervision and inspections should be evolved. It is hereby directed that the office of AEROs shall be inspected at least once in six months by the ERO. The office of ERO shall be inspected at least once a year by the DEO. Office of DEO shall be inspected at least once a year by either the Divisional Commissioner or the CEO. Ideally this inspection should be done during the process of revision. The inspecting officers should satisfy themselves that all

instructions of the Commission are being fully implemented. Inspecting officers should prepare an inspection note and send it to the next higher officer for information. A copy of the inspection note should also be given to the inspected officer for giving his compliance report on shortcomings found during the inspection. A copy of the compliance note of the inspected officer should also be sent to the officer superior to the inspecting officer for information.

13. Monitoring -

Officers at all levels must monitor that instructions with respect to electoral rolls are carried out fully. For this purpose the following should be put in place:-

i. Format 1-8 for statistical analysis of the health of electoral rolls must be prepared at the time of draft publication of electoral rolls and also at the end of the summary revision before seeking permission for final publication. These formats should be prepared part wise by the ERO. The DEO must examine the part wise format 1-8 to understand the implication on the health of electoral rolls part wise. The DEO should then compile Format 1-8 and send it to the CEO who should make the analysis of health of electoral rolls AC wise. The CEO should forward these formats assembly constituency wise to the concerned Zonal Secretary of the Election Commission along with his comments. The CEO should simultaneously start remedial action, if required. The Zonal Secretary of the Election Commission should examine the formats sent to him and submit it to the Commission through the Electoral Roll Division for information or any corrective action required.

ii. A daily monitoring system should be put in place from the date of final publication of electoral rolls for the year 2014 till the date of the poll for Lok Sabha Elections. Report should be prepared in the enclosed Format 'D'. Data entry for these reports must be done assembly constituency wise by the ERO/DEO on the web application prepared by the Election Commission of India. DEOs and the CEOs

must monitor these reports on a daily basis and if they find that any large scale additions, deletions or modifications are being made in any assembly constituency or any addition, deletion, modification is being made after the date permitted by Election Commission of India, they should immediately take action under intimation to the Commission. A daily monitoring report (as per Format 'E' enclosed) should be prepared by the CEO on the basis of AC-wise daily monitoring reports prepared by EROs and furnished to the Commission for its information.

iii. Roll observers- Commission has issued detailed instructions about Roll Observers vide its letter no.23/RollObs/2013 dated 15th September, 2013. CEOs must ensure that roll observers make at least 3 visits in all the districts in their charge during the course of revision and submit the reports prescribed by the Commission. CEO should examine these reports and submit their comments on these reports to the Commission. CEO should also take remedial action, if required, on the report of roll observers. Awareness Observers should also visit during the revision to take stock of SVEEP activities.

14. Observation visits by officers of Election Commission of India –

The Principal Secretary/ Secretary/ Under Secretary in charge of zonal sections must visit the States in their charge at least once during the course of summary revision and submit a report on their findings to the Commission. The DEC/DG shall supervise the revision process in the States under his charge.

Yours faithfully,

(NARENDRA N BUTOLIA)
SECRETARY

Format 'A'

(Register of request of deletions on the basis of part IV of Form 6 sent to other EROs)

Name of the Assembly Constituency where Form 6 is received _____

Sl. No.	Name of the part in which the name of applicant is to be added	Name of AC from where name of applicant is to be deleted	Date on which copy of Form 6 sent to concerned ERO for deletion from roll of his AC	Date of acknowledgment received from concerned ERO (A copy of acknowledgment should be pasted here)	Date of intimation of deletion received from concerned ERO
1.					
2.					
3.					
4.					
5.					
6.					

Format 'B'

(Register of requests of deletions on the basis of part IV of Form 6 received from other EROs)

Name of the Assembly Constituency _____

Sl. No.	Name of the applicant	No. & name of AC where the applicant has applied for enrollment and from where request for deletion has been received	Date on which copy of Form-6 received from concerned ERO	Serial number and part number from where name was deleted	Date of deletion	Date on which acknowledgment sent to concerned ERO	Date on which intimation regarding deletion sent to concerned ERO
1.							
2.							
3.							
4.							
5.							
6.							

Format 'C'

Case register

Form - 6

Sl. No.	File no. of case	Name of applicant	Date of receipt of form	Report of enquiry, if held	Date of hearing, if any	Gist of final order	Date on which intimation sent to applicant
1.							
2.							
3.							
4.							
5.							
6.							

* Separate sections for each Form should be maintained

Format 'C'

Case register

Form – 6-A

Sl. No.	File no. of case	Name of applicant	Date of receipt of form	Report of enquiry, if held	Date of hearing, if any	Gist of final order	Date on which intimation sent to applicant
1.							
2.							
3.							
4.							
5.							
6.							

* Separate sections for each Form should be maintained

206

Format 'C'

Case register

Form - 7

Sl. No.	File no. of case	Name of applicant	Date of receipt of form	Report of enquiry, if held	Date of hearing, if any	Gist of final order	Date on which intimation sent to applicant
1.							
2.							
3.							
4.							
5.							
6.							

* Separate sections for each Form should be maintained

Format 'C'

Case register

Form - 8

Sl. No.	File no. of case	Name of applicant	Date of receipt of form	Report of enquiry, if held	Date of hearing, if any	Gist of final order	Date on which intimation sent to applicant
1.							
2.							
3.							
4.							
5.							
6.							

* Separate sections for each Form should be maintained

Format 'C'

Case register

Form – 8-A

Sl. No.	File no. of case	Name of applicant	Date of receipt of form	Report of enquiry, if held	Date of hearing, if any	Gist of final order	Date on which intimation sent to applicant
1.							
2.							
3.							
4.							
5.							
6.							

209

* Separate sections for each Form should be maintained

Daily Monitoring Register
(To Be Prepared At AC Level)

Format 'D'

Name of District							No. and Name of Assembly Consituency								
Date	Forms Received														
	Form 6			Form 6A			Form 7			Form 8			Form 8A		
	Male	Female	Other	Male	Female	Other	Male	Female	Other	Male	Female	Other	Male	Female	Other
Total															

210

Daily Monitoring Register
(To Be Prepared At AC Level)

Format 'D'

Name of District	Electors in Finally Published Roll	Male		Female		Others	

Date	Forms disposed Off (Changes Made in Electoral Roll)														
	No. of Resident Electors Added (Form 6)			No. of Overseas Electors Added (Form 6 A)			No. of Electors Deleted (Form 7)			No. of Modifications made (Form 8)			No. of Entries Transposed (Form 8A)		
	Male	Female	Other	Male	Female	Other	Male	Female	Other	Male	Female	Other	Male	Female	Other
Total															

211

Daily Monitoring Register
(To Be Prepared At AC Level)

Format 'D'

Name of District															
Date	Forms Pending														
	Form 6			Form 6A			Form 7			Form 8			Form 8A		
	Male	Female	Other	Male	Female	Other	Male	Female	Other	Male	Female	Other	Male	Female	Other
Total															

212

Format 'E'

Date :

Daily Monitoring System

(To be prepared on basis of Daily Monitoring Register maintained at AC level as per Format 'D')

Name of District _____

Name of District	No. and Name of AC	No. of Electors in Roll on the date of Final Publication of Special Summary Revision 2014				Forms Received After Final Publication of Roll					
						Form 6			Form 6 A		
		Male	Female	Others	Total	Till Yesterday	Today	Total	Till Yesterday	Today	Total
Total of District											
Total of State											

213

Format 'E'

Date :

Daily Monitoring System

(To be prepared on basis of Daily Monitoring Register maintained at AC level as per Format 'D')

Name of District _____

Name of District	No. and Name of AC	Forms Received After Final Publication of Roll								
		Form 7			Form 8			Form 8 A		
		Till Yesterday	Today	Total	Till Yesterday	Today	Total	Till Yesterday	Today	Total
Total of District										
Total of State										

Daily Monitoring System

Format 'E'

Date :

(To be prepared on basis of Daily Monitoring Register maintained at AC level as per Format 'D')

Name of District _____

Name of District	No. and Name of AC	Changes in No. of Electors After Final Publication								
		No. of Resident Electors Added (Form 6)			No. of Overseas Electors Added (Form 6A)			No. of Electors Deleted (Form 7)		
		Till Yesterday	Today	Total	Till Yesterday	Today	Total	Till Yesterday	Today	Total
Total of District										
Total of State										

Format 'E'

Date :

Daily Monitoring System

(To be prepared on basis of Daily Monitoring Register maintained at AC level as per Format 'D')

Name of District _____

Name of District	No. and Name of AC	Changes in No. of Electors After Final Publication						Total No. of Electors in the Roll Today			
		No. of Modificaitons made (Form 8)			No. of Entries transposed to another Part of Same AC (Form 8A)			Male	Female	Others	Total
		Till Yesterday	Today	Total	Till Yesterday	Today	Total				
Total of District											
Total of State											

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23 /ID/ 2014-ERS

Dated: 15th January, 2014

To,

The Chief Electoral Officers,
of all States / UTs.

Subject - Revision of electoral rolls and issue of EPICs – reg.

Sir/Madam,

I am directed to make a reference to letter No. CEO/Pub/2014/6552 dated 6th January, 2014 of the CEO, Jammu & Kashmir seeking a clarification whether EPICs can be issued to new electors on NVD before the date of final publication of the electoral rolls. It is hereby clarified that EPICs can be made as soon as the ERO has passed an order for inclusion of name of an applicant as an elector in the electoral roll. For preparation of EPIC of the person newly enrolled, ERO need not wait for final publication of the electoral roll.

The instruction contained in Para 3 of the Commission's letter No. 23/2013/ERS-Vol III dated 6th November, 2013 shall be read modified accordingly.

Yours faithfully,

(AJOY KUMAR)
UNDER SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23/2012/ERS- Vol.III

Dated: 6th November, 2012

To,

The Chief Electoral Officers
Of all States/UTs

Subject: Disposal of Claims and Objections during the revision-regarding.

Ref: (1) The Commission's letter No. 23/2012/ERS-Vol.III, dated 27th August, 2012
(2) The Commission's letter No. 23/2011-ERS, dated 14th November 2011

Sir/ Madam,

In the Chief Electoral Officers meeting on 30th October, 2012, some CEOs had said that according to the current instructions of the Commission, disposal of claims and objections cannot be done till the period of filing claims and objections is over and that this is causing delay in the disposal of claims and objections. The Commission has considered this matter and has decided to modify the instructions contained in the above cited letter dated 27th August, 2012 with respect to the disposal of claims and objections as follows -

"10(a) (iv) List of claims and objections should be made available by the ERO to all recognized political parties at the end of every week from the beginning of the period of filing claims and objections. The ERO should call a meeting of all recognized political parties and personally handover to their representatives a list of claims and objections received till that date and obtain acknowledgement of the same. The practice of giving list of claims and objection to the recognized political parties should continue till the period of claims and objections is over. It is further clarified that names included in the list once given, need not be included in the next list. In other words, the list should be incremental and not cumulative. This list should also simultaneously be displayed on website of CEO, notice board of ERO and polling station."

2. Further, Para 10(b) of the aforesaid letter shall also be replaced by the following:-

"10.(b) Decision on claims and objections – Decision on claims and objections should be taken only after all of the following has been done-

i. At least seven clear days period has passed after list of claims and objections has been published on all of the following-

(1) Website of CEO

(2) Notice board of ERO

(3) Notice board of polling station

(4) A personal notice has been served on the person whose name is proposed to be deleted in cases other than death cases.

ii. At least seven clear days have passed after the ERO has given the list of claims and objections to the recognized Political Parties as mentioned above.

iii. All deletions which are done for reason of death shall be made only after ascertaining the facts to the satisfaction of ERO."

3. During the meeting of the CEOs on 30th October, 2012 another query was raised by some CEOs, as to whether names can be added and EPIC issued before the final publication of roll, during a summary revision. It was clarified during the meeting that continuous updation does not cease even during the period of summary revision. To obviate any confusion, it is further clarified that in case of all those applicants who had completed 18 yrs of age on the earlier qualifying date of existing roll under revision, the applications (Form 6, 6A,8 and 8A)may be considered by the concerned ERO as having been filed during the period of continuous updation (under section 22 and 23 of the R.P.Act,1950) if any applicant so requests by filing such application in duplicate as required by rule 26 of R.E. Rules, 1960, and the ERO can add , modify or transpose their names and can issue EPIC consequent to the changes in the roll without waiting for final publication. In case of Form 6 and 6A filed by the persons who will complete the age of 18 years on the new qualifying date with reference to which the current revision is going on, the ERO will consider these Forms as part of current summary revision and in such case EPIC can be issued only after final publication is made and the name is published in the supplement.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23/2012/ERS- Vol.III

Dated: 6th November, 2012

To,

The Chief Electoral Officers
Of all States/UTs.

Subject: Disposal of Claims and Objections during the revision-regarding.

Ref: (1) The Commission's letter No. 23/2012/ERS-Vol.III, dated 27th August, 2012
(2) The Commission's letter No. 23/2011-ERS, dated 14th November 2011

Sir/ Madam,

In the Chief Electoral Officers meeting on 30th October, 2012, some CEOs had said that according to the current instructions of the Commission, disposal of claims and objections cannot be done till the period of filing claims and objections is over and that this is causing delay in the disposal of claims and objections. The Commission has considered this matter and has decided to modify the instructions contained in the above cited letter dated 27th August, 2012 with respect to the disposal of claims and objections as follows:-

"10(a) (iv) List of claims and objections should be made available by the ERO to all recognized political parties at the end of every week from the beginning of the period of filing claims and objections. The ERO should call a meeting of all recognized political parties and personally handover to their representatives a list of claims and objections received till that date and obtain acknowledgement of the same. The practice of giving list of claims and objection to the recognized political parties should continue till the period of claims and objections is over. It is further clarified that names included in the list once given, need not be included in the next list. In other words, the list should be incremental and not cumulative. This list should also simultaneously be displayed on website of CEO, notice board of ERO and polling station."

It is further clarified that separate supplement is not required to be published for the claims and objections treated as part of continuous updation, unless so directed by the Commission in any particular case. These should also be included in the supplement for the summary revision, in such a manner that all claims and objections received and approved by the Electoral Registration Officer subsequent to the Draft publication of rolls for summary revision are included in the supplement of that summary revision, whether they have been treated as part of continuous revision or summary revisions.

Yours Faithfully

(Narendra N. Butolia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23 /1/ 2014-ERS Dated:21st January, 2014

To,

The Chief Electoral Officers,
of all States / UTs.

Sub:- Instructions on Special care to be taken to prevent complaints on the Poll day that EPIC holders were not able to cast their votes because their names were wrongly deleted from electoral rolls.

Sir/Madam,

The Commission has received complaints from time to time that some EPIC holders have not been able to cast their votes because their names were wrongly deleted from the electoral rolls. Commission has taken such complaints seriously and has directed that the following action must be taken to ensure that such a thing does not happen in future: -

1. All CEOs, DEOs and EROs must fully comply with the instructions contained in the letter of the Commission No. 23/1/2013-ERS dated 11th December 2013 on the subject of improvement of electoral rolls for the forthcoming Lok Sabha Elections. Special care must be taken to ensure that the instructions with respect to prevention of wrong deletions are complied with.
2. No deletion should be made without following the due process of law and the statutory procedure of due service of notice under the Representation of the People Act 1950 and Registration of Electors Rules, 1960.
3. Special advertisements must be given under SVEEP in newspapers, on cable TV, through bulk SMS, traditional and folk communication etc., to create awareness among voters that EPIC is no guarantee of franchise. Presence of name in the electoral rolls is a must for casting vote. For this purpose electors should avail of the facility of SMS and web search on the CEO website for searching their names in the electoral rolls, even if they have EPIC. In case they find that their name is not found in the electoral rolls, they must immediately fill a Form-6 to get their name registered.
4. Special advertisements must be given under SVEEP in newspapers, on cable TV through bulk SMS, traditional and folk communication etc., to create awareness among voters that

if any person has changed residence and is no longer living at the address, where his name was enrolled, the name may have been deleted on door to door verification by the BLO. Awareness must be created among voters that under the law a person can be enrolled only at the place of their ordinary residence. If any elector has changed his or her residence, his or her name may be deleted by the ERO, suo moto, after following due process. The elector should therefore necessarily fill a Form-6 for enrollment at the new place of residence to ensure franchise.

5. Intimation must be sent to electors, whose names are deleted, on SMS and email if the cell phone number or email ID of the elector is available with the ERO.
6. Deletion lists from all supplementary electoral rolls starting from supplementary -1 should be pasted on the notice board of the Polling Station immediately after announcement of elections and wide publicity should be given to this fact, requesting voters to check that their names may not have been deleted. These list should also be read out in a special gram sabha in the rural areas, and a special ward sabha in cities immediately after announcement of elections.
7. Deletion lists should also be put on the notice board of EROs and should be shared with all recognized political parties immediately after announcement of elections with a request to check that there are no errors in deletions.
8. This may please be brought to the notice of all concerned.

(NARENDRA N. BUTOLIA)
SECRETARY

THE POLL

Nomination

(Filing, Scrutiny, Withdrawals and Symbols)

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

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

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 1 अगस्त, 2012

का.आ. 1732(अ).—केन्द्रीय 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 दें

.....निर्वाचन क्षेत्र से

(निर्वाचन क्षेत्र का नाम)

.....(सदन का नाम) के लिए निर्वाचन के लिए रिटर्निंग आफिसर के समक्ष अभ्यर्थी द्वारा प्रस्तुत किया जाने वाला शपथपत्र

भाग-क

मैं,..... **पुत्र/पुत्री/पत्नी ..... आयु ..... वर्ष, जो ..... (डाक का पूरा पता लिखें) का/की निवासी हूं, और उपरोक्त निर्वाचन से अभ्यर्थी हूं, सत्यनिष्ठा से प्रतिज्ञा करता हूं/करती हूं, शपथ पर निम्नलिखित कथन करता हूं/करती हूं :—

(1) मैं ..... (**राजनैतिक दल का नाम) द्वारा खड़ा किया गया अभ्यर्थी

** एक स्वतंत्र अभ्यर्थी के रूप में लड़ रहा हूं ।

(**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 लिए अंतिम आयकर विवरणी फाइल की गई है ।	आयकर विवरणी में उपदर्शित कुल आय (रुपए 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 हूं जिसमें सक्षम अधिकारिता वाले न्यायालय द्वारा आरोप विरचित किया गया है/किए गए हैं ।

यदि अभिसाक्षी 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 संज्ञान 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	

(च)	क्या सभी या कोई कार्यवाही किसी सक्षम अधिकारिता वाले न्यायालय द्वारा रोकी गई है/हैं	

(ii) निम्नलिखित मामला (मामले) मेरे विरूद्ध 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 (आदशों) के विरूद्ध पुनरीक्षण के लिए फाइल की गई अपील(अपीलों)/आवेदन (आवेदनों) (यदि कोई हो) 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(आदशों) की तारीख (तारीखें)	
(ग)	अधिरोपित दंड	
(घ)	क्या सिद्धदोष ठहराने के आदेश के विरूद्ध 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 हूं :

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, स्कीम, 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 । 1951

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 बैंककारी 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 यूनिटों 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, बुलियन 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)					
	स्वार्जित 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					

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"अनुमानित चालू बाजार मूल्य"

	कोई विनिधान					
(ii)	गैर कृषि भूमि : अवस्थिति (अवस्थितियां) सर्वेक्षण संख्यांक (संख्याऐं)					
	क्षेत्र (वर्ग फुट में कुल माप)					
	क्या विरासत में आई संपत्ति है (हां या नहीं)					
	स्वार्जित 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					
(iii)	वाणिज्यिक भवन (अपार्टमेंट सहित) अवस्थिति (अवस्थितियां) सर्वेक्षण संख्यांक (संख्याऐं)					
	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 संपत्ति पर कोई विनिधान					

	अनुमानित चालू बाजार मूल्य					
(iv)	आवासीय भवन (अपार्टमेंट सहित) अवस्थिति (अवस्थितियां) 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) मैं, लोक वित्तीय संस्थाओं और सरकार के प्रति दायित्वों/को शोध्यों के ब्यौरे नीचे देता हूं:-

(टिप्पण : कृपया बैंक, संस्था, निकाय या व्यष्टिक के नाम और उनमें प्रत्येक के समक्ष रकम के ब्यौरों का पृथक विवरण दें)

क्रम सं.	विवरण	स्वयं	पति या पत्नी	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 व्यष्टिकों, निकाय को ऋण या शोध्य नाम, बकाया रकम, ऋण की प्रकृति					
	कोई अन्य दायित्व					
	दायित्वों का कुल योग					
(ii)	सरकारी शोध्य : सरकारी आवास से बरतने वाले विभागों को शोध्य					
	जल आपूर्ति से बरतने वाले विभाग को शोध्य					
	विद्युत आपूर्ति से बरतने वाले विभाग को शोध्य					
	टेलीफोन/ मोबाइल आपूर्ति से बरतने वाले विभाग को शोध्य					
	सरकारी परिवहन (वायुयान और हेलिकाप्टर सहित) से बरतने वाले विभाग को शोध्य					
	आय-कर शोध्य					
	धनकर शोध्य					
	सेवाकर शोध्य					
	नगरपालिका/संपत्ति कर शोध्य					
	विक्रयकर शोध्य					
	कोई अन्य शोध्य					
(iii)	सभी सरकारी शोध्यों 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 ।					

(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 प्ररूप 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)

भाग-ख

(11) भाग-क के (1) से (10) तक में दिए गए ब्यौरों का उद्धरण

1.	अभ्यर्थी का नाम		श्री/श्रीमती/कु0		
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 मद (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 सं0	वह वर्ष जिसके लिए अंतिम आय-कर विवरणी फाइल की गई है	कुल दर्शित आय	
	(क) अभ्यर्थी				
	(ख) पति या पत्नी				
	(ग) आश्रित				
8.	आस्तियों और दायित्वों के ब्यौरे (रुपए में)				
	विवरण	स्वयं	पति या पत्नी	आश्रित-1	आश्रित-2	आश्रित-3

क.		जंगम आस्तियां (कुल मूल्य)					
ख.		स्थावर आस्तियां					
	I.	स्वार्जित स्थावर संपत्ति की क्रय कीमत					
	II.	क्रय के पश्चात् स्थावर संपत्ति की विकास/संनिर्माण लागत (यदि लागू हो)					
	III.	की अनुमानित वर्तमान बाजार कीमत					
		(क) स्वार्जित 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 हूं 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 तात्विक तथ्य नहीं छिपाया गया है । मैं यह और घोषणा करता हूं 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 तारीख..... को सत्यापित किया गया ।

अभिसाक्षी

टिप्पण : 1. शपथपत्र नामांकन फाइल करने के अंतिम दिन को 3.00 अपराह्न तक फाइल किया जाना चाहिए ।

टिप्पण : 2. शपथपत्र पर किसी शपथ कमिश्नर या प्रथम वर्ग मजिस्ट्रेट के समक्ष या किसी नोटेरी पब्लिक के समक्ष शपथ ली जानी चाहिए ।

टिप्पण : 3 सभी स्तंभों को भरा जाना चाहिए और कोई स्तंभ खाली न छोडे, 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-वि. 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

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(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)	Non-Agricultural Land: 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 the .....day 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.0.859, 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.

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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

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2242] नई दिल्ली, बृहस्पतिवार, नवम्बर 8, 2012/कार्तिक 17, 1934

No. 2242] NEW DELHI, THURSDAY, NOVEMBER 8, 2012/KARTIKA 17, 1934

विधि और न्याय मंत्रालय

(विधायी विभाग)

शुद्धिपत्र

नई दिल्ली, 8 नवम्बर, 2012

का.आ. 2694(अ).—भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), तारीख 1 अगस्त, 2012 में प्रकाशित, निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने वाली अधिसूचना सं. का.आ. 1732(अ), तारीख 1 अगस्त, 2012 के हिन्दी पाठ में,—

क्रम सं.	पृष्ठ सं.	पंक्ति	के स्थान पर	पढ़ें
1.	4	9	अधिनियम	अधिनियम, 1951
2.	5	17	ख	आ
3.	6	पंक्ति 1 के पश्चात् निम्नलिखित रखें,— "अनुमानित चालू बाजार मूल्य"		
4.	10	12-14	.... की अनुमानित वर्तमान बाजार कीमत	निम्नलिखित की अनुमानित वर्तमान बाजार कीमत

[फा. सं. एच-11019(6)/2004-वि.-II]

एन. एल. मीना, अपर सचिव

4264 GI/2012

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.56/2013/PPS-II

Dated: 10th July, 2013.

The Chief Electoral Officers of
All States and Union Territories.

Sub:- Amendment to the Election Symbols (Reservation & Allotment) Order, 1968- Forwarding of.

I am directed to forward herewith a copy of the Commission's Notification No. 56/2013/PPS-II, dated 10th July, 2013 (alongwith its Hindi version) regarding Election Symbol (Reservation & Allotment) (Amendment) Order, 2013 for your information and necessary action.to request that the same may be got re-published in the Official Gazette of State/Union Territory, immediately.

2. A copy of the Gazette publishing the above said Notification may be sent to the Commission for its record.

3. This may also be brought to the notice of all District Election Officers/ Returning Officers and political parties in your State/Union Territory.

4. Kindly acknowledge receipt of this letter.

Yours faithfully,

(PRAMOD KUMAR SHARMA)
UNDER SECRETARY

Copy to State Elections Commissioners of all States and Union Territories

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TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (iii) IMMEDIATELY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi – 110001

No.56/2013/PPS-II

Dated : 10th July, 2013
19 Ashadha, 1935 (Saka).

NOTIFICATION

In exercise of the powers conferred by Article 324 of the Constitution of Indian read with Rules 5 and 10 of the Conduct of Elections Rules, 1961, the Election Commission of India hereby makes the following Order to further amend the Election Symbols (Reservation and Allotment) Order, 1968, namely:-

1. Short title and commencement

(i) This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2013.

(ii) It shall come into force with effect from 15th July, 2013.

2. Substitution of paragraph 10B

In the Election Symbols (Reservation and Allotment) Order, 1968, for the existing paragraph 10B, the following paragraph shall be substituted, namely:-

"10B - Concession to candidates set up by registered (unrecognized) parties and to unrecognized parties which were earlier recognized parties more than 6 years back.

The candidates set up by a registered unrecognized political party at the general election to the Legislative Assembly of a State or to the House of the People, may be allotted a common symbol, subject to fulfilment of the following conditions :-

(A) At a general election to the Legislative Assembly-

(i) The party sets up candidates at least in 10% (ten percent) of the assembly constituencies in the State, subject to a minimum of five constituencies in States having forty or less seats;

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(ii) In the case of election on expiry of the normal term of the Legislative Assembly, the intimation with regard to its intention to contest election under sub-clause(i) is given by the party to the Commission at any time during the period commencing from the date six months prior to the date of expiry of the term of the Assembly and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iii) In the case of dissolution of the Legislative Assembly before the expiration of its normal term, the intimation with regard to its intention under sub-clause (i) is given by the party to the Commission at any time from the date of dissolution of the Legislative Assembly and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iv) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission under paragraph 17 of this Order:

Provided that a party may, if it so desires, also propose three new symbols of their choice, with the names and clear design and drawings of symbol, in the order of preference, for allotment to its candidates, which the Commission may consider for allotment as its common symbol if there is, in its opinion, no objection in allotting such symbol:

Provided further that the symbols proposed by the parties shall have no resemblance to the existing reserved symbols or free symbols, nor shall have any religious or communal connotation or depict any bird or animal;

Provided also that no proposal for a new symbol shall be entertained by the Commission unless it is made at least three months before the date of expiry of term of the Assembly concerned, or within one month of the premature dissolution of the Assembly, as the case may be;

(v) The party also gives an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of a common symbol on the date of

allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as the Commission may consider appropriate.

(vi) The list containing the serial numbers and names of the constituencies where the party is setting up candidates is submitted to the Commission latest by 5 clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(B) At a general election to the House of the People –

(i) The party sets up candidates at least in 10% (ten percent) of the parliamentary constituencies in the State, in which it seeks allotment of a common symbol to its candidates, subject to a minimum of two constituencies in States having less than twenty parliamentary constituencies allotted to the State (except the States having only one seat);

(ii) In the case of election on expiry of the normal term of the House of the People, the intimation with regard to its intention to contest election under sub-clause(i) is given by the party to the Commission at any time during the period commencing from the date six months prior to the date of expiry of the term of the House of the People and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iii) In the case of dissolution of the House of the People before the expiration of its normal term, the intimation with regard to its intention under sub-clause (i) is given by the party to the Commission at any time from the date of dissolution of the House of the People and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iv) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission under paragraph 17 of this Order;

Provided that a party may, if it so desires, also propose three new symbols of their choice, with the names and clear design and drawings of symbol, in the order of preference, for allotment to its candidates, which the Commission may consider for allotment as its common symbol if there is, in its opinion, no objection in allotting such symbol;

Provided further that the symbols proposed by the parties shall have no resemblance to the existing reserved symbols or free symbols, nor shall have any religious or communal connotation or depict any bird or animal:

Provided also that no proposal for a new symbol shall be entertained by the Commission unless it is made at least three months before the date of expiry of term of the House of the People, or within one month of the premature dissolution of the House, as the case may be;

(v) The party also gives an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of a common symbol on the date of allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as the Commission may consider appropriate;

(vi) The list containing the serial numbers and names of the constituencies where the party is setting up candidates is submitted to the Commission latest by 5 clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is scheduled to be issued.

Explanation –

For the removal of doubt, it is hereby clarified that –

(i) In cases where the period between the date of coming into force of this notification and the date of expiry of the term of a Legislative Assembly is less than six months, the provisions of this paragraph shall apply from the date this notification comes into force;

(ii) The concession of allotment of common symbol to the candidates of a registered unrecognized party under this paragraph shall be only a one-time facility either at a general

election to the House of the People or to a State Legislative Assembly, as the party may choose, and a party that has availed of this concession once shall not be eligible for the concession in any subsequent general election:

Provided that those parties which have already availed of the concession under paragraph 10B, as it existed prior to this notification, shall also be eligible to a one-time concession of common symbol as per the amended provisions of this paragraph;

(iii) The free symbol allotted as a common symbol to the candidates of a party under this paragraph shall be available for allotment to candidates set up by the other parties or independent candidates in those other constituencies in which that party has not set up its candidates;

(iv) Allotment of common symbol under this paragraph shall be done on 'first-come-first-served' basis:

Provided that if applications of two or more parties giving preference for the same symbol are received in the Commission on the same date, then the question of allotment of the symbol to one of such parties shall be decided by draw of lots in such manner as may be directed by the Commission:

Provided further that if out of the two or more such parties giving preference for the same symbol whose applications are received on the same date, one party is such that it has Member(s) elected to the House of the People or the Legislative Assembly of the State concerned on the symbol for which preference has been given by the party, then the symbol shall be allotted to that party to the exclusion of the other parties;

(v) if it is not possible for the Commission for any reason to allot a common symbol to the candidates of a party from out of the list of symbols for which it has given its preference under this paragraph, some other symbol from the list of free symbols may be allotted to that party in consultation with that party;

(vi) notwithstanding anything contained in paragraph 10A, a political party which was earlier a recognized political party and which lost its recognition more than 6 years back will also be eligible under this paragraph to the one-time concession of allotment of the symbol which was earlier reserved for the party, at a general election to the House of the People or to the

Legislative Assembly of a State, held after expiry of six years since the party lost its recognition, subject to the fulfilment of each of the conditions specified under clause(A) or (B), as the case may be, except the condition in sub-clause (iv) thereof."

By Order,

(K. F. WILFRED)
PRINCIPAL SECRETARY TO THE
ELECTION COMMISSION OF INDIA

भारत के राजपत्र, असाधारण
भाग–II, खण्ड–3, उपखण्ड–(iii)
में तत्काल प्रकाशनार्थ ।

भारत निर्वाचन आयोग

निर्वाचन सदन,
अशोक रोड,
नई दिल्ली– 110001.

सं0: 56/2013/पी पी एस-II

दिनांक: 10 जुलाई, 2013
19 आषाढ़, 1935 (शक)

अधिसूचना

निर्वाचनों का संचालन नियम, 1961 के नियम 5 तथा 10 के साथ पठित, भारत के संविधान के अनुच्छेद 324 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, एतद्द्वारा, निर्वाचन प्रतीक (आरक्षण तथा आबंटन) आदेश, 1968 में आगे संशोधन करने के लिए निम्नलिखित आदेश करता है, अर्थात:–

1. संक्षिप्त नाम तथा प्रारम्भ :–

(i) यह आदेश **निर्वाचन प्रतीक (आरक्षण तथा आबंटन) (संशोधन) आदेश, 2013** कहा जाएगा।
(ii) यह 15 जुलाई, 2013 से प्रवृत होगा।

2. पैरा 10ख का प्रतिस्थापन

निर्वाचन प्रतीक (आरक्षण तथा आबंटन) आदेश, 1968 में विद्यमान पैरा 10ख के स्थान पर निम्नलिखित पैरा प्रतिस्थापित किया जाएगा, अर्थात :–

"10ख–रजिस्ट्रीकृत (अमान्यताप्राप्त) दलों और उन अमान्यताप्राप्त दलों जो 6 वर्ष से अधिक पहले मान्यता प्राप्त दल थे, के द्वारा खड़े किए गए अभ्यर्थियों के लिए रियायत।

किसी रजिस्ट्रीकृत अमान्यता प्राप्त राजनैतिक दल द्वारा किसी राज्य की विधानसभा या लोक सभा के साधारण निर्वाचन में खड़े किए गए अभ्यर्थियों को एक ही प्रतीक आबंटित किया जाएगा बशर्ते कि वे निम्नलिखित शर्तों की पूर्ति करते हों :–

(क) विधान सभा के साधारण निर्वाचनों में–

(i) राजनीतिक दल राज्य के विधान सभा निर्वाचनों में कम से कम 10% (दस प्रतिशत) विधानसभा क्षेत्रों पर और यदि राज्य में विधानसभा में 40 या इससे कम सीटें हों, तो कम से कम 5 सीटों पर, अपने अभ्यर्थी खड़ा करेगा;

(ii) विधान सभा की सामान्य कार्य-अवधि पूरी होने पर निर्वाचन होने के मामले में उस दल द्वारा निर्वाचन लड़ने के अपने आशय की सूचना, उप खण्ड (i) के अधीन विधानसभा की कार्य अवधि पूरी होने की तारीख से छह महीने पहले शुरू होने वाली अवधि के दौरान कभी भी और अधिकतम निर्वाचन की अधिसूचना (या चरणबद्ध निर्वाचनों के मामले में पहली अधिसूचना) जारी किए जाने के लिए निर्धारित तारीख से पांच पूर्ण दिवस पहले, आयोग को दे दी जाती है;

(iii) अपने सामान्य कार्यकाल से पहले विधानसभा के भंग होने की दशा में दल द्वारा उप खण्ड (i) के अधीन अपने आशय के संबंध में सूचना विधानसभा के भंग होने की तिथि से किसी भी समय और अधिकतम उस तारीख से जिस तारीख से निर्वाचन की अधिसूचना (या चरणबद्ध निर्वाचनों के मामले में पहली अधिसूचना) जारी किए जाने के लिए निर्धारित हो, पांच पूर्ण दिवस पहले आयोग को सूचना दे दी जाती है;

(iv) दल इस आदेश के पैरा 17 के अन्तर्गत आयोग द्वारा अधिसूचित मुक्त प्रतीकों की सूची में से, वरीयता क्रम में, दस प्रतीकों के नाम देगा:

बशर्ते कि कोई दल, यदि ऐसी इच्छा व्यक्त करता है, अपने अभ्यर्थियों के आबंटन के लिए प्रतीक के नामों तथा सुस्पष्ट डिजाइन एवं आरेखों के साथ अपने पसंद के तीन नए प्रतीकों का भी, वरीयता क्रम में, प्रस्ताव करे जिस पर आयोग एक ही प्रतीक आबंटित करने पर विचार कर सकता है जब उसका यह अभिमत हो जाए कि ऐसे प्रतीक को आबंटित करने में उसे कोई आपत्ति नहीं है :

बशर्ते यह भी कि दलों द्वारा प्रस्तावित प्रतीकों का मौजूदा आरक्षित प्रतीकों या मुक्त प्रतीकों से न तो कोई सादृश्य हो और न ही कोई धार्मिक या सांप्रदायिक स्वगुणार्थ हो या किसी पक्षी या पशु का वर्णन करता हो;

बशर्ते यह भी कि नए प्रतीक के लिए किसी भी प्रस्ताव पर आयोग द्वारा तब तक कोई विचार नहीं किया जाएगा जब तक उसे संबंधित विधानसभा की कार्य अवधि समाप्त होने की तिथि से कम से कम तीन महीने पहले या विधानसभा के समय-पूर्व भंग किए जाने के एक महीने के भीतर, जैसा भी मामला हो, न दिया गया हो;

(v) दल यह वचन-पत्र भी दे कि यदि दल ऊपर शर्त (i) में यथा-विहित निर्वाचन-क्षेत्रों की न्यूनतम संख्या में अभ्यर्थियों को खड़ा नहीं करता है तो उसके अभ्यर्थी प्रतीकों के आबंटन की तिथि के दिन उन्हें एक ही प्रतीक आबंटित किए जाने के हकदार नहीं होंगे; और, इसके अतिरिक्त दल आयोग द्वारा उपयुक्त समझी जाने वाली दण्डात्मक कार्रवाई का भागी भी बनेगा।

(vi) दल जिन निर्वाचन-क्षेत्रों में अभ्यर्थी खड़े कर रहा है उनकी क्रम संख्याओं और नामों वाली सूची आयोग को उस तिथि से जिस तिथि से निर्वाचन की अधिसूचना (या चरणबद्ध निर्वाचनों के मामले में पहली अधिसूचना) जारी किए जाने के लिए निर्धारित हो, पांच पूर्ण दिवस पहले प्रस्तुत की जाए।

(ख) लोक सभा के सामान्य निर्वाचन में–

(i) दल उस राज्य में संसदीय निर्वाचन–क्षेत्रों के कम से कम 10% (दस प्रतिशत) में अभ्यर्थी खड़े करे जिसमें वह अपने अभ्यर्थियों के लिए एक ही प्रतीक का आबंटन चाहता है बशर्ते कि उन राज्यों में न्यूनतम दो निर्वाचन–क्षेत्र हो जिनमें राज्य को बीस से कम संसदीय निर्वाचन–क्षेत्र आबंटित किए गए हों (सिवाए ऐसे राज्य के जिनमें केवल एक सीट है);

(ii) लोक सभा की सामान्य कार्य अवधि पूरी होने पर निर्वाचन होने के मामले में उस दल द्वारा निर्वाचन लड़ने के अपने आशय की सूचना, उप खण्ड (i) के अधीन लोक सभा की कार्य अवधि पूरी होने की तारीख से छह महीने पहले शुरू होने वाली अवधि के दौरान कभी भी और अधिकतम उस तारीख से जिस तारीख से निर्वाचन की अधिसूचना (या चरणबद्ध निर्वाचनों के मामले में पहली अधिसूचना) जारी किए जाने के लिए निर्धारित हो, पांच पूर्ण दिवस पहले, आयोग को दे दी जाती है;

(iii) अपने सामान्य कार्यकाल से पहले लोक सभा के भंग होने की दशा में दल द्वारा उप खण्ड (i) के अधीन अपने आशय के संबंध में सूचना लोक सभा के भंग होने की तिथि से किसी भी समय और अधिकतम उस तारीख से जिस तारीख से निर्वाचन की अधिसूचना (या चरणबद्ध निर्वाचनों के मामले में पहली अधिसूचना) जारी किए जाने के लिए निर्धारित हो, पांच पूर्ण दिवस पहले आयोग को सूचना दे दी जाती है;

(iv) दल इस आदेश के पैरा 17 के अन्तर्गत आयोग द्वारा अधिसूचित मुक्त प्रतीकों की सूची में से, वरीयता क्रम में, दस प्रतीकों के नाम देगा:

बशर्ते कि कोई दल, यदि ऐसी इच्छा व्यक्त करता है, अपने अभ्यर्थियों के आबंटन के लिए प्रतीक के नामों तथा सुस्पष्ट डिजाइन एवं आरेखों के साथ अपने पसंद के तीन नए प्रतीकों का भी, वरीयता क्रम में, प्रस्ताव करे जिस पर आयोग एक ही प्रतीक आबंटित करने पर विचार कर सकता है जब उसका यह अभिमत हो जाए कि ऐसे प्रतीक को आबंटित करने में उसे कोई आपत्ति नहीं है :

बशर्ते यह भी कि दलों द्वारा प्रस्तावित प्रतीकों का मौजूदा आरक्षित प्रतीकों या मुक्त प्रतीकों से न तो कोई सादृश्य हो और न ही कोई धार्मिक या सांप्रदायिक स्वगुणार्थ हो या किसी पक्षी या पशु का वर्णन करता हो;

बशर्ते यह भी कि नए प्रतीक के लिए किसी भी प्रस्ताव पर आयोग द्वारा तब तक कोई विचार नहीं किया जाएगा जब तक उसे संबंधित लोक सभा की कार्य अवधि समाप्त होने की तिथि से कम से कम तीन महीने पहले या लोक सभा के समय–पूर्व भंग किए जाने के एक महीने के भीतर, जैसा भी मामला हो, न दिया गया हो;

(v) दल यह वचन–पत्र भी दे कि यदि दल ऊपर शर्त (i) में यथा–विहित निर्वाचन–क्षेत्रों की न्यूनतम संख्या में अभ्यर्थियों को खड़ा नहीं करता है तो उसके अभ्यर्थी प्रतीकों के आबंटन की तिथि के दिन

उन्हें एक ही प्रतीक आबंटित किए जाने के हकदार नहीं होंगे; और, इसके अतिरिक्त दल आयोग द्वारा उपयुक्त समझी जाने वाली दण्डात्मक कार्रवाई का भागी भी बनेगा।

(vi) दल जिन निर्वाचन–क्षेत्रों में अभ्यर्थी खड़े कर रहा है उनकी क्रम संख्याओं और नामों वाली सूची आयोग को उस तिथि से जिस तिथि से निर्वाचन की अधिसूचना (या चरणबद्ध निर्वाचनों के मामले में पहली अधिसूचना) जारी किए जाने के लिए निर्धारित हो, पांच पूर्ण दिवस पहले प्रस्तुत की जाए ।

स्पष्टीकरण :

संदेह के निराकरण के लिए एतद्द्वारा यह स्पष्ट किया जाता है कि–

(i) उन मामलों में जहां इस अधिसूचना के लागू होने की तारीख तथा विधानसभा की अवधि समाप्त होने की तारीख के बीच की अवधि छह मास से कम है, इस पैरा के प्रावधान इस अधिसूचना के प्रवृत्त होने की तारीख से लागू होंगे ;

(ii) इस पैरा के अधीन अमान्यता प्राप्त पंजीकृत दल के अभ्यर्थियों को एक समान प्रतीक के आबंटन की छूट, दल की पसंद के हिसाब से लोक सभा या राज्य विधानसभा के साधारण निर्वाचन में केवल एक–बारगी सुविधा होगी और जिस दल ने इस छूट का एक बार लाभ उठा लिया है वह बाद के किसी भी साधारण निर्वाचन में इसका पात्र नहीं होगा।

बशर्ते कि, जैसा कि इस अधिसूचना से पहले विद्यमान था, जिन पार्टियों ने पैरा 10ख के अधीन छूट का पहले ही उपभोग कर लिया है वे भी इस पैरा के संशोधित प्रावधानों के अनुसार एक–समान प्रतीक की एक–बारगी छूट के पात्र होंगे ;

(iii) इस पैरा के अधीन किसी दल के अभ्यर्थियों को एक ही प्रतीक के रूप में आबंटित मुक्त प्रतीक अन्य दलों द्वारा खड़े किए गए अभ्यर्थियों या ऐसे निर्वाचन क्षेत्रों, जिनमें उस दल ने अपने अभ्यर्थी खड़े नहीं किए हैं, के निर्दलीय उम्मीदवारों को आबंटन के लिए उपलब्ध रहेंगे ;

(iv) इस पैरा के अधीन एक समान प्रतीक का आबंटन 'पहले आओ पहले पाओ' आधार पर किया जाएगा: बशर्ते कि यदि आयोग में एक ही तारीख को एक ही प्रतीक को अधिमान देते हुए दो या अधिक आवेदन प्राप्त होते हैं तो ऐसे दलों में से किसी एक को प्रतीक के आबंटन के प्रश्न का निर्णय आयोग के निदेशानुसार 'ड्रा' जैसी किसी विधि द्वारा किया जाएगा।

बशर्ते कि, इसके अतिरिक्त यदि समान प्रतीक के लिए अधिमान देने वाले दो या अधिक ऐसे दलों के एक ही तारीख को आवेदन प्राप्त हुए हैं, और उनमें से एक दल ऐसा है जिसके द्वारा अधिमान दिए गए प्रतीक पर लोक सभा या संबंधित राज्य की विधानसभा में निर्वाचित सदस्य हैं, तो अन्य दलों को छोड़ कर हुए उस दल को प्रतीक आबंटित कर दिया जाएगा।

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(v) यदि आयोग के लिए किसी कारणवश दल के अभ्यर्थियों को उन प्रतीकों की सूची में से एक ही प्रतीक प्रदान करना संभव न हो जिसके लिए उन्होंने इस पैरा के अंतर्गत अपनी प्राथमिकता दी है तो वह उस पार्टी के परामर्श से मुक्त प्रतीकों की सूची में से उस दल को कोई अन्य प्रतीक आबंटित कर सकता है।

(vi) पैरा 10क में निहित किसी बात के होते हुए भी, कोई राजनैतिक दल जो पहले मान्यता प्राप्त राजनैतिक दल था तथा जिसने 6 से अधिक वर्ष पहले अपनी मान्यता गंवा दी थी इस पैरा के अधीन उस प्रतीक, जो दल के मान्यता गंवा देने के छह वर्ष पूरे होने के उपरान्त आयोजित लोक सभा या किसी राज्य की विधान सभा के साधारण निर्वाचन में उस दल के लिए आरक्षित था, के आबंटन की एक–बारगी छूट का पात्र होगा बशर्ते कि खण्ड (क) और (ख) के अन्तर्गत निर्दिष्ट शर्तों में से प्रत्येक शर्त, जैसा भी मामला हो, उप खण्ड (iv) में दी गई शर्त के सिवाय, पूरी की गई हों"।

आदेश से,

(के.एफ. विल्फ्रेड)
भारत निर्वाचन आयोग के प्रधान सचिव

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/ER/2013/SDR Vol. II

Dated: 6th September, 2013

6.9.2013

To

The Chief Electoral Officer of
all the States/Union Territories.

Subject: Disqualification for conviction under Section 8 of Representation of the People Act, 1951- Clarification-regarding.

Sir/Madam,

I am directed to invite your reference to the Commission's two letters bearing No. 4/2003/JS-II dated 6th February, 2003 and No. 509/5/2005 –JS-I dated 14.01.2005 (copies enclosed) whereby clarifications were issued in connection with disqualification on the ground of conviction under section 8 of the Representation of the People Act 1951.

2. It has come to the notice of the Commission that some Returning Officers and District Election Officers are not aware of the correct legal position about the impact of stay order of the Appellant Court onexecution of sentence passed by the Trial Court for the purpose of disqualification of the convicted person. In this regard, it is once again clarified that

(i) In cases where a person is convicted and the conviction alongwith sentence awarded results in disqualification, under sub section (1), (2) or (3) of Section 8, and if the Higher Court, on appeal, stays the operation of only the execution of sentence of imprisonment passed by the Trial Court, then the stay on the execution of sentence so granted by Higher Court and release of the convicted person on bail will not have the effect of suspension of disqualification. In other words, the disqualification will continue to be applicable in such cases;

(ii) In cases where not just the operation of the sentence but, the conviction is also specifically stayed, then the disqualification will also remain suspended.

3. These clarifications may be brought to the notice of all the Returning Officers and the Assistant Returning Officers and all other election authorities concerned, in your State/UT, so as to avoid cases of wrong interpretation of law at the time of scrutiny of nominations.

4. Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

Standard distribution

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ITEM NO. 121

Election Commission's letter No. 4/2003/JS-II dated 06.02.2003, addressed to the Chief Electoral Officer, Himachal Pradesh and copy forwarded to CEOs of remaining Stats/UTs

Subject: Disqualification for conviction under Section 8 of Representation of the People Act, 1951 -Clarification

I am directed to refer to your message No. 3-42/96-ELN, dated 27-1 -2003, on the above subject.

2.Your attention, in this connection, is invited to the Commission's Order No. 509/Disqln./97/J.S.I, dated 28-8-1997, clarifying that a person convicted of an offence mentioned in Section 8 of the Representation of the People Act, 1951, will continue to be treated as disqualified even if he has filed an appeal or application for revision and has been granted bail during the pendency of such appeal/ revision. Such person will, however, not attract the disqualification in view of the exemption under sub section (4) of Section 8 of Representation of the People Act, 1951, if he was a sitting member of Parliament or of a State Legislature on the date of his conviction and if he has filed an appeal or application for revision against the order of conviction/sentence within three months of his date of conviction and the same is pending disposal by the Court. In such cases, subsequent dissolution of the House/Assembly will not have any adverse effect on the benefit available to the said person under the exemption clause under the said Section 8(4), and the person concerned will not be disqualified under Section 8 till the disposal of the appeal or application for revision.

3.I am also to bring to your notice that the information which was earlier required to be obtained from the candidates regarding cases of conviction for offences under Section 8 through a separate affidavit, prescribed vide the Commission's letter No. 509/Disqln./97 J.S.I, dated 28.8.97, is now covered in the nomination paper itself, by a recent amendment of the Conduct of Elections Rules, 1961. A copy of the amendment notification has already been sent with the Commission's letter No. 3/4/2002/JS-II, dated 25th October, 2002, and the above position has also been clarified to you. The candidates will now be required to file only an affidavit prescribed in Form 26 appended to the Conduct of Elections Rules, 1961.

INSTRUCTION SL. NO. 9

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 Supreme Court– regarding.

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 OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 576/3/2013-SDR Dated: 30th September, 2013

To

The Chief Electoral Officers of
all States and Union Territories.

Sub: Judgment dated 13-09-13 of the Hon'ble Supreme Court in WP (C) No. 121 of 2008- Resurgence India vs. Election Commission of India and other, regarding filing of incomplete affidavit of candidates.

Sir/ Madam,

I am directed to enclose herewith a copy of the abovementioned judgment of the Hon'ble Supreme Court. It would be seen that by this judgment, the Hon'ble Supreme Court has held that the voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/ Assemblies and such right to get information is universally recognized natural right flowing from the concept of democracy and is an integral part of Art. 19 (1) (a) of the Constitution.

2. The Hon'ble Court has accordingly held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, RO has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the RO shall give a reminder to the candidate to furnish information against blank columns. The Hon'ble Court has held that is there is no information to be furnished against any item. appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the RO at the time of scrutiny of nomination papers.

3. The Hon'ble Court has observed that another clause may therefore be inserted in the standard draft format already prescribed by the Commission for reminding the candidates to fill the blanks with the relevant information thereby conveying the message that no affidavit with blank particulars will be entertained. The Hon'ble Court has categorically mentioned that it is the duty of the Returning Officer to check whatever the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill in the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected.

4. The relevant extracts from the judgment are reproduced below:-

(i) *The voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/Assemblies and such right to get information is universally recognized. Thus, it is held that right to know about the candidate is a natural right flowing from the concept of democracy and is an integral part of Article 19(1) (a) of the Constitution.*

(ii) The ultimate purpose of filing of affidavit along with the nomination paper is to effectuate the fundamental right of the citizens under Article 19(1)(a) of the Constitution of India. The citizens are supposed to have the necessary information at the time of filing of nomination paper and for that purpose, the Returning Officer can very well compel a candidate to furnish the relevant information.

(iii) Filing of affidavit with blank particulars will render the affidavit nugatory.

(iv) It is the duty of the Returning Officer to check whether the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected. We do comprehend that the power of Returning Officer to reject the nomination paper must be exercised very sparingly but the bar should not be laid so high that the justice itself is prejudiced.

(v) We clarify to the extent that Para 73 of People's Union for Civil Liberties case (supra) will not come in the way of the Returning Officer to reject the nomination paper when affidavit is filed with blank particulars.

(vi) The candidate must take the minimum effort to explicitly remark as 'NIL' or 'Not Applicable' or 'Not known' in the columns and not to leave the particulars blank.

(i) Filing of affidavit with blanks will be directly hit by Section 125A(i) of the RP Act However, as the nomination paper itself is rejected by the Returning Officer, we find no reason why the candidate must be again penalized for the same act by prosecuting him/her.

5. The CHECK LIST of documents required to be filed by a candidate along with the nomination paper was prescribed by the Commission vide 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. The CHECK LIST was modified in pursuance of Hon'ble Supreme Court judgment dated 09-12-2011 in CA No.4956 of 2010 – Ramesh Rout Vs. RavindraNath Rout and circulated vide letter No.576/3/2013/SDR dated 21-01-2013. The same CHECK LIST is now further amended to comply with the direction of the Apex Court in the instant case to insert another clause for reminding the candidates to fill in the blank columns, if any, in the affidavit. A revised format of the CHECK LIST is enclosed herewith. Please replace the existing Format of Check List in the ROs Handbook as well in other records where the Check List is kept.

6. The Commission has directed that the revised format of the CHECK LIST should be brought to the notice of the all Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha and Legislative Councils (in the States having Legislative Council). You may kindly ensure that all the Returning Officers, including Returning Officers for elections to Council of States and Legislative Councils (in States were Legislative Council is in existence), receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from every Returning Officer in the State. 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.

Kindly acknowledge receipt.

Yours faithfully

(Ashish Chakraborty)
SECRETARY

(Original to be kept with nomination paper ---
duplicate to be handed over to candidate)

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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 — (a) Whether all columns are filled up. (b) If not, which are blank column(s) (Please specify): (c) Whether the affidavit is sworn before an Oath Commissioner or Magistrate of First Class or before a Notary Public.	
2	Certified extract of electoral roll(when candidate is an elector of a different constituency)	
3	Form A and B (applicable in the case of candidates set up by political parties)	
4	Copy of cast certificates (if the candidate claims to belong to SC/ ST)	
5	Security deposit (whether made)	
6	Oath and affirmations (whether taken)	

The following documents which have not been filed should be filed as indicated below:

(a)_____should be filed latest by_____.

(b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a fresh Affidavit will columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.

(c)_____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. The nomination paper will be rejected if a candidate fails to fill the blanks in Form 26 even after reminder by RO by the hour fixed for scrutiny of nomination paper.
3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
4. Certified extract of electoral roll can be filed up to the time of scrutiny.
5. 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.

REPORTABLE 26

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 121 OF 2008

Resurgence India ... Petitioner (s)

Versus

Election Commission of India & Anr. .... Respondent(s)

JUDGMENT

P.Sathasivam, CJI.

1) This writ petition, under Article 32 of the Constitution of India, has been filed to issue specific directions to effectuate meaningful implementation of the judgments rendered by this Court in ***Union of India*** vs. ***Association for Democratic Reforms and Another*** (2002) 5 SCC 294 and ***People's Union for Civil Liberties (PUCL) and Another*** vs. ***Union of India & Anr.*** (2003) 4 SCC 399 and also to direct the respondents herein to make it compulsory for the Returning Officers to ensure that the affidavits filed by the

contestants are complete in all respects and to reject the affidavits having blank particulars. 26

Background:

2) In order to maintain purity of elections and to bring transparency in the process of election, this Court, in ***Association for Democratic Reforms (supra)***, directed the Election Commission of India-Respondent No. 1 herein to issue necessary orders, in exercise of its power under Article 324 of the Constitution, to call for information on affidavit from each candidate seeking election to the Parliament or a State Legislature as a necessary part of his nomination paper furnishing therein information relating to his conviction/acquittal/discharge in any criminal offence in the past, any case pending against him of any offence punishable with imprisonment for 2 years or more, information regarding assets (movable, immovable, bank balance etc.) of the candidate as well as of his/her spouse and that of dependants, liability, if any, and the educational qualification of the candidate.

3) Pursuant to the above order, the Election Commission, vide order dated 28.06.2002, issued certain directions to the candidates to furnish full and complete information in the form of an affidavit, duly sworn before a Magistrate of the First Class, with regard to the matters specified in ***Association for Democratic Reforms (supra)***. It was also directed that non-furnishing of the affidavit by any candidate or furnishing of any wrong or incomplete information or suppression of any material information will result in the rejection of the nomination paper, apart from inviting penal consequences under the Indian Penal Code, 1860. It was further clarified that only such information shall be considered to be wrong or incomplete or suppression of material information which is found to be a defect of substantial character by the Returning Officer in the summary inquiry conducted by him at the time of scrutiny of nomination papers.

4) In ***People's Union for Civil Liberties (PUCL) (supra),*** though this Court reaffirmed the aforementioned decision but also held that the direction to reject the

nomination papers for furnishing wrong information or concealing material information and verification of assets and liabilities by means of a summary inquiry at the time of scrutiny of the nominations cannot be justified.

5) Pursuant to the above, the Election Commission, vide order dated 27.03.2003, held its earlier order dated 28.06.2002 non-enforceable with regard to verification of assets and liabilities by means of summary inquiry and rejection of nomination papers on the ground of furnishing wrong information or suppression of material information.

6) Again, the Election Commission of India, vide letter dated 02.06.2004 directed the Chief Electoral Officers of all the States and Union Territories that where any complaint regarding furnishing of false information by any candidate is submitted by anyone, supported by some documentary evidence, the Returning Officer concerned should initiate action to prosecute the candidate concerned by filing formal complaint before the appropriate authority.

Brief facts:

7) In the above backdrop, the brief facts of the case in hand are as under:- Resurgence India-the petitioner herein is a non-governmental organization (NGO) registered under the Societies Registration Act, 1860 and is working for social awakening, social empowerment, human rights and dignity. During Punjab Legislative Assembly Elections, 2007, the petitioner-organization undertook a massive exercise under the banner "Punjab Election Watch" and affidavits pertaining to the candidates of six major political parties in the State were analyzed in order to verify their completeness. During such campaign, large scale irregularities were found in most of the affidavits filed by the candidates.

8) On 09.02.2007, the petitioner-organization made a representation to the Election Commission of India regarding large number of non-disclosures in the affidavits filed by the contestants in the State of Punjab and poor level of scrutiny by the Returning Officers. Vide letter dated 20.02.2007, the Election Commission of India expressed its inability in rejecting the nomination papers of the candidates solely due to furnishing of false/incomplete information in the affidavits

in view of the judgment in ***People's Union for Civil Liberties (PUCL) (supra).***

9) Being aggrieved of the same, the petitioner-organization has preferred this petition for the issuance of a writ of *mandamus* to make it compulsory for the Returning Officers to ensure that the affidavits filed by the contestants should be complete in all respects and to reject those nomination papers which are accompanied by incomplete/blank affidavits. The petitioner-organization also prayed for deterrent action against the Returning Officers in case of acceptance of such incomplete affidavits in order to remove deficiencies in the format of the prescribed affidavit.

10) Heard Mr. Prashant Bhushan, learned counsel for the petitioner-organization, Ms. Meenakshi Arora, learned counsel for the Election Commission of India-Respondent No. 1 herein and Mr. A. Mariarputham, learned senior counsel for the Union of India.

Prayer/Relief Sought for:

Stand of the Petitioner-Organization:

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11) The Petitioner-organization pleaded for issuance of appropriate writ/direction including the writ of *mandamus* directing the respondents herein to make it compulsory for the Returning Officers to ensure that the affidavits filed by the candidates are complete in all respects and to reject those nomination papers, which are accompanied by blank affidavits.

Stand of the Election Commission of India:

It is the stand of the Election Commission of India that the judgment in ***People's Union for Civil Liberties (PUCL) (supra)*** does not empower the Returning Officers to reject the nomination papers solely due to furnishing of false/incomplete/blank information in the affidavits signed by the candidates. In succinct, they put forth the argument that they do not have any latitude for rejecting the nomination papers in view of the above mentioned judgment. However, learned counsel for the Election Commission of India made an assertion that the Election Commission too is of the opinion that incomplete nomination papers must be rejected.

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Hence, the Election Commission of India sought for clarification in that regard.

Stand of the Union of India:

The Union of India also put forth the similar contention as raised by the Election Commission. Interestingly, the Union of India also raised a query as to how this Court will be justified in accepting the nomination paper with false information but rejecting the nomination paper for filing affidavit with particulars left blank and hence prayed that both the abovesaid situations must be treated at par.

Discussion:

12) Both the petitioner-organisation and the respondent/UOI sought divergent remedies against the same situation viz., wherein the affidavit filed by the candidate stating the information given as correct but the particulars of the same are left blank. The petitioner-organisation is seeking for rejection of nomination paper in such a situation whereas the Union of India is pleading for treating it at par with filing false affidavit and to prosecute the candidate

under Section 125A of the Representation of the People Act, 1951 (in short 'the RP Act').

13) In order to appreciate the issue involved, it is desirable to refer the relevant provisions of the RP Act. Sections 33A, 36 and 125A of the RP Act read as under:

> **"33A. Right to information.**—(1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) of section 33, also furnish the information as to whether –
>
> (i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;
>
> (ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.
>
> (2) The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form veryfying the information specified in sub-section (1).
>
> (3) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered.
>
> **36. Scrutiny of nomination.**—(1) On the date fixed for the scrutiny of nominations under section 30, the

candidates, their election agents, one proposer of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely: Articles 84, 102, 173 and 191,

Part II of this Act, and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963); or

(b) that there has been a failure to comply with any of the provisions of section 33 or section 34 ; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-section (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are

interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board.

125A. Penalty for filing false affidavit, etc.—A candidate who himself or through his proposer, with intent to be elected in an election,-

(i) fails to furnish information relating to sub-section (1) of section 33A; or

(ii) gives false information which he knows or has reason to believe to be false; or

(iii) conceals any information, in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be

punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

14) In view of the above, the power to reject the nomination paper by the Returning Officer on the instance of candidate filing the affidavit with particulars left blank can be derived from the reasoning of a three-Judge Bench of this Court in ***Shaligram Shrivastava*** vs. ***Naresh Singh Patel*** (2003) 2 SCC 176. In the aforesaid case, the nomination paper of a candidate got rejected at the time of scrutiny under Section 36(2) of the RP Act on the ground that he had not filled up the proforma prescribed by the Election Commission wherein the candidate was required to state whether he had been convicted or not for any offence mentioned in Section 8 of the RP Act. In actual, the candidate therein had filed an affidavit stating that the information given in the proforma was correct but the proforma itself was left blank. The candidate therein coincidentally raised somewhat similar contention as pleaded by the Union of India in the present case. The candidate pleaded that his nomination paper could not be rejected on the ground that he had not filled up the proforma

prescribed since no such proforma was statutorily provided under the provisions of the Act or under the rules framed thereunder. It was contended that the Commission could not legislate to prescribe a proforma; at best it can only be an executive instruction of the Election Commission whereas the petitioner had filled the proforma prescribed under the Rules, which did not suffer from any defect.

15) Although, the grounds of contention may not be exactly similar to the case on hand but the reasoning rendered in that verdict will come in aid for arriving at a decision in the given case. In order to arrive at a conclusion in that case, this Court traversed through the objective behind filing the proforma. The proforma mandated in that case was required to be filed as to the necessary and relevant information with regard to the candidate in the light of Section 8 of the RP Act. This Court further held that at the time of scrutiny, the Returning Officer is entitled to satisfy himself whether the candidate is qualified and not disqualified, hence, the Returning Officer was authorized to seek such information to be furnished at the time or before scrutiny. It was further

held that if the candidate fails to furnish such information and also absents himself at the time of the scrutiny of the nomination papers, then he is obviously avoiding a statutory inquiry being conducted by the Returning Officer under Section 36(2) of the RP Act relating to his being not qualified or disqualified in the light of Section 8 of the RP Act. It is bound to result in defect of a substantial character in the nomination. This Court further held as under:-

> "17. In the case in hand the candidate had failed to furnish such information as sought on the pro forma given to him and had also failed to be present personally or through his representative at the time of scrutiny. The statutory duty/power of Returning Officer for holding proper scrutiny of nomination paper was rendered nugatory. No scrutiny of the nomination paper could be made under Section 36(2) of the Act in the light of Section 8 of the Act. It certainly rendered the nomination paper suffering from defect of substantial character and the Returning Officer was within his rights in rejecting the same."

16) It is clear that the Returning Officers derive the power to reject the nomination papers on the ground that the contents to be filled in the affidavits are essential to effectuate the intent of the provisions of the RP Act and as a consequence, leaving the affidavit blank will in fact make it impossible for the Returning Officer to verify whether the

candidate is qualified or disqualified which indeed will frustrate the object behind filing the same. In concise, this Court in ***Shaligram (supra)*** evaluated the purpose behind filing the proforma for advancing latitude to the Returning Officers to reject the nomination papers.

17) In the light of the above reasoning, now let us assess the facts of the given case. In ***Association for Democratic Reforms (supra)***, this Court arrived at a decision that the members of a democratic society should be sufficiently informed so that they may influence intelligently the decisions which may affect themselves and it would include their decision of casting votes in favour of a particular candidate. This Court further held that if there was a disclosure by a candidate with regard to his criminal antecedents, assets and liabilities and educational qualification, then it would strengthen the voters in taking appropriate decision of casting their votes. This Court further stated as under:-

> "38. If right to telecast and right to view to sport games and right to impart such information is considered to be

part and parcel of Article 19(1)(a), we fail to understand why the right of a citizen/voter - a little man - to know about the antecedents of his candidate cannot be held to be a fundamental right under Article 19(1)(a). In our view, democracy cannot survive without free and fair election, without free and fairly informed voters. Votes cast by uninformed voters in favour of X or Y candidate would be meaningless. As stated in the aforesaid passage, one-sided information, disinformation, misinformation and non-information, all equally create an uninformed citizenry, which makes democracy a farce. Therefore, casting of vote by a misinformed and non-informed voter or a voter having one-sided information only is bound to affect the democracy seriously. Freedom of speech and expression includes right to impart and receive information, which includes freedom to hold opinions. Entertainment is implied in freedom of 'speech and expression' and there is no reason to hold that freedom of speech and expression would not cover right to get material information with regard to a candidate who is contesting election for a post which is of utmost importance in the democracy.

46. ...4. To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.

...7. Under our Constitution, Article 19(1)(a) provides for freedom of speech and expression. Voters's speech or expression in case of election would include casting of votes, that is to say, **voter speaks out or expresses by casting vote.** For this purpose, information about the candidate to be selected is a must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. **The little man may think**

over before making his choice of electing law-breakers as law-makers."

18) Thus, this Court held that a voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament and such right to get information is universally recognized natural right flowing from the concept of democracy and is an integral part of Article 19(1)(a) of the Constitution. It was further held that the voter's speech or expression in case of election would include casting of votes, that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is a must. Thus, in unequivocal terms, it is recognized that the citizen's right to know of the candidate who represents him in the Parliament will constitute an integral part of Article 19(1)(a) of the Constitution of India and any act, which is derogative of the fundamental rights is at the very outset *ultra vires*.

19) With this background, Section 33A of the RP Act was enacted by Act 72 of 2002 with effect from 24.08.2002. Thus, the purpose of the Act 72 of 2002 was to effectuate

the right contemplated in ***Association for Democratic Reforms (supra)***. However, the legislators did not incorporate all the suggestions as directed by this Court in the above case but for mandating all the candidates to disclose the criminal antecedents under Section 33A by filing an affidavit as prescribed along with the nomination paper filed under Section 33(1) of the RP Act so that the citizens must be aware of the criminal antecedents of the candidate before they can exercise their freedom of choice by casting of votes as guaranteed under the Constitution of India. As a result, at present, every candidate is obligated to file an affidavit with relevant information with regard to their criminal antecedents, assets and liabilities and educational qualifications.

20) Let us now test whether the filing of affidavit stating that the information given in the affidavit is correct but leaving the contents blank would fulfill the objective behind filing the same. The reply to this question is a clear denial. The ultimate purpose of filing of affidavit along with the nomination paper is to effectuate the fundamental right of

the citizen under Article 19(1)(a) of the Constitution of India. The citizens are required to have the necessary information at the time of filing of the nomination paper in order to make a choice of their voting. When a candidate files an affidavit with blank particulars, it renders the affidavit itself nugatory.

21) For that purpose, the Returning Officer can very well compel a candidate to furnish information relevant on the date of scrutiny. We were appraised that the Election Commission already has a standard draft format for reminding the candidates to file an affidavit as stipulated. We are of the opinion that along with the above, another clause may be inserted for reminding the candidates to fill the blanks with the relevant information thereby conveying the message that no affidavit with blank particulars will be entertained. We reiterate that it is the duty of the Returning Officer to check whatever the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill the blanks even after the reminder by the Returning Officer,

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the nomination paper is fit to be rejected. We do comprehend that the power of Returning Officer to reject the nomination paper must be exercised very sparingly but the bar should not be laid so high that the justice itself is prejudiced.

22) We also clarify to the extent that in our coherent opinion the above power of rejection by the Returning Officer is not barred by Para 73 of ***People's Union for Civil Liberties (PUCL) (supra)*** which reads as under:-

> "73. While no exception can be taken to the insistence of affidavit with regard to the matters specified in the judgment in Assn for Democratic Reforms case, the direction to reject the nomination paper for furnishing wrong information or concealing material information and providing for a summary enquiry at the time of scrutiny of the nominations, cannot be justified. In the case of assets and liabilities, it would be very difficult for the Returning Officer to consider the truth or otherwise of the details furnished with reference to the 'documentary proof'. Very often, in such matters the documentary proof may not be clinching and the candidate concerned may be handicapped to rebut the allegation then and there. If sufficient time is provided, he may be able to produce proof to contradict the objector's version. It is true that the aforesaid directions issued by the Election Commission are not under challenge but at the same time prima facie it appears that the Election Commission is required to revise its instructions in the light of directions issued in Assn for Democratic Reforms case and as provided under the Representation of the People Act and its third Amendment."

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23) The aforesaid paragraph, no doubt, stresses on the importance of filing of affidavit, however, opines that the direction to reject the nomination paper for furnishing wrong information or concealing material information and providing for a summary inquiry at the time of scrutiny of the nominations cannot be justified since in such matters the documentary proof may not be clinching and the candidate concerned may be handicapped to rebut the allegation then and there. This Court was of the opinion that if sufficient time is provided, the candidate may be in a position to produce proof to contradict the objector's version. The object behind penning down the aforesaid reasoning is to accommodate genuine situation where the candidate is trapped by false allegations and is unable to rebut the allegation within a short time. Para 73 of the aforesaid judgment nowhere contemplates a situation where it bars the Returning Officer to reject the nomination paper on account of filing affidavit with particulars left blank. Therefore, we hereby clarify that the above said paragraph will not come in the way of the Returning Officer to reject the

nomination paper if the said affidavit is filed with blank columns. The candidate must take the minimum effort to explicitly remark as 'NIL' or 'Not Applicable' or 'Not known' in the columns and not to leave the particulars blank, if he desires that his nomination paper be accepted by the Returning Officer.

24) At this juncture, it is vital to refer to Section 125A of the RP Act. As an outcome, the act of failure on the part of the candidate to furnish relevant information, as mandated by Section 33A of the RP Act, will result in prosecution of the candidate. Hence, filing of affidavit with blank space will be directly hit by Section 125A(i) of the RP Act. However, as the nomination paper itself is rejected by the Returning officer, we find no reason why the candidate must again be penalized for the same act by prosecuting him/her.

25) If we accept the contention raised by Union of India, viz., the candidate who has filed an affidavit with false information as well as the candidate who has filed an affidavit with particulars left blank should be treated at par,

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it will result in breach of fundamental right guaranteed under Article 19(1)(a) of the Constitution, viz., 'right to know', which is inclusive of freedom of speech and expression as interpreted in ***Association for Democratic Reforms (supra)***.

26) In succinct, if the Election Commission accepts the nomination papers in spite of blank particulars in the affidavits, it will directly violate the fundamental right of the citizen to know the criminal antecedents, assets and liabilities and educational qualification of the candidate. Therefore, accepting affidavit with blank particulars from the candidate will rescind the verdict in ***Association for Democratic Reforms (supra)***. Further, the subsequent act of prosecuting the candidate under Section 125A(i) will bear no significance as far as the breach of fundamental right of the citizen is concerned. For the aforesaid reasons, we are unable to accept the contention of the Union of India.

27) **What emerges from the above discussion can be summarized in the form of following directions:**

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(i) The voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/Assemblies and such right to get information is universally recognized. Thus it is held that right to know about the candidate is a natural right flowing from the concept of democracy and is an integral part of Article 19(1)(a) of the Constitution.

(ii) The ultimate purpose of filing of affidavit along with the nomination paper is to effectuate the fundamental right of the citizens under Article 19(1)(a) of the Constitution of India. The citizens are supposed to have the necessary information at the time of filing of nomination paper and for that purpose, the Returning Officer can very well compel a candidate to furnish the relevant information.

(iii) Filing of affidavit with blank particulars will render the affidavit nugatory.

(iv) It is the duty of the Returning Officer to check whether the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information

is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected. We do comprehend that the power of Returning Officer to reject the nomination paper must be exercised very sparingly but the bar should not be laid so high that the justice itself is prejudiced.

(v) We clarify to the extent that Para 73 of ***People's Union for Civil Liberties case (supra)*** will not come in the way of the Returning Officer to reject the nomination paper when affidavit is filed with blank particulars.

(vi) The candidate must take the minimum effort to explicitly remark as 'NIL' or 'Not Applicable' or 'Not known' in the columns and not to leave the particulars blank.

(vii) Filing of affidavit with blanks will be directly hit by Section 125A(i) of the RP Act However, as the nomination paper itself is rejected by the Returning Officer, we find no reason why the candidate must be again penalized for the same act by prosecuting him/her.

28) The Writ Petition is disposed of with the above directions. 29.

.....CJI.
(P. SATHASIVAM)

.....J.
(RANJANA PRAKASH DESAI)

.....J.
(RANJAN GOGOI)

NEW DELHI;
SEPTEMBER 13, 2013.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/1/2013/ SDR

Dated: 9th October, 2013

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: The Representation of the People (Amendment and Validation) Act, 2013-reg.

Sir,

In continuation of the Commission's letter no. 509/128/2009/ Vol. II/ RCC dated 30.07.2013, I am directed to forward herewith a Gazette copy of the Representation of the People (Amendment and Validation) Act, 2013 (Number 29 of 2013) amending Section 7 and Section 62 of the RP Act, 1951 with effect from 10th day of July, 2013. There is also a validation clause in the amendment Act to provide that nothing contained in any judgment, decree or order of any court, tribunal or other authority shall have any effect on the amendments made to Section 7 and Section 62 of the Act by this amendment Act.

By this amendment, a further proviso has been added to sub- section (5) of Section 62 of R.P. Act, 1951, that if a person who is enrolled in the electoral roll is confined in a prison or in lawful custody of police, he will continue to be an elector notwithstanding the prohibition against voting under the said sub-section.

In view of the amendment of Section 62 (5), the Order pronounced by the Hon'ble Supreme Court on 10th July, 2013 in CA Nos. 3040-3041 of 2004 - The CEC vs. Jan Chaukidar and Ors. upholding the Order passed by the Hon'ble Patna High Court on 30.04.2004 circulated with the Commission's above – referred letter no. 509/128/2004/ Vol. II/ RCC dated 30.07.2013 will not have any impact on the qualification of a person in prison or lawful Police custody for contesting election. In other words, the instruction issued vide Commission's said letter will no longer be enforceable, and the position as obtained prior to the judgment of 10.07.2013 will continue to apply.

This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also the State Units of recognized political parties and all unregistered political parties based in your States/ Union Territories for their information.

Kindly acknowledge the receipt.

Yours faithfully,

(Ashish Chakraborty)
SECRETARY

Copy to the President/ General Secretary/ Chairperson of all recognized National and State Political Parties.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—13 REGISTERED NO. DL—(N)04/0007/2003—13

भारत का राजपत्र
The Gazette of India

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सं० 39] नइं दिल्ली, सामवार, सितम्बर 23, 2013/ आश्विन 1, 1935 (शक)
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इस भाग म भिन्न पष्ठ संख्या दी जाती ह जिसस कि यह अलग संकलन क रूप म रखा जा सक
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

23 , 2013/ 1, 1935 ( )

The following Act of Parliament received the assent of the President on the 20th September, 2013, and is hereby published for general information:—

THE REPRESENTATION OF THE PEOPLE (AMENDMENT AND VALIDATION) ACT, 2013

No. 29 OF 2013

[20 , 2013]

An Act further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. ( ) This Act may be called the Representation of the People (Amendment and Validation) Act, 2013. Short title and commencement.

( ) It shall be deemed to have come into force on the 10th day of July, 2013.

43 of 1951.

2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in section 7, in clause ( ), after the words "or Legislative Council of a State", the words "under the provisions of this Chapter, and on no other ground" shall be inserted. Amendment of section 7.

3. In section 62 of the principal Act, after the proviso to sub-section ( ), the following proviso shall be inserted, namely:— Amendment of section 62.

"Provided further that by reason of the prohibition to vote under this sub-section, a person whose name has been entered in the electoral roll shall not cease to be an elector.".

Validation.

4. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, the provisions of the Representation of the People Act, 1951, as amended by this Act, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act had been in force at all material times. 43 of 1951.

P.K. MALHOTRA,

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By Speed Post/Email

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Media Policy/2013 Dated: 10th October, 2013

To,

Chief Electoral Officers of all States and UTs

Subject - Presence of media in the office of R.O. during filing of nominations – regarding

Sir/Madam,

In view of the queries received regarding presence of media persons in the office of Returning Officer during the process of filing of nomination by candidate, I am directed to clarify that the media is not debarred access at the time and place of filing of nomination by the candidate. However, the number and manner of their facilitation/access are to be decided by Returning Officer concerned depending of the local situation and circumstances.

Yours faithfully,

(Rahul Sharma)
Under Secretary

By e-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/1/2013/SDR Vo. II

Dated:18th October, 2013

To

The Chief Electoral Officer,
Chhattisgarh, Raipur.

Subject: The Constitution (Scheduled Tribes) Order (Amendment) Act, 2013 - reg.

Sir,

I am directed for forward herewith a copy of The Constitution (Scheduled Tribes) Order (Amendment) Act, 2013 which received the assent of the President on 18th September, 2013 and published in the Gazette of India 19th September, 2013 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh. The amendment may be brought to the notice of all Returning Officers so that they are not ignorant about the modification in the list of STs in the State while scrutinizing the nomination papers of candidates contesting from seats reserved for STs and also about the security deposit to be made by any Tribe of these communities for contesting election from any constituency in the State.

Yours faithfully,

Sd/-
(N.T. Bhutia)
Under Secretary

Copy to: The Chief Electoral Officers of all States and UTs.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—13 REGISTERED NO. DL—(N)04/0007/2003—13

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 34] नई दिल्ली, बृहस्पतिवार, सितम्बर 19, 2013/ भाद्र 28, 1935 (शक)
No. 34] NEW DELHI, THURSDAY, SEPTEMBER 19, 2013/ BHADRA 28, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th September, 2013/*Bhadra* 28, 1935 (*Saka*)

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) ACT, 2013

No. 24 OF 2013

[18*th September*, 2013.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2013.

Amendment of Part VII and Part XX of Constitution (Scheduled Tribes) Order, 1950.

C.O. 22.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950,—

(*a*) in Part VII.—Kerala, after entry 27, insert—

"28. Marati (of the Hosdurg and Kasargod Taluks of Kasargod District)";

(*b*) in Part XX.— Chhattisgarh,—

(*i*) in entry 16, after "Asur,", insert "Abhuj Maria,";

(*ii*) in entry 27. after "Korwa,", insert "Hill Korwa,".

P.K. MALHOTRA,
Secy. to the Govt. of India.

PRINTED BY DIRECTORATE OF PRINTING AT GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2013.

GMGIPMRND—2805GI(S4)—19-09-2013.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi – 110 001

No. 576/3/2013/SDR

Dated: 31st Oct., 2013

To,

The Chief Electoral Officers of
all States and UTs.

Sub: Correction in the Handbook for Returning Officers (2012).

Sir/Madam,

In the Handbook for ROs (2012) uploaded in the website, in Chapter-V, para 5.16, it is mentioned as follows:-

"5.16. The proposer/s should be present with photo identity card at the time of filing nomination papers. You will verify the identity of the proposers with the photo identity card and the photo roll."

It is clarified that under the Law, nomination paper can be filed either by the candidate himself or by a proposer. There is **no** legal requirement that all the proposers should be present before the RO. The need for verification of identity will arise only in the event of any complaint or doubt. The abovementioned paragraph may be treated as omitted.

Yours faithfully,

(K.F. WILFRED)
PRINCIPAL SECRETARY

राजस्थान सरकार
संसदीय कार्य विभाग

प्रेषितिः मुख्य निर्वाचन अधिकारी,
निर्वाचन विभाग,
राजस्थान, जयपुर ।

क्रमॉकः प0 7 (5) संसद/ 2006 पार्ट जयपुर, दिनांक 8/11/13

विषय : विधान सभा आम चुनाव 2013– राजस्थान विधान सभा सदस्य (निरर्हता – निराकरण) अधिनियम, 1956.

संदर्भः– आपके पत्रांक एफ 3 (1)(4)प्रथम/ निर्वा/2013/7663 दिनांक 02.11.2013

महोदय,

उपरोक्त संदर्भित विषयान्तर्गत लेख है कि आपके द्वारा प्रेषित राजस्थान विधान सभा सदस्य (निरर्हता–निराकरण) अधिनियम, 1956 (1957 का अधिनियम सं. 7) की प्रति, जो 1981 तक अद्यतन की हुई है। विधि (संहिताकरण) विभाग में संधारित कोड के अनुसार इस अधिनियम में वर्ष 2006 में राजस्थान विधान सभा सदस्य (निरर्हता– निराकरण)(संशोधन) अधिनियम, 2006 द्वारा संशोधन किया गया है, इस संशोधी अधिनियम की प्रति संलग्न है ।

संलग्नः उपरोक्तानुसार

भवदीय,

8/11/13
(प्रकाश गुप्ता)
प्रमुख शासन सचिव

सत्यमेव जयते	राजस्थान राज-पत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
	साधिकार प्रकाशित	*Published by Authority*
	आश्विन 19, बुधवार, शाके 1928—अक्टूबर 11, 2006 *Asvina 19, Wednesday, Saka 1928–October 11, 2006*	

भाग 4 (क)

राजस्थान विधान मंडल के अधिनियम।

LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(Group-II)

NOTIFICATION

Jaipur, October 11, 2006

No. F. 2(33)Vidhi/2/2006.–The following Act of the Rajasthan State Legislature received the assent of the Governor on the 10th day of October, 2006 and hereby published for general information :–

THE RAJASTHAN LEGISLATIVE ASSEMBLY MEMBERS (REMOVAL OF DISQUALIFICATION) (AMENDMENT) ACT, 2006

(Act No. 14 of 2006)

(Received the assent of the Governor on the 10th day of October, 2006)

An
Act

further to amend the Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956.

Be it enacted by the Rajasthan State Legislature in the

Fifty-seventh Year of the Republic of India, as follows:–

1. Short title and commencement.–(1) This Act may be called the Rajasthan Legislative Assembly Members (Removal of Disqualification) (Amendment) Act, 2006.

(2) It shall come into force at once.

2. Amendment of section 3, Rajasthan Act No. 7 of 1957.–For the existing clause (c) of section 3 of the Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956 (Act No. 7 of 1957), hereinafter in this Act referred to as the principal Act, the following shall be substituted and shall be deemed always to have been substituted, namely:–

"(c) the office of a chairman or a vice-chairman or the member of a committee set up for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an enquiry into, or collecting statistics in respect of, any such matter or for planning, coordinating or implementing any programme of the Government or any other authority;".

3. Special provisions as to validation and other matters.–(1) Notwithstanding any judgment or order of any court or tribunal or any order or opinion of any other authority, the offices mentioned in clause (c) of section 3 of the principal Act shall not disqualify or shall be deemed never to have disqualified the holder thereof for being chosen as, or for being, a member of

the Rajasthan Legislative Assembly as if the principal Act as amended by this Act had been in force at all material times.

(2) For the removal of doubts, it is hereby clarified that any petition or reference pending before any court or other authority on the date of commencement of this Act, shall be disposed of in accordance with the provisions of the principal Act, as amended by this Act.

गुमान सिंह,
Secretary to the Government.

विधि (विधायी प्रारूपण) विभाग

(ग्रुप-2)

अधिसूचना

जयपुर, अक्टूबर 11, 2006

(संख्या प.2 (33)विधि/2/2006:-राजस्थान राजभाषा अधिनियम, 1956 (1956 का अधिनियम सं. 47) की धारा 4 के परन्तुक के अनुसरण में "दी राजस्थान लेजिस्लेटिव असेम्बली मेम्बर्स (रिमूवल ऑफ डिसक्वालीफिकेशन) (अमेण्डमेंट) एक्ट, 2006 (एक्ट नं. 14 ऑफ़ 2006)" का हिन्दी अनुवाद सर्वसाधारण की सूचनार्थ प्रकाशित किया जाता है :-

राजस्थान विधान सभा सदस्य (निरर्हता-निराकरण) (संशोधन) अधिनियम, 2006

(2006 का अधिनियम सं. 14)

(राज्यपाल महोदया की अनुमति दिनांक 10 अक्टूबर, 2006 को प्राप्त हुई)

राजस्थान विधान सभा सदस्य (निरर्हता-निराकरण) अधिनियम, 1956 को और संशोधित करने के लिए अधिनियम।

भारत गणराज्य के सत्तावनवें वर्ष में राजस्थान राज्य विधान-मण्डल निम्नलिखित अधिनियम बनाता है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ.-(1) इस अधिनियम का नाम राजस्थान विधान सभा सदस्य (निरर्हता-निराकरण) (संशोधन) अधिनियम, 2006 है।

(2) यह तुरंत प्रवृत्त होगा।

2. 1957 के राजस्थान अधिनियम सं. 7 की धारा 3 का संशोधन.—राजस्थान विधान सभा सदस्य (निरर्हता-निराकरण) अधिनियम, 1956 (1957 का अधिनियम सं. 7), जिसे इसमें इसके आगे इस अधिनियम में मूल अधिनियम कहा गया है, की धारा 3 के विद्यमान खण्ड (ग) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा और सदैव ही प्रतिस्थापित किया हुआ समझा जायेगा, अर्थात् :—

"(ग) लोक महत्व के किसी मामले के बारे में सरकार या किसी अन्य प्राधिकरण को सलाह देने के प्रयोजन के लिए या ऐसे किसी मामले में जांच करने या उसके संबंध में आंकड़े इकट्ठे करने के प्रयोजन के लिए या सरकार या किसी अन्य प्राधिकरण के किसी कार्यक्रम की योजना बनाने, समन्वय या क्रियान्वयन करने के लिए गठित समिति के अध्यक्ष या उपाध्यक्ष या सदस्य का पद;"।

3. विधिमान्यकरण और अन्य मामलों के बारे में विशेष उपबंध.—(1) किसी भी न्यायालय या अधिकरण के किसी भी निर्णय या आदेश या किसी अन्य प्राधिकरण के किसी भी आदेश या राय के होने पर भी, मूल अधिनियम की धारा 3 के खण्ड (ग) में वर्णित पद उनके धारकों को राजस्थान विधान सभा के सदस्य के रूप में चुने जाने या सदस्य होने से इस प्रकार निरर्हित नहीं करेंगे या उन्हें कभी भी निरर्हित किया है, यह नहीं समझा जायेगा मानो इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम समस्त तात्विक समय पर प्रवर्तन में था।

(2) शंकाओं के निराकरण के लिए इसके द्वारा यह स्पष्ट किया जाता है कि इस अधिनियम का प्रारंभ होने की तारीख को किसी भी न्यायालय या अन्य प्राधिकरण के समक्ष लम्बित कोई भी याचिका या निर्देश, इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम के उपबंधों के अनुसार निपटाया जायेगा।

गुमान सिंह,
शासन सचिव।

राज्य केन्द्रीय मुद्रणालय, जयपुर।

By Fax/email/Camp Bag

Election Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 56/Symbol/2013/PPS-II

Dated : 15th November, 2013

To

The Chief Electoral Officer,
Rajstahan,
Jaipur

Subject: Allotment of common symbol under paragraph 10B of Symbol Order-reg.

Sir,

I am directed to refer to your letter No. F 3(1)(4)/First/Elec/2013/8655, dated 14.11.2013 on the subject cited and state that in view of the fact that the basic requirement for allotment of common symbol under para 10B is contesting from 10% of the seats, it is informed that for those of the parties which have not set up candidates in 10% or more of seats, the facility of common symbol allotted earlier shall be treated as withdrawn. Consequently, in the case of candidates set up by such parties, allotment of symbol shall be made as per the provisions of para 12 of the Symbol Order. It may be noted that if a party duly sets up candidates in minimum 10% of seats, i.e. candidates had filed nomination as candidates of the party and the party had also submitted Forms A and B as provided in para 13 of the Symbols Order, the requirement of having set up candidates in 10% of seats shall be treated as fulfilled even if nomination papers of some of the candidates got rejected and the number of contesting candidates happens to be less than the required 10%.

Yours faithfully,

(Pramod Kumar Sharma)
Under Secretary

Special arrangements for Electors

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2011 /EPS

Dated: 26th December, 2011

To

The Chief Electoral Officer of
1. Goa, Panaji,
2. Manipur, Imphal,
3. Punjab, Chandigarh,
4. Uttarakhand, Dehradun,
5. Uttar Pradesh, Lucknow.

Subject:- Special facilities in polling stations for women electors- regarding.

Sir/Madam,

The Commission has always been emphasizing for enhanced participation of women electors on poll day to improve the turnout of women electors. Instructions exist that in places where two polling stations are set up in the same building or compound, there is no objection to allotting one of them for men and the other for women'. Further, where there are a large number of women electors, especially **purdahnasheen** women, women Polling Officers should be appointed to carry out the duty of identifying the female voters. The Commission's Order No. 576/11/ESO24/94-J.S.II, dated 21.10.1994 contained in the Compendium of Instructions on Conduct of Elections-Volume-IV also refers for providing special; facilities in polling stations for women voters.

The Commission has now decided, in view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for entry of one male voter.

Please inform all concerned and give due publicity to this.

Yours faithfully

(SUMIT MUKHERJEE)
SECRETARY

309

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2013 -EPS | 1989 Dated:- 30th September, 2013

To

The Chief Electoral Officers of
Chhattisgarh, Madhya Pradesh,
Mizoram and Rajasthan.

Subject: Assessment and Inventory of Polling Stations – Facilities to be Provided – Regarding.

Sir,

It has come to the Commission's notice that some of the CEOs have taken pro initiative to assess and make inventory of the polling station locations in their States. With some advance intervention at the level of DEO, the conditions at the polling stations can be vastly improved. The Commission desires that improving the general conditions such as amenities shall be one of the top priorities of the advance preparation for the general elections. The Chief Electoral Officer should collect a compliance report from the DEOs concerned that all the following instructions of the Commission have been followed strictly and scrupulously:

I. The DEOs should carry out HD videography of all polling station locations, immediately. During videography, the following points should be covered:

   a. access / entry of the polling station locations;

   b. surroundings of the polling station locations;

   c. existence of boundary wall, if any.

   d. building area, open space, number of rooms;

   e. location of polling stations within polling station location;

   f. entry and exit gate of polling stations within polling station location;

   g. availability / location of civic amenities like drinking water, toilets, electricity, ramp, furniture, shades etc.

II. At the beginning of videography of every polling stations, the following should be displayed on a card board and captured on camera, as well as spelt out in voice-over:

a. District Name;

b. AC Number & Name;

c. PS Location Number & Name;

d. PS Number and address.

III. The final CD / DVD should be labelled properly, clearly mentioning District Name, AC Name & Number and PS Location Numbers, so that the problem of identification does not arise.

IV. 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. The Sector Officers should visit each polling station / location within his / her jurisdiction to assess whether it is use worthy. The Returning Officer should physically verify 10% of the polling stations / locations.

V. The DEO should initiate remedial measures, where required, on the basis of the above physical verification reports and send an 'Action Taken Report' to the CEO, at the earliest.

2. In continuation of the Commission's instructions issued vide its letters No. 576/11/ESO024/94-JS-II, dated 21.10.1994, No. 458/4/98/PLN-IV, dated 1.6.1998 and No. 464/INST/2008/EPS, dated 12.09.2008 and 464/2009/EPS, dated 30.04.2009, the following instructions on facilities to be provided at the polling stations and to the voters shall be followed strictly:

A. Polling Stations Infrastructure:

i. ***Condition of Polling Station***

As far as possible, the polling station should be established in a good building worthy of use (and not in a dilapidated one). The building / location having room(s) with proper windows, ventilation and space should be identified as

polling stations. It may also be ensured that the polling station(s) should normally be situated at the ground floor of the building.

ii. ***Entrance and Exit***

The polling stations should have separate entrance and exit for voters. If there is only one door at the polling station(s), separate entrance and exit can be provided with the help of a temporary fencing in the middle of the doorway using bamboos and ropes.

iii. ***Ramp Facility***

A ramp should be provided at the polling stations to facilitate the physically challenged voters, as per the directions of the Hon'ble Supreme Court of India.

iv. **Drinking Water**

There should be a proper arrangement for drinking water and toilet facilities at the polling station(s). In case, there is no provision for drinking water, make adequate arrangements at that polling station(s) for storage of drinking water in earthen pots and one employee or a daily wage-earner shall be deployed at that polling station(s) to refill the water pots and serve water to the voters standing in queue.

v. ***Electricity Arrangement***

Make sure that the inside of the voting compartment is sufficiently lighted. If necessary, arrangement for a suitable lighting should be done for each compartment. There should be proper electricity arrangements at the polling stations. If the power connection is available, the condition of switches / bulbs / fans should be checked. If power connection is not there, alternative arrangement should be made by hiring generator sets etc. so that, on the poll day, those polling stations are properly lighted.

vi. ***Furniture etc.***

There should be proper provision for basic amenities like tables, chairs, benches, and shade for voters standing in the queue at the polling stations.

vii. ***Food for Polling Personnel***

Proper arrangements of good quality of foods for the polling parties should be made at the polling stations through Sector Officers. It is not desirable on the part of polling parties to venture out for the sake of getting food or to avail local hospitality.

B. Facilities to be provided to the voters at the polling stations:

i. There should be separate queues for men and women electors. Men and women voters should be admitted into the polling station by turns as per latest Commission instructions.

ii. Infirm / senior citizens voters and women voters with babies in arms may be given precedence over other voters in the queue.

iii. Physically challenged electors shall be given priority for entering the polling stations without having to wait in the queue for other electors and all necessary assistance as may be required should be provided to them at the polling stations, while duly ensuring the secrecy of their votes in accordance with ECI guidelines.

iv. Provide covered shelter for the electors at every polling station and, if necessary, have the extra rooms available in the building opened for electors to take rest, while ensuring that this does not cause any Law & Order of other disturbance in polling.

v. First-aid facility for the voters should be provided.

vi. Every polling party shall be supplied with oral rehydration salts for their own use as well as for any voter needing the same due to heat-stroke. A hand-bill on 'Dos and Don'ts' in case of heat stroke may be prepared and supplied to each of the polling parties.

vii. In case of elections during summer months also appeal to the electors to carry wet towels to protect themselves against dehydration and also advise women electors to avoid bringing children along with them to polling stations due to extreme weather conditions.

C. Appointment of Nodal Officers:

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 amenities at the polling stations as well as polling personnel / voters welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential addresses, 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.

D. Services of Para-Medical Staff:

The DEO of each district where the constituencies that are going to poll are located shall requisition the services of para-medical staff from the offices of the Chief District Medical Officers and one such Para Medical Staff member shall accompany every mobile Patrol Unit and Sector Officer in their vehicles along with essential first-aid and heat-stroke medicines. Such mobile patrol units shall touch every polling station once in every hour so that instant medical assistance would be available to any voter needing such help besides the first aid facilities given to the polling parties.

OK REPORT SYSTEM

The DEO after verification of polling station should initiate remedial measures where required, on the basis of physical verification done by BLO, Sector officer or done by himself and send an Action Taken OK Reports to the CEO concerned by 10th Oct, 2013. The CEO after compiling information from all the DEOs should send a OK report (Polling Station OK certification report) latest by 15th Nov, 2013.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

Conduct of Poll

INSTRUCTION Sl. No. 122

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE
UNDER SECRETARY

Tel No. 23717590
Fax No. 23717590

No. 464/INST/2008/EPS

Dated: 19th January, 2009

To

The Chief Electoral Officers of
All States/Uts.

Subject: **General Elections to the Lok Sabha, 2009 – No photography or video recording by any person inside the polling stations, except by the persons authorized by the Commission in the interest of maintaining secrecy of vote.**

Sir/Madam,

It has been brought to the notice of the Commission that certain political functionaries, in the past, have violated the secrecy of vote at elections from Parliamentary and Assembly Constituencies either by displaying their vote to media or to other individuals accompanying them. This act on their part is a clear violation of not only the principle of secrecy of vote which is sacrosanct but also an infringement of statutory provisions of Section 132 A of the Representation of the People Act, 1951 and rules 39 and 49M of the Conduct of Election Rules, which provide for such votes not being allowed to be cast.

The Commission has considered the issue and feels that secrecy of vote should be maintained at all costs. Section 128 of the Representation of the People Act, 1951 also prescribes in this behalf that:

"128. Maintenance of secrecy of voting - (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

[Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council or States.]

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."

The Commission, in the interest of maintaining secrecy of vote, has further decided that no photography or video recording by any person shall be allowed inside the polling stations, except by the persons authorized by the Commission.

Any violation of these instructions will be viewed very seriously and concerned Presiding Officer will be held responsible for any lapse in this regard.

With kind regards,

Yours faithfully

(SUMIT MUKHERJEE)
UNDER SECRETARY

ELECTION URGENT
BY FAX/CAMP BAG

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi- 110001

No464/INST/2009-EPS Dated: 8th April, 2009

To

The Chief Electoral Officers of
All States/UTs

Subject: **General Election to Lok Sabha, 2009- Preventing measures near polling booth-in poll day- Instruction regarding use of cellular phones.**

Sir / Madam,

In partial modification to the Commission's letter of even No. dated 09.02.2009 on the above subject, the Commission has decided to allow the Presiding Officers to carry their mobile/cellular phone inside the polling station. They will keep it in **switch off** mode and will switch on and use only for communicating with the sector officers in case of necessity and emergency.

These instructions shall be brought to the notice of the candidates, their election agents and all political parties for their information. The RO shall ensure the implementation of above instruction.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECREATARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3/1/2013/VVPAT/SDR Dated: 15th October, 2013

To

The Chief Electoral Officers of
all States and Union Territories

Subject: The Conduct of Elections (Amendment) Rules, 2013-reg.

Sir/ Madam,

I am directed to forward herewith a copy of the Conduct of Elections (Amendment) Rules, 2013, as published in Extraordinary Issues of the Gazette of India dated 14th August, 2013, amending/ making rules for the use of 'Printer for paper trial' of votes recorded in EVMs. These amendments would be relevant in cases which VVPAT system is used with EVMs, under the Commission's instructions.

This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also the State Units or recognized political parties and all registered unrecognized political parties based in your State/ Union Territory for their information.

Please note that the format of Statutory From 17C appended to the CE Rules, 1961 that is used for keeping account of votes recorded at polling stations with the use of EVMs and noting down the result of counting displayed on the Central Unit of EVM has been amended by this notification. Henceforth, only this Form 17C will be used at all future elections conducted by use of EVMs irrespective of the fact whether the printer is used for printing of paper trail or not. The stock of existing Form 17C may be replaced with the modified Form.

Kindly acknowledge the receipt.

Yours faithfully,

(N. T. Bhutia)
UNDER SECRETARY

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विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 14 अगस्त, 2013

का.आ. 2470(अ).—केन्द्रीय 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 लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2013 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. निर्वाचनों का संचालन नियम, 1961 (जिन्हे इसमें इसके पश्चात् मूल नियम कहा गया है), के नियम 49क के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :—

"परंतु ऐसे निर्वाचन क्षेत्र या निर्वाचन क्षेत्रों या उनके हिस्सों में, जैसा निर्वाचन आयोग निदेशित करे, मत के कागज़ पुच्छ के मुद्रण के लिए मतदान मशीन से ऐसे अभिकल्प के ड्रॉपबॉक्स के साथ प्रिंटर जोड़ा जा सकेगा, जैसा निर्वाचन आयोग द्वारा अनुमोदित किया जाए ।"।

3. मूल नियमों के नियम 49ख के उपनियम (4) में खंड (ख) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—

"(ग) नियम 49क के परंतुक के अधीन जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है—

(i) खंड (क) के अधीन मतदान यूनिटों पर यथाप्रदत्त अभ्यर्थियों के क्रम संख्यांक और नाम तथा उन्हें आबंटित चिह्नों को प्रिंटर में लोड करके ;

(ii) प्रिंटर में कागज़ लोड करके ; और

(iii) प्रिंटर को ऐसी रीति में मुद्राबंद करके जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए,

नियंत्रण युनिटों में सेट किए गए निर्वाचन लड़ने वाले अभ्यर्थियों की संख्या के अनुसार प्रिंटर सेट किया जाएगा ।" ।

4. मूल नियमों के नियम 49ङ में,--

(क) उपनियम (1) आरंभिक भाग में, "प्रत्येक मतदान मशीन के नियंत्रण यूनिट और मतदान यूनिट पर" शब्दों के पश्चात्, "और कागज़ पुच्छ के लिए प्रिंटर पर, जहां प्रयुक्त हो" शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में, "मतदान मशीन में पहले से ही कोई मत दर्ज नहीं किया गया है और उस पर उपनियम (4) में निर्दिष्ट लेबल लगा है" शब्दों, कोष्ठकों और अंक के स्थान पर, "मतदान मशीन में पहले से ही कोई मत दर्ज नहीं है और उस पर उपनियम (1) में निर्दिष्ट लेबल लगा है, और जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है वहां प्रिंटर का ड्रापबॉक्स खाली है" शब्द, कोष्ठक और अंक रखे जाएंगे ।

(ग) उपनियम (6) के पश्चात् निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात् :--

"(7) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, वहां मतदान कोष्ठ में मतदान यूनिट के साथ प्रिंटर भी रखा जाएगा और उस रीति में इलैक्ट्रानिक मतदान मशीन से जोड़ा जाएगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए ।"।

5. मूल नियमों के नियम 49ङ के उपनियम (3) में, खंड (ग) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :--

"परंतु जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, खंड (ख) में यथानिर्दिष्ट बटन दबाकर मतदान करने पर निर्वाचक मतदान कोष्ठ के अंदर मतदान यूनिट के साथ रखे प्रिंटर की पारदर्शी खिड़की से प्रिंटर के ड्रापबॉक्स में ऐसी कागज़ की पर्ची कटकर गिरने के पूर्व उस अभ्यर्थी का क्रम संख्यांक, नाम और चिह्न, जिसे उसने अपना मत दिया है, दर्शित करने वाली मुद्रित कागज़ की पर्ची देखने में समर्थ होगा ।" ।

6. मूल नियमों के नियम 49ङ के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :--

"49ङक. कागज़ की पर्ची पर मुद्रित विशिष्टियों के बारे में परिवाद की दशा में प्रक्रिया-(1) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, यदि नियम 49ङ के अधीन अपना मत अभिलिखित करने के पश्चात् निर्वाचक यह आरोप लगाता है कि प्रिंटर से निकली हुई कागज़ की पर्ची में उस अभ्यर्थी से भिन्न अभ्यर्थी का नाम या चिह्न दर्शाया गया है जिसे उसने मत दिया था, तो पीठासीन अधिकारी निर्वाचक को झूठी घोषणा करने के परिणाम के बारे में चेतावनी देने के पश्चात्, निर्वाचक से आरोप के संबंध में लिखित घोषणा प्राप्त करेगा ।

(2) यदि निर्वाचक उपनियम (1) में निर्दिष्ट लिखित घोषणा देता है तो पीठासीन अधिकारी प्ररूप 17क में उस निर्वाचक से संबंधित दूसरी प्रविष्टि करेगा, अपनी उपस्थिति में तथा अभ्यर्थियों या मतदान अभिकर्ताओं की उपस्थिति में, जो मतदान केन्द्र में उपस्थित रह सकेंगे तथा प्रिंटर द्वारा निकाली गई कागज़ की पर्ची का प्रेक्षण करेंगे, निर्वाचक को मतदान मशीन में एक परीक्षण मतदान अभिलिखित करने की अनुज्ञा देगा ।

(3) यदि आरोप सत्य पाया जाता है तो पीठासीन अधिकारी इन तथ्यों की रिपोर्ट तुरंत रिटर्निंग आफिसर को करेगा, उस मतदान मशीन में और मत अभिलिखित करना बंद कर देगा तथा उन निदेशों के अनुसार कार्य करेगा जो रिटर्निंग आफिसर द्वारा दिए जाएं ।

(4) तथापि, यदि आरोप मिथ्या पाया जाता है और उपनियम (1) के अधीन इस प्रकार निकाली हुई कागज़ की पर्ची उपनियम (2) के अधीन निर्वाचक द्वारा अभिलिखित परीक्षण मत से मेल खाती है तो पीठासीन अधिकारी-

(i) प्ररूप 17क में उस अभ्यर्थी का क्रम संख्यांक और नाम जिसके लिए ऐसा परीक्षण मत अभिलिखित किया गया है, वर्णित करते हुए उस निर्वाचक से संबंधित दूसरी प्रविष्टि के सामने उस प्रभाव की टिप्पणी करेगा ;

(ii) ऐसी टिप्पणियों के सामने उस निर्वाचक के हस्ताक्षर या अंगूठे की छाप लेगा ; और

(iii) प्ररूप 17ग के भाग 1 में मद 5 में ऐसे परीक्षण मत के संबंध में आवश्यक प्रविष्टियां करेगा ।"।

7. मूल नियमों के नियम 49न में,--

(क) उपनियम (1) में, "मतदान यूनिट को नियंत्रण यूनिट से" शब्दों के पश्चात्, "और प्रिंटर से, जहां प्रिंटर भी प्रयुक्त होता है, किंतु इस प्रकार कि प्रिंटर के ड्रापबॉक्स में अंतर्विष्ट कागज़ की पर्चियां अविकल रहेंगी," शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में "नियंत्रण यूनिट और मतदान यूनिट को" शब्दों के स्थान पर, जहां प्रयुक्त होते है, "नियंत्रण यूनिट, मतदान यूनिट और प्रिंटर को, शब्द अंतःस्थापित किए जाएंगे"

8. मूल नियमों के नियम 66क में, खंड (i) में, –

(अ) नियम 56ग के उपनियम (2) में खंड (क) के पश्चात्, निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :--

"परंतु प्ररूप 17ग के भाग 1 के मद 5 के अनुसार, किसी अभ्यर्थी के लिए, अभिलिखित परीक्षण मत, यदि कोई हो, नियंत्रण यूनिट पर यथा प्रदर्शित ऐसे अभ्यर्थी के लिए अभिलिखित किए गए मतों की संख्या में से घटा दिया जाएगा ।";

(आ) नियम 56ग के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :--

"56घ. कागज़ पुच्छ की संवीक्षा-(1) जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, परिणाम शीट में की गई प्रविष्टियों की घोषणा किए जाने के पश्चात्, कोई अभ्यर्थी, या उसकी अनुपस्थिति में उसका निर्वाचन अभिकर्ता या उसका कोई मतगणना अभिकर्ता किसी मतदान केन्द्र या मतदान केन्द्रो के संबंध में प्रिंटर के ड्रापबॉक्स में मुद्रित कागज़ पर्चियों की गणना करने के लिए लिखित में रिटर्निंग आफिसर को आवेदन कर सकेगा ।

(2) ऐसा आवेदन किए जाने पर, रिटर्निंग आफिसर, ऐसे साधारण या विशेष दिशा निर्देशों के अधीन रहते हुए जो निर्वाचन आयोग द्वारा जारी किए जाएं, मामले का विनिश्चय करेगा तथा आवेदन को पूर्णतः या भागतः अनुज्ञात कर सकेगा या पूर्णतः अस्वीकृत कर सकेगा, यदि उसे वह तुच्छ या अयुक्तियुक्त प्रतीत होता है ।

(3) उपनियम (2) के अधीन रिटर्निंग आफिसर का प्रत्येक विनिश्चय लिखित में होगा तथा उसमें उसके कारण अंतर्विष्ट होंगे ।

(4) यदि उपनियम (2) के अधीन रिटर्निंग आफिसर कागज़ पर्चियों की गणना या तो पूर्णतः या भाग या भागों को अनुज्ञात करता है तो वह--

(क) गणना उस रीति में करेगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए ;

(ख) यदि नियंत्रण यूनिट पर प्रदर्शित मतों और कागज़ की पर्चियों की गणना में कोई विसंगति है तो कागज़ की पर्चियों की गणना के अनुसार प्ररूप 20 में परिणाम शीट को संशोधित करेगा ;

(ग) उसके द्वारा इस प्रकार किए गए संशोधनों की घोषणा करेगा ; और

(घ) परिणाम शीट को पूर्ण करेगा तथा उस पर हस्ताक्षर करेगा";

(इ) नियम 57ग में,--

(क) उपनियम (1) में, "ऐसे परिणाम की स्मृति प्रतिधारित कर सके" शब्दों के पश्चात्, "और जहां कागज़ पुच्छ के लिए प्रिंटर प्रयुक्त किया जाता है, रिटर्निंग आफिसर ऐसी रीति में कागज की पर्चियों को मुद्राबंद करेगा जैसा निर्वाचन आयोग द्वारा निदेशित किया जाए" शब्द अंतःस्थापित किए जाएंगे ;

(ख) उपनियम (2) में,-

(i) आरंभिक भाग में, "नियंत्रण यूनिट" शब्दों के पश्चात्, "और कागज़ की पर्चियों" शब्द अंतःस्थापित किए जाएंगे ;

(ii) खंड (ग) में, "नियंत्रण यूनिट" शब्दों के पश्चात्, "और प्रिंटर, जहां कहीं प्रयुक्त हो," शब्द अंतःस्थापित किए जाएंगे ।

9. मूल नियमों के नियम 92 के उपनियम (2) में, खंड (ग) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :--

"(गग) नियम 57ग के उपबंधों के अधीन मुद्राबंद मुद्रित कागज़ की पर्चियां ;" ।

10. मूल नियमों के नियम 93 के उपनियम (1) में, खंड (ग) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :--

"(गग) नियम 57ग के उपबंधों के अधीन मुद्राबंद मुद्रित कागज़ की पर्चियां ;" ।

11. मूल नियमों के नियम 94 में, खंड (ख) के परंतुक में "प्रयुक्त मतपत्रों के प्रतिपर्णों" शब्दों के पश्चात्, "और मुद्रित कागज़ की पर्चियों, यदि कोई हों," शब्द अंतःस्थापित किए जाएंगे ।

12. मूल नियमों में, प्ररूप 17ग के स्थान पर, निम्नलिखित प्ररूप रखा जाएगा, अर्थात् :--

प्ररूप 17ग

(नियम 49घ और 56ग (2) देखिए)

भाग 1 - अभिलिखित मतों का लेखा

.....निर्वाचन-क्षेत्र से.....लोक सभा क्षेत्र/राज्य/संघ राज्यक्षेत्र की विधान सभा के लिए निर्वाचन

मतदान केन्द्र संख्यांक और नाम :

नियंत्रण यूनिट.....

मतदान केन्द्र में प्रयुक्त मतदान मशीन का पहचान संख्यांक :

मतदान यूनिट.....

प्रिंटर (यदि प्रयुक्त हुआ है) .....

1. मतदान केन्द्र को नियत निर्वाचकों की कुल संख्या
2. मतदाता रजिस्टर (प्ररूप 17क) में दर्ज मतदाताओं की कुल संख्या
3. नियम 49ण के अधीन मतदान अभिलिखित न करने का विनिश्चय करने वाले मतदाताओं की संख्या
4. नियम 49ड के अधीन मतदान करने के लिए अनुज्ञात न किए गए मतदाताओं की संख्या
5. नियम 43एमए(घ) के अधीन अपेक्षित कटौती के लिए अभिलिखित परीक्षण मत-

(क) कटौती के लिए परीक्षण मतों की कुल संख्यां — क्रम संख्या (संख्यांए) ..... — प्ररूप 17(क) में निर्वाचक (निर्वाचकों) की क्रम सं0 .....

(ख) अभ्यर्थी (अभ्यर्थियों) जिनके लिए परीक्षण मत डाले गए

क्रम सं0	अभ्यर्थी का नाम	मतों की सं0
.....	.....	.....
.....	.....	.....

6. मतदान मशीन के अनुसार अभिलिखित मतों की कुल संख्या : .....
7. क्या मद 5 के सामने यथादर्शित मतों की कुल संख्या मद 2 के सामने यथादर्शित मतदाताओं की कुल संख्या घटा—मद 3 के सामने दर्शित मत अभिलिखित न करने का विनिश्चय करने वाले मतदाताओं की संख्या घटा—मद 4 के सामने मतदाताओं की संख्या (2-3-4) से मेल करती है या इसमें कोई फर्क पाया गया है

7. उन मतदाताओं की संख्या जिनको नियम 49त के अधीन निविदत्त मतपत्र जारी किए गए :
8. निविदत्त मतपत्रों की संख्या

	कुल	क्रम संख्या से	तक
(क) प्रयोग के लिए प्राप्त.....			
(ख) निर्वाचकों को जारी किए गए.....			
(ग) प्रयुक्त न किए गए और वापस लिए गए			

9. कागज की सीलों का लेखा

मतदान अभिकर्ता के हस्ताक्षर

1. उपयोग के लिए प्रदाय की गई कागज की सीलें	कुल सं0..... क्र0सं0 ..... से..... तक	1.....
2. प्रयुक्त हुई कागज की सीलें	कुल सं0..... क्र0सं0 ..... से..... तक	2.....
3. रिटर्निंग आफिसर को वापस की गई अप्रयुक्त कागज की सीलें	कुल सं0..... क्र0सं0 ..... से..... तक	3.....
4. नष्ट हुई कागज की सीलें, यदि कोई हों :	कुल सं0..... क्र0सं0 ..... से..... तक	4..... 5..... 6.....

तारीख .....

स्थान.....

पीठासीन अधिकारी के हस्ताक्षर

मतदान केन्द्र सं0.....

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भाग 2 -- मतगणना का परिणाम

क्रम संख्यांक	अभ्यर्थी का नाम	नियंत्रण यूनिट पर प्रदर्शित मतों की संख्या	भाग 1 के मद 5 के अनुसार कटौती किए जाने वाले परीक्षण मतों की संख्या	विधिमान्य मतों की संख्या (3-4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
योग				

क्या ऊपर दर्शित मतों की कुल संख्या भाग 1 की मद 6 के सामने दर्शित मतों की कुल संख्या से मेल करती है या उनके दोनों योगों में कोई फर्क दर्शित होता है ।

स्थान.....
तारीख.....

गणन पर्यवेक्षक के हस्ताक्षर
अभ्यर्थी/निर्वाचन अभिकर्ता/गणन अभिकर्ता का नाम
पूरे हस्ताक्षर

1.
2.
3.
4.
5.
6.
7.

स्थान.....
तारीख.....

रिटर्निंग आफिसर के हस्ताक्षर ।"।

[फा. सं. एच-11019(10)/2010-वि. 2]

डॉ. जी. नारायण राजू, संयुक्त सचिव और विधायी प्रामर्शी

टिप्पणी : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उपखण्ड (ii), में अधिसूचना संख्यांक का.आ. 859 तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए और उनमें अंतिम संशोधन अधिसूचना संख्यांक का.आ. 1732(अ) तारीख 1 अगस्त, 2012 द्वारा किया गया ।

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 14th August, 2013

S.O. 2470(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, 2013.
(*2*) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules), after rule 49A, the following proviso shall be inserted, namely:-

"Provided that a printer with a drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct.".

3. In the principal rules, in rule 49B, in sub-rule (4), after clause (b), the following clause shall be inserted, namely:-

"(c)where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the control unit by –

(i) loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a);
(ii) loading paper in the printer; and
(iii) sealing the printer in such manner as may be directed by the Election Commission.".

4. In the principal rules, in rule 49E,—

(a) in sub-rule (1), in the opening portion, after the words "every voting machine used at polling station,", the words "and the printer for paper trail where used," shall be inserted;

(b) in sub-rule (2), for the words, brackets and figure "no voter has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).", the words, brackets and figure " no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty." shall be substituted;

(c) after sub-rule (6), the following sub-rule shall be inserted, namely:-

"(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Election Commission.".

5. In the principal rules, in rule 49M, in sub-rule (3), after clause (c), the following proviso shall be inserted, namely:—

"Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.".

6. In the principal rules, after rule 49M, the following rule shall be inserted, namely:-

"49MA.Procedure in case of complaint about particulars printed on paper slip.–(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall—

(i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
(ii) obtain the signature or thumb impression of that elector against such remarks; and
(iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.".

7. In the principal rules, in rule 49T,—

(a) in sub-rule (1), after the words "detach the balloting unit from the control unit", the words "and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact" shall be inserted;

(b) in sub-rule (2), for the words "The control unit and the balloting unit shall,", the words "The control unit, the balloting unit and the printer, where it is used, shall" shall be inserted.

8. In the principal rules, in rule 66A, in clause (i),—

(A) in rule 56C, in sub-rule (2), after clause (a), the following proviso shall be inserted, namely:—

"Provided that the test vote recorded, if any, for a candidate, as per item 5 in Part I of Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit.";

(B) after rule 56C, the following rule shall be inserted, namely:—

"**56D. Scrutiny of paper trail.**– (1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall—

(a) do the counting in the manner as may be directed by the Election Commission;

(b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;

(c) announce the amendments so made by him; and

(d) complete and sign the result sheet.";

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(C) in rule 57C,—

(a) in sub-rule (1), after the words "the memory of such result", the words "and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Election Commission" shall be inserted;

(b) in sub-rule (2), —

(i) in the opening portion, after the words "The control unit", the words "and the paper slips" shall be inserted;

(ii) in clause (c), after the words "the control unit", the words "and printer wherever used" shall be inserted.

9. In the principal rules, in rule 92, in sub-rule (2), after clause (c), the following clause shall be inserted, namely:-

"(cc) the printed paper slips sealed under the provisions of rule 57C;".

10. In the principal rules, in rule 93, in sub-rule (1), after clause (c), the following clause shall be inserted, namely:-

"(cc) the printed paper slips sealed under the provisions of rule 57C;".

11. In the principal rules, in rule 94, in the proviso to clause (b), after the words "counterfoils of used ballot papers", the words "and the printed paper slips, if any," shall be inserted.

12. In the principal rules, for FORM 17C, the following form shall be substituted, namely:—

"FORM 17C

[See rules 49S and 56C(2)]

PART I.—ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union territory.....from.....Constituency.

Number and Name of Polling Station: .....

Identification Number of voting Machine used at the Polling Station : control unit .....
balloting unit.....
Printer (if used) .....

1. Total number of electors assigned to the Polling Station

2. Total number of voters as entered in the Register for Voters (Form 17A)

3. Number of voters deciding not to record votes under rule 49-O

4. Number of voters not allowed to vote under rule 49M

11.5

5. Test votes recorded under rule 49MA (d) required to be deducted-

(a) total number of test votes to be deducted: Total No. Sl. No.(s) of elector(s) in Form 17A

....

(b) candidate(s) for whom test vote(s) cast:

Sl.No	Name of candidate	No. of votes
.....	.....	.....
.....	.....	.....

6. Total number of votes recorded as per voting machine:.....

7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (**i.e.** 2-3-4) or any discrepancy noticed:.....

8. Number of voters to whom tendered ballot papers were issued under rule 49P:.....

9. Number of tendered ballot papers.

	Total	Sl.No. From	To
(a) received for use			
(b) issued to electors			
(c) not used and returned			

10. Account of papers seals

		Signature of polling agents.
1. Paper seals supplied for use :	Total No..... Sl. No. from.....to	1. _____
2. Paper seals used :	Total No ..... Sl. No. (s).....	2_____
3. Unused paper seals returned to Returning Officer :	Total No ..... Sl. No.(s)	3_____
4. Damaged paper seal, if any :	Total No ..... Sl. No.(s)	4_____
		5_____
		6_____

Date.....
Place.....

Signature of Presiding Officer
Polling Station No.....

PART II—RESULT OF COUNTING

Sl.No. of candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I.	Number of valid votes. (3 -4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.				
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....
Date.....

Name of candidate/election agent/counting agent

Signature of Counting Supervisor
Full signature

1.

2.

3.

4.

5.

6.

7.

Place .....
Date.....

Signature of Returning Officer.".

[F. No. II-11019(10)/2010-Leg.II]

Dr. G. NARAYANA RAJU, Jt. Secy. and Legislative Counsel.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* notification number S.O. 859, dated the 15th April, 1961 and last amended *vide* notification number S.O. 1732(E), dated 1st August, 2012.

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.78/2013/EPS Dated: 24th October, 2013

To

1. The Chief Secretaries to the Government of: -
   Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan, Delhi, Gujarat and Tamil Nadu.

2. The Chief Electoral Officers of: -
   Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan, Delhi, Gujarat and Tamil Nadu.

3. The Secretary to the Govt. of India, M/o Personnel Public Grievances & Pensions, Department of Personnel and Training, North Block, New Delhi.

Subject:- General Election to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi and bye – elections to fill the casual vacancies in the State Legislative Assemblies of Gujarat and Tamil Nadu – Grant of paid holiday to employees on the day of poll – Regarding.

Sir,

I am directed to invite your attention to Section 135B of the Representation of the People Act. 1951 which provides for the grant of paid holiday to the employees on the day of poll. The Section 135B is reproduced below:-

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

(i) 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.

(ii) 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 (I) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(iii) 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.

(iv) 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."

2. The above provisions require that all establishments and shops including those which work on shift basis 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 Section 135B(1) of the Representation of the People Act, 1951.

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

4. 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.

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

Yours faithfully

(Sumit Mukherjee)
Secretary

Copy to concerned Zonal Sections

By email/special camp bag/speed post

ELECTION COMMISSION OF INIDA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/1/2013/VVPAT/SDR/ **Dated- 20th November, 2013**

To

The Chief Electoral Officers of all
States and Union Territories

Subject:-Use of EVMs with Printers – Format of declaration under rule 49MA of C.E Rules, 1961 – regarding.

Sir/Madam,

Kind attention is invited to letter of even number dated 15th October, 2013 with which a copy of the Gazette of India dated **14th August, 2013** publishing the Notification issued by the Ministry of Law and Justice to amend the C.E. Rules, 1961 to enable the use of "Printer for paper trail "of votes recorded in EVMs was forwarded. The Form 17C has also been amended to incorporate the identification number of the Printer and test votes, if any, recorded by electors wherever VVPAT is used as per the direction of the Commission.

Subsequently, the Hon'ble Supreme Court, in its judgment dated **27th September, 2013**, in Writ Petition (C) No. 161 of 2004 (People's Union for Civil Liberties &Anr.Vs Union of India &Anr), has directed that the Commission should make necessary provision in the ballot papers/EVMs for "None of the Above (NOTA)" option so that the electors who do not wish to vote for any of the candidates can exercise their right not to vote for any candidate without violation of the secrecy of their decision. Rules 41 (2), 41(3) and 49-O of the Conduct of Elections Rules, 1961, have been held to be ultra vires Section 128 of the Representation of the People Act, 1951 and Article 19(1)(a) of the Constitution.

In view of the above mentioned judgment of the Supreme Court, the provision made for noting the number of voters deciding not to record votes under rule 49-O at Item No.3 of Form 17C has become otiose. In the meantime, a reference has been received from CEO, Tamil Nadu in which he has mentioned about possibility of some voter not casting vote after signing the Register of Voters (Form 17A) even after option of NOTA is provided in the EVM/Ballot Paper due to any reason cannot be ruled out, and seeking clarification about the procedure to be followed in such cases.

The issue has been considered by the Commission and it has been decided that if an elector after signing in Form 17A wishes to leave without voting a remark can be made in the Register of Voters (Form 17 A) according to the situation/circumstances under which the elector is not voting like "left without voting" or "refused to vote" etc.

In Form 17-C (Part-I) the number of such cases may be shown against Item (3) after scoring out the words "under rule 49-O" therein.

In the States of Mizoram, Madhya Pradesh, Rajasthan and NCT of Delhi where poll for the current general election to the Legislative Assembly is yet to be held and in the States of Gujarat and Tamil Nadu where poll for the bye-elections is to be held, these instructions may be brought to the notice of the officials drafted for conduct of poll at polling stations in such manner as may be considered appropriate.

Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

Postal Ballots

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/RJ/2009 Dated: 19th April, 2009

To

The Chief Electoral Officer
Rajasthan, Jaipur

Subject: लोकसभा के लिए सामान्य निर्वाचन, 2009 निर्वाचन ड्यूटी पर स्टाफ को मताधिकार का प्रयोग करने हेतु निर्वाचन ड्यूटी प्रमाण पत्र (प्ररूप 12 ख) जारी किये जाने के सम्बन्ध में – राजस्थान राज्य।

Sir,

I am directed to refer to your letter No. P.8(1)(8)/Elec./2009/4035, dated 17th April, 2009 on the subject cited and to state that the police personnels and officials other their poll personnels be given postal ballot facility.

Yours faithfully,

sd/-

(VARINDER KUMAR)
UNDER SECRETARY

By special camp bag/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 52/2013/SDR

Dated: 26th March, 2013

To

Chief Electoral Officer
Karnataka
Bangalore

Sub: - Guidelines for smooth management of Postal Ballot Papers for employees on poll duty, Police Officers on Poll duty and drivers/conductors and cleaners of vehicles requisitioned on Poll duty and Postal Ballots for Service Voters.

Ref: - ECI Letters No. 52/2102/SDR/216-250, dated 13th August 2012, No. 52/2012/SDR/181-215, dated 13th August 2012 and No. 52/2012/SDR/251-285, dated 13th August 2012.

Sir,

Election Commission has issued detailed instructions for facilitation of casting of postal ballots by persons on poll duty from time to time. The Commission had modified these instructions in the recently held elections in the North East. This has resulted in a significant increase in the casting of postal ballots by persons on poll duty. The Commission has considered various logistical problems in the process of facilitation of postal balloting by persons on election duty and has decided to further modify these instructions. These comprehensive instructions are being issued in supersession of all existing instructions on facilitation of postal balloting by persons on election duty.

2. **Persons on election duty who are entitled for Postal Ballots (PB) and Election Duty Certificate (EDC)** – All persons who are not able to cast their vote at the polling station where they are enrolled as a voter are entitled to get either an EDC or a postal ballot. In case they are put on election duty in the same constituency in which they are enrolled as a voter, they are entitled to get an EDC, which entitles them to vote at the polling station where they are on duty. If they are on duty in a constituency other than the constituency where they are enrolled as a voter, they are entitled to a Postal Ballot. These persons include employees in polling parties, Sector Officers, Zonal Officers, Returning Officers and Assistant Returning Officers, District Elections Officer, Deputy District Election Officer, employees posted in the offices of District Election Officer, returning Officer, Control Room and other election related offices, micro-observers, all police personnel, home guards, drivers, conductors and cleaners of vehicles, engaged in election work etc. There is a simple test to determine whether a person is entitled to postal ballot or not. If a person is not able to cast his or her vote at the polling station where he or she is enrolled as a voter for reason of being on duty in relation to elections, such a person is entitled to an EDC if he or she is on duty in the same constituency where he or she is enrolled as a voter, and entitled to a postal ballot if he or she is on duty in any other constituency. Such a person is entitled to EDC or Postal Ballot, as the case may be, even if he or she is not a government employee.

3. **Reasons for Facilitation of Postal Balloting by person on election duty** – Commission has received representations from time to time that many electors on election duty are not able to cast their postal ballots, and many a times postal ballots cast by such persons do not reach the Returning Officer in time for counting. The Commission has also received representations about the possibility of undue influence or intimidation of persons who cast their vote by postal ballots. The Commission has decided to facilitate casting of postal ballots by persons on election duty to take care of such complaints. The Commission has also decided that facilitation should be done in a completely transparent manner so that all stakeholders are involved in the process at every stage.

4. **Enrolment of all persons on election duty in electoral roll at the place of ordinary residence** – All sponsoring authorities should be asked to check that persons sponsored by them for election duty are enrolled in the electoral roll at the place where they are ordinarily resident. In case it is found that a person is not enrolled at all or enrolled at a place other than the place of his or her ordinary residence, steps should be taken immediately by the concerned ERO to enroll such a person at the place of ordinary residence. Generally, persons are put on election duty in the same district where they are working, it should normally not be necessary to send the postal ballots outside the district if all persons on election duty are enrolled at the place of ordinary residence. The District Election Officer should monitor this on a daily basis.

5. **Preparation of Database** – A database of all persons entitled for postal ballots for being on election duty should be prepared well in advance. Along with other information, these databases should necessarily have information about the No. and name of Assembly Constituency, No. and Name of Part and the Serial Number in Part where the person is enrolled as a voter. The EPIC number of each person should also be captured in the database. The database should also have fields for capturing information about the No. and Name of Assembly Constituency, and No. and Name of Polling Station where the person will be put on duty after randomization. The database should also have fields to capture information about the location and address of facilitation centers for postal balloting. The facilitation center will be the same as the place where a person is called for training. If a person is to be called for training more than once, information about all the trainings should be captured in the database. Information about the electoral roll enrolment of a person can be found by using search facility based on EPIC number and search facility based on name and surname. This search facility is provided at the website of all Chief Electoral Officers. These databases should be prepared in the following manner: -

   a. **Database of employees on election duty** - The District Election Officer has to prepare a database of employees for duty in polling parties, and for other election duties like sector officers, zonal officers, micro-observers etc. This database should include all persons on election duty of any kind if such a person is not able to cast his vote at the polling station where he or she is enrolled as a voter.
   b. **Database of all police personnel** - The Superintendent of Police should prepare the database of all police personnel (including home guards, if deployed on election duty) of his district and send it to the District Election Officer well before the last date of withdrawal of candidature.
   c. **Database of drivers, conductors and cleaners of vehicles on election duty** – The District Election Officer should get the database of drivers, conductors and cleaners of vehicles on election duty prepared by the officer in-charge of transportation in the district. Since additional vehicles will be put on election duty till the day of poll, this

database will need to be continuously updated till the day of poll. For this purpose the owners of vehicles should be instructed that they should ask drivers, conductors and cleaners of vehicles to bring their EPIC with them when they report for duty.

6. **Issue of pre-filled Form-12 and collection of signed form-12** – Form -12 should be issued to all persons who are put on election duty and sent to them along with the appointment order. Form-12 can be pre-filled with information about Name of Elector, No. and Name of Assembly Constituency, No. and Name of Part and Serial No. in Part where the person is enrolled in the electoral roll. This information should be available in the database of employees prepared by the DEO. Pre-filled form-12 can be printed from the database of employees by software to be prepared by the CEO. A note should be printed at the bottom of form-12, that the employee should check the pre-filled details and make corrections if these details are not correct. Form-12 should be distributed to police personnel through the Superintendent of Police. Form-12 should be distributed to drivers, conductors and cleaners of vehicles used in elections through the officer in-charge of transportation. Signed Form-12 should be collected by the District Elections Officers as soon as possible along with a copy of appointment letter. Efforts should be made to collect signed form-12 before the last date of withdrawal of candidature. However if for some reason form-12 of some persons on election duty could not be collected before this date, they should be collected even after this date as soon as possible. Signed form-12 should be sent by the District Election Officer to the concerned Returning Officer for issue of Postal Ballots.

7. **Issue of Postal Ballots** – The District Election Officer will fill the information of facilitation center for each employee in the database. In general each training center will also be a facilitation center so that employees will be able to cast their postal ballots when they come for training. All employees including police personnel and drivers, conductors and cleaners of vehicles used in elections will be called at least once for training for the purpose of facilitation of postal balloting by employees. If more than one training session is organized for certain categories of employees, facilitation of postal balloting should be done in each session so that if an employee has not cast his postal ballot in an earlier session, he or she is able to cast postal ballot in the next training session. The Returning Officer will issue Postal Ballots as soon as signed Form-12 is received. The Returning Officers will then check the location and address of the facilitation center of the concerned employee and send the postal ballot to the Officer-in-charge of postal balloting facilitation center for being delivered to the employee. If the facilitation center is located in an area within the jurisdiction of the Returning Officer who issues the postal ballot, he will send the postal ballot directly to the Officer-in-charge of postal balloting facilitation center. If the facilitation center is outside the jurisdiction of the Returning Officer who issues the postal ballot, but within the district then he will send it directly to the Officer-in-charge of the facilitation center instead of routing it through the District Election Officer. Generally there should be no need of sending the postal ballot outside the district as employees are generally not sent for election duty outside their district. If however it becomes necessary to send a postal ballot to a Facilitation Center outside the district the District Election Officer will co-ordinate with the District Election Officer of the other district.

8. **Procedure at the Facilitation Center** - District Election Officer shall appoint one senior officer as in-charge of postal balloting at each Facilitation Center. This officer shall be responsible for the postal balloting at the Facilitation Center. The procedure to be followed at the Facilitation Center is described below: -

a. **Information to Political Parties** – All Recognized Political Parties will be informed in writing the schedule of facilitation of postal balloting at the Facilitation Centers. They shall be allowed to send their representatives to witness the facilitation process at the Facilitation centers.

b. **Time to be set apart for Postal Balloting** – In each training session at least 2 hours shall be set apart for facilitation of postal balloting. If necessary more than 2 hours may be set apart for this purpose as per need. Postal Balloting shall be done after the training is over. Political Parties representatives shall be allowed in the Facilitation Center after the training is over and the process of facilitation of postal balloting begins.

c. **Arrangements for representatives of candidates** - Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the officer in-charge of facilitation can order such a person to leave the premises immediately.

d. **Arrangements for casting Postal Ballot in secret** – Voting compartments similar to voting compartments in polling station shall be made in each Facilitation Center. This is done so that employees are able to mark their postal ballot in complete secrecy. More than one such voting compartment can be made if necessary. Arrangement of glue/gum shall also be made to seal the envelopes.

e. **Availability of gazetted officers for attestation of declaration by the person casting postal ballots** – Under the law a declaration attested by a gazetted officer has to be made by each person in Form-13A along with the postal ballot. For this purpose at least one gazetted officer shall be put on duty by the District Election Officer at each Facilitation Center. The gazetted officer shall attest the declaration based on the identification of the voter by his identity documents.

f. **Issue of Postal Ballots at the Facilitation Center** – Officer in-charge of a Facilitation Center will issue the postal ballot received from the Returning Officer to the voter for whom it is meant after verifying his identity based on EPIC or any other photo identity document, and obtain his signature as a token of having received the postal ballot in a register in the same format as Form 17A kept at polling stations.

g. **Process of Postal Balloting** – After receiving his or her postal ballot, the voter shall go into the voting compartment and mark the postal ballot in secrecy. He shall then keep the marked postal ballot in the inner envelope meant for this purpose and seal it properly. The voter shall then sign the declaration in Form-13A and get it attested by a gazetted officer as required by law. He shall write the serial number of the postal ballot paper if not already filled up in the space provided for the same in Form 13A. He shall then keep the inner envelope and the signed and attested declaration in Form-13A in the outer envelope and seal this as well. The voter will then cast his postal ballot in the Facilitation Ballot Box as described below.

h. **Casting of postal ballots in the facilitation ballot box** – A large steel trunk with one opening at the top for casting of postal ballots shall be used as a facilitation ballot box at the facilitation center. Before the casting of postal ballots is started the empty facilitation ballot box will be opened and shown to all present. The facilitation ballot box will then be sealed by the officer in-charge of the Facilitation Center. Every voter shall cast his or her postal ballot in the Facilitation Ballot Box after marking it and sealing it in the envelopes as described above.

i. **Sorting of postal ballots** - After all postal ballots for the day have been cast, the box will be opened by the officer in-charge of the Facilitation Center in the presence of the representatives of political parties. All the postal ballots will be taken out of the box and the empty box will be shown to the said representatives of political parties. The postal ballot envelops will be sorted Assembly Constituency wise and

the number of postal ballot envelopes received for each Assembly Constituency will be entered in a register in Format-1 to be maintained for this purpose at the facilitation center. Representatives of political parties present will be requested to put their signatures on the register and will be given a copy of the relevant pages of the register. All postal ballot envelopes for one Assembly Constituency will be kept in a large envelope meant for that Assembly Constituency. The name of the Facilitation Centre, the date of Facilitation and the number of postal ballots contained therein will be clearly written on this envelope. The number and name of the Assembly Constituency for which the envelope is meant will also be clearly written on the envelope. This envelope will then be sent to the Returning officer of the concerned Assembly Constituency along with a copy of the relevant pages of the register through special messenger appointed by RO for this purpose not below the rank of Deputy Tahsildar.

j. **Videography of the postal balloting process** - The entire process of postal balloting will be videographed.

9. **Monitoring of the process of Postal Balloting at Facilitation Centers** - The officer in-charge of the Facilitation Center will prepare a return in Format-2 on every day when facilitation of postal ballots is done at the facilitation center and will send it to the DEO. The DEO of every district will compile the return in Format-2 for his district every day till the facilitation for postal ballots is over in the district, for the postal ballots cast in the facilitation centers of his district. A copy of this return will be sent every day to the Chief Electoral Officer. CEO will compile the returns of the entire state in Format-2 and will send a copy of the compiled Format-2 to the Commission every day till the facilitation of postal ballots is over in the State. Chief Electoral Officer will also send a copy of return in Format-2 every day to all recognized political parties.

10. **Storage of Postal Ballots received by the Returning Officer** - Returning Officer of the concerned Assembly Constituency shall keep the envelope containing postal ballots along with the copy of the relevant pages of the register in a special strong room made especially for this purpose.

11. **Issue of Postal Ballots to Service Voters** - All postal ballots for service voters will be issued within 24 hours of the finalization of ballot paper. The outer envelope (FORM 13C) for postal ballots to service voters shall be in yellow color to distinguish them from the postal ballots for employees on poll duty. The color of the outer envelope (Form 13C) for employees on election duty shall be Pink in Assembly Elections and Green in Lok Sabha election. Chief Electoral Officer will have a meeting with the head of the postal department for the State, and work out an arrangement that the postal ballots for service voters are handed over by the Returning Officer of each constituency to a designated employee of the postal department nominated for this purpose. Postal Department shall then ensure that all postal ballots for service voters are delivered to the respective Record Offices within 48 hours.

12. **Receipt of Postal Ballots by Post** –

a. **Arrangement to be made with Postal Department** - For receiving back postal ballots by post, the Chief Electoral Officer will make an arrangement with the Postal Department and ask them to nominate one post office for each Assembly

Constituency which will deliver postal ballots every day to the Returning Officer. The time of delivery will be fixed at 3 PM every day at the office of the Returning Officer, except for the counting day when the time for delivery will be 8 AM at the counting center for that Assembly Constituency. The list of counting centers and the addresses of ROs offices will be communicated in writing to the Postal Department by the CEO.

b. **Political Parties and Candidates to be present at the time of receipt of postal ballots by post** - All recognized political parties and contesting candidates will be informed in writing that they or their representatives may remain present at the time of delivery of postal ballots by the post office. A pass should be issued to the nominated postal department employee to enter the counting center on counting day for this purpose.

c. **Procedure on receiving postal ballots by post** - The postal ballots delivered by the post office will be counted in the presence of the political party representatives and candidate representatives and an acknowledgement of the number of postal ballots received will be given to the post office. A copy of this acknowledgement shall be kept in the record of the RO. The number of postal ballots received will be entered in the daily return in Format-3 by the RO. The entire process will be videographed.

d. **Storage of postal ballots received by post** - The Retuning Officer will keep all postal ballots received from the post office every day in a separate envelope for that day and write on the envelope the date and words – "Postal Ballots Received by Post". He will keep this envelope also in the strong room for postal ballots every day after the post has been received.

e. **Monitoring of postal ballots received by post** - Returning Officer will prepare a return of the Postal Ballots received from facilitation centers in Format-3 every day till he stops receiving postal ballots from facilitation centers. He will also enter the number of postal ballots received by post in the return on Format-3 and Format-4 till the day of counting. He will send a copy of the return in Format-3 to the Chief Electoral Officer every day through the DEO of the District. He will also send a copy of the return in format-3 and format-4 to all the candidates of his Assembly Constituency. The Chief Electoral Officer will compile the information of the State in Format-3 and format-4 every day and will send a copy to the Commission. The CEO will also send a copy of the compiled Format-3 and format-4 to all recognized political parties.

13. **Sending postal ballots to the place of counting where counting is not done at RO headquarter** - In those cases where the counting is done at a place other than the RO headquarters, the postal ballots for the Assembly Constituency will be transferred to another strong room for the postal ballots for the concerned Assembly Constituency at the counting centers, one day before the day of counting. For this purpose, the RO shall inform in writing to the candidates the time at which this will be done. The strong room for postal ballots shall be opened in the presence of the candidates of their representatives present. All postal ballots will then be kept in a large steel box which will be sealed in the presence of candidates and their representatives. This box will then be carried under guard of armed CPF to the strong room for postal ballots at the counting center. Candidates and their representatives shall be allowed to follow the vehicle carrying postal ballots. The box containing postal ballots will then be kept in the strong room for postal ballots at the counting center in the presence of the candidates and their representatives. Strong room will then be sealed and signatures of candidates and their representatives shall be taken as proof of their presence. Candidates and their representatives shall be allowed to keep watch on the strong room for which they will be provided reasonable facilities by the DEO. The whole process will be video graphed.

On the day of the counting, the returning officer will open the strong room and bring all postal ballots and copies of the relevant pages of registers received from the facilitation centers to the table where the postal ballots will be counted.

14. **Tallying of postal ballot numbers before counting** - The envelopes received from facilitation centers will be opened one by one and the number of postal ballots found in each envelope will be tallied with the numbers mentioned in the copies of relevant pages of the registers received from the facilitation center. The result of such tallying will be shown to the candidates and their election agents before the counting of postal ballots. Similarly, the register of postal ballots received by post shall also be shown to the candidates and their election agents.

15. **Daily Report to the Commission** - Every DEO shall prepare information in Format 5 and send it to the CEO. CEO will compile the information for the entire State and send the same to the Commission on daily basis. A copy of this information will also be sent to all recognized political parties.

16. The Commission has directed that these instructions should be brought to the notice of all concerned immediately. A copy of this letter should be immediately given to all the recognized political parties by the Chief Electoral Officer at the State level and by the District Election Officers at the district level. A copy of this letter should also be given to all the contesting candidates by the Returning Officer after the last date of withdrawal.

17. Receipt of this letter be acknowledged and copies of instructions issued to DEOs/ROs/Political parties/candidates should be endorsed to the Commission.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Format -1

Register for Postal Ballots at Facilitation Center

Name of State _____

Name of District _____

No. & Name of Assembly Constituency:_____

Name of Facilitation Center_____

Name & designation of
Officer-in-charge _____

S.No.	Date	No. and Name of AC for which Postal Ballot has been Cast	Number of Postal Ballots cast by Employees on Poll duty	Number of Postal Ballots cast by Police	Number of Postal Ballots Cast by Drivers, conductors, cleaners of requisitioned vehicles	Total Number of postal ballots cast for the Assembly Constituency
Total for the Date						
Cumulative Total Till Date						

Format -2

Statement of Postal Ballots Cast at Facilitation Center

Name of State _____

Name of District _____ No. & Name of Assembly Constituency

Date_____

S.No.	Name of Facilitation Center	Number of Postal Ballots cast by Employees on Poll duty		Number of Postal Ballots cast by Police		Number of Postal Ballots Cast by Drivers, conductors, cleaners of requisitioned vehicles		Total Number of postal ballots cast for the Assembly Constituency	
		On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date
Total for District									
Total for State									

346

Format -3

Statement of Postal Ballots Received by RO
(Summary)
Name of State _____
Name of District _____
Date_____

S.No.	No. and Name of AC	Number of Postal Ballots received by special messenger from Facilitation Centers		Number of Postal Received by Post		Total Postal Ballots Received (Including by special messenger from facilitation centers and by post)	
		Received on Date	Received cumulative till date	Received on Date	Received cumulative till date	Received on Date	Received cumulative till date
Total for District							
Total for State							

Format 4

Statement of Postal Ballots Received by RO

(Detailed based on the copies of relevant pages received along with postal ballots from facilitation centers)

Name of State _____

Name of District _____

Date_____

S.No.	No. and Name of AC	Postal Ballots Received by Special Messenger from Facilitation Centers								Postal Ballots Received by Post				Total Postal Ballots Received					
		Number of Postal Ballots by Employees on Poll duty		Number of Postal Ballots by Police		Number of Postal Ballots by Drivers, conductors, cleaners of requisitioned vehicles		Total Number of postal ballots received form facilitation Centers		Postal Ballots by Employees		Postal Ballots by Service Voters (Outer Envelope of Yellow Color)		From Employees (Add Total Postal ballots received from facilitation centers with postal ballots received from employees by post)		From Service Voters (Received by post)		Total	
		On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date	On Date	Till Date
Total for District																			
Total for State																			

348

Format – 5

Statement of persons eligible for postal ballots, postal ballots issued by RO and postal ballots received by RO

Name of State _____

Name of District	Category of Employees	No. of Employees on duty	No. of employees to whom Form-12 given	No. of employees who submitted filled Form-12	No. of Employees to whom postal ballot were issued	No. of Employees who cast postal ballot at facilitation centre	No of Postal Ballots received from Employees by Post	Total No. of Service Voters in District	No. of Postal Ballots issued to Service Voters	No. of postal Ballots received from Service Voters
1	2	3	4	5	6	7	8	9	10	11
District -1	Civilian									
	Police									
	Driver, Conductor, Cleaner									
Total for State	Civilian									
	Police									
	Driver, Conductor, Cleaner									

ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

No. 52/2013/SDR

New Delhi, 18th June, 2013

To

Chief Electoral Officers of all
States and Union Territories

Sub: - Preparatory activities for Exercise of Franchise by persons on election duty.

Sir,

You are aware that very large numbers of persons are put on duty for the purpose of conduct of elections. In the last Lok Sabha election approximately one crore persons were put on election duty. These include person in polling teams including Presiding Officers and Polling Officers, Police personnel used in elections, sector and zonal officers, Returning Officers, Assistant Returning Officers, District Elections Officers and their staff, micro-observers, Assistant Expenditure Observers, Observers of the Commission, drivers conductors and cleaners of vehicles used in elections and police personnel, etc. It is a known fact that many of these persons are not able to exercise their franchise because of being on election duty. The Commission is keen that all persons on election duty are able to exercise their franchise as per law.

2. Under the law, there are two ways in which franchise can be exercised by a person on election duty. If the person is on duty in the same constituency where he is enrolled as an elector, he is given in the Election Duty Certificate (EDC), which entitles him to cast his vote in the polling station of the constituency where he is on election duty. If on the other hand, the person is on duty in some constituency other than the one in which he is enrolled as an elector, he is entitled to vote by Postal Ballot.
3. Common reasons why a person may not be able to exercise his franchise when on election duty are: -

3.1. Problems with enrolment in electoral rolls –

3.1.1. Many Persons on Election Duty are not enrolled at all.

3.1.2. Many Persons on Election Duty are not enrolled at their ordinary place of residence, but continue to be enrolled in their native villages or towns where they are not living any longer.

3.1.3. Many Persons on Election Duty are enrolled at more than one place.

3.2. Problems with requesting Postal Ballot or EDC –

3.2.1. Many Persons on Election Duty are not aware that they are entitled to EDC or Postal Ballot.

3.2.2. Many Persons on Election Duty are not aware of the application forms required to be filled for the purpose of applying for EDC or Postal Ballot.

3.2.3. Many Persons on Election Duty do not know their enrolment details and are therefore not able to fill the application forms correctly.

3.2.4. Many Persons on Election Duty do not have access to the application forms.

3.2.5. Many Persons on Election Duty are not able to send the application forms to the concerned Returning Officer in time.

3.3. Problems with issuance of EDC and Postal Ballot –

3.3.1. Returning Officers do not receive request forms for EDC and Postal ballot from most persons on poll duty in time.

3.3.2. Many request forms received are either incomplete or have wrong information, thus making it difficult to issue an EDC or Postal Ballot. There is no time to send the form back for correction.

3.3.3. Even if EDC or Postal Ballot is issued, it is difficult to get them delivered to the Person on Election Duty in time.

3.4. Problems with return of marked postal ballot for counting –

3.4.1. There are postal delays due to which postal ballots do not come back to the Returning officer in time for counting.

4. Recently, the Commission has tried to improve the system of Postal Balloting by persons on poll duty. This has resulted in significant improvement. One of the important lessons learnt in the process is the fact that it is difficult to collect all information required for Postal Balloting and

also ensure enrollment of persons on election duty at their place of ordinary residence in the short time available after the announcement of elections. It will be much better if these preparatory activities are undertaken much before the announcement of elections.

5. **Preparatory Activities** – The following preparatory activities should be undertaken immediately by all DEOs: -

   5.1. **Preparation of a database of Persons likely to be on election duty** – There are existing instructions of the Commission to prepare a database of all Government Employees posted in the district for the purpose of randomization and allocation of election duties. So far this database has been prepared after announcement of elections. The Commission has directed that every district should prepare this database immediately and keep it updated if there are transfers, retirements or new recruitments. The database should include not only employees of the State Government,it should include all employees of State Government, Central Government and Central and State PSUs. It should also include all police personnel posted in the district including Home Guards etc. This database should include drivers, conductors and cleaners of Government vehicles, vehicles of State Road Transport Corporation etc. An effort should be made to get the information of drivers, conductors and cleaners of private vehicles in the district like trucks, buses, minibuses etc. with the help of vehicle owners associations. Apart from other things, Information relating to Cell Phone numbers and Email Ids of all persons shall also be collected and stored in the database. The software for preparation of this database shall be developed by the Commission and be made available on the website of the Commission soon. The work of preparation of the database should be completed by the end of August 2013.

   5.2. **Checking the enrolment status of persons in the database** – Information about enrolment status and EPIC numbers shall be collected in the database. Based on this information the DEO should undertake a search in the elector database to find, whether any person is not enrolled at all, or enrolled at more than one place or enrolled at a place other than place of ordinary residence. This search should be completed by end of September 2013.

5.3. **Correction in electoral roll entries** –Based on the search described above, if any correction in the enrollment in electoral roll becomes necessary, appropriate forms should be got filled from the persons concerned and corrections in electoral roll entries should be made after following statutory procedure. This activity will coincide with the summary revision of electoral rolls for the next year. After all corrections are made, all persons in the database should be enrolled at the place of their ordinary residence. They should be enrolled only once and all of them should have an EPIC. It should be made clear to all Government Employees by a circular sent to all Government Offices that enrolment at more than one place is an offence and that a person is entitled to be enrolled only at the place of his or her ordinary residence and not in the native village or town.

5.4. **Linking of database of persons likely to be used for elections with electoral roll database**– The database of persons likely to be used for elections prepared in the manner described above should then be linked with the electoral roll database on the basis of the EPIC number. This will be useful at the time of elections for filling on-line Form 12 for issue of Postal Ballot or Form 12A for issue of EDC.

5.5. **Information regarding Home District and posting history in the entire service**– Information regarding home district and previous posting shall also be collected in the database of employees. This information will be useful for transfers of employees according to the transfer policy of the Commission.

6. **On-line Applications in Form 12 and Form 12A** –Software for on-line applications in Form 12 and Form12A requesting Postal Ballot and EDC is being developed and will be released for use soon. This will simplify the task of collecting Form12 and Form12A.

7. **Issue of Postal Ballots and EDC and preparation of Marked Copy of the Electoral Roll** – Software for issue of EDC and Postal Ballots and automation of preparation of marked copy of electoral rolls is also being prepared and will be soon released. It is therefore recommended that arrangements for printing of Form 12 and Form 12A, printing of EDC and postal ballots and printing of marked copies of electoral roll in adequate number should be kept ready at the time of elections. For this purpose, a small cell with

adequate number of computers, laser printers and Internet connection should be kept ready.

8. These instructions should be communicated to all concerned and strict monitoring should be done to ensure that all preparatory activities are carried out according to the deadlines given in this letter.

Yours faithfully,

(Ashish Chakraborty)
Secretary

By Speed Post
ELECTION IMMEDIATE

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi –110 001.

No. 576/3/2013/SDR Dated:- 15th October, 2013

To

The Chief Secretaries to the Govt. of

1. Chhattisgarh
2. Madhya Pradesh
3. Mizoram
4. Rajasthan
5. Delhi

Subject:- General Elections to the State Legislative Assemblies, 2013 – Protection of voting rights of electors subjected to preventive detention.

Sir,

You are aware that the Commission has announced, on 4th October, 2013, the programme of General Elections to the Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi. The detailed programme is hosted on the Commission's website and the path is http://eci.nic.in/eci_main1/current/PN_04102013.pdf. In this connection, your attention is invited to the following provisions of law relating to voting rights of electors subjected to preventive detention.

(i) Proviso to sub-section (5) of Section 62 of Representation of the People Act, 1951 confers voting rights on the electors subjected to preventive detention. As per Rule 18 of Conduct of Elections Rules, 1961, the electors under preventive detention are entitled to cast their votes by post.

(ii) Rule 21(1) of Conduct of Elections Rules, 1961, provides that the appropriate Government shall intimate to the Returning Officers, the names of the electors, if any, subjected to preventive detention together with their address, electoral roll numbers and places of detention, within fifteen days of calling an election. This will enable the Returning Officers to send postal ballot papers to such electors to facilitate them to exercise their franchise at the election.

2. It is requested that instructions may kindly be issued to the concerned authorities to ensure that the provisions of Rule 21 (1) of the Conduct of Elections Rules, 1961, mentioned above, are strictly complied with at the current general elections and there is no ground for any grievance on account of non-compliance of the provisions of the said Rule.

3. Kindly acknowledge receipt.

Yours faithfully,

(ASHISH CHAKRABORTY)
SECRETARY

Copy to Chief Electoral Officers of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan & Delhi.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.470/2013/SDR

Dated: 4th December, 2013

To,

The Chief Electoral Officer,

1. Chattisgarh
2. Madhya Pradesh
3. Mizoram
4. Rajasthan
5. Delhi

Sub: Voting through postal ballots – additional instructions for more transparency- regarding.

Sir,

As per the Commission's instructions, at the time of issuing of postal ballot papers to electors other than service voters, a record is required to be maintained of the names of electors to whom postal ballot papers are issued. If any contesting candidate specifically asks for the copy of the List/Record of the electors to whom postal ballots were issued the same may be furnished to such candidate. Such list being furnished to candidates should contain the details regarding the A.C.No. / Part No. and Sl. No. of the elector to whom postal ballot paper has been issued. However, the list should not contain the sl. No. of the postal ballot.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

COUNTING OF VOTES

Most Immediate

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.470/2013/SDR Dated: 4th December, 2013

To

The Chief Electoral Officer,

1. Chhattisgarh
2. Madhya Pradesh
3. Mizoram
4. Rajasthan
5. Delhi.

Sub: Counting of votes polled on EVMs– additional instructions for more transparency-regarding.

Sir,

Presently, the signature/T.I of all counting agents present inside the counting hall is obtained on Part-II of Form 17C after each round of counting by the Counting Supervisor of each Table. The Commission has directed that the Part-II of Form 17C shall be prepared in duplicate. And both the copies should be got signed from the counting agents. One copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes.

2. The other copy of the Part-II will be collected from each table by an official specially designated by the RO. He will make photocopies for distribution among the counting agents present at respective Counting Tables for their record and verification. The starting of the next round of counting need not wait till distribution of these copies is complete. This can go on simultaneously. Therefore, necessary arrangements for photocopying shall be made in each counting hall.

3. The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope superscribed "Duplicate copy of result of counting in Form 17C-Part-II", mention the Table No., total number of rounds counted and the Name of the Counting Supervisor and handover the envelope personally to the R.O./A.R.O. after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.

This may be brought to the notice of the ROs/AROs and Observers for their information.

Yours faithfully,

Sd/-
(Ashish Chakraborty)
Secretary

Most Immediate

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.470/PB Counting/2013/SDR/ Dated : 4th December, 2013

To

The Chief Electoral Officer,
(1) Chhattisgarh
(2) Madhya Pradesh
(3) Mizoram
(4) Rajasthan
(5) Delhi.

Sub: Counting of postal ballots – additional instructions.

Sir,

The Commission has given detailed instructions regarding counting of postal ballot papers. In the current elections, the number of postal ballot papers are comparatively high in view of the special measures adopted for facilitating voting by postal ballot by the staff on election duty and police personnel. Therefore, for efficient management of counting of postal ballots, the Commission hereby gives the following directions :-

(i) On the day previous to the date of counting, the Returning Officer shall meet the observer and furnish the latest account of the total number of postal ballot papers received back both from the facilitation centres and those received through post/in person. At the time of commencement of counting he should also give similar information to the Observer in respect of postal ballot papers received subsequently and till the time fixed for commencement of counting i.e upto 8.00 hrs. on the day of counting. A format for furnishing this account is enclosed for uniformity.

(ii) Two or if required three Tables may be kept, subject to availability of space inside the counting hall, for counting of votes polled by postal ballot. For each Table for counting of postal ballot there should be an ARO. Thus there will be as many AROs for counting of postal ballot papers as are the number of Tables provided for counting of postal ballot. Ideally not more than 500 postal ballots may be distributed to each Table.

(iii) For each such Table, there will be one Counting Supervisor and two Counting Assistants. The Counting Supervisor and Counting Assistants for the postal ballot should be Gazetted officers.

(iv) Persons involved in postal ballot counting should also be trained about all aspects of postal ballot counting for which there are already detailed instructions of the Commission.

(v) RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor.

(vi) The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.

(vii) There shall be an additional micro-observer (GOI or CPSU official) for each table for postal ballot counting.

(viii) All the cases of rejection of postal ballot on account defects in Declaration in Form 13A should be re verified by the Returning Officer before they are actually put in the rejected category.

(ix) As already instructed in the Handbook for Returning Officers, the penultimate (one before the last) round of counting of votes recorded in EVMs shall not commence till the counting of postal ballot is completed in all respects.

(x) The contesting candidates will be entitled to appoint a counting agent for each Table provided for counting of postal ballot papers.

2. The additional measure being put in place to expedite the process of counting of postal ballot paper by providing additional counting tables in view of the large number of votes polled by postal ballot may be brought to the notice of contesting candidates in advance so that they can also appoint additional counting agents for the extra tables.

3. The Observer shall very closely oversee the process of counting of votes by postal ballot, especially the scrutiny of the declaration in Form 13A. While submitting the report on counting, after declaration of result, the Observer shall include therein a detailed description of the procedure followed for the postal ballot counting. This should specifically make a mention about the total number of postal ballot papers received for counting, no. of PB rejected,no. of tables provided for postal ballot counting and the total time taken for the counting of PB.

3. These instructions should be brought to the notice of all DEOs, ROs, AROs, and a copy of this shall also be given to each of the Observers.

Yours faithfully

Sd/-

(Ashish Chakraborty)
Secretary

Statement of Postal Ballots Cast at Facilitation Center/received by post/in person

Name of State _____
Name of District _____
No. & Name of Assembly Constituency_____

Date and time on which this report is given to the Observer by the R.O._____

S.No	*Name of Facilitation Center*	*Dates of facilitation Provided for casting of votes by postal ballot*	*Total Number of postal ballots cast by voters on election duty including police personnel and drivers/conductors/ cleaners etc. for the Assembly Constituency*	*Total Number of postal ballots received by post/in person*	***No. of PBs received subsequently till 8.00 hrs. on the date of counting.*

Note:-**This information may be entered on the counting day by the RO before actual commencement of counting at the appointed hour and countersigned by the RO again.

Returning Officer

MOST IMMEDIATE

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.470/2013/SDR | 175 Dated: 4th December, 2013

To

The Chief Electoral Officer,

1. Chattisgarh
2. Madhya Pradesh
3. Mizoram
4. Rajasthan
5. Delhi

Subject:-Counting of votes polled on EVMs – additional instructions for more transparency – regarding.

Sir,

In continuation of Commission's letter of even number dated 4th instant on the above subject, I am directed to inform you that the Commission has since decided that the duplicate copy of Part-II of Form 17-C to be prepared by the Counting Supervisor of each counting table after completion of counting of each round shall be a carbon copy. The other instructions will remain same.

2. The additional measures be brought to the notice of the contesting candidates / election agent for their information.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Most Immediate

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.470/PB Counting/2013/SDR/ Dated : 5th, December, 2013

To

The Chief Electoral Officer,
(1)Chhattisgarh
(2)Madhya Pradesh
(3)Mizoram
(4)Rajasthan
(5)Delhi.

Sub: Counting of postal ballots – additional instructions.

Sir,

Some complaints have been received in the Commission alleging that postal ballot papers were issued by some ROs even after the date of poll.

Attention is invited in this connection to the provisions contained in Rules 20, 23 and 27 of the Conduct of the Elections Rules 1961 regarding intimation by voters on election duty for issue of postal ballot paper, procedure for issue of postal ballot paper and the time for return of postal ballot paper. As per these provisions, whenever any postal ballot paper is issued to voters on election duty, in the counterfoil of the ballot paper the electoral roll number of the elector, as entered in the marked copy of the electoral roll set apart for conduct of poll at the polling station, is entered, and in the said marked copy of the electoral roll the words "PB" is marked against the name of the elector to indicate that a postal ballot paper has been issued to the elector in order to ensure that the same elector is not allowed to vote at polling station. After postal ballot papers have been issued to voters on election duty entitled to vote by post, the RO shall send the relevant parts to the concerned presiding officers for marking the names of electors who cast their vote on EVM at the polling station. After the poll, this copy is to be sealed and kept in safe custody.

It is clear from the above provisions of law that once the marked copy of the electoral roll is sent to the presiding officers under clause (a) of sub rule (5) of Rule 23 of CE Rules 1961, no postal ballot paper can be issued thereafter. Therefore if any ballot paper is issued after the stage of preparing marked copy of electoral roll for supply to the presiding officers for conduct of poll, it will not be in accordance with the statutory Rules prescribed under the CE Rules 1961.

In view of the above, the Commission hereby directs that postal ballot papers, if any, issued after the finalization of the marked copy of the roll for supply to Presiding Officer, and in any event after the date of poll shall not be counted and treated as invalid at the stage of initial scrutiny of postal ballot paper envelops and Form 13A under rules 54A(3), (4) and (5) of the C.E. Rules, 1961. The above direction may be followed scrupulously by all concerned.

Yours faithfully,

(Ashish Chakraborty)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi – 110 001

No. 576/3/2013/SDR

Dated: 7th December. 2013

To,

The Chief Electoral Officers of
all States/Union territories.

Sub: Clarification on 'None of the above'-counting of votes-reg.

Sir,

A question has been raised whether the votes polled against the NOTA option is to be considered for determining the forfeiture of security deposit.

The votes polled against the NOTA option cannot be treated as valid votes. Under Section 158 of the Representation of the People Act, 1951, it is the total number of valid votes polled by all the contesting candidates that is to be taken into account for calculating the one-sixth of votes polled by individual candidates for return of security deposit. Thus, it is clarified that the votes polled against the NOTA option is not to be taken into account for calculating the total valid votes polled by the contesting candidates for the purpose of return of security deposit.

Yours faithfully,

(K.F. Wilfred)
Principal Secretary

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

EPABX 011-23717391-98
Fax 011-23713412/23739944
Website: www.eci.nic.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली–110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

F.No.464/INST/2013-EPS

Dated 9th January, 2014

To

The Chief Electoral Officer of
All the States and Union Territories.

Subject: Preparation of Due-Constitution Notification – Regarding.

Madam / Sir,

As you are aware, the Section 73 of the Representation of the People Act, 1951 (43 of 1951) provides that during a general election held to constitute a new House of the People or a new State Legislative Assembly, soon after the declaration of results of the elections in all the constituencies by the Returning Officers (where poll could take place and time for completion of the election has not been extended), the Election Commission is required to notify the names of the members elected for those constituencies in the Official Gazette and upon issue of such notification, the House or Assembly is deemed to be duly constituted.

2. Therefore, it is of utmost importance that endeavours are made to prepare an error-free notification. In the past, instances of glaring mistakes in preparation of Form 21C (under Rule 64 of the Conduct of Elections Rules, 1961) have come to the Commission's notice. To do away with such eventuality and to standardize the process, the tasks and the corresponding responsible officers are delineated below:

I. While preparing the Form 21C, the Returning Officers should ensure that:
   a. The name of the constituency is in accordance with the latest Delimitation Order.
   b. The name and address of the elected candidate are same as those mentioned in the Form 7A.
   c. The name of the sponsoring party is as per the latest notification on political parties and election symbols.

d. The ink-signed Form 21C with the seal of the Returning Officer should be sent to the Office of the Chief Electoral Officer with a certificate that the above have been adhered to.

e. The Returning Officer will be accountable for any lapse in the process.

II. In the Office of the Chief Electoral Officer:

a. There should be a Nodal Officer who would oversee the process and will be held accountable for any lapse.

b. All the Form 21C should be compiled and cross-checked on the parameters mentioned at I (a), (b) and (c) above.

c. The compiled Form 21C should be sent to the Commission by the fastest means alongwith a certificate that those are error-free.

III. The Section in the Commission dealing with the preparation of notification should cross-check the Form 21C on the parameters mentioned at I (a), (b) and (c) above.

Please acknowledge receipt of the letter.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

Copy to all the Director / Principal Secretary / Secretary / Under Secretary / Zonal Section.

MODEL CODE OF CONDUCT

G.E.-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS **Dated:- 18th March, 2009**

To,

The Chief Electoral Officers of
All States/UTs.(except Punjab and Haryana)

Subject: Use of School Grounds for campaign purposes during election Process – regarding.

Sir,

It has always been the 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 the election process to ensure that there is no damage to any person or property. The Commission attaches highest importance to the integrity and transparency of the electoral process. The main objective of the Commission is to ensure level playing field for all political parties and to see that the ruling party (ies) at the Centre and in the States do not use their official power and machinery to further their prospects in the elections. The election campaign, therefore, forms an effective tool for all political parties to reach out among the common masses and create voting awareness among them.

2. The Commission has been receiving representations from various States/UTs regarding scarcity of grounds for campaign purposes. The political parties have been urging the Commission from time to time to allow them to utilize school and college grounds for political meetings. The Commission has considered the issue and has decided to allow the use of school and college grounds for political meetings provided:

a) Schools and Colleges academic calendar is not disturbed under

any circumstances.

b) The School/College Management has no objection for this purpose and prior permission for such campaigning is obtained from the School/College Management as well as Sub Divisional Officer.

c) Such permission is granted on first-come-first served basis and no political party is allowed to monopolize the use of those grounds.

d) Any violation in the allotment of School/College grounds for political meetings will be viewed seriously by the Commission. The accountability in this regard lies with the Sub Divisional Officer, and

e) The Political Parties and Candidates and Campaigners shall take care to ensure that the above norms are not violated.

3. The Commission further directs that, if such grounds are utilized for campaigning purpose it should be returned to the authority concerned, without any damage or with the requisite compensation for the damage caused, if any. The political party/parties restoring back the campaign ground to the concerned school/college authority should be responsible for the payment of such compensation, if any.

4. The above instruction would apply to all States/UTs except Punjab and Haryana where there is express prohibition of the Punjab & Haryana High Court in the matter.

Yours faithfully,

SUMIT MUKHERJEE
(UNDER SECRETARY)

Copy to:- All registered political parties (List enclosed).

STANDARD DISTRIBUTION

ELECTION COMMISSION OF INDIA

Nircachan Sadan, Ashoka Road, New Delhi – 110001.

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

Dated : 12th April, 2009

To

The President/General Secretary,
All recognized National/State political parties.

Subject: Model Code of Conduct for guidance of political parties and candidates – maintenance of high standards of electoral campaigns – regarding.

Sir,

The Election Commission of India announced the schedules for the general elections to the 15th Lok Sabha and the Legislative Assemblies of Andhra Pradesh, Orissa, and Sikkim on 2nd March 2009, and the Model Code of Conduct for guidance of political parties and candidates came into force from that day. As you are aware, the Model Code of Conduct is a unique document that has evolved with the consensus of political parties themselves and the Commission implements and enforces it with the aim of providing a level playing field for all political parties and ensuring free and fair elections.

2. The electoral campaigns of political parties and candidates or prospective candidates have begun. As the dates of polling for various phases of the elections draw near, the campaign is gathering momentum and will soon reach a crescendo. The Commission is pained to observe that many important leaders of political parties at the national and State levels are, in their election speeches at public meetings and rallies, making intemperate and derogatory remarks attacking the personal character or personal conduct of leaders and candidates of rival parties, or making highly provocative and inflammatory statements that have the effect of inciting communal hatred, disharmony or ill-will, and aggravating the differences between different classes of citizens on grounds of religion, caste, community, etc. The open distribution of money, justified in the name of "local customs", is also most deplorable. Not merely does this violate the Model Code of Conduct, but also amounts to the electoral offence of bribery under section 171B of the Indian Penal Code and also a corrupt practice under section 123(1) of the Representation

of the People Act, 1951. In fact, these violations of the Model Code of Conduct and, in several instances, the law of the land seem to be turning into something of a trend, which if unchecked, is bound to seriously damage the election process and set a deplorable precedent for future elections.

3. In this context, the Commission invites the attention of all political parties, their candidates, supporters, and workers to the following provisions of the Model Code of Conduct, which lay down, *inter alia*, the following obligations:

"1. General Conduct

(i) No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(ii) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

(iii) There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.

(iv) All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 metres of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station."

With each passing day, the Commission is being flooded with complaints of violation of the above provisions of the Model Code of Conduct and commission of electoral offences

and corrupt practices under the law, particularly by important leaders and office bearers of political parties. These complaints are also receiving wide coverage in the broadcast and print media across the land.

4. While expressing its deep anguish over the toxicity seeping into the electoral campaign, the Commission wishes to remind all political parties, their leaders, candidates, workers, and supporters of the following sage advice given by the Honourable Supreme Court of India in the case of Gadakh Yashwantrao Kankarrao Vs. E.V. alias Balasahab Vikhe Patil (AIR 1994 SC 678):

> "The duty at the top echelons of leadership at the state and national level of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll. A contrary trend of speeches by the top leaders tends to degenerate the election campaign as it descends to the lower levels and at times promotes even violence leading to criminalisation of politics. The growth of this unhealthy trend is a cause for serious concern for the proper functioning of the democracy and it is the duty of the top leaders of all political parties to reverse this trend to enable movement of the functioning democracy in the proper direction."

5. As a body vested by the Constitution of India with the superintendence, direction and control of elections, the Election Commission of India expects that all political parties, their leaders, workers and supporters as well as their candidates shall scrupulously observe the Model Code of Conduct in letter and spirit. It sincerely hopes that they will be guided by the above advice of the Honourable Supreme Court of India in conducting their electoral campaigns and set high standards of electoral morality so as to ensure the integrity and purity of elections.

Yours faithfully,

(TAPAS KUMAR)
PRINCIPAL SECRETARY

By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

Dated: 4th October , 2013

To

1. The Cabinet Secretary,
   Government of India,
   Rashtrapati Bhawan,
   New Delhi.
2. The Chief Secretaries to the Government of
   a. Madhya Pradesh, Bhopal;
   b. Mizoram, Aizawl;
   c. Rajasthan, Jaipur;
   d. NCT of Delhi;
   e. Chhattisgarh, Raipur.
3. The Chief Electoral Officers of
   a. Madhya Pradesh, Bhopal;
   b. Mizoram, Aizawl;
   c. Rajasthan, Jaipur;
   d. NCT of Delhi;
   e. Chhattisgarh, Raipur.

Sub: Application of Model Code of Conduct – General Election to the Legislative Assemblies of Madhya Pradesh, Mizoram, Rajasthan, NCT of Delhi and Chhattisgarh-regarding.

Sir,

I am directed to state that the Commission has announced the schedule for holding General Elections to the Legislative Assemblies of the States of Madhya Pradesh, Mizoram, Rajasthan, NCT of Delhi and Chhattisgarh vide its Press Note, dated 4th October, 2013, which is uploaded on Commission's website http://eci.nic.in.

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect, which will be in operation in the respective States till the due Constitution Notifications constituting the new Houses concerned are issued by the Commission. The provisions of the Model Code of Conduct are applicable to the concerned State Governments as well as Union Government so far as it relates to the States for which elections are announced. This may be brought to the notice of the Government, all Ministries/Departments and all other offices of the Union Government and the State Governments of Madhya Pradesh, Mizoram, Rajasthan, NCT of Delhi and Chhattisgarh.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission,

which, inter-alia, state that the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:-

(i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;

(b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, dak bungalows or other Government accommodation where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;

(v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and

(vi) From the time elections are announced by the Commission, Ministers and other authorities shall not -

(a) Announce any financial grants in any form or make promises thereof;

(b) (Except civil servants) lay foundation stones etc. of projects or schemes of any kind;

(c) Make any promise of construction of roads, provision of drinking water facilities etc.;

(d) Make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

4. As will be observed from Para 3{Clause IV} above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on

electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.

5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site "http://eci.nic.in/ under the heading 'Election Laws and ECI - instructions' for your information and necessary action. The Commission's all other instructions are also available in this link for your guidance.

6. The Commission, further directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;

ii) Divisional Commissioners;

iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;

iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-divisional Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;

v) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard.

vi) This ban shall be effective till the Due Constitution Notification constituting the new Houses is issued in the respective States. The Commission further directs that the State Government should refrain from making transfers of senior officers who have a role in the management of election in the State.

vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the State Government may with full justification approach the Commission for prior clearance.

7. You are also requested to kindly refer to the Compendium of Instructions on Model Code of Conduct, which is also available in the aforesaid link on the Commission's website.

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

Yours faithfully,

(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

Dated: 4th October, 2013

To

1. The Cabinet Secretary,
   Government of India,
   Rashtrapati Bhawan,
   New Delhi.

2. The Secretary to the Government of India,
   Department of Programme Implementation,
   Sardar Patel Bhawan,
   New Delhi.

3. The Chief Secretaries to the Government of,
   a. Madhya Pradesh, Bhopal;
   b. Mizoram, Aizawl;
   c. Rajasthan, Jaipur;
   d. NCT of Delhi;
   e. Chhattisgarh, Raipur.

4. The Chief Electoral Officers of
   a. Madhya Pradesh, Bhopal;
   b. Mizoram, Aizawl;
   c. Rajasthan, Jaipur;
   d. NCT of Delhi;
   e. Chhattisgarh, Raipur.

Subject :- Release of funds under MPs'/MLAs' Local Area Development Scheme.

Sir,

I am directed to refer to the Commission's Press Note, dated 4th October, 2013 (available on the Commission's web-site:- " **http://eci.nic.in/** "), as per which the Commission has announced the operation of the Model Code of Conduct for the guidance of the Political Parties and Candidates from 04.10.2013 itself.

2. The Commission has considered the release of funds under the Member of Parliament Local Area Development Schemes and has decided that-

a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the country where election is in progress till the completion of election process. Similarly no fresh release of funds under the MLAs'/ MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.

b) No work shall start in respect of which work orders may have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.

c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.

Yours faithfully,

(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

तारः निर्वायोग
नई दिल्ली
GRAM: LECOM
NEW DELHI

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

वेबसाइट / Website: www.eci.nic.in ई-मेल/E-mail: kakumar@eci.gov.in फोन/Phone: 011-23710221 फैक्स / FAX: 011-237118

No. 437/6/1/INST/2013-CC&BE Dated: 13th November, 2013

To

The Chief Electoral Officers of :-
1. Chhattisgarh, Raipur;
2. Rajasthan, Jaipur;
3. Madhya Pradesh, Bhopal
4. Mizoram, Aizawl;
5. NCT of Delhi, Delhi.

Subject: - General Election to the State Legislative Assemblies, 2013-Application of Model Code of Conduct– Display of names of MPS etc. under MPLAD Scheme on water tankers etc. - regarding.

Sir,

I am directed to say that Commission has been receiving complaints that names of MPs/MLAs painted on mobile objects like water tanks, ambulances etc. funded under MPLAD schemes are moving on various places in election going States. The Commission has considered the matter and has directed that the names of MPs/MLAs etc. appearing on such moving vehicles etc. should be covered suitably during the election period as such vehicles moving from one place to another may be considered as a form of election campaign in favour of the MP/MLA etc. concerned.

This shall be brought to the notice of all concerned for compliance.

Yours faithfully,

(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

Copy to Chief Electoral Officers of all other States/Union Territories.

DEFACEMENT OF PROPERTY/USE OF LOUD SPEAKERS

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No.464/KT-LA/2013 Dated 2nd May, 2013

To

The Chief Electoral Officers of all
States/Union Territories.

Subject:- Prevention of defacement of property and other campaign relating items-revised instructions – regarding.

Sir,

The Commission had issued instructions vide letter No.3/7/2008/JS-II, dated 7th October, 2008, on the subject cited. Para 8 of the letter mentioned refers to instructions regarding defacement of vehicle and a new sub para 8(d) shall be added as under:-

"8(d) – During election period, Road Transport Authorities, in consultation with police authorities, should take a policy decision under the Motor Vehicle Act whether or not to allow fitting of loud speakers on campaign vehicles. This policy decision should be communicated to all Returning Officers by the Transport Authorities. Based on this policy decision, Returning Officers may, if permitted by the Transport Authorities, grant permission for fitting of loud speakers on campaign vehicles with a stipulation that such speakers should not violate the provisions of Noise Pollution Rules or any other provisions in their State Laws."

This is being issued in consonance with spirit of the judicial pronouncements made in this behalf

Yours faithfully,

(TAPAS KUMAR)
PRINCIPAL SECRETARY

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राजस्थान सरकार
परिवहन विभाग

क्रमांकः प. 7 (185) परि/नियम/मु./98/34625 जयपुर, दिनांकः 9/10/13

संयुक्त मुख्य निवार्चन अधिकारी,
निर्वाचन विभाग, राजस्थान
जयपुर।

विषयः— चुनाव अभियान के दौरान सम्पति विरूपण को रोकने के संबंध में उपाय।

प्रसंगः— निर्वाचन विभाग, राजस्थान की अ.शा. टीप संख्या एफ.8(2)(12)निर्वा/2013/2888, दिनांक 21.06.1013 के संबंध में।

उपरोक्त विषयान्तर्गत भारत निर्वाचन आयोग के पत्र क्रमांकः 464/KT-LA/1013 दिनांक 02.05.2013 एवं प्रासंगिक पत्र के क्रम में, आगामी विधान सभा चुनावों के दौरान वाहनों पर लाउडस्पीकर लगाने की अनुमति के संबंध में परिवहन एवं पुलिस अधिकारियों द्वारा विचार विमर्श कर निम्न निर्णय लिया गया हैः—

चूंकि मोटर यान अधिनियम, 1988 तथा इसके अधीन निर्मित मोटर यान अधिनियम एवं नियमों में यानों पर ध्वनि विस्तारक यंत्र/उपकरण लगाने को स्पष्ट रूप से निषेध नहीं किया गया है। अतः उक्त अधिनियम/नियमों के अन्य प्रावधानों, Noise Pollution (Regulation and Control) Rules, 2000 में उपलब्ध, विशेषतः यानों पर ध्वनि विस्तारक यंत्र/उपकरण लगाने से संबंधित प्रावधानों एवं माननीय सर्वोच्च न्यायालय द्वारा इस संबंध में सिविल अपील संख्या 3735/2005 में पारित निर्णय दिनांक 28.10.2005 में प्रदत्त निर्देशों की पूर्ण पालना सुनिश्चित करते हुए, राजस्थान राज्य में होने वाले चुनावों के दौरान, चुनाव कार्य के प्रयोजनार्थ वाहनों पर लाउडस्पीकर लगाने की अनुमति प्रदान की जा सकती है।

चुनावों के दौरान वाहनों पर लाउडस्पीकर लगाने की अनुमति के संबंध में उपरोक्त निर्णयानुसार कार्यवाही करने हेतु राज्य के समस्त पीठासीन अधिकारियों को निर्देशित करने का श्रम करावें।

(उमराव सालोदिया)
परिवहन आयुक्त एवं
अति0 मुख्य सचिव (परिवहन)

PRINTING OF PAMPLETS/ POSTERS

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/9/ 2013/SDR Dated: 8th November, 2013

To,

All Recognized National and
State Political Parties
&
All Registered – Unrecognized Political Parties.
(through Chief Electoral Officers).

Sub: Printing of Pamphlets/Posters etc. by political parties

Sir/Madam,

Political parties come out with printed posters, pamphlets, notices etc. for the purpose of their propaganda and publicity. This is done both during election period and non-election period. It is noticed that some of the legal provisions are not adhered to in the printing and publishing of such campaign material.

The political parties are advised to keep in view, among others, the following aspects while printing and publishing any campaign material:

(i) Section-3 of the Press and Books Registration Act, 1867 provides that "Every book or paper printed within India shall have printed legibly on it the name of printer and place of printing and if the book or paper is published the name of publisher, and the place of publication". Section 12 of the said Act prescribes penalty for violation of the provisions of the said Section 3.

(ii) Section 127A of Representation of the People Act, 1951 provides that election pamphlets, posters etc. shall bear on its face, the name and address of both the printer and publisher. Further, the publisher is required to furnish declaration, in duplicate, to the printer about the identity of the publisher, and the printer is required to send a copy of the document printed along with the declaration to the Chief Electoral Officer of the State if the printing is done in the State Capital, and in other cases copy is to be sent to the District Magistrate of the district where the printing is undertaken.

Under Sub-Section (4) of the said Section 127A, contravention of the above-mentioned requirements is punishable with the imprisonment for a term upto 6 months or with fine upto Rs. 2000/-.

A copy of the Commission's letter No. 3/9(ES008)/94-JS-II dated 02-09-1994 containing the Commissions' instructions regarding the implementation of the provisions of Section 127A is enclosed for ready reference.

(iii) Political parties may also take care to ensure compliance with other local laws that may be in force in any particular State/area. They may also take care that the campaign material do not create mutual hatred vis-à-vis other political parties.

The political parties are requested to advise their various units and cadres to follow the above advisory in letter and spirit.

Yours faithfully,

(K.F.WILFRED)
PRINCIPAL SECRETARY

Copy to the Chief Electoral of all States and Union Territories with the request to bring this letter to the notice of all registered un-recognized political parties and the State Units of recognized National and State Parties.

The Commission has also directed that if any case of violation of the provisions of the law mentioned in paras 2(i) and 2(ii) above are brought to their notice, the DMs/Collectors concerned should be instructed to take appropriate action as per the law against the printer and publisher concerned.

(K.F.WILFRED)
PRINCIPAL SECRETARY

ITEM NO. 117

Election's Commission's order No. 3/9/(ES008)/94-J.S.II, dated : 2nd September, 1994

Order

Subject: Restrictions on the printing of pamphlets, posters, etc.

The printing and publication of election pamphlets, posters, etc, is governed by the provisions of Section 127A of the Representation of the People Act, 1951. The said Section 127A provides as follows:-

"127A. Restrictions on the printing of pamphlets, posters, etc.

1. No person shall print or publish, or cause to be printed or published, any election pamplet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

2. No person shall print or cause to be printed any election pamphlet or poster-

(a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) Unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document-

(i) Where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) In any other case, to the district magistrate of the district in which it is printed.

3. For the purposes of this section-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section(1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both."

2. The above restrictions on the printing of election pamphlets, posters, etc., have been

imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter of material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of an opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also subserve the purpose of placing a check on the incurring of unauthorised election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

3. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc., are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been compiled with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127A(2). Many a time, the election pamphlets, posters, etc, do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A (1).

4. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in Rahim Khan Vs. Khurshed Ahmed and other (AIR 1975 SC 290):

> "Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which takes prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a burdensome litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation."

5. In order that in future there is strict observance of, and compliance with, the requirements of the above mentioned provisions of law and the subject, the Commission, in exercise of its powers under Articles 324 of the Constitution and all other powers enabling it in this behalf, and in supersession of all its previous instructions on the subject, hereby directs as follows:-

(1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election write to all printing presses in their districts-

(a) pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and

addresses of printer and publisher of any election pamphlets or posters or such other material printed by them.

(b) asking the printing presses to send the copies of the printed material (alongwith three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing;

(c) impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws of the State, would be taken.

(2) The Chief Electoral Officers shall do likewise in respect of the printing presses located at the State capitals.

(3) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the commission in Annexure-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the district Magistrate as the case may be.

(4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Alongwith such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Annexure-B hereto. Such information shall be furnished by the printer, not collectively by separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

(5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly compiled with relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.

(6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-para(5) above in respect of the pamphlets, posters, etc., received by them.

(7) the Chief Electoral Officers and the District Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters, etc., in violation of the above mentioned provisions of said Section 127A and/or the

commission's above directions either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.

4. The commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.

5. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

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

Annexure-A

Proforma for Declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See Section 127-A of the Representation of the People Act, 1951)

I,.....son/daughter/wife of .....

Name

resident of.....(Village/town).....

(District).....(State), hereby declare that I am the publisher of.....

(Give brief particulars of election poster, pamphlet, etc.)

being printed by.....

(Name of printing press)

Place.....

Date.....

(Signature of Publisher)

Full Address.....

Attested by (person personally known to publisher)

1. Signature

(name and address)

2. Signature

(name and address)

Countersigned by

Signature

(Name and address of Printer)

Annexure-B

Proforma for submission of information regarding printing of Election posters pamphlets, et

1. Name and address of printer.....
2. Name and address of publisher.....
3. Date of the printing order of the publisher.....
4. Date of the declaration of the publishers .....
.....
5. Brief particulars of election poster, pamphlet, etc.....
6. Number of copies of the above document printed.....
7. Date of printing.....
8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document.....

Place..... (Signature of Printer)

Date..... Seal of the printer

ELECTION EXPENDITURE MONITORING

By Spl. Camp Bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 76/2009/SDR Dated: 9th April, 2009

To

Chief Electoral Officers

of all States & Union Territories.

Subject: - Erection of Barricades and rostrums sharing of expenditure – Reg.

Sir/Madam

I am directed to invite your attention to the standing instructions of the Commission dated 10th April 2004 (reproduced as item 64 in the compendium of instructions, 2009 edn) on the subject cited. Representations have been received in the Commission stating that there is genuine difficulty and time constraint in removing barricades after the meeting of a party and erecting new one before the next meeting apart from avoidable expenditure in such exercise.

The Commission has considered this issue and it is clarified that in the case of barricades/rostrum put up by one party/candidate for organizing meetings, there is no objection on the part of the Commission if the same barricade/rostrum is used for subsequent meetings of other parties/candidates, unless the same is required to be removed for any other reason. In such case, the expenditure on such barricading can be apportioned among the candidates of all such parties which use the venue for their meetings, subject to the condition that all such parties and candidates agree to use the barricade. However it will have to be ensured that all party flags/banners etc. of the party holding the meeting first will have to be removed immediately after the first meeting is over.

This may be brought to the notice of District Election Officers, Returning Officers and Observers in the State.

Yours faithfully,

(NARENDRA.N.BUTOLIA)
UNDER SECRETARY

Copy to all recognised National & State Parties.

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

No.76/2011/El. Ex/(ITD)

Dated: 5th March 2011

To

The President/General Secretary,
All Recognised National and State Political Parties

Sub.:- Measures taken by Election Commission to curb use of money power during elections – regarding.

Sir/Madam,

Instances are reported to the Commission and also in Media that cash, liquor and several utility items are being used in a clandestine manner during the process of elections for bringing influence on the voters. Such distribution of cash, liquor or any other item for gratification of the voters is bribery and is punishable under Indian Penal Code. It is also corrupt practice under RP Act, 1951.

2. During the Commission's meeting with all political parties, held on 4th October, 2010, the use of money power during elections was discussed. The Commission has issued guidelines on Election Expenditure Monitoring for forthcoming General Elections to Legislative Assemblies of Assam, Kerala, Tamil Nadu West Bengal and Puducherry. The Commission's instructions are available on the website: www.eci.nic.in.).

3. To curb the incidence of such offences, the Commission has issued instructions to the Law Enforcement Agencies to form flying squads to keep watch over distribution of cash, liquor and other items in the constituencies during the election process and seize the said suspicious items. The services of Investigation Directorate of Income Tax Department have also been requisitioned to keep vigil over movement of cash through Airports, major Railway Stations, Hotels, Farm Houses, Financial Brokers and Hawala Agents. The Commission has also advised the candidates to open separate bank accounts for their election expenses and to make all election expenses by account payee chques through the said bank accounts, excepting minor payments in cash.

4. It is needless to point out that any funds provided by the party to its candidates for election purpose are required to be reflected in the day-to-day accounts of election expenditure of the candidates. The parties are also required to maintain their accounts regularly and lodge the a

5. In order to maintain the purity of elections and in particular to bring transparency in the process of elections, it is advised that political parties exercise self restraint in election expenditure of their candidates and also avoid transactions in cash. They should instruct their office bearers, officials, agents and candidates not to carry huge cash during the on-going process of elections in poll going states.

6. Kindly acknowledge receipt.

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Yours faithfully,

(S.K.Rudola)
Secretary

Annexure-61
By Camp Bag/Fax

ELECTION COMMISSION OF INDIA

Nirvachan Sadan Ashoka Road New Delhi - 110001

No.76/Instruciton/2012/EEPS Dated: 5th Febraury 2012

To

The Chief Electoral Officers of

1. Uttar Pradesh
2. Goa

Subject: Details of expenditure on the use of aircrafts in election campaigning – Reporting procedure – matter reg.

Reference: Election Commission's letter No. 576/3/2005/J.S.II, dated 29.12.2005, S.O.P. of Bureau of Civil Aviation Security, Ministry of Civil Aviation's OM No. CAS-7(15)/2011/Div-I (Misc) dated 8.4.2011

Sir,

I am directed to refer to the instructions issued by the Commission about submitting information regarding the use of aircrafts by political parties and candidates during election process for the purpose of monitoring expenditure of election campaign. Some political parties have represented to the Commission that there are practical difficulties in giving this information 3 days before use of aircrafts. The Commission has considered this matter and has modified para 4 of the Commission's instruction No. 576/3/2005/J.S.II dated 29.12.2005 as follows: -

1. No prior permission for landing or take off of aircrafts (including fixed wing aircrafts) and helicopters at commercial airports shall be required from District Election Officer (DEO) or Returning Officer (RO). The Air Traffic Control (ATC) in commercial airports shall inform the CEO of the State, about the travel plan of private aircrafts or helicopters as early as possible, preferably half an hour in advance.

2. However, during election process the ATC shall keep record of all such private aircrafts or helicopters, landing and taking off from commercial airports including type of aircraft, the company which owns/leases the aircraft, time of landing, time of take off and passenger manifest, route plan etc. The ATC shall make a copy of this information available to the Chief Electoral Officer of the State concerned within 3 days, after the date of landing/take off and the CEO shall make such information available to the Expenditure Observer for making necessary verification during inspection. The ATC shall also make the record available for inspection by Expenditure Observer whenever required.

3. At airstrips and helipads, which are not used for commercial purpose, application will have to be made either by the candidate or by the political party to the DEO concerned, at least 24 hours before landing, mentioning the details of travel plan, place of landing in the district and names of passengers in the aircrafts/helicopters so that DEO can make adequate arrangements for security and law and order issues. On receipt of such application, the DEO shall issue permission on the same day on priority basis.

4. Every candidate shall also inform the Returning Officer concerned in writing within 3 days after the landing of the aircraft/helicopter, about the hiring charges paid/payable to the company owning/leasing the aircraft/helicopter, and name of the political party, if the party has borne the expense for the hiring.

5. Political parties shall submit to the Election Commission/ CEO of the State concerned within 75 days of completion of Assembly election or 90 days of completion of Lok Sabha election, as the case may be, a consolidated statement including number of aircrafts used and sorties made during election in the State for election campaign, name of company which hired/provided the aircraft, flight period, and the money paid/payable to the company leasing/providing the aircraft, including copy of the vouchers.

Yours faithfully,

Sd/-

(S.K. Rudola)

Secretary

By Speed Post

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

76/EE/2012-PPEMS Dated: 21st January 2013

To

The President/General Secretary,
(All Political Parties)

Subject: Modification of Proforma for filing "Statement of Election Expenditure" by the Political parties – to be filed within 75 days of Assembly elections/ 90 days of Lok Sabha election.

Sir

I am directed to inform that as per the directions of the Hon'ble Supreme Court, in the case of Common Cause v/s Union of India & Oth.,(MR 1996 SC 3081) the Election Commission has prescribed a pro-forma vide its letters dated 27.12.2001, 22.03.2004 and 13.01.2009 in which the political parties are required to submit, for the Commission's scrutiny, the statement of their election expenditure relating to each election to Lok Sabha /State Legislative Assembly. The statement, filed by political parties are put on the website of Commission.

2. I am further directed to inform that a software is being developed by the Commission to process the relevant information in a more systematic and structured manner. Therefore, the Commission has modified the said pro-forma which is enclosed herewith and is also available on its website. The said modified pro-forma provides for furnishing information relating to expenditure at party Central Head Quarters in Part-A, information at State Unit (s) of the party or by State party (including the districts/ Local units) in Part-'B', the summary of the information in part- 'C' and Verification in Part-'D'. The details of expenditure are to be provided in the schedules as per the pro-forma. The modified pro-forma also bifurcates expenditure of political parties for General party propaganda and expenditure attributable to candidates, for better clarity and accountability.

3. The requisite information is sought to enable scrutiny of the expenditure, incurred or authorized by the parties or the candidates, set up by them vis-à-vis

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exemptions claimed by them in terms of explanation (1) to Section 77(1) of the Representation of the People Act, 1951 in their returns of election expenses, filed under Section 78 of the said Act.

4. I am further directed to inform that the political parties shall file the "Statement of Election Expenditure" in this modified pro-forma for all elections, to be held after 1st Jan., 2013 in a hard copy and in soft form on a CD.

5. This may be brought to the notice of all concerned and the receipt of this letter may kindly be acknowledged.

Yours faithfully

Varinder Kumar

(VARINDER KUMAR)
Secretary

Encl: As above

Copy to: All CEOs to bring it to notice of all political parties in the State, DEOs and ROs

STATEMENT OF ELECTION EXPENDITURE OF POLITICAL PARTY IN ELECTIONS TO LOKSABHA/ASSEMBLY

(from the date of announcement of election till the date of completion of election)

1. Name of political party: _____

2. Election to the Lok Sabha/ Legislative Assembly of State ----------
(mention the name of the state in case of Assembly and strike out which is not relevant)

3. Date of announcement of election: ..... 4. Date of completion of election ----------

Part A

5. Details of Election Expenditure incurred/authorized at Party Central Headquarters

5.1	**a. Opening balance of party funds at Party Central Headquarters** (on date of announcement of election)	**Amount**
	Description	**Amount**
	(i) Cash in hand	
	(ii) Bank balance (Please mention name of the bank and branch)	
	Total	
5.2	**a. Gross receipts of Party Central Headquarters from all sources from the announcement of election to the date of completion of election**	**Amount**
	Description	**Amount**
	(i) Cash	
	(ii) Cheque or draft etc.	
	(iii) In kind (Received complimentary goods or services from any person/entity) (Please mention details and notional value of such item- goods or services such as helicopter services etc. received as complimentary from any person /entity)	
	Total	
5.3	**a. Gross Expenditure incurred/ authorized by Party Central Headquarters for general Party propaganda from the announcement of election to the date of completion of election** (If more than one state are involved, then the state wise total expenses incurred by the Party Central Head Quarters is to be given in Schedule-1)	
	Description of Gross expenditure by Party Central Headquarters	**Amount**
	(i) Cash	
	(ii) Cheque/ draft etc.	
	(iii) Expenditure authorized, but remaining outstanding on date of completion of election	
	Total	
	b. Break up of the above general Party propaganda expenses incurred/ authorized by Party central headquarters	
	(i) Travel expenses of Star Campaigners as mentioned in explanation 1 of Section 77 of R.P. Act,1951 (Details to be enclosed in format given in Schedule- 2)	
	(ii) Travel expenses of leaders other than Star campaigners. (Details to be enclosed in format given in Schedule- 2A)	
	(iii) Expense on Media advertisement (print and electronic, bulk sms, cable, website, TV channel etc) on General Party propaganda (Details to be enclosed in format given in Schedule- 3)	

	(iv) Expense on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda	
	(Details to be enclosed in format given in Schedule- 4)	
	(v) Expense on Public meetings /processions/rally etc. for general party propaganda (Details to be enclosed in format given in Schedule- 5)	
	(vi) Any other expense towards General Party propaganda (Details to be enclosed in format given in Schedule- 6)	
	Total expense on general party propaganda	
5.4	**a. Gross Expenditure incurred/ authorized by Party Central Headquarters for the Candidate(s)**	
	(i) Total lump sum payment(s) to candidate(s) of the party or other candidate(s) authorized/ incurred by Party Central Headquarters, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. (Details to be enclosed in format given in Schedule- 7)	
	(ii) Total Expense on Media Advertisement(print and electronic, bulk sms, cable, website, TV channel etc.) for specific candidate(s) with photo or name or attributable as election expenses of candidate(s) (Details to be enclosed in format given in Schedule- 8)	
	(iii) Total expense on Publicity Materials (like posters, banners, election material etc) with photo and/or name of the candidate(s) (Details to be enclosed in format given in Schedule- 9)	
	(iv)Total Expense (Other than general party propaganda) on Public meetings /processions etc (barricades /audio etc /hired vehicles for the audience /supporters) at the rally of Star Campaigners or other leaders with candidate(s) (Details to be enclosed in format given in Schedule- 10)	
	(v) Any other expense for candidate(s) (Details to be enclosed in format given in Schedule- 11)	
	Total expense on candidate (s)	

5.5 **Total lump sum amount given by Party Central Headquarters to State Unit(s) of the Party (including the districts and local units) or other party for election expenses (Please mention state wise amount). If political party makes payment (s) on more than one occasion then date wise details are to be mentioned.**

Name of State Unit Of Party to which payment made/ Name of Other Political Party (if any)	Date(s) of Payment	Cash, Cheq / DD no. etc	Amount
1			
2.			
3. etc			
		Total	

5.6	**a. Closing Balance of party funds at Party Central Headquarters on the completion of election**	**Amount**
	Description	**Amount**
	(i) Cash in hand	
	(ii) Bank balance (Please mention name of the bank and branch)	
	Total	

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PART - B

6. **Details of Election Expenditure incurred/authorized by State Unit of the political party or by State Party Headquarters including all district level and local units for the State of _____**

I. **If political party incurs/ authorizes election expenses in more than one state, the details for each state is to be given in separate sheet as per this pro- forma,**

II. **The state political party having headquarters within the state shall submit report in this pro-forma.**

6.1	**a. Opening balance of State Unit (including district level units and local units)** (on the date of announcement of election)	**Amount**
	Description	**Amount**
	(i) Cash in hand	
	(ii) Bank Balance (Please mention name of the bank and branch)	
	Total	
6.2	**a. Gross receipts from all sources from the date of announcement of election to the date of completion of election by State Unit (including district level units and local units in the state)**	
	Description	**Amount**
	(i) Cash	
	(ii) Cheque or Draft etc.	
	(iii) In kind (Received complimentary goods or services from any person/entity) (Please mention notional value of such item- goods or services such as helicopter services etc. received as complimentary from any person /entity)	
	Total	
6.3	**a. Gross Expenditure incurred / authorized by State Unit (including district level units and local units) for General Party propaganda** (from the date of announcement of election to the date of completion of election)	
	Description of Gross expenditure by State Unit	**Amount**
	(i) Cash	
	(ii) Cheque/ draft etc.	
	(iii) Expenditure authorized, but remaining outstanding on date of completion of election	
	Total	
	b. Break up of expenditure for general party propaganda incurred by State Unit (including District level Units and local units)	
	(i) Travel expenses on Star Campaigner(s) incurred by Sate Unit. (Details to be enclosed in format given in Schedule- 12)	
	(ii) Travel expense on Other leaders by Sate Unit (Details to be enclosed in format given in Schedule- 13)	
	(iii) Expense on Media Advertisement (print and electronic, bulk sms, cable, website and TV Channel etc.) on General Party propaganda by Sate Unit (Details to be enclosed in format given in Schedule- 14)	
	(iv) Expense on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda by Sate Unit (Details to be enclosed in format given in Schedule- 15)	
	(v) Expense on Public meetings/processions/Rally etc. for general party propaganda by Sate Unit (Details to be enclosed in format given in Schedule- 16)	
	(vi) Any other expense for General Party propaganda by Sate Unit (Details to be enclosed in format given in Schedule- 17)	
	Total	

6.4	**a. Gross Expenditure incurred or authorized by State Unit for Candidate(s) including District level Units and local units attributable to candidate(s) (other than for general party propaganda)**			
	(i) Total lump sum payment(s) to Candidate(s) of the party or other candidate(s) authorized/ incurred by State Unit, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. (Details to be enclosed in format given in Schedule- 18)			
	(ii)Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV Channel etc.) for the candidate(s) with photo or name of candidate (s) by Sate Unit (Details to be enclosed in format given in Schedule- 19)			
	(iii) Total expense on Publicity Materials (like posters, banners, cut-outs, election materials etc) with photo and/or name of the candidate(s) by Sate Unit (Details to be enclosed in format given in Schedule- 20)			
	(iv)Total Expense by Sate Unit (Other than general party propaganda) on barricades /audio etc /hired vehicles for the audience /supporter at the rally of Star Campaigners with candidate(s) (Details to be enclosed in format given in Schedule- 21)			
	(v) Any other expense for the candidate(s) by Sate Unit (Details to be enclosed in format given in Schedule- 22)			
	Total expense on candidate (s)			
6.5	**Total lump sum amount given by State Unit of the Party (including the districts and local units) to Other party(s) for election expenses. If political party makes payment (s) on more than one occasion then date wise details are to be mentioned.**			
	Name of State Unit Of Party to which payment made/ Name of Other Political Party (if any)	**Date (s) of Payment**	**Cash, Cheq / DD etc no.**	**Amount**
	1			
	2.			
	3. etc			
	Total			
6.6	**a. Closing Balance of State Unit of the Party (including the districts and local units) on the completion of election**			**Amount**
	Description			**Amount**
	(i) Cash in hand			
	(ii) Bank balance (Please mention name of the bank and branch)			
	Total			

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PART-C

7. Summary of all Receipts and expenditure incurred / authorized by the Political Party during election (from the date of announcement of election till completion of election) **as mentioned in tables in Part –A and B.**

A	Name of the Party	
B	Date(s) of Poll	
C	Election to: (mention the State names and Assembly / Loksabha Constituency)	
D	Opening Balance (for Party Central Headquarters and state/Dist./Local level units all included)	
	Description	Amount
	I. Cash in hand [5.1.a.(i)+6.1.a.(i) of all election related states]	
	II. Cash in bank [5.1.a.(ii)+6.1.a.(ii) of all election related states]	
E	Gross receipts from date of announcement of election to the date of completion of election (both at Party Central Headquarters and state/Dist./Local level units)	
	Description	Amount
	I. Cash [5.2.a.(i) + 6.2.a.(i) of all states]	
	II. Cheque or Draft [5.2.a.(ii) + 6.2.a.(ii) of all states]	
	III. In kind (or complementary receipts) [5.2.a.(iii) + 6.2.a.(iii) of all election related states]	
	IV. Total receipt(s)	
F	Gross Expenditure incurred/ authorized for general Party propaganda from the date of announcement of election to the date of completion of election (both at Party Central Headquarters and state/Dist./Local level units)	
	Description	Amount
	I. Cash or Cheque/DD etc. [5.3.a.(i) +6.3.a.(i) of all election related states]	
	II. Cheque or Draft [5.3.a.(ii) +6.3.a.(ii) of all election related states]	
	III. Expenditure authorized, but remaining outstanding on date of completion of election [5.3.a.(iii) +6.3.a.(iii) of all election related states]	
	IV. Total Expenditure on general party propaganda	
G	Gross Expenditure by Political Party incurred/ authorized for the Candidate(s) other than general party propaganda (both at Party Central Headquarters and state/Dist./Local level units)	
	Description	Amount
	I. Cash or Cheque / DD etc. payment to candidate(s) [5.4.a.(i) +6.4.a.(i)]	
	II. In kind- a. Media payments [5.4.a.(ii)+6.4.a.(ii) of all election related states]	
	b. Publicity materials [5.4.a.(iii)+6.4(iii) of all election related states]	
	c. Public meetings, processions etc.,[5.4.a.(iv) +6.4.a.(iv) of all election related states]	
	d. Any other expenses [5.4.a.(v) + 6.4.a.(v) of all election related states]	
	IV. Total Expenditure on candidate(s)	
H	Gross Total Expenditure for general party propaganda and for candidate(s) [Total of F (IV) + G (IV) above of this table]	
I	Closing Balance (both at Party Central Headquarters and state/Dist./Local level units)	
	Description	Amount
	a. Cash in hand [5.6.a.(i)+ 6.6.a.(i) of election related states]	
	b. Bank balance [5.6.a.(ii)+ 6.6.a.(ii) of election related states]	
	c. Total Closing Balance	

PART-D

Verification

I, Shri/Smt_____do hereby verify and declare that the account of election expenditure as furnished in the statement of election expenditure (Part A, B, C) includes all items of election expenditure incurred/authorized by the political party { Party Central Headquarters / State Unit (including District level & Local Units)}* in connection with the general elections/ Bye elections to the Loksabha/ ..... State Assembly and nothing has been concealed or withheld/suppressed there from, and

That the said statements of election expenditure, are true and correct account to the best of my knowledge and belief and no material fact has been concealed.

Date

Signature and Seal of Treasurer
Or Authorized Person

Counter signed by

Signature of the Party President/
General Secretary

Certified by the Auditor

Signature and Seal of the Auditor

*Strike out whichever not applicable

Expenses by Party Central Headquarters

Schedule- 1

State wise break up of Gross Expenditure authorized/ incurred by Party Central Headquarters for general Party propaganda from the date of announcement of election to the date of completion of election

S. No	Name of the State	Cash	Cheque etc.	Expenditure authorized, but remaining outstanding on date of completion of poll	Total
1					
2					
3					
				Total	

Schedule- 2

Travel expenses of Star Campaigner(s) authorized/ incurred by Party Central Headquarters

S. No	State and venue	Date of the meeting	Name of the star campaigner	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule- 2A

Travel expenses of Other leader(s) incurred/Authorized by Party Central Headquarters (including expenses after announcement and before nomination)

S. No	State and venue,	Date of the meeting	Name of the leader	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule- 3

Expense(s) on Media Advertisement (print and electronic, bulk sms, cable, website and TV Channel etc.) on General Party propaganda authorized/ incurred by Party Central Headquarters

S. No	State	Name of the payee	Name of media (print/electronic/ sms.cable tv etc	Date (of print/telecast /sms	Total Amount (including outstanding amt.)
1					
2					
3					
				Total	

Schedule- 4				
Expense(s) on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda authorized/ incurred by Party Central Headquarters				
S. No	State	No. and Name of the Assemby/ Parl. Constituency	Details of the items	Total Amount (including outstanding amt.)
1				
2				
3				
			Total	

Schedule- 5				
Expense(s) on Public meetings /procession/Rally (like dias/ audio/ barricade/ vehicles etc.) authorized/ incurred by Party Central Headquarters				
S. No	State and Venue	Date of the meeting/procession/Rally	Details of items	Total Amount (including outstanding amt.)
1				
2				
3				
			Total	

Schedule- 6					
Any other expense(s) for General Party propaganda authorized/ incurred by Party Central Headquarters					
S. No	State	Purpose	Date	Details of items	Total Amount (including outstanding amt.)
1					
2					
3					
				Total	

Schedule- 7						
Total lump sum payment (s) to Candidate(s) of the party or other candidate(s) if, any authorized/ incurred by Party Central Headquarters, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. If political party makes payment (s) to candidate(s) on more than one occasion then date wise details are to be mentioned.						
S. No	Name of the State / No. and Name of the Assemby / Parl. Constituency	Name of Candidate(s) and name of Party to be mentioned in case of other party	Date(s) of payment	Cash Amount	Cheq / DD no. etc. and Date	Total Amount paid
1						
2						
3						
4						
					Total	

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Schedule- 8					
Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV Channel etc.) for specific candidate(s) with photo or name of candidate or attributable to any candidate(s) authorized/ incurred by Party Central Headquarters					
S. No	State	Name of the candidate(s)	Name of media (print/electronic/sms/ cable tv etc	Date (of print/telecast /sms	Total Amount (including outstanding amt.)
1					
2					
				Total	

Schedule -9				
Total expense on Publicity Materials (like posters, banners, election materials etc) with photo and/or name of the candidate(s) or attributable to candidate(s) and authorized/ incurred by Party Central Headquarters				
S. No	State / No. and Name of the Assemby/Parl. Constituency	Name of the Candidate(s)	Details of the item	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule- 10						
Total Expense authorized/ incurred by Party Central Headquarters (Other than general party propaganda) on Public meetings /processions etc (barricades /audio etc /hired vehicles for the audience /supporters at the rally of Star Campaigner(s) or other leaders with candidate(s)						
S. No	State and venue	Name(s) of the Star campaigner(s) and other leader(s)	Name of the Candidate(s)	Date	Items of expenditure	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule- 11					
Any other expense(s) for the candidate(s) authorized/ incurred by Party Central Headquarters					
S. No	State	No. and Name of the Assemby/ParlConstituency	Name of the Candidate(s)	Details of the items	Total Amount (including outstanding amt.)
1					
2					
3					
				Total	

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Statewise Details of Election Expenses

Name of the State .....

Schedule- 12

Travel expenses of Star Campaigner(s) authorized/ incurred by State/ Distt./ Local Units

S. No	State and Venue	Date of meeting	Name(s) of the star campaigner(s)	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
3						
					Total	

Schedule- 13

Travel expenses of other leader(s) authorized/ incurred by State/ Distt./ Local Units (including expenses after announcement and before nomination)

S. No	State and Venue	Date of meeting	Name of the leader(s)	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule- 14

Expense(s) on Media Advertisement (print and electronic, bulk sms, cable, website and TV Channel etc.) on General Party propaganda authorized/ incurred by State/ Distt./ Local Units

S. No	State	Name of the payee	Name of media (print/electronic/sms, cable tv, website, TV Channel etc	Date (of print / telecast / sms etc.)	Total Amount (including outstanding amt.)
1					
2					
				Total	

Schedule- 15

Expense(s) on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda authorized/ incurred by State/ Distt./ Local Units

S. No	State	No. and Name of the Assembly / Parl. Constituency	Details of the items	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule- 16				
Expense(s) on Public meetings /procession/Rally (like dias/ audio/ barricade/ vehicles etc.) authorized/ incurred by State/ Distt./ Local Units				
S. No	State and Venue	Date of the meeting /procession /Rally	Details of items	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule- 17				
Any other expense(s) for General Party propaganda authorized/ incurred by State/ Distt./ Local Units				
S. No	State	Purpose/Details of the items	Date of expenditure	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule- 18						
Total lump sum payment (s) to Candidate(s) of the party or other candidate(s) if, any authorized/ incurred by State/ Distt./ Local Units, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. If State/ Distt./ Local Units makes payment (s) to candidate(s) on more than one occasion then date wise details are to be mentioned.						
S. No	Name of the State / No. and Name of the Assemby / Parl. Constituency	Name of Candidate(s) and name of Party to be mentioned in case of other party	Date(s) of payment	Cash Amount	Cheq / DD no. etc. and Date	Total amount paid
1						
2						
3						
4						
					Total	

Schedule- 19					
Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV Channel etc.) authorized/ incurred by State/ Distt./ Local Units for specific candidate(s) with photo or name of candidate(s) or attributable to any candidate(s)					
S. No	State	Name of the candidate(s)	Name of media (print/electronic/ sms/ cable tv, etc.	Date (of print/ telecast/ sms etc.	Total Amount (including outstanding amt.)
1					
2					
3					
4					
				Total	

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Schedule -20				
Total expense on Publicity Materials (like posters, banners, election materials etc) with photo and/or name of th candidates or attributable to candidate(s) authorized/ incurred by State/ Distt./ Local Units				
S. No	State / No. and Name of the Assemby/Parl. Constituency	Name of Candidate(s)	Details of the items	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule- 21						
Total Expense authorized/ incurred for the candidate(s) by State/ Distt./ Local Units (Other than general party propaganda) on Public meetings /processions etc (barricades /audio etc /hired vehicles for the audience /supporters at the rally of Star Campaigner(s) or other leader(s)						
S. No	State and venue	Name(s) of the Star campaigner(s) and other leader(s)	Name of the Candidate(s)	Date	Items of expenditure	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule- 22					
Any other expense(s) for the candidate(s) authorized/ incurred by State/ Distt./ Local Units					
S. No	State	No. and Name of the Assemby /Parl. Constituency	Name of the Candidate(s)	Details of the items	Total Amount (including outstanding amt.)
1					
2					
				Total	

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

File No. 76/Instructions/2012/EEPS Vol. I Dated: 18th April 2013

To

The Chief Electoral Officers
of all States & UTs

Ref: (1) Commission's letter No. 437/6/INST/2008-CC&BE,dt. 31.10.2008
(2) Commission's letter No. 76/2009/SDR,dt.20.08.2009
(3) Commission's letter No. 76/Instructions/2012/EEPS,dt. 20.01.2012
(4) Para 5.6.3 of Instructions on Election Expenditure Monitoring (March, 2013)

Subject: Clarification regarding expenditure incurred by leaders of political party (star-campaigners) -under explanation 1 to section 77 (1) of R.P. Act, 1951-matter regarding.

Sir/Madam,

The Commission has received representation from the political parties, suggesting that if any representative of print or electronic media travels with the leader (star-campaigner) in his vehicle/aircraft/helicopter etc., then the travel expenses should not be included in the election expenses of the candidate and that Commission's instructions to that effect may be modified.

2. I am directed to inform that the commission, after examining the suggestion, hereby issues the following clarification in partial modification of Para (iii) of Commission's letter No. 437/6/INST/2008-CC&BE,dated 31.10.2008; Para 3 of Commission's letter no. 76/2009/SDR, dated 20.08.2009; Para 3 of Commission's letter no. 76/Instructions/2012/EEPS, dated 20.01.2012, and relevant Para 5.6.3 of the Commission's Instruction on Expenditure Monitoring (March, 2013), as under:-

a) If any attendant including security guard, medical attendant, or any other person including any member of the party, who is not a candidate in the constituency concerned, or any representative of the electronic or print media, travels with the leader (star-campaigner) of the political party in his vehicle/aircraft/helicopter etc., then the travel expenses of such leader shall

be wholly booked to the account of political party, subject to the condition mentioned in Para (b) below.

(b) It is further clarified that it shall not result in booking any part of the travel expenditure of the political leader to the account of the candidate, if such person(s) sharing the transport with the leader (star campaigner) does not play any role in election campaign for the candidate in any manner. However, if any such person(s) sharing the transport with the leader plays any role in election campaign for the candidate(s) in any manner or if any candidate(s) travels with such leader in his vehicle/aircraft/helicopter, then 50% of the travel expenditure of the leader shall be apportioned to such candidate(s).

3. In addition to above, the CEO, Karnataka has sought clarifications on star campaigners. I am further directed to issue the following clarifications:

(a) The names of leaders of the political party (star campaigners), as defined in Explanation 2 of section 77 (1) of the R.P.Act, 1951 are to be communicated to the Election Commission of India or the Chief Electoral Officer of the State by the political party, within a period of seven days from the date of notification for such election and such leaders are entitled to the benefits provided under section 77 of the R.P.Act, 1951, from the date on which the list including his name is received by the Election Commission of India or by the Chief Electoral Officer of the State concerned.

(b) If the leader (star campaigner) is a part of any rally outside his constituency, he is entitled to the benefits provided under Explanation 1 of section 77(1) of the R.P.Act, 1951. However, if the leader (star campaigner) is also contesting election in any constituency, then he is not entitled to any benefit u/s 77 of the said Act, for the travel expenses incurred within his constituency and the expenses on meeting or rally organised by him in his constituency including the travel expenses is to be added to his account of election expenditure.

(c) If the rally /meeting is organised in the constituency of the leader (star campaigner), where the leader shares the dais with other contesting candidates, then the meeting expense is to be apportioned to the election expenditure of all such candidates. However, if, he is taking part in a rally/ meeting, along with other contesting candidates of his party within or outside his constituency, then the meeting expense shall be apportioned to the

election expenditure of all such candidates, for whose election campaign, such rally/meeting is organised and no part of such rally/ meeting expense, organised outside his constituency shall be added to the election expense of the leader(star campaigner).

3. This may be brought to the notice of all concerned including all political parties in the state.

Yours faithfully,

(S.K. Rudola)
Secretary

By Camp Bag/Most Immediate

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI-110001

No. 76/Instructions/2012/EEPS Vol. I

Dated: 18th April, 2013

To

The Chief Electoral Officers
All State and Union Territory

Subject: - Details of Expenditure on use of Helicopters/ Aircrafts on Election Campaigning-Reporting Procedure- matter regarding

Sir,

I am directed to refer to the Commission's letter no. 76/Instruction/2012/EEPS, Dated 5th February , 2012 (Copy Enclosed), on the subject cited and to state that the Commission has received representations from political parties regarding practical difficulty by the candidates in providing information required under para 4 of the letter referred to above, within 3 days. The Commission after considering the representations has modified the aforesaid para 4 of the said letter and has relaxed the time limit of submitting the report by the candidate from 3 days to 5 days of landing of helicopter/aircraft. Therefore the modified para 4 may be read as under:-

"Every candidate shall also inform the Returning Officer concerned in writing within 5 days after the landing of the aircraft/helicopter, about the hiring charges paid/payable to the company owning/leasing the aircraft/helicopter, and name of the political party, if the party has borne the expenses for the hiring. "

Yours faithfully,

(S.K.RUDOLA)
SECRETARY

Most Immediate/By Special Messenger/Fax

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

No.76/Instructions/2013/EEPS/Vol.VI 1289 Dated: 30th September, 2013

To

The Director General (CISF)
Block No. 13-CGO Complex
Lodhi Road
New Delhi-110003

Sub:- General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Madhya Pradesh, Rajasthan and Mizoram-2013-Standard Operating Procedure to prevent transport of suspicious money/bullion through airports during election process matter– Reg.

Sir,

I am directed to state that the Commission shall announce the schedule of the General Elections to the Legislative Assemblies of NCT of Delhi, Rajasthan, Madhya Pradesh, Chhattisgarh and Mizoram and for the purpose of curbing use of black money, the Commission has issued exhaustive instructions of Election Expenditure Monitoring which can be viewed on the Commission's website www.eci.nic.in-ECI News-Compendium of Instructions on Election Expenditure Monitoring (July-2013). In this connection, I am directed to forward herewith a copy of Standard Operating Procedure (SOP) the Commission's order no. 76/Instructions/EEPS/2013/Vol. IV, dated 21st March, 2013 and OM No. CAS 7(15)/2012/Div-I(Election), dated 03-07-2013 and corrigendum no. CAS 7(15)/2012/Div-I(Election), dated 25-07-2013 received from Bureau of Civil Aviation and Security (BCAS), Ministry of Civil Aviation, Govt. of India with the request to strictly follow the checking of baggage/persons, as mentioned in the S.O.P.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

Copy to :-1. The Chief Electoral officers of NCT of Delhi, Chhattisgarh, Madhya Pradesh, Rajasthan and Mizoram (By Camp Bag)

417

417

2. Dr. Alok Tripathi, ADGP, ATS & SOG, Ghatgate, Jaipur-3, Rajasthan (adgp.ats@gmail.com) (By Speed Post)

3. Shri K. K. Agarwal, AIGP, Special Branch, Police HQ,Civil Lines, Raipur, Chhattisgarh (By Speed Post)

4. Shri A. K. Singh, Jt. Commissioner of Police, P&I, 2nd Floor, Delhi Police HQ, MSO Building, I. P. Estate, New Delhi-110002 (aksinghips@rediffmail.com) (By Special Messenger)

5. Shri A. K. Patnaik, IPS, Addl. DGP, Police HQ, Aizawl, Mizoram (polmizo@rediffmail.com) (By Speed Post)

6. Shri Pawan Srivastava, IPS, IGP, RAPTC, C-6, Residency Area, Indore, Madhya Pradesh (pawans@gmail.com) (By Speed Post)

(S. K. RUDOLA)
SECRETARY

GOVERNMENT OF INDIA
BUREAU OF CIVIL AVIATION SECURITY
(MINISTRY OF CIVIL AVIATION)
'A' WING, JANPATH BHAWAN
JANPATH, NEW DELHI- 110001
DATE 03/07/2013

OFFICE MEMORANDUM

Subject: Modified Standard Operating Procedure to prevent transport of unauthorized arms, contraband goods and suspicions money/ bullion through airports during election process- matter reg.

Ref : OMs of even No. dated 08.04.2011 and dated 14.02.2012.

Reports are received that during the process of elections, unauthorized arms, contraband goods or large sum of cash/ bullion are often transported through chartered aircrafts/helicopters/ passengers of commercial airlines to the poll bound States. The Election Commission of India is concerned about such incidents, which may disturb the level playing field during the election process.

2. Therefore, as per request of the Election Commission of India, it is hereby directed that the following measures shall be taken, while keeping vigil over the baggage/ passengers at commercial airports and in non-commercial airstrips/ helicopters of the States, going for poll or those boarding such aircrafts to the poll bound States:

Pre- embarkation checks at Commercial Airports:

(i) During election process, all rules and procedures with regard to frisking and checking of persons and baggage should be strictly enforced without any exception. All passengers (excepting those who are exempted under the Rules) and all the baggage (excepting that which is exempted under the Rules), boarding any aircraft/helicopters including commercial/ chartered flights will pass through the pre-embarkation security checks area of operational airports of the State going of Polls.

(ii) No prior permission for landing or take off of chartered aircrafts (including fixed wing aircrafts) and helicopters at commercial airports shall be required from District Election Officer (DEO) or Returning Officer (RO). The Air Traffic Control (ATC) in commercial airports shall inform the Chief Electoral Officer (CEO) of the State and the DEO of the district, in which the airport is located, about the travel plan of chartered aircrafts or helicopters as early as possible, preferably half an hour in advance.

(iii) However, during election process, the ATC shall keep record of all such chartered aircrafts or helicopters, landing and taking off from commercial airports, time of landing, time of take off and passenger manifest, route plan etc. The ATC shall make a copy of this information available to the CEO of the State concerned and to DEO of the district, in which airport is located, within 3 days, after the date of landing /take off and the CEO/DEO shall make such information available to the Expenditure Observer for making necessary verification during inspection.

The ATC shall also make the record available for inspection by Expenditure Observer whenever required.

(iv) All baggage, including hand baggage, of persons/passengers (not exempted under the Rules) but permitted to avail the facility of vehicle for going up to aircraft shall also be screened by CISF/State/UT police without any relaxation.

(v) The CISF or police authorities of the State or Union Territory on detection of cash exceeding Rs. 10 lakhs or bullion, weighing 1 kg or more in the baggage of aircrafts, flying to or from the Poll bound State, shall instantaneously report to the Income Tax Department.

(vi) The Income Tax Department, on receipt of information shall make necessary verification as per the Income Tax Laws and take necessary measures if no satisfactory explanation is given. They shall also inform the Election Commission/Chief Electoral Officer/ District Election Officer concerned, before release of any such cash or bullion.

(vii) The law enforcement agencies, like CISF, State Police and Income Tax Department shall develop their internal Standard Operating Procedure (SOP) in such a way that the entire event right from detection till seizure or release at the airport is captured by close circuit TVs/ Video Camera. For this purpose the CCTVs shall be installed in all commercial airports in places where the cash/ bullion is detected counted/seized and also in the interrogation chambers of the law enforcement agencies including Income Tax Department. Such recording of CCTVs/ Video Camera shall be preserved with the Airport Operator/Authority for a period of 3 months and when required, be made available to the Election Commission/CEO.

Checks at Non-commercial Airports/ helipads:

(viii) At remote/uncontrolled airports/ helipads, the flying squad or police authorities of the State/UT in coordination with pilot of the aircraft shall carry out the screening/physical checking of all baggage coming out of the aircraft (excepting the handheld purse by the ladies). Any unauthorized arms, contraband goods, cash exceeding Rs. 50,000/- belonging to any candidate or agent or party functionary shall be investigated and considered for seizure as per order of Hon'ble Supreme Court in Election Commissioner vs Bhagyoday Janparishad & Ors. WP No. 231/2012, dated 09.11.2012. However, it is clarified that frisking of body of any passenger shall not be done at the time of disembarkation at such remote uncontrolled airports/helipads, unless there is specific information about unauthorized arms or contraband goods, etc. being carried by the person

(ix) At remote/uncontrolled airports and helipads, application will have to be made either by the candidate or by the political party to the DEO concerned, at least 24 hours before anding, mentioning the details of travel plan, place of landing in the district and names of passengers in the aircrafts/helicopters so that DEO can make adequate arrangements for security, aw and order issues and also to make available the coordinates of the helipad. On receipt of such pplication, DEO shall issue permission on the same day on priority basis.

(v) Every candidate shall also inform the Returning Officer concerned in writing within five days after the landing of aircraft/helicopter, in his constituency about the hiring charges paid/ payable to the company owning/leasing the aircraft/helicopter, the names of passengers and name of the political party. (if the party has borne the expense for the hiring).

3. All concerned are requested to ensure that the above directions are strictly complied with under intimation to this office.

(R N Dhoke, IPS)
Addl. Commissioner of Security (CA)

Distributions :-

1. All Chief Secretaries of States/UTs.
2. The DG, CISF, 13 CGO Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States/UTs.
4. DGCA, Opposite Safdarjung Airport, New Delhi.
5. Chairman, AAI, Safdarjung Airport, New Delhi.
6. The RDCOS(CA), BCAS, Delhi, Mumbai, Chennai, Kolkata, Amritsar, Ahmedabad, Hyderabad and Guwahati – for strict compliance.
7. The MD, DIAL, New Udan Bhawan, Opp Terminal – 3, IGI Airport, New Delhi – 37.
8. The MD, MIAL, CSI Airport, 1st Floor, Terminal 1B, Santacruz (E), Mumbai – 400009.
9. The MD, CIAL, Cochin Int, Airport Ltd, Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Ltd, Shamshabad- 500409.
11. The MD, BIAL, Bangalore Internaational Airport Ltd, Administration Bllock, Bengaluru International Airport Devanahalli, Bangalore – 560300.
12. The MD, MIHAN India Private Ltd. Dr. Babasaheb Ambedkar International Airport, Nagpur.

Copy to :-

1. Election Commission of India (Shri Anuj Jaipuriar, Secretary), Nirvachan Sadan, Ashoka Road, New Delhi – wrt letter No. 76/Instructions/2013/EEPS/Vol. I dated 27.06.2013.
2. The Secretary to the Govt. of India, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi.
3. The Chairman, CBDT, North Block, New Delhi.
4. The Joint Director, IB, 35 SP Marg, New Delhi.

No. CAS-[illegible]151/2012/Div-I/Election-I
GOVERNMENT OF INDIA
BUREAU OF CIVIL AVIATION SECURITY
(MINISTRY OF CIVIL AVIATION)
'A' WING JANPATH BHAWAN
JANPATH NEW DELHI- 110001
DATE 25/07/2013

CORRIGENDUM

Subject: Modified Standard Operating Procedure to prevent transport of unauthorized arms, contraband goods and suspicions money/ bullion through airports during election process- matter reg.

Reference BCAS Hqrs O.M. of even No. dated 03.07.2013.

2. The following amendments may be made in para (viii) – 3rd line of the above mentioned O.M

(a) The words **"(excepting the handheld purse by ladies)"** is replaced by **"(excepting the handheld purse or pouch by any passenger)"**.

(R N Dhoke, IPS)
Addl. Commissioner of Security (CA)

Distributions :

1. All Chief Secretaries of States/UTs.
2. The DG, CISF, 13 CGO Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States/UTs.
4. DGCA, Opposite Safdarjung Airport, New Delhi.
5. Chairman, AAI, Safdarjung Airport, New Delhi.
6. The RDCOS(CA), BCAS, Delhi, Mumbai, Chennai, Kolkata, Amritsar, Ahmedabad, Hyderabad and Guwahati – for strict compliance.
7. The MD, DIAL, New Udan Bhawan, Opp Terminal – 3, IGI Airport, New Delhi – 37.
8. The MD, MIAL, CSI Airport, 1st Floor, Terminal 1B, Santacruz (E), Mumbai – 400009.
9. The MD, CIAL Cochin Int, Airport Ltd, Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Ltd, Shamshabad- 500409.
11. The MD, BIAL, Bangalore Internaational Airport Ltd, Administration Bllock, Bengaluru International Airport Devanahalli, Bangalore – 560300
12. The MD, MIHAN India Private Ltd. Dr. Babasaheb Ambedkar International Airport, Nagpur

Speed post/fax/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. IV

Dated: 21st March, 2013

To

Chief Electoral Officers of all States and UTs

Sub: Standard Operating Procedure to be adopted by the officer/officials involved in implementation and execution of the Election Expenditure Monitoring – Reg.

Sir/Madam,

I am directed to forward herewith Order of the Commission of even number dated 21.03.2013 on Standard Operating Procedure for the Flying Squad, Static Surveillance Team and check posts, constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or kind, movement of illegal arms, ammunition, liquor, or antisocial elements etc., in the constituency during election process. The above order may kindly be brought to the notice of all political parties, candidates and all concerned for necessary action and compliance.

Yours faithfully,

S.K.Rudola
Secretary

(By Special Messenger/Confidential/Most Immediate)

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

No. 76/Instructions/2013/EEPS/Vol.VI /317 Dated: 30th September , 2013

To

The Secretary to the Govt. of India,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
New Delhi

Subject: Superintendence, Direction and Control – General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram- 2013- Reg.

Sir,

I am directed to inform that the Commission shall announce schedule of the General Elections to the Legislative Assemblies of above mentioned 5 States. For conduct of free and fair election, the Commission has asked the Directorate of Income Tax (Investigation) to undertake adequate measures related to Surveillance on movement of cash and other spurious items, during the election.

2. I am further directed to state that in connection with the above, the Directorate of Income Tax (Inv) of the above poll going States may operate Air Intelligence Unit in all airports of the State with immediate effect and till the date of completion of election.

3. You are therefore requested to extend co-operation to the Income Tax Officials in this regard to facilitate their operation in all the airports of the poll going States.

Yours faithfully,

(S.K RUDOLA)
SECRETARY

Copy forwarded to:

1. The Chairman, CBDT, North Block, New Delhi (By Special Messenger)

2. The Director General of Income Tax (Inv.), Aaykar Bhawan, Hoshangabad Road, Bhopal-462011, Madhya Pradesh (By Speed Post)

3. The Director General of Income Tax (Inv.), E-2, ARA Centre, 3rd Floor, Jhandewalan Extension, New Delhi-110055 (By Special Messenger)

4. The Director General of Income Tax (Inv.), Central Revenue Building, Bhagwan Dass Road, Statue Circle, Janpath, Jaipur-302005, Rajasthan (By Speed Post)

5. The Director General of Income Tax (Inv.) East, Aayakar Bhawan, Annexe, P-13, Chowringhee Square, Kolkata-700069, West Bengal (By Speed Post)

6. The Chief Electoral officers of NCT of Delhi, Chhattisgarh, Madhya Pradesh, Rajasthan and Mizoram (By Camp Bag)

(S.K RUDOLA)
SECRETARY

(By Special Messenger/Confidential/Immediate)

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

No. 76/Instructions/2013/EEPS/Vol.VI/328 Dated: 30th September, 2013

To

The Director
Financial Intelligence Unit of India
6th Floor, Hotel Samarat, Kautilya Marg
Chankyapuri
New Delhi

Subject: Superintendence, Direction and Control – General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram- 2013- Reg.

Sir,

The Commission shall announce the schedule of General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram and has issued "Compendium of Instructions on Election Expenditure Monitoring (July-2013)" vide letter No76/Instructions/2013/EEPS/Vol.VIII, dated 22ND July,2013 (copy enclosed) issued to Chief Electoral Officers of the above mentioned 5 States on monitoring and close surveillance over election expenditure during the election period.

2. The Commission has deputed the officials of Investigation Directorates of Income Tax Department. for keeping a close watch over movement of cash in the states during election process.

3. The Commission desires that real time information on Suspicious Transactions Report and withdrawal of cash exceeding the specified limits from any Bank Accounts operating within the poll going States during the process of election may be reported to Directorate of Income Tax (Inv.) of the concerned States, through CBDT in order to facilitate them to take action as per the law.

4. Besides, the assets and liabilities of the candidates, as mentioned in the affidavit shall be uploaded on the website of the CEOs of respective states, after the nominations are filed. The Commission further desires that FIU shall provide the necessary information about the assets and liabilities of the candidates, their spouse

and dependents to the Income Tax Department for proper reporting on correctness of the affidavits.

Yours faithfully,

(S.K RUDOLA)

SECRETARY

Copy forwarded to:

1. The Chairman, CBDT, North Block, New Delhi (By Special Messenger)

2. The Director General of Income Tax (Inv.), Aaykar Bhawan, Hoshangabad Road, Bhopal-462011, Madhya Pradesh (By Speed Post)

3. The Director General of Income Tax (Inv.), E-2, ARA Centre, 3rd Floor, Jhandewalan Extension, New Delhi-110055 (By Special Messenger)

4. The Director General of Income Tax (Inv.), Central Revenue Building, Bhagwan Dass Road, Statue Circle, Janpath, Jaipur-302005, Rajasthan (By Speed Post)

5. The Director General of Income Tax (Inv.) East, Aayakar Bhawan, Annexe, P-13, Chowringhee Square, Kolkata-700069, West Bengal (By Speed Post)

6. The Chief Electoral officers of NCT of Delhi, Chhattisgarh, Madhya Pradesh, Rajasthan and Mizoram (By Camp Bag)

(S.K RUDOLA)
SECRETARY

TOP PRIORITY
By Special Messenger

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

76/Instructions/EEPS/2013/Vol .VI

Dated: 30th September, 2013

To

The Chairman,
Central Board of Direct Taxes
Ministry of Finance
North Block
New Delhi

Subject: General Elections to the forthcoming Legislative Assemblies - Reg.

Madam,

I am directed to state that the Commission shall announce the schedule of the General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram and has issued "Compendium of Instructions on Election Expenditure Monitoring (July-2013)" vide its letter No. 76/Instructions/2013/EEPS/Vol.VIII, dated 22nd July, 2013 (copy enclosed).

2. Use of black money during elections is a major issue in the forthcoming elections. I am directed to inform that the Commission hereby requisitions the services of the Investigation Directorates of the respective states under article 324 of the Constitution to curb the use of black money during the elections and to take inter alia the following steps:-

a. All Airports in the state, major Railway Stations, Hotels, Farm Houses, Hawala Agents, Financial Brokers, Cash Couriers, pawn brokers and other suspicious Agencies/ persons likely to be used for movement of undisclosed cash during election process shall be kept under close surveillance by the Income Tax Dept. The placement of officers of Investigation Directorate is to be done immediately after the announcement of elections in the state.

b. For this purpose, the Director General of Income Tax (Inv) shall take steps to open a 24X7 Control Room, and complaint monitoring cell preferably in the State capital having

a toll free number for receiving complaints or information regarding movement of large sums of cash or other items suspected to be used for bribing of electors. The Income Tax Investigation Directorate, on the basis of information or complaint, shall conduct independent enquiry against any person and the DEO shall take steps to provide security personnel enabling them to take necessary action. The outcome of the enquiry by the Income Tax Investigation Directorate shall be reported to the Commission with copy to the CEOs of the respective States.

c. The team of Investigation Directorate/Income Tax officials shall station themselves at such sensitive places, where movement of large sums of un-disclosed cash etc. is suspected, gather intelligence independently on black money and take action as per the Income Tax laws.

d. The Income Tax Department shall open Air Intelligence Unit in all airports of the poll bound States and airports having commercial flights to poll bound States and keep strict vigil over the movement of cash through the aircrafts (including private aircrafts) leading to or taking off the poll bound states. If any cash exceeding Rs. 10 lakh is reported to the Income Tax Department, they shall take steps to take necessary action under the Income Tax laws. If it is not possible to seize the same under Income Tax laws, then Income Tax Department shall pass on information to the CEO of the state instantly who shall take steps under IPC, if the cash is suspected to be used for bribing of electors. The CISF authorities will forward necessary information and extend all cooperation in this regard.

e. If information of cash withdrawal in excess of Rs. 10 Lakh from the bank account by any person is reported by the Bank to the DEO, the same shall be forwarded by the DEO to the Nodal Officer of Income Tax Investigation Directorate in charge of the district who shall take prompt action under the Income Tax laws on such information.

f. The Director FIU-India is also being requested to send real time information on Suspicious Transaction Reports and about withdrawal of cash exceeding specified limits in a day from any Bank Account maintained within the respective State. The FIU has also been requested to send the assets information about the candidates after the filing of nomination.

g. Besides the above, the Investigation Directorate shall download from CEO website the copies of affidavits declaring assets and liabilities by the candidates. The Investigation Directorate shall verify the information in the affidavits and the report shall be sent to the Commission where any suppression of information about assets or liability is noticed as per the principles laid down by the Commission in consultation with Member(Inv.) CBDT. In any case, the investigation report regarding the assets should be sent not later than 6 months from the date of poll.

h. If any information pertaining to election expenses by any candidate or political party is gathered by the Investigation Directorate either during the election campaign or in course of their independent investigation of any person including the case of the candidates, either before or after the election, it should be reported to the Commission.

i. As per section 29C of Representation of People Act, 1951, the political parties shall not get tax exemption, if they do not submit contribution reports to the Commission before due date of filing Income Tax Return. The Commission periodically forwards the list of defaulting parties to CBDT. The Investigation Directorate of Income Tax Department shall report to the Commission about the political parties which are taking donations and enjoying tax exemptions in the poll bound states, without filing the contribution reports within the statutory period under section 29C or the Income Tax returns and action taken by the Dept. within 2 weeks of announcement of election.

3. I am directed to request you to depute the Director Generals of Income Tax(Inv) and the Directorates of the respective states to take the requisite measures during the forthcoming elections.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

Copy forwarded for information and necessary action to the following:

1. The Director General of Income Tax (Inv.), Aaykar Bhawan, Hoshangabad Road, Bhopal-462011, Madhya Pradesh (By Speed Post)

2. The Director General of Income Tax (Inv.), E-2, ARA Centre, 3rd Floor, Jhandewalan Extension, New Delhi-110055 (By Special Messenger)

3. The Director General of Income Tax (Inv.), Central Revenue Building, Bhagwan Dass Road, Statue Circle, Janpath, Jaipur-302005, Rajasthan (By Speed Post)

4. The Director General of Income Tax (Inv.) East, Aayakar Bhawan, Annexe, P-13, Chowringhee Square, Kolkata-700069, West Bengal (By Speed Post)

5. The Chief Electoral Officers of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram (By Camp Bag/Special Messenger)

(S. K. RUDOLA)
SECRETARY

By Camp Bag/Special Messenger/Fax

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

No. 76/Instructions/2013/EEPS/Vol.VI Dated: 30th September , 2013

To

1. The Director General of Income Tax (Inv.)
   Aaykar Bhawan
   Hoshangabad Road, Bhopal-462011
   Madhya Pradesh

2. The Director General of Income Tax (Inv.)
   E-2, ARA Centre, 3rd Floor, Jhandewalan Extension
   New Delhi-110055

3. The Director General of Income Tax (Inv.)
   Central Revenue Building, Bhagwan Dass Road
   Statue Circle, Janpath, Jaipur-302005
   Rajasthan

4. The Director General of Income Tax (Inv.) East
   Aayakar Bhawan, Annexe, P-13, Chowringhee Square
   Kolkata-700069
   West Bengal

Subject: Superintendence, Direction and Control – General Elections to the Legislative Assembly- Regarding

Sir,

The Commission shall announce the general elections in the States namely Madhya Pradesh, Chhatisgarh, Rajasthan, Delhi and Mizoram. Instances have been reported to the Commission and in Media that large sum of undisclosed cash and other articles are distributed and innovative methods are adopted to camouflage ostentatious election expenditure by the candidates during election process. Such expenses, for gratification of the voters are mostly out of undisclosed income.

2. The Election Commission of India is seized with the matter and has set up elaborate mechanism to check excess expenditure made by the candidates during an election. A copy of "Compendium of Instructions on Election Expenditure Monitoring

(July-2013)" issued by the Commission vide letter no. 76/Instructions/2013/EEPS/Vol. VIII, dated 22nd July, 2013 is enclosed herewith.

3. Use of black money during elections is a major issue in the forthcoming elections and the Director of Income Tax (Inv) and Directorates of Income Tax (Inv) of the state are deployed by the Commission under article 324 of the Constitution from the date of announcement of election, for conduct of free and fair election, I am directed to request you to make necessary arrangements, to open units in each districts from the date of announcement of election, gather intelligence regarding use and movement of black money in the State and take prompt action as per the Income Tax Laws.

4. I am further directed to request you to take inter alia the following measures

a. All Airports in the state, major Railway Stations, Hotels, Farm Houses, Hawala Agents, Financial Brokers, Cash Couriers, pawn brokers and other suspicious Agencies/ persons likely to be used for movement of undisclosed cash during election process shall be kept under close surveillance by the Income Tax Dept. The placement of officers of Investigation Directorate is to be done immediately after the announcement of elections in the state.

b. For this purpose, the Director General of Income Tax (Inv) shall take steps to open a 24X7 Control Room, and complaint monitoring cell preferably in the State capital having a toll free number for receiving complaints or information regarding movement of large sums of cash or other items suspected to be used for bribing of electors. The Income Tax Investigation Directorate, on the basis of information or complaint, shall conduct independent enquiry against any person and the DEO shall take steps to provide security personnel enabling them to take necessary action. The outcome of the enquiry by the Income Tax Investigation Directorate shall be reported to the Commission with copy to the CEOs of the respective States.

c. The team of Investigation Directorate/Income Tax officials shall station themselves at such sensitive places, where movement of large sums of un-disclosed cash etc. is suspected, gather intelligence independently on black money and take action as per the Income Tax laws.

d. The Income Tax Department shall open Air Intelligence Unit in all airports of the poll bound States and airports having commercial flights to poll bound States and keep strict vigil over the movement of cash through the aircrafts (including private aircrafts) leading to or taking off the poll bound states. If any cash exceeding Rs. 10 lakh is reported to the Income Tax Department, they shall take steps to take necessary action under the Income Tax laws. If it is not possible to seize the same under Income Tax laws, then Income Tax Department shall pass on information to the CEO of the state instantly who shall take steps under IPC, if the cash is suspected to be used for bribing of electors. The CISF authorities will forward necessary information and extend all cooperation in this regard.

e. If information of cash withdrawal in excess of Rs. 10 Lakh from the bank account by any person is reported by the Bank to the DEO, the same shall be forwarded by the DEO to the Nodal Officer of Income Tax Investigation Directorate in charge of the district who shall take prompt action under the Income Tax laws on such information.

f. The Director FIU-India is also being requested to send real time information on Suspicious Transaction Reports and about withdrawal of cash exceeding specified limits in a day from any Bank Account maintained within the respective State. The FIU has also been requested to send the assets information about the candidates after the filing of nomination.

g. Besides the above, the Investigation Directorate shall download from CEO website the copies of affidavits declaring assets and liabilities by the candidates. The Investigation Directorate shall verify the information in the affidavits and the report shall be sent to the Commission where any suppression of information about assets or liability is noticed as per the principles laid down by the Commission in consultation with Member(Inv.) CBDT. In any case, the investigation report regarding the assets should be sent not later than 6 months from the date of poll.

h. If any information pertaining to election expenses by any candidate or political party is gathered by the Investigation Directorate either during the election campaign or in course of their independent investigation of any person including the case of the candidates, either before or after the election, it should be reported to the Commission.

i. As per section 29C of Representation of People Act, 1951 the political parties shall not get tax exemption, if they do not submit contribution reports to the Commission before due date of filing Income Tax Return. The Commission periodically forwards the list of defaulging parties to CBDT. The Investigation Directorate of Income Tax Department shall report to the Commission about the political parties which are taking donations and enjoying tax exemptions in the poll bound states, without filing the contribution reports under section 29C or the Income Tax statutory returns and action taken by the Dept. within 2 weeks of announcement of election.

5. The Election Commission has prescribed a format for reporting by the Nodal officer of the Directorate, the Activity Report in Annexure-24 of the Compendium , in alternate day and to fax to the Commission over the Fax No. 011-23318506, 23052049 and 011-23052003.

Yours faithfully,

(S.K RUDOLA)
SECRETARY

Copy to:

1. The Chairman, Central Board of Direct Taxes,
   North Block, New Delhi. (By Special Messenger)
2. Member (Investigation), Central Board of Direct Taxes,
   North Block, New Delhi. (By Special Messenger)
3. The Director, Financial Intelligence Unit-India,
   6th floor, Hotel Samrat, Kautilya Marg, Chankyapuri, New Delhi. (By Special Messenger)
4. The Chief Electoral officers of NCT of Delhi, Chhattisgarh, Madhya Pradesh, Rajasthan and Mizoram (By Camp Bag)

(S.K RUDOLA)
SECRETARY

(By Special Messenger/Speed Post/Confidential/Immediate)

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

No. 76/Instructions/2013/EEPS/Vol.VI

Dated: 30th September, 2013

To

The Director General
Border Security Force
BSF Headquarters, Block 10, CGO Complex
Lodhi Road, New Delhi

Subject: Superintendence, Direction and Control – General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram- 2013- Reg.

Sir,

The Commission shall announce the schedule of the General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Madhya Pradesh, Mizoram and Rajasthan. It is suspected that spurious items including undisclosed cash and fake currency notes may be transported from bordering countries or through the international airports. Keeping in view the ongoing election process, the Commission has desired that the borders with poll going states may be kept under close surveillance till the completion of poll.

2. If large sum of cash or any contraband goods or liquor is being carried to these states during election process, the same may be reasonably suspected to be used for election purpose. The BSF/SSB/Assam Rifles officials may facilitate seizure of such cash or other contraband goods by Law enforcement agencies. In respect of cash detected by them, they shall report immediately to the Additional Director of Income Tax/Deputy Director of Income Tax (Investigation) deputed in the district concerned for election purposes. Instruction in this regard has already been issued to the Income Tax Department of poll going States to keep watch over movement of huge cash in the constituency.

3. I am therefore to request that necessary measures may kindly be taken to prevent the movement of all spurious items including undisclosed cash and fake currency notes across the bordering countries during the process of election.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

Copy forwarded to:

1. The Chief Electoral Officers of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram (By Camp Bag/Special Messenger)
2. The Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi (By Special Messenger)
3. The Chairman CBDT, North Block, New Delhi (By Special Messenger)
4. The Director General of Income Tax (Inv.), Aaykar Bhawan, Hoshangabad Road, Bhopal-462011, Madhya Pradesh (By Speed Post)
5. The Director General of Income Tax (Inv.), E-2, ARA Centre, 3rd Floor, Jhandewalan Extension, New Delhi-110055 (By Special Messenger)
6. The Director General of Income Tax (Inv.), Central Revenue Building, Bhagwan Dass Road, Statue Circle, Janpath, Jaipur-302005, Rajasthan (By Speed Post)
7. The Director General of Income Tax (Inv.) East, Aayakar Bhawan, Annexe, P-13, Chowringhee Square, Kolkata-700069, West Bengal (By Speed Post)

(S. K. RUDOLA)
SECRETARY

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

EPABX 011-23717391-98
Fax 011-23713412/23739944
Website: www.eci.nic.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली-110
Nirvachan Sadan,
Ashoka Road, New Delhi-110

No.464/INST/ 2013-EPS

Dated the 8th October, 2013.

To

The Chief Electoral Officers of
All the States & Union Territories.

Subject: Vehicle Permit for Office Bearers of Recognised Political Party – Regarding.

Sir,

In continuation to the Commission's instruction No.464/INST/2011/EPS, dated 28th March, 2011 on the subject cited, I am to state that the Commission has allowed the following:

I. The District Election Officer may issue permit for one vehicle for movement within the district. This vehicle would be in addition to the vehicle already permitted earlier by the Commission to the recognized political parties for distribution of publicity material to its candidates and workers within the district.

II. The Chief Electoral Officer may issue permit for vehicles that can move throughout the State. For States having more than one hundred assembly constituencies, the Chief Electoral Officer can issue permit for maximum five vehicles to a recognized political party. For remaining States and Union Territories, the Chief Electoral Officer can issue permit for maximum three vehicles to a recognized political party.

2. Please acknowledge receipt of the letter.

Yours faithfully,

(Sumit Mukherjee)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2011/EPS

Dated: 28th March, 2011

To

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

Subject: - General Elections to the Legislative Assembly to Assam, West Bengal, Kerala, Tamil Nadu and Puducherry - Request of Political Parties for vehicle permission for transporting publicity material – regarding.

Sir,

With reference to the subject cited and in partial modification of the Commission's instruction of even no. dated 23rd March,2011, I am directed to state that the Commission has reviewed the matter and has now decided that if any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of their publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognized political party (whether national party or state party). The concerned political party (the applicant) will have to specify the name of the District, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the Chief Electoral Officer shall issue permission, but he will ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle is to be incurred by the political party concerned and not by the candidates.

Yours faithfully,

(SUMIT MUKHERJEE)

Fax / E-mail / Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. IV Dated: October 15 , 2013

To

The Chief Electoral Officers
of all States and UTs

Sub: Opening of separate bank account for election expenditure by the candidates– matter reg.

Sir/Madam,

I am directed to state that the superintendence, direction and control of all elections to Parliament and the Legislature of every State is vested in the Election Commission under Article 324 of the Constitution. Reports are received that the candidates are spending excessive amount in election campaign, which disturbs the level playing field and are not showing correct expenses in the day to day accounts of their election expenses. Therefore, for maintaining the purity of election process, facilitating maintenance of correct accounts of election expenses by the candidates and also for their proper monitoring, the Election Commission of India hereby issues the following instructions:

(i) In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account can be opened any time only for the purpose of election, not later than one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer (RO) of the constituency at the time of filing of his nomination. Wherever the candidate has not opened the bank account or not intimated the bank account number, the RO shall issue a notice to each such candidate to comply with the Commission's instructions.

(ii) The bank account can be opened either in the name of the candidate or in the joint name with his election agent for the purpose of election expenditure. The said bank account should not be opened in the joint name with any family

member of the candidate or any other person, if he/she is not the election agent of the candidate.

(iii) The bank account can be opened anywhere in the state. The accounts can also be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.

(iv) All election expenditure shall be made by the candidate, **only** from this bank account. All receipts meant for monetary expenses to be incurred by the candidate on electioneering shall be deposited in this bank account, irrespective of its source of funding including candidate's own fund. A self -certified copy of the statement of this bank account shall be submitted by the candidate to the DEO along with the statement of the account of election expenditure as required to be filed within a period of 30 days from the date of declaration of results.

(v) The candidate(s) shall incur his/her election expenses by crossed account payee cheque, or draft or by RTGS/NEFT from the bank account opened for election purpose. However, if the amount payable by the candidate(s) to any person/entity, for any item of expenditure, does not exceed Rs. 20,000/- during the entire process of election, then such expenditure can be incurred in cash, by withdrawing it from the said bank account.

(vi) The candidate(s) is required to deposit the entire amount meant for election expenses in the said bank account and all their election expenses are to be incurred only from the said account.

(vii) The candidate(s) is also required to ensure that neither his/her agents and followers nor he/she himself/herself carry cash exceeding Rs.50,000/- in the constituency during election process, as per direction, dated 30.11.2012 of Hon'ble Supreme Court in the case of Election Commission Vs. Bhagyoday Jan Parishad and Ors. (SLP No. CC 20906/2012).

(viii) It is hereby clarified that if any election expenses are incurred without routing it through the said bank account or not by way of cheque or draft or RTGS/NEFT,as mentioned in para (v) above, it will be treated that the candidate has not maintained the accounts in the manner, prescribed by the Commission.

(ix) The DEOs shall issue suitable instruction, to all the banks or post offices located in their districts to ensure that they open dedicated counters for election

accounts. The banks shall also allow withdrawals and deposits from the said account on priority basis during the election period.

2. I am directed to request you to bring it to the notice of all political parties, candidates, election officials and all concerned.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

By Speed Post/FAX

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. VIII Dated:15th October, 2013

To

The Chief Electoral Officers
1. Chhattisgarh
2. NCT of Delhi
3. Madhya Pradesh
4. Mizoram
5. Rajasthan

Subject: -General Elections to the Legislative Assemblies of Chhattisgarh, NCT of Delhi, Madhya Pradesh, Mizoram and Rajasthan-2013-Election Expenditure Monitoring-Reg.

Sir,

I am directed to refer to the Commission's letter of even no. dated 22nd July, 2013 and to forward herewith a copy of the Commission's letter no. 76/Instructions/2010, dated 20th October, 2010 issued to the Presidents/General Secretaries of all the recognized National and State political parties and also to apprise them regarding judgement of the Hon'ble Supreme Court in SLP No. CC20906 of 2012, dated 30-11-2012 (copy enclosed) which read as hereunder:-

"during such checking, if any cash exceeding Rs. 50,000/- (Rupees Fifty Thousand only) is found in a vehicle carrying a candidate, or his agent or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items (valued more than Rs. 10,000/-) which are likely to be used for inducement of elctors or any other illicit articles are found in a vehicle, the same shall be subject of seizure."

Kindly bring it to the notice of all the National/State political parties based in your State immediately for their information and compliance.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

By Special Messenger/ Registered Post/ Camp Bag

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi- 110001

No. 76/Instructions/2010 /371-465 Dated : 20th October, 2010

To

The President/General Secretary,
All Recognised National and State Political Parties

Sub.: Measures taken by Election Commission to curb use of money power during elections – regarding.

Sir/Madam,

Instances are reported to Commission and also in Media that cash, liquor and several utility items are being used in a clandestine manner during the process of elections for bringing influence on the voters. Such distribution of cash, liquor or any other item for gratification of the voters is bribery and is punishable under Indian Penal Code. It is also corrupt practice under RP Act, 1951.

2. During the Commission's meeting with all political parties, held on 4th October, 2010, the use of money power during elections was discussed and the Commission's instructions to monitor election expenditure during general election to the Legislative Assembly of Bihar were welcomed by all the parties. (Copies of Commission's instructions are available on the website: www.eci.nic.in.)

3. To curb the incidence of such offences, the Commission has issued instructions to the Law Enforcement Agencies to form flying squads to keep watch over distribution of cash, liquor and other items in the constituencies during the election process and seize the said items. The services of Investigation Directorate of Income Tax Department have also been requisitioned to keep vigil over movement of cash through Airports, major Railway Stations, Hotels, Farm Houses, Financial Brokers and Hawala Agents. The Commission has also advised the candidates to open separate bank accounts for their election expenses and to make all election expenses through the said bank accounts.

4. It is needless to point out that any fund provided by the party to its candidates for election purpose are required to be reflected in the day-to-day accounts of election expenditure of the candidate and the parties are also required to maintain and lodge the accounts before the Commission, after the election is over. 444

(32)

5. In order to maintain the purity of elections and in particular to bring transparency in the process of elections, it is advised that political parties avoid transactions in cash and should instruct their office bearers, officials, agents and candidates not to carry huge cash during the on-going process of elections.

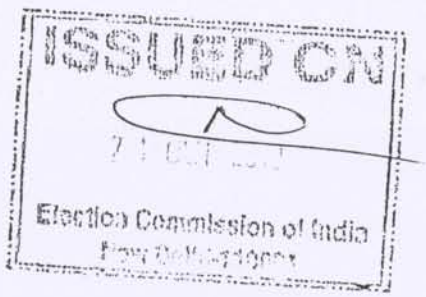
6. Kindly acknowledge receipt.

Yours faithfully,

(Anuj Jaipuriar)
Secretary

Copy to:

1. All CEOs, with request to bring it to notice of all concerned.
2. Chairman, Central Board of Direct Taxes, North Block, New Delhi-110001
3. Director General of Income Tax (Inv), B.C Patel Marg, Patna-800001 for necessary action.



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ITEM NO.61 COURT NO.2 SECTION IX

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil).....2012
CC 20906/2012
(From the judgment and order dated 09/11/2012 in WP No.231/2012 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ELECTION COMMISSIONER Petitioner(s)

VERSUS

BHAGYODAY JANPARISHAD & ORS. Respondent(s)

(With appln(s) for permission to file SLP without c/copy as well as plain copy of impugned order and exemption from filing c/copy as well as plain copy of the impugned order and permission to file additional documents and exemption from filing legible copy of annexures and urging additional grounds and permission to file true copy of impugned judgment and impleadment and office report)

WITH

SLP(C) NO. 35290 of 2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report)

Date: 30/11/2012 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Ashok Desai, Sr. Adv.
Mr. S.K. Mendiratta, Adv.
Ms. Meenakshi Arora, Adv.
Mr. Mohit D. Ram, Adv.
Mr. Vasav Anatharaman, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. P.S. Narasimha, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena E. Joseph, Adv.
Mr. Vishnu, Adv.
Mr. Chitrajeet Upadhyaya, Adv.
for M/s Lawyer'S Knit & Co.

Ms. Kamini Jaiswal, Adv.(N/P)

...2/-

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(16)

UPON hearing counsel the Court made the following

ORDER

Exemption allowed.

Issue notice.

Ms. Bina Madhavan, learned counsel, accepts notice on behalf of respondent No.1 and seeks time to file counter affidavit. Let the needful be done within four weeks.

Rejoinder affidavit, if necessary, may be filed within four weeks thereafter.

Mr. Ashok Desai, learned Senior Counsel, appearing for the Election Commission, states that regard being had to the concern of the Election Commission for conducting fair and free elections and, at the same time, not to cause any inconvenience to the general public, it has been decided by the Election Commission that for the time being paragraph 4.7.1. of the Instructions on Election Expenditure Monitoring, issued in July, 2012, as amended from time to time, shall be substituted as follows:

"During such checking, if any cash exceeding Rs.50,000/- (Rupees Fifty Thousand only) is found in a vehicle carrying a candidate, or his agent or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items (valued more than Rs. 10,000/-) which are likely to be used for inducement of electors or any other illicit articles are found in a vehicle, the same shall be subject to seizure.

The whole event of checking and seizure is to be video graphed by a video team which submit the copy of the video CD to the Returning Officer.:

Mr. Ashok Desai, learned Senior Counsel, states that the above change in the Instructions shall be given wide publicity.

In view of the above, no interim directions are called for in these petitions.

List the application for impleadment along with the main case.

(VINOD LAKHINA) COURT MASTER	(INDU BALA KAPUR) COURT MASTER

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By Camp Bag/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No. 76/Instrutions/EEPS2013/Vol.VIII Date:18th October, 2013

To

The Chief Electoral Officer of
Madhya Pradesh, Rajasthan,
NCT of Delhi, Mizoram and Chhattisgarh

Sub: - Addendum to OM dated 04/10/2013 of BCAS-Election Expenditure Monitoring –General Election to the Legislaitve Assemblies of Madhya Pradesh, Rajasthan, Delhi, Mizoram and Chhattisgarh,2013-Regarding

Sir,

I am directed to refer to Commission letter of even no. dated 22nd July, 2013 regarding application of Instructions on Election Expenditure Monitoring (July 13) and to invite your attention to BCAS's OM No. CAS –7(15)/2012/Div-I (Election), dated 03/07/2013 (Annexure 53 Copy Enclosed) on Modified SOP to prevent transport of unauthorised arms, contraband goods and suspicious money/bullion through airport located in poll going States. The BCAS has now partially modified its procedure, vide their OM No. CAS-7(15)/2012/DIV-I (Election), dated 11/10/2013 and is being forwarded herewith with the request to kindly bring it to the notice of all concerned.

Yours faithfully,

(S.K.Rudola)
SECRETARY

Copy for information and necessary action to: -

1. The Chairman, Central Board of Direct Taxes, Ministry of Finance, North Block New Delhi (By Special Messenger)
2. The Director General of Income Tax (Inv.), Aaykar Bhawan, Hoshangabad Road, Bhopal-462011, Madhya Pradesh (By Camp Bag)
3. The Director General of Income Tax (Inv.), E-2, ARA Centre, 3rd Floor, Jhandewalan Extension, New Delhi-110055 (By Special Messenger)
4. The Director General of Income Tax (Inv.), Central Revenue Building, Bhagwan Dass Road, Statue Circle, Janpath, Jaipur-302005, Rajasthan (By Camp Bag)

5. The Director General of Income Tax (Inv.) East, Aayakar Bhawan, Annexe, P-13, Chowringhee Square, Kolkata-700069, West Bengal (By Speed Post)

6. The Inspector General (CISF), Block No. 13 - CGO Complex, Lodhi Road, New Delhi –110003 (Kind attention Shri R.R.Sahay, IPS) (By Special Messenger)

7. The Deputy Commissioner of Security (CA), M/o Civil Aviation, Bureau of Civil Aviation Security, `A`-I,II,III, Janpath Bhawan,Janpath-110001 {(Kind attn. Shri B.B.Dash, Joint Commissioner of Security (CA) and the Nodal Officer} (By Special Messenger)

(S.K.Rudola)
SECRETARY

No. CAS-7(15)/2012/Div-I(Election)
GOVERNMENT OF INDIA
BUREAU OF CIVIL AVIATION SECURITY
(MINISTRY OF CIVIL AVIATION)
'A' WING, JANPATH BHAWAN
JANPATH, NEW DELHI- 110001
DATE: 03/07/2013

OFFICE MEMORANDUM

Subject: Modified Standard Operating Procedure to prevent transport of unauthorized arms, contraband goods and suspicions money/ bullion through airports during election process- matter reg.

Ref : OMs of even No. dated 08.04.2011 and dated 14.02.2012.

Reports are received that during the process of elections, unauthorized arms, contraband goods or large sum of cash/ bullion are often transported through chartered aircrafts/helicopters/ passengers of commercial airlines to the poll bound States. The Election Commission of India is concerned about such incidents, which may disturb the level playing field during the election process.

2. Therefore, as per request of the Election Commission of India, it is hereby directed that the following measures shall be taken, while keeping vigil over the baggage/ passengers at commercial airports and in non-commercial airstrips/ helicopters of the States, going for poll or those boarding such aircrafts to the poll bound States:

Pre- embarkation checks at Commercial Airports:

(i) During election process, all rules and procedures with regard to frisking and checking of persons and baggage should be strictly enforced without any exception. All passengers (excepting those who are exempted under the Rules) and all the baggage (excepting that which is exempted under the Rules), boarding any aircraft/helicopters including commercial/ chartered flights will pass through the pre-embarkation security checks area of operational airports of the State going of Polls.

(ii) No prior permission for landing or take off of chartered aircrafts (including fixed wing aircrafts) and helicopters at commercial airports shall be required from District Election Officer (DEO) or Returning Officer (RO). The Air Traffic Control (ATC) in commercial airports shall inform the Chief Electoral Officer (CEO) of the State and the DEO of the district, in which the airport is located, about the travel plan of chartered aircrafts or helicopters as early as possible, preferably half an hour in advance.

(iii) However, during election process, the ATC shall keep record of all such chartered aircrafts or helicopters, landing and taking off from commercial airports, time of landing, time of take off and passenger manifest, route plan etc. The ATC shall make a copy of this information available to the CEO of the State concerned and to DEO of the district, in which airport is located, within 3 days, after the date of landing /take off and the CEO/DEO shall make such information available to the Expenditure Observer for making necessary verification during inspection.

The ATC shall also make the record available for inspection by Expenditure Observer whenever required.

(iv) All baggage, including hand baggage, of persons/passengers (not exempted under the Rules) but permitted to avail the facility of vehicle for going up to aircraft shall also be screened by CISF/State/UT police without any relaxation.

(v) The CISF or police authorities of the State or Union Territory on detection of cash, exceeding Rs. 10 lakhs or bullion, weighing 1 kg or more in the baggage of aircrafts, flying to or from the Poll bound State, shall instantaneously report to the Income Tax Department.

(vi) The income Tax Department, on receipt of information shall make necessary verification as per the Income Tax Laws and take necessary measures if no satisfactory explanation is given. They shall also inform the Election Commission/Chief Electoral Officer/ District Election Officer concerned, before release of any such cash or bullion.

(vii) The law enforcement agencies, like CISF, State Police and Income Tax Department shall develop their internal Standard Operating Procedure (SOP) in such a way that the entire event right from detection till seizure or release at the airport is captured by close circuit TVs/ Video Camera. For this purpose the CCTVs shall be installed in all commercial airports in places where the cash/ bullion is detected counted/seized and also in the interrogation chambers of the law enforcement agencies including Income Tax Department. Such recording of CCTVs/ Video Camera shall be preserved with the Airport Operator/Authority for a period of 3 months and when required, be made available to the Election Commission/CEO.

Checks at Non-commercial Airports/ helipads:

(viii) At remote/uncontrolled airports/ helipads, the flying squad or police authorities of the State/UT in coordination with pilot of the aircraft shall carry out the screening/physical checking of all baggage coming out of the aircraft (excepting the handheld purse by the ladies).Any unauthorized arms, contraband goods, cash exceeding Rs. 50,000/- belonging to any candidate or agent or party functionary shall be investigated and considered for seizure as per order of Hon'ble Supreme Court in Election Commissioner vs Bhagyoday Janparishad & Ors. WP No. 231/2012, dated 09.11.2012. However, it is clarified that frisking of body of any passenger shall not be done at the time of disembarkation at such remote uncontrolled airports/helipads, unless there is specific information about unauthorized arms or contraband goods, etc. being carried by the person.

(ix) At remote/uncontrolled airports and helipads, application will have to be made either by the candidate or by the political party to the DEO concerned, at least 24 hours before landing, mentioning the details of travel plan, place of landing in the district and names of passengers in the aircrafts/helicopters so that DEO can make adequate arrangements for security, law and order issues and also to make available the coordinates of the helipad. On receipt of such application, DEO shall issue permission on the same day on priority basis.

(x) Every candidate shall also inform the Returning Officer concerned in writing within five days after the landing of aircraft/helicopter, in his constituency about the hiring charges paid/ payable to the company owning/leasing the aircraft/helicopter, the names of passengers and name of the political party. (if the party has borne the expense for the hiring).

3. All concerned are requested to ensure that the above directions are strictly complied with under intimation to this office.

(R N Dhoke, IPS)
Addl. Commissioner of Security (CA)

Distributions :-

1. All Chief Secretaries of States/UTs.
2. The DG, CISF, 13 CGO Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States/UTs.
4. DGCA, Opposite Safdarjung Airport, New Delhi.
5. Chairman, AAI, Safdarjung Airport, New Delhi.
6. The RDCOS(CA), BCAS, Delhi, Mumbai, Chennai, Kolkata, Amritsar, Ahmedabad, Hyderabad and Guwahati – for strict compliance.
7. The MD, DIAL, New Udan Bhawan, Opp Terminal – 3, IGI Airport, New Delhi – 37.
8. The MD, MIAL, CSI Airport, 1st Floor, Terminal 1B, Santacruz (E), Mumbai – 400009.
9. The MD, CIAL, Cochin Int, Airport Ltd, Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Ltd, Shamshabad- 500409.
11. The MD, BIAL, Bangalore Internaational Airport Ltd, Administration Block, Bengaluru international Airport Devanahalli, Bangalore – 560300.
12. The MD, MIHAN India Private Ltd. Dr. Babasaheb Ambedkar International Airport, Nagpur.

Copy to :-

1. Election Commission of India (Shri Anuj Jaipuriar, Secretary), Nirvachan Sadan, Ashoka Road, New Delhi – wrt letter No. 76/Instructions/2013/EEPS/Vol. I dated 27.06.2013.
2. The Secretary to the Govt. of India, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi.
3. The Chairman, CBDT, North Block, New Delhi.
4. The Joint Director, IB, 35 SP Marg, New Delhi.

RESTRICTED

NO. CAS-7(15)/2012/DIV-I(Election)
भारत सरकार / Government of India
(नागर विमानन मंत्रालय) / (Ministry of Civil Aviation)
नागर विमानन सुरक्षा ब्यूरो / Bureau of Civil Aviation Security
'ए' विंग, प्रथमतल, जनपथभवन, जनपथ / 'A' Wing -I, II, III, Janpath Bhawan, Janpath,
नई दिल्ली-110001 / New Delhi-110 001
Dated: 11/10/2013

ADDENDUM TO OFFICE MEMORANDUM DATED 04/10/2013

Subject: General Elections to the Legislative Assemblies of NCT of Delhi, Chattisgarh, Rajasthan, Madhya Pradesh and Mizoram – 2013 – reg.

Reference is invited to this office O.M. of even number dated 04/10/2013 regarding implementation of Modified SOP to prevent transport of unauthorised arms, contraband goods and suspicious money/bullion through airport located during current election process in the poll going states. The following instructions are to be followed additionally:-

i) Passengers, crew and baggage to be transported in General Aviation/Chartered/Private aircrafts and aircrafts owned or hired by state governments shall be emplaned through the normal pre-embarkation security check procedure as is applicable to scheduled flights. Similarly, normal disembarkation channel shall be followed and exit of such passengers and baggage shall not be allowed through any other gate of the airport. Movement of exempted category passengers is to be coordinated in advance for smooth passage but their hold baggage will be screened.

ii) Baggage (except the handheld purse or pouch by any passenger) of arriving passengers, crew in respect of General Aviation/Chartered/Private aircrafts and aircraft owned or hired by state governments shall be screened/physically checked randomly by CISF/ASG or State Police where deployed. The X-BIS may be provided on arrival by the airport operator. CISF/ASG shall arrange to deploy additional manpower, if necessary for this duty;

P.1 To:23318506 From: 01:57 PM 29-Oct-2007

iv) Airport operators manning the In-line Baggage Screening System (IBSS) and the aircraft operators engaged in screening of baggage through stand alone X-BIS shall report the detection of an unauthorised arms to police and suspicious money/bullion to Income Tax Officer(s) posted at the airports in poll going states without any delay; and

v) It will be the responsibility of District Magistrate / SP to prevent transport of unauthorised arms, contraband goods and suspicious money / bullion in General Aviation/ Chartered/ Private aircrafts and aircraft owned or hired by state governments operating to/from remote/ uncontrolled airports/helipads to poll going states during election process.

The guidelines are to be strictly adhered to and the above instructions will remain in force till end of the poll process in the states

(R. N. Dhoke, IPS)
Addl. Commissioner of Security (CA)

Distribution :-

1. All Chief Secretaries of States/UTs
2. The DG, CISF, 13 CGO Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States/UTs
4. DGCA, Opposite Safdarjung Airport, New Delhi
5. Chairman, AAI Safdarjung Airport, New Delhi
6. The RDCOS(CA), BCAS, Delhi, Mumbai, Chennai, Kolkata, Amritsar, Ahmedabad, Hyderabad and Guwahati – For strict compliance.
7. The MD, DIAL, New Udan Bhawan Opp Terminal – 3, IGI Airport, New Delhi – 37.
8. The MD, MIAL, CSI Airport, 1st Floor, Terminal 1B, Santacruz (E), Mumbai – 400009.
9. The MD, CIAL Cochin Int, Airport Ltd, Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Ltd, Shamshabad- 500409.
11. The MD, BIAL, Bangalore International Airport Ltd, Administration Block, Bengaluru International Airport Devanahalli, Bangalore – 560300.
12. The MD, MIHAN India Private Ltd. Dr Babasaheb Ambedkar International Airport, Nagpur.

Copy to :-

1. Election Commission of India (Kind attention : Shri S. K. Rudola, Secretary), Nirvachan Sadan, Ashoka Road, New Delhi – w.r.t letter No. 76/Instructions/2013/EEPS/Vol VI/330 dated 30.09.2013.
2. The Secretary to the Govt. of India, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi
3. The Chairman, CBDT, North Block, New Delhi.
4. The Joint Director, IB, 35 SP Marg, New Delhi.

Internal :-

1. PS to Jt COSCA
2. Shri R N Dhoke, Addl COS (CA), Nodal Officer, Tel No. 011-23311467 Mob No. +919013626505.
3. Shri M T Baig, ACS (CA), Alternate Nodal Officer, Tel No. 011-23731721.
4. All Officers in BCAS Hqrs.

CONFIDENTIAL
MOST URGENT

NO. CAS-7(15)/ 2012/ DIV-I(Election)
भारतसरकार/ Government of India
(नागर विमाननमंत्रालय)/ (Ministry of Civil Aviation)
नागरविमाननसुरक्षाब्यूरो/ Bureau of Civil Aviation Security
'अ' खंड ,जनपथभवन, जनपथ/ 'A' Wing -I, II, III, Janpath Bhawan, Janpath,
नई दिल्ली-110001 / New Delhi-110 001
Dated: 04/10/2013

OFFICE MEMORANDUM

Subject : Modified standard operating procedure to prevent transport of unauthorized arms contraband goods and suspicions money/bullion through airport during election process - reg

Reference is invited to this office O.M of even No. dated 03.07.2013 and its Corrigendum dated 25.07.2013 regarding Modified Standard Operating Procedure (SOP).

2. This is to inform that the General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram have been announced.

3. In order to curb the use of black money in these States during election, the Election Commission has requisitioned the services of Investigation Directorate of Income Tax Department to keep strict vigil over movement of Cash through all airports in respect of poll going States.

4. It is requested that the SOP and the Corrigendum issued under reference ibid may please be made applicable in the General Elections of the above mentioned five States immediately.

(R. N. Dhoke, IPS)
Addl. Commissioner of Security (CA)

Distribution :-

1. All Chief Secretaries of States/UTs
2. The DG, CISF 13 CGO Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States/UTs.
4. DGCA, Opposite Safdarjung Airport, New Delhi.
5. Chairman, AAI, Safdarjung Airport, New Delhi.

6. The RDCOS(CA), BCAS, Delhi, Mumbai, Chennai, Kolkata, Amritsar, Ahmedabad, Hyderabad and Guwahati – For strict compliance.
7. The MD, DIAL, New Udan Bhawan, Opp Terminal – 3, IGI Airport, New Delhi – 37.
8. The MD, MIAL, CSI Airport, 1st Floor, Terminal 1B, Santacruz (E), Mumbai – 400009.
9. The MD, CIAL, Cochin Int. Airport Ltd, Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Ltd, Shamshabad- 500409
11. The MD, BIAL, Bangalore Internaational Airport Ltd, Administration Block, Bengaluru International Airport Devanahalli, Bangalore – 560300.
12. The MD, MIHAN India Private Ltd, Dr. Babasaheb Ambedkar International Airport, Nagpur.

Copy to :-

1. Election Commission of India (Kind attention : Shri S. K. Rudola, Secretary), Nirvachan Sadan, Ashoka Road, New Delhi – w.r.t letter No. 76/Instructions/2013/EEPS/Vol.VI/330 dated 30.09.2013.
2. The Secretary to the Govt. of India, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi.
3. The Chairman, CBDT, North Block, New Delhi.
4. The Joint Director, IB, 35 SP Marg, New Delhi.

Internal :-

1. PS to Jt COS(CA).
2. Shri R N Dhoke, Addl COS(CA), Nodal Officer, Tel No. 011-23311467 Mob No. +919013626505.
3. Shri M T Baig, ACS (CA), Alternate Nodal Officer, Tel No. 011-23731721.
4. All Officers in BCAS Hqrs.

By Special Messenger

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

No. 76/Instrutions/EEPS2013/Vol.VI/731 Date: 1st November 2013

To

Shri B.B.Dash
Joint Commissioner of Security (CA) and Nodal Officer
M/o Civil Aviation, Bureau of Civil Aviation Security, 'A'-I, II,III,
Janpath Bhawan,Janpath-110001

Sub: - SOP of BCAS to prevent transport of unauthorised arms, contraband, goods and suspicious money/bullion though airports during election process- surveillance at the pvt. hangars - regarding

Sir,

I am directed to the refer to addendum to OM dated 04/10/2013 issued vide O.M No. CAS-7 (15)/2012/Div-I(Election),dated 11/10/2013 issued by the BCAS and which in turn forwarded to the Chief Electoral Officers of poll going States of Madhya Pradesh, Rajasthan,Chhattisgarh, NCT of Delhi and Mizoram, 2013. (Copies enclosed).

It is reported that the checking at private/State Hangars at Bhopal is not being done by CISF. You are requested to kindly take up the matter with CISF for surveillance at the private hangars areas of airports during election period and also to deploy manpower at the private hangars areas so as to keep check and report to the Law enforcement agencies.

Yours faithfully,

Sd/-
(B.B.Garg)
Joint Director

Copy forwarded to information and necessary action to: -

1. The Chief Electoral Officers of Madhya Pradesh, Rajasthan,Chhattisgarh, NCT of Delhi and Mizoram (By Camp Bag)
2. The Director General of Income Tax (Inv.), Aaykar Bhawan, Hoshangabad Road, Bhopal-462011, Madhya Pradesh (By Camp Bag)
3. The Director General of Income Tax (Inv.), E-2, ARA Centre, 3rd Floor, Jhandewalan Extension, New Delhi-110055 (By Special Messenger)
4. The Director General of Income Tax (Inv.), Central Revenue Building, Bhagwan Dass Road, Statue Circle, Janpath, Jaipur-302005, Rajasthan (By Camp Bag)
5. The Director General of Income Tax (Inv.) East, Aayakar Bhawan, Annexe, P-13, Chowringhee Square, Kolkata-700069, West Bengal (By Speed Post)
6. The Inspector General (CISF), Block No. 13 - CGO Complex, Lodhi Road, New Delhi – 110003 (Kind attention Shri R.R.Sahay, IPS) (By Special Messenger)

458

Bhargav
(B.B.GARG)
Joint Director

BY SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2013-EPS/1491 Dated: 4th November, 2013

To

The Chief Electoral Officers of
Madhya Pradesh : Bhopal,
Rajasthan : Jaipur.

Subject: General Election to the State Legislative Assembly – Vehicle Permit for Office Bearers of Recognised Political Party – Regarding.

Sir,

With reference to your letter dated 22.10.2013, I am directed to invite your attention to the Commission's letter No.464/INST/2013-EPS dated 8th October, 2013 on the subject cited and to reiterate that the Commission vide its letter dated 22nd October, 2010 authorised the Chief Electoral Officers to grant permit for vehicle for distribution of their publicity material to various party offices in the State, in case any political party makes a request to the CEO. This vehicle will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle shall be apportioned equally among the candidates of the party contesting from the assembly constituency for which vehicle permit has been sought.

2. Further, the Commission vide its letter dated 28th March, 2011 authorised the DEO to issue permit for vehicles to be used by office bearers of recognized political parties for their visit to multiple ACs within the district for electioneering purpose. The Commission also allowed the DEOs to issue only one permit for a particular district for a recognized party whether national or state. The expenditure on this vehicle shall be incurred by the political party and not by the candidate.

3. Subsequently, the Commission issued instructions vide its letter dated 8th October, 2013 wherein CEOs have been authorized to issue permit for vehicles that can move throughout the state for use of office bearers of Recognised political parties for electioneering purposes only and not for carrying publicity material. The expenditure on these vehicles shall be incurred by the political party and not by the candidate.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

459

By Camp Bag/Fax

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol-VI /684 Dated: 13th November, 2013

To

The Chief Electoral Officers of
1) Madhya Pradesh
2) Rajasthan
3) Mizoram
4) Chhattisgarh
5) Delhi

Subject: General Elections to the Legislative Assemblies of Chhattisgarh, MadhyaPradesh, Rajasthan, Delhi, Mizoram- 2013 - Reg

Sir,

With reference to Commission's letter no. 76/Instructions/2013/EEPS/Vol-VIII dated 22nd July,2013,I am directed to state that in case of public meeting/rally etc. organized by Political Parties or candidates during election process, the proposed cost to be mentioned in the respective columns of Annexure-16, of the above-mentioned instruction on expenditure monitoring is the estimated tentative cost of different items,as the actual cost cannot be predicted beforehand and, therefore, the authorities should not insist for the actual cost and withhold the permission for the proposed rally for not submitting the actual cost.

Yours faithfully,

Avinash Kumar

(AVINASH KUMAR)
UNDER SECRETARY

460

BY Camp Bag

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

No.76/Instructions/EEPS/2013/Vol.VIII Dated: 14th November, 2013

To

1. The Chief Electoral Officer
   Madhya Pradesh
   Bhopal
2. The Chief Electoral Officer
   Rajasthan
   Jaipur

Subject: Prevention of Storage and Illegal Distribution of Liquor during elections - Instructions to DEOs for Daily Report of liquor Sale – matter reg.

Sir,

I am directed to draw your attention to the instructions of the Election Commission of India regarding Production, Storage and Distribution of Liquor during Election (ECI Compendium of Instructions on Election Expenditure Monitoring, July 2013 section 5.10.6, page 28). I am further directed to inform that preventing illegal liquor distribution during the election is one of the very important responsibilities of the Collector & District Election Officer and the Superintendent of Police. Observers of the Election Commission are also expected to monitor such activities.

2. In this regard detailed instructions have been issued from time to time and list of IMFL shops are be made available to the DEOs where there had been suspicious increase in sale of IMFL. The DEOs are also aware that all the excise units of the districts, namely - Distilleries, Bottling Units, Liquor Warehouses have been brought under continuous surveillance of the officials concerned. In important units, officers and armed forces are to be posted round-the-clock. Moreover, almost in all districts, available officals are to be given the special responsibility of monitoring liquor flow during the elections. Some of the officials will have to be deployed on the border check post to prevent cross-border liquor movement during the elections.

3. Though, these steps have resulted in significant tightening of excise machinery in the State, yet the situation needs further improvement at district level. The retail outlets of liquor are turning out to be highly vulnerable from liquor distribution point of view. All

District Collectors and Superintendent of Police need to work on this in a more focused and systematic way.

4. The commission has been receiving following complaints:

A. Storage of cheaper brands of IMFL and country liquor in local slums, shanty towns and remote rural pockets for distribution prior to election. This storage is happening with help from the retail shops which are selling liquor in bulk to individuals, in contravention of State Excise Act and General and Special License Conditions.

B. Stock registers are not being maintained in some of the shops. It has been reported that some shops, even though maintain the stock register, they do not maintain brand-wise stock register. This creates serious problems in monitoring the daily sales and makes physical stock verification of the shops almost impossible.

C. Coupons are being issued by the candidates, which are convertible into liquor bottles at the shops. This is violation of conditions of State Excise Act/Rules, which prohibits sales in any form other than cash.

5. In view of the above, I am directed to request for compliance the following instructions:-

I **<u>Daily monitoring of liquor sales</u>**:-

Each district has, on an average 25 liquor retail shops. The district Collectors must ensure to get daily report of the shops where there has been significant increase in the sales. A good way of doing that will be to take the average daily sale of October 2013 for each of your liquor retail shop and compare daily sales figure with the October average. Wherever the sales figure exceed by 30% or more, it points to a possibility of bulk sale. These need to be investigated and severe action must be taken against the shop which may include even cancellation of the license.

For this a prescribed form for reporting is enclosed in **Annexure-1.** The District Collector is expected to get this report from the District Excise Officer/Assistant Commissioner and after taking suitable action send the

report to the Election Commission along with his remarks, in the format prescribed in **Annexure-2**.

II **Ensuring maintenance of stock register:-**

It has been found during surprise inspections that some of the shops are not maintaining the stock register at all, or are maintaining it without following the prescribed format. This is done with a view to hide bulk sale information and to make stock verification very cumbersome.

District Collectors with the help of the District Excise Officer/Assistant Commissioner must ensure proper maintenance of **brand-wise stock register** in all shops.

III **Use of tokens or coupons for sale of liquor:-**

Newspapers have been reporting that candidates are resorting to distribution of coupons/tokens, which can be exchanged for liquor bottles at the liquor shop. This as pointed out earlier is a violation of General License Conditions of State Excise Act. Collectors are expected to take action against such shops.

IV **Listing and close monitoring of sensitive liquor shops:-**

Classify the liquor shops in your district as sensitive based on the following criteria:-

A. Those shops which, on 01.11.2013, have liquor stock which is 50% or more than the liquor stock on 01.11.2012. The list of such IMFL shops has already been communicated. However, you need repeat this exercise for Country Liquor shops in your district.

B. Shops, which are located in a slum or are located in close proximity of a slum.

C. Shops located away from main roads and located in interior rural pockets.

D. Shops which show more than 30% increase in sales on any day in November as compared with their average daily sales of October, 2013.

These shops must be monitored and their brand-wise stock register checked on daily basis.

V **Prevention of liquor storage for distribution in election:**

Slum areas, shanty towns, camps (if any) in urban areas and remote or poorly accessible habitations in rural areas are potential storage points for illegal liquor. District Collectors with the Excise Officials are expected to identify such locations and conduct frequent police patrolling and raids in such locations.

6. In the light of all the above instructions, I am directed to request you to issue suitable instructions to the Collectors & District Election Officers to give a daily report in the format prescribed in Annexure-2 to the Special Secretary Excise, State Government, who will send a compiled report for the entire state to the Commission.

7. These instructions may be brought to the notice of all DEOs, SPs, all Observers and officers of Excise Deptt.

Yours faithfully,

(S.K.RUDOLA)
SECRETARY

Copy forwarded for necessary action to

1. Shri D.R. Johari, Addl. Excise Commissioner and Nodal Officer on Excise, C-100/50 Shivaj Nagar, Bhopal, Madhya Pradesh (By Camp Bag/Speed Post/email)

2. Shri Jitender Kumar Updhayay,RAS, Addl. Excise Commissioner(Adm) Zone, Udaipur, Rajasthan (By Camp Bag/Speed Post/e-mail)

Annexure 1

Daily Report from District Excise Officer to Collector for Liquor Monitoring

(Only those shops, which have 30% or more increase in sales over average October, 2013 daily sales need to be reported.)

Name of the District: **Date:**

S.No.	Name and address of the shop	Average daily sales of Oct 2013 (in Bulk Litre)	Yesterday's sale (in Bulk Liter)	Percentage increase in sales (%)	Reasons for increase	Action taken

Annexure 2

Daily Report from Collector to Election Commission for Liquor Monitoring

Name of the District: **Date:**

1. No. of IMFL shops in the district:

2. No. of Country Liquor shops in the district:

3. Brand-wise stock register maintained in all shops: (yes/no)

(Please mention action taken against those shops where a violation is found and mention if the proper brand-wise stock register is maintained since)

4. List of sensitive liquor retail shops in the district:

(Please enclose the list with complete address and licensee name and reason for classifying it as sensitive)

S.no.	Name and address of the shop	Licensee name	Reason for classifying it as sensitive	Steps taken for close monitoring

5. Action taken against any liquor shops for any violations:

(Specify the action and penalty levied, if any)

S.no.	Name and address of the shop	Licensee name	Violation Detected	Action Taken	Violation rectified or not

6. List of possible illegal liquor storage locations in the district:

S.no.	Name of the location	Name of the mohalla/ village	Reason for being a potential storage area	Preventive or corrective step taken

7. Daily liquor sale monitoring report (Only for shops having over 30% increase in sale as compared with average daily sale of October, 2013) :-

S.No.	Name and address of the shop	Average daily sales of Oct 2013 (in Bulk Liter)	Yesterday's sale (in Bulk Liter)	Percentage increase in sales (%)	Reasons for increase	Action taken

ByCamp Bag/FAX/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. VIII Dated: 18th November, 2013

To

The Chief Electoral Officer of
Madhya Pradesh
Bhopal

Subject:-General Elections to the Legislative Assembly of Madhya Pradesh, -2013-Election Expenditure Monitoring-Reg.

Sir,

I am directed to refer to your letter no. 26/2013/IV, dated 11th November, 2013 and to invite your attention to the Commission's letter of even no. dated 15th October,2013 (copy enclosed) forwarding therewith Commission's letter no. 76/Instructions/2010, dated 20th October, 2010 issued to the Presidents/General Secretaries of all the recognized National and State Political parties and apprise regarding judgement of the Hon'ble Supreme Court in SLP No. CC20906 of 2012, dated 30-11-2012 (copy enclosed) which read as hereunder:-

"During such checking, if any cash exceeding Rs. 50,000/- (Rupees Fifty Thousand only) is found in a vehicle carrying a candidate, or his agent or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items (valued more than Rs. 10,000/-) which are likely to be used for inducement of electors or any other illicit articles are found in a vehicle, the same shall be subject to seizure."

You are requested to apprise all the political parties based in the State about the aforesaid Commission's instructions, not to carry cash during election process through their party functionaries and workers in violation of Supreme Court order. The party or the candidate should not accept donations or incur expenditure more than Rs. 20,000/- in cash.

A copy of the instruction issued in this regard may kindly be marked to the Commission.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

Sl. No. 7 (I)

(29

By Speed Post/FAX

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. VIII 761.6764 Dated:15th October, 2013

To

The Chief Electoral Officers
1. Chhattisgarh
2. NCT of Delhi
3. Madhya Pradesh
4. Mizoram
5. Rajasthan

Subject: -General Elections to the Legislative Assemblies of Chhattisgarh, NCT of Delhi, Madhya Pradesh, Mizoram and Rajasthan-2013-Election Expenditure Monitoring-Reg.

Sir,

I am directed to refer to the Commission's letter of even no. dated 22nd July, 2013 and to forward herewith a copy of the Commission's letter no. 76/Instructions/2010, dated 20th October, 2010 issued to the Presidents/General Secretaries of all the recognized National and State political parties and also to apprise them regarding judgement of the Hon'ble Supreme Court in SLP No CC20906 of 2012, dated 30-11-2012 (copy enclosed) which read as hereunder:-

"during such checking, if any cash exceeding Rs. 50,000/- (Rupees Fifty Thousand only) is found in a vehicle carrying a candidate, or his agent or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items (valued more than Rs. 10,000/-) which are likely to be used for inducement of electors or any other illicit articles are found in a vehicle, the same shall be subject of seizure."

Kindly bring it to the notice of all the National/State political parties based in your State immediately for their information and compliance.

Yours faithfully,

(S. K. RUDOLA)
SECRETARY

469

By Special Messenger/ Registered Post/ Camp Bag

Election Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi- 110001

No. 76/Instructions/2010 /371–465 Dated : 20th October, 2010

To

The President/General Secretary,
All Recognised National and State Political Parties

Sub.: Measures taken by Election Commission to curb use of money power during elections – regarding.

Sir/Madam,

Instances are reported to Commission and also in Media that cash, liquor and several utility items are being used in a clandestine manner during the process of elections for bringing influence on the voters. Such distribution of cash, liquor or any other item for gratification of the voters is bribery and is punishable under Indian Penal Code. It is also corrupt practice under RP Act, 1951.

2. During the Commission's meeting with all political parties, held on 4th October, 2010, the use of money power during elections was discussed and the Commission's instructions to monitor election expenditure during general election to the Legislative Assembly of Bihar were welcomed by all the parties. (Copies of Commission's instructions are available on the website: www.eci.nic.in.)

3. To curb the incidence of such offences, the Commission has issued instructions to the Law Enforcement Agencies to form flying squads to keep watch over distribution of cash, liquor and other items in the constituencies during the election process and seize the said items. The services of Investigation Directorate of Income Tax Department have also been requisitioned to keep vigil over movement of cash through Airports, major Railway Stations, Hotels, Farm Houses, Financial Brokers and Hawala Agents. The Commission has also advised the candidates to open separate bank accounts for their election expenses and to make all election expenses through the said bank accounts.

4. It is needless to point out that any fund provided by the party to its candidates for election purpose are required to be reflected in the day-to-day accounts of election expenditure of the candidate and the parties are also required to maintain and lodge the accounts before the Commission, after the election is over.

5. In order to maintain the purity of elections and in particular to bring transparency in the process of elections, it is advised that political parties avoid transactions in cash and should instruct their office bearers, officials, agents and candidates not to carry huge cash during the on-going process of elections.

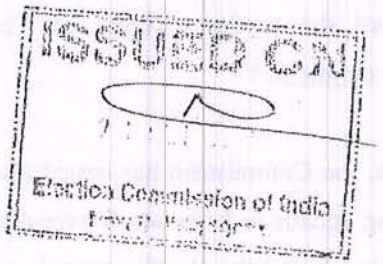
6. Kindly acknowledge receipt.

Yours faithfully,

(Anuj Jaipuriar)
Secretary

Copy to:

1. All CEOs, with request to bring it to notice of all concerned.
2. Chairman, Central Board of Direct Taxes, North Block, New Delhi-110001
3. Director General of Income Tax (Inv), B.C Patel Marg, Patna-800001 for necessary action.



ITEM NO.61 COURT NO.2 SECTION IX

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil).....2012
CC 20906/2012
(From the judgment and order dated 09/11/2012 in WP No.231/2012 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ELECTION COMMISSIONER Petitioner(s)

VERSUS

BHAGYODAY JANPARISHAD & ORS. Respondent(s)

(With appln(s) for permission to file SLP without c/copy as well as plain copy of impugned order and exemption from filing c/copy as well as plain copy of the impugned order and permission to file additional documents and exemption from filing legible copy of annexures and urging additional grounds and permission to file true copy of impugned judgment and impleadment and office report)

WITH

SLP(C) NO. 35290 of 2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report)

Date: 30/11/2012 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Ashok Desai, Sr. Adv.
Mr. S.K. Mendiratta, Adv.
Ms. Meenakshi Arora, Adv.
Mr. Mohit D. Ram, Adv.
Mr. Vasav Anatharaman, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. P.S. Narasimha, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena E. Joseph, Adv.
Mr. Vishnu, Adv.
Mr. Chitrajeet Upadhyaya, Adv.
for M/s Lawyer'S Knit & Co.

Ms. Kamini Jaiswal, Adv.(N/P)

..2/-

UPON hearing counsel the Court made the following

ORDER

Exemption allowed.

Issue notice.

Ms. Bina Madhavan, learned counsel, accepts notice on behalf of respondent No.1 and seeks time to file counter affidavit. Let the needful be done within four weeks.

Rejoinder affidavit, if necessary, may be filed within four weeks thereafter.

Mr. Ashok Desai, learned Senior Counsel, appearing for the Election Commission, states that regard being had to the concern of the Election Commission for conducting fair and free elections and, at the same time, not to cause any inconvenience to the general public, it has been decided by the Election Commission that for the time being paragraph 4.7.1. of the Instructions on Election Expenditure Monitoring, issued in July, 2012, as amended from time to time, shall be substituted as follows:

"During such checking, if any cash exceeding Rs.50,000/- (Rupees Fifty Thousand only) is found in a vehicle carrying a candidate, or his agent or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items (valued more than Rs. 10,000/-) which are likely to be used for inducement of electors or any other illicit artides are found in a vehicle, the same shall be subject to seizure.

The whole event of checking and seizure is to be video graphed by a video team which submit the copy of the video CD to the Returning Officer."

Mr. Ashok Desai, learned Senior Counsel, states that the above change in the Instructions shall be given wide publicity.

In view of the above, no interim directions are called for in these petitions.

List the application for impleadment along with the main case.

(VINOD LAKHINA)	(INDU BALA KAPUR)
COURT MASTER	COURT MASTER

By Camp Bag/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No. 76/Instructions/EEPS2013/Vol.VI Date: 18th November2013

To

The Chief Electoral Officer of
Madhya Pradesh, Rajasthan,
NCT of Delhi, Mizoram and Chhattisgarh

Sub:- General Elections to the Legislative Assemblies of 5 States-2013- Average Aircraft/Helicopter hiring charges per hourly basis etc. Commercial/Non-commercial airports/helipads-Expenditure Monitoring- reg.

Sir,

I am directed to forward herewith e-mail dated 14th November, 2013 on the subject of average rates being charged. per hour (plus service tax) for aircraft/helicopters as received from Capt. Irshad Ahmad, Inspector Operations, Directorate General of Civil Aviation. You are requested to kindly bring the said average rate to the notice of DEO/ROs/Expenditure Observers etc. looking after the election expenditure monitoring for information and necessary action.

A copy of the instruction issued in this regard kindly be sent to the Commission.

This disposes off CEO's Rajasthan letter no. F.3(1)(2) Nirva/2013/8020,dated 8th November, 2013.

Yours faithfully,

(AVINASH KUMAR)
UNDER SECRETARY

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By Camp Bag/E-mail

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

No. 76/Instructions/2013/EEPS/Vol. VI Dated: 27th November, 2013

To

The Chief Electoral Officer
Rajasthan
Jaipur
(Dr. Rekha Gupta, Addl. Chief Electoral Officer, kind attn.)

Subject: General Election to Rajasthan Legislative Assembly-2013-Instructions -Reg.

Sir,

With reference to your letter, no. F.3(1)(2)Nirva/2013/10140, dated 19th November, 2013 and no. F.3(1)(2)Nirva/2013/10111, dated 19th November, 2013, I am directed to reiterate that in case of detection of cash, exceeding Rs.10 lac, the information by the Airport Authority of India (AAI), CISF or by the airlines be passed to the Airport Intelligence Unit (AIU) of the I. T. Dept. for immediate and further necessary action. If the cash is linked with any candidate or election agent or party functionary, meant for bribing the electors, then the AIU shall inform the DEO/RO for registering complaint against such person under section 171B of IPC.

Yours faithfully,

(AVINASH KUMAR)
UNDER SECRETARY
(avinash.kr@eci.gov.in)

(Hindi version follows)

Camp Bag/Most Immediate/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/ 2013/EEPS /Vol XV | 78 Dated: 27th November 2013

To

Shri Sujit, IRS& Expenditure Observer (R-17253)
AC No. 126,127 and 128 of Rajasthan LA
(e-mail:sujeetirs@yahoo.com)

Subject: General Election to the Legislative Assembly of Rajasthan 2013 –Clarification on accounting the Expenditure of Star Campaigner also a candidate –Regarding

Sir,

I am directed to refer to your e-mail, dated 27th November 2013 and to clarify as under: -

1. Leader of a political party (Star Campaigner), is not entitled to get benefit of travel expenses within his own constituency. Your attention is invited to Para 3 of the Commission's letter no. 437/6/1/2008-CC & BE , dated 24th October, 2008 (Annexure 25 of the Compendium of Instructions on Election Expenditure Monitoring- July 2013, copy enclosed) which clearly says, ``When he goes out of his constituency as a star campaigner, the expenditure on his travel from his constituency to the other constituency would fall within the exempted category and so also his travel expenditure from the other constituency to his own constituency when he comes back for his own campaign would be so exempted.``

2. The Expenditure Observer and Election Expenditure Monitoring Teams besides inspecting the accounts of the candidates, should also facilitate those candidates who are not conversant with the process of book keeping,

Kindly acknowledge the receipt.

Yours faithfully,

(AVINASH KUMAR)
UNDER SECRETARY

Copy to the Chief Electoral Officer, Rajasthan, Jaipur along with the copy of the e-mail under reference with the request to bring it to the notice of all concerned.

(AVINASH KUMAR)
UNDER SECRETARY

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Election Commission's letterNo. 437/6/1/2008-CC & BE Dated: 24th October, 2008 addressed to The Cabinet Secretary Government of India, the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject: Election Expenditure on travel by Lead Campaigners - Use of helicopter for election campaign, etc.

1. I am directed to state that according to sub-section (1) of section 77 of the Representation of the People Act, 1951 it is provided that **"Every candidate** at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive". Under sub-section (2) it is provided that the account shall contain such particulars as may be prescribed, and under sub-section (3), it is laid down that the total of the said expenditure shall not exceed such amount as may be prescribed.

2. Explanation (1) to section 77(1) provides that the expenditure by leaders of a political party (usually referred to by us as star campaigners) on account of their travel by air or any other means of transport for propagating programme of a political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party.

3. The provisions of section 77(1) and Explanation (1) there-under have to be so harmoniously read that they do not nullify the main object underlying the provisions of section 77(1). Section 77(1) clearly stipulates that a candidate has to account for all his election expense, incurred or authorized by him or by his election agent. Explanation (1) is in the nature of an exemption from account of such expenditure which is incurred by the leaders of the political party in connection with the candidate's election, so that election campaign may be carried out in his constituency by leaders of his political party and any expenditure incurred on their travel by or any other means of transport may not form part of the candidate's overall expenditure. It therefore follows that a candidate who has been declared as leader by a Political Party for the purposes of Explanation to Section 77(1), cannot be considered to be a leader of his political party **in his own constituency** within the meaning of Explanation (1) to section 77(1), whatever may be his standing in relation to other candidates of his party in the other constituencies. In his own constituency(ies), he is a candidate first. Thus, whatever expenditure he incurs on his own travel within his constituency(ies), on his travel whether by helicopter/aircraft or by any other means of transport, the same has to be accounted for within his overall limit of maximum expenditure prescribed for his constituency. When he goes out of his constituency to the other constituency as a star campaigner, the expenditure on his travel from his constituency to the other constituency would

fall within the exempted category, and so also his travel expenditure from the other constituency to his own constituency when he comes back for his own campaign would be so exempted. But once he reaches his constituency and travels within the said constituency, his expenditure on such travel within his constituency would be liable to be accounted for by him. Any other interpretation of the above mentioned provisions would defeat the very object underlying section 77(1). This would be more evidently glaring in the case of bye-elections where a political party may include the name of its candidate as a star campaigner and that would give him a license to travel within his constituency by adopting any means of communication and without accounting for the same.

Copy to: All recognized National & State Political parties.

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol.IV/ 334-368 Dated: 24th December, 2013

To

The Chief Electoral Officers of all States and UTs.

Subject:- Procedure for preparation of Scrutiny Report and Summary Report in respect of accounts of elections expenses of the Candidates

Sir/Madam,

In partial modification of the Commission's letter of even no. dated 12th June, 2013 , I am directed to forward herewith the procedure to be adopted by the DEO in preparation of scrutiny report under rule 89 of the Conduct of Elections Rules, 1961 on the election expenses accounts lodged by the candidates.

The procedure referred to above may kindly be brought to the notice of all concerned for necessary action and compliance.

(***Enclosed- Revised Procedure for DEO's Scrutiny and Summary Report***)

Yours faithfully,

Avinash Kumar

(Avinash Kumar)
Under Secretary

जारी किया / ISSUED ON
24 DEC 2013
भारत निर्वाचन आयोग
Election Commission of India
नई दिल्ली / New Delhi

Action Expenditure Monitoring Division (2013)

I- Procedure done for DEO's scrutiny and summary report

1. The candidate should file accounts of election expenditure within the statutory time limit of 30 days from date of declaration of result. As soon as the accounts are received, the Abstract Statement should be scanned and put in the website of CEO within 3 days of receipt by the DEOs for wider dissemination among public.

2. After receipt of the candidates' accounts, if there is any discrepancy/(ies) in any item of expenditure vis-à-vis the Shadow Observation Register (SOR) / Folder Of Evidence (FE) and if notice on such discrepancy/(ies) is not already issued during the election process and District Expenditure Monitoring Committee (DEMC) has not considered such item of expenditure, then notice shall be issued by DEO with assistance of Asstt. Expenditure Observer/Expenditure Observer to the candidate preferably within 2 days of receipt of accounts for giving an opportunity by mentioning the discrepancy on such items of election expenditure. The candidate shall be asked to file his reply within 3 days from the date of service of notice on him or his agent.

3. The DEO shall finalize the scrutiny and summary reports within 7 days from the date of receipt of accounts of election expenditure from candidate(s) and submit the same to the CEO. If no reply is received within 3 days from the candidate(s) as referred to above, the case shall be decided on merits. If reply is received, the same shall be examined by the DEO in consultation with Expenditure Observer, and decision by the DEO shall be intimated to the candidate(s). The same shall be incorporated in the DEO's scrutiny report.

4. The DEO shall get the above data entered onto the EEMS software within 3 days of the finalisation of the DEO's scrutiny report.

5. The Expenditure Observer(s) shall remain in the constituency/ district headquarters for 7 days during his 3rd visit to the constituency (ie: from 31st day to the 37th day after declaration of results) and the DEO shall finalise his scrutiny and summary reports within this period and forward them to the CEO.

6. The CEO office shall forward the said DEO scrutiny and summary report(s) to the Election Commission within two weeks of receipt.

LAW & ORDER

By Camp Bag

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2009/EPS Dated: 1st September, 2009

To,

The Chief Secretaries of
All States and Union Territories.

2. The Chief Electoral Officers of
All States and Union Territories.

Subject: Preventive Law & Order Action to ensure conduct of peaceful, free and fair poll during the General Elections/Bye-elections – Deposit of Arms – Regarding.

Sir/Madam,

I am directed to invite your attention to the Commission's letters No. 464/INST/2009/EPS dated 24.03.2009 and 01.04.2009 on the above subject, wherein it has been stated that immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment (in accordance with the prevalent State laws) of all licensed arms holders so that licensed arms, in those cases where they consider it essential are impounded in order to ensure maintenance of law and order so essential for ensuring free and fair elections.

2. The above instructions of the Commission came to be reviewed by the Hon'ble High Court of Bombay in CWP No. 835 of 2009 (Sh. Govind Vs. Vikram Kumar, Distt Magistrate & others) wherein it was alleged that the Commission's instructions had not been strictly followed. Upon such review, the Hon'ble High Court in its judgement/order dated 10.07.2009 has laid down certain guidelines to

be strictly observed by all authorities concerned in respect of deposit of licence arms. A copy of the aforesaid judgement/order is enclosed herewith.

3. Accordingly, in view of the aforesaid judgement/order dated 10.07.2009, the Commission has reviewed its earlier instructions contained in its letters dated 24.03.2009 and 01.04.2009 and in supersession thereof issued the following instructions:-

(1.) The Commission being deeply aware of the increasingly vitiative role of criminality and muscle power at elections has been taking and directing to take a number of measures over and above the purview of normal law and order arrangements, for augmenting the measures taken for peaceful, free and fair poll. These measures include the deployment of Central Police Forces during the process of elections to assist the State law and Order machinery in prevention of pre-poll, poll and post-poll violence and inspire confidence in the impartiality of election machinery among the common electorate, regulation of vehicular traffic, regulation and ban on the sale of liquor in close proximity with the dates of poll and counting, seizure of illicit. arms including review of licensed arms and carrying of weapons on person on the poll day etc.

(2.) These extra measures taken by the Commission cannot absolve the normal law and order outfit of the State from taking such preparatory steps as are necessary for generation of an atmosphere conducive to the conduct of peaceful, free and fair poll during the run up period to the elections. It is indispensable to tighten the local law and order outfit and enforce with adequate strictness the

day-to day criminal administration with a view to mitigating the requirement of the aforesaid extra measures.

(3.) The Commission desires the States/UTs to undertake the following prophylactic measures immediately and report regularly the progress and effect of these measures in the context of holding peaceful, free and fair elections:-

Electoral and Criminal offences

3.1 A special drive should be launched to compile a list of such persons as are reported to have indulged in electoral offences like booth capturing, intimidation, impersonation in each police station of each and every constituency during the past at least two elections and a list thus compiled of each constituency made available to the District Election Officer and the Returning Officer concerned of each Parliamentary/Assembly Constituency to be forwarded to the Commission if and when asked for.

3.2 A special drive should be launched to update the lists of history sheeters, declared absconders, fugitive criminals in each police station falling in each and every Parliamentary/Assembly Constituency and record of such updated list be handed over to the District Election Officers and Returning Officers concerned, constituency wise, to be kept ready for dispatch to the Commission if and when asked for.

3.3 A special drive should be launched to effect the service of all pending warrants and challans in each police station of each and every Parliamentary/Assembly Constituency and fortnightly updated constituency-wise information of unserved warrants be made available to the concerned District Election Officer and Returning Officer to be forwarded to the Commission, if and when asked for.

3.4 A special drive should be launched to expedite the investigation and prosecution of all electoral offences registered in previous elections in each police station of each and every Parliamentary Assembly Constituency and a fortnightly report be made available to the District

Election Officer and Returning Officer concerned to be forwarded to the Commission, if and when asked for.

Ban on Sale of Liquor

3.5 A special drive should be launched to unearth illicit liquor making factories and information about seizures be made available to the concerned District Election Officer and Returning Officer concerned, fortnightly to be forwarded to the Commission if and when asked for. All restrictions provided in excise law on the storage of liquor in unlicensed premises shall be vigorously enforced. Section 135C of Representation of the People Act, 1951 provides that no spirituous, fermented or intoxicating liquors or other substances of like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, private or public, within a polling area during the period of 48 hours ending with the hour fixed for conclusion of poll for any election in the polling area. Therefore, 'Dry Day' shall be declared and notified under relevant state laws for the stipulated period for the poll areas. The day on which counting of votes is to be taken up, shall also be declared 'Dry Day'.

Ban on carrying of Licensed Arms

3.6 Prohibitory orders under section 144 of the Criminal Procedure Code, 1973 shall be issued banning the carrying of licensed arms as soon as an election is announced and should be effective till the declaration of results.

3.7 The States should conduct a 100% scrutiny of licenses of arms and ammunition shops with a view to ensuring that the records of their stocks are kept up-to-date and that their antecedents, recent involvement in irregularities, if any, and political leanings, if any, warrant a close super checking and monitoring of their business during the days of active electioneering.

Ban on issue of License of Arms

3.8 Issue of license for arms should be prohibited during the period commencing with the date of announcement of elections. This ban will

continue to be operative till the completion of the election as notified.

Seizure of unlicensed arms and ammunitions

3.9 A special drive should be launched to unearth and seize unlicensed arms and ammunition. A very thorough search and seizure by the State Police of unlicensed arms and places of indigenous manufacture of arms and ammunition shall be carried out and persons involved shall be arrested. While unearthing and seizure of unlicensed weapons is a normal ongoing responsibility of the police, it shall be vigorously intensified during the election period. Inter-state and Intra-State movements of trucks and commercial vehicles shall be strictly checked with a view to preventing smuggling of arms and ammunition and anti-social elements. Raids should be carried out regularly and intensively on underground arms factories.

Deposit of Licensed Arms

3.10 Immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment (in accordance with the prevalent State laws) of all licence holders so that licensed arms in those cases where they consider it essential are impounded in order to ensure maintenance of law and order so essential for ensuring free and fair elections. These arms should be deposited with the district authorities. Among cases which may need to be reviewed are the following:

(a) Arms licenses of persons released on bail,

(b) Arms licenses of persons having a history of criminal offences, and

(c) Arms licenses of persons previously involved in rioting at any time but especially during the election period. The above categories are only illustrative and not exhaustive.

3.11 As per the above-referred guidelines laid down by the Bombay High Court, for such review and assessment of all licence holders;

(a) There shall be a Screening Committee in every District and in every Commissionerate area. In the District, the Screening Committee shall consist of the District Magistrate and the

Superintendent of Police. In the Commissionerate area, it shall consist of the Commissioner of Police (Admn.) and Joint/Additional Commissioner of Police (Admn.)

(b) The Screening Committee shall commence the work of screening from the day of announcement of election by the Election Commission and it shall complete the exercise of screening in respect of licences placed before it as far as possible before the date of issue of notification of elections.

(c) Cases of all licence holders as mentioned in para 3.10 above shall be placed before the Screening Committee.

(d) On receipt of report from the Screening Committee, the licensing authority shall issue notice before the last date fixed for withdrawal of candidature to the individual licence holder for depositing his arms and inform the licence holder that failure to deposit the arms as directed would result in prosecution under Section 188 of the I.P.C. as stated in clause 3.11 (g).

(e) The licence holder thereafter shall deposit his arms forthwith and in any case within a period of seven days from the date of receipt of the notice. The Licensing Authority shall give proper receipt to the licence holder.

(f) The decision take n by the Screening Committee shall be final.

(g) Any licence holder who fails to deposit arms within the period specified above shall be liable for prosecution under Section 188 of the Indian Penal Code.

3.12 The District Administration shall ensure foolproof arrangements for keeping the deposited firearms in safe custody. Proper receipt must be given to the licence holders depositing the firearms. It shall be the bounden duty of the District Administration to ensure that all firearms deposited with the Administration are returned to the licence holders immediately after one week after the declaration of results.

3.13 The sportsmen who are the members of National Rifle Association, at different levels and have to participate in various sporting events in which they use their rifles, will be exempted from these restrictions. This ban shall, also not be applicable to those communities who are entitled to display weapons by long standing law, custom and usage. This shall, however, not prevent the District Administration to impound weapons of any person, even from such communities, if they are found to be indulging in violence or posing a threat to the maintenance of law and order and peaceful conduct of elections. In such cases too, the seized firearms shall remain impounded till one week after the declaration of results.

Transportation of Arms and Ammunitions

3.14 Strict vigil shall be maintained by thorough checking of lorries, light vehicles and all other vehicles from three days before the date of poll to ensure that no undesirable elements or arms and ammunition are being transported into the constituency from outside and to apprehend them if they are doing so. Such checking of vehicles shall continue till the completion of the counting of votes and the declaration of results. As and when such culprits are apprehended, the arms and ammunition and vehicles concerned shall be confiscated.

3.15 An atmosphere in which each and every elector is able to access the polling station without being obstructed or being unduly influenced by anybody is an important prerequisite to a free and fair election. Undue influence at elections is an electoral offence under section 171C of the IPC. Any voluntary interference or attempt at interfering with the free exercise of any electoral right constitutes the crime of undue influence at an election. Section 123 (2) of the Representation of the People Act 1951 defines, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right, as a corrupt practice.

Confidence – building measures.

3.16 The DEO and SP shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall

initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for the free and fair poll.

3.17 The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary police pickets shall be established to ensure free access to all voters to cast their votes without fear.

3.18 The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF arrives in advance for area domination, special attention shall be given for such locations. On the day of poll the Commanders/Assistant Commanders shall make it a point to visit such vulnerable pockets as a confidence building measure. In case they come across any obstruction they shall take note of that and immediately inform any of the electoral officials such as RO/DEO/SP/Observer/Sector Officer and keep a note of the time of their intimation.

3.19 If any complaint is received or information gathered from any sources about obstruction/threat to any voter/voters the same shall be enquired into by the local administration without any delay.

3.20 A special drive should be launched to compile a list of such persons as are reported to have indulged in the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 during the election period.

Display of Arms

3.21 Display of arms in procession in support of a candidate during campaign period, tantamount to threat and intimidation to voters at election. The Commission directs that no individual or group of persons can be allowed to display arms during a procession or any meeting in support of a candidate, under any circumstances. The meeting/procession for campaigning of a party should be Video-graphed.

4. The Chief Secretary shall arrange for compilation of daily law & order report for each district in format prescribed in the Proforma (LOR – Form I, **annexed**) and for it's transmission to the CEO. District authorities should not send this report directly to the ECI. The Chief Secretary shall also arrange for compilation of a consolidated report for entire state in another format (LOR – Form II, **annexed**) by the Home Department. This reports should be sent to the CEO, who in turn would fax the report with his/her comments to ECI.

5. It is clarified that Commission has not banned supply of arms and ammunitions from one State to other. However, such transfers should only be on the basis of valid papers, including 'no objection certificates' from the respective District Magistrates. It must be ensured that the supply reaches the actual consignee and it does not reach the hands of any unauthorised person. All care should be taken to ensure that trucks, lorries etc carrying arms and ammunitions to other states should reach actual consignee and do not find their way into the hand of unauthorised persons. Therefore trucks and other commercial vehicles shall be vigorously checked at interstate borders with a view to preventing smuggling of arms and ammunitions. The state authorities supplying the consignment shall inform the concerned authorities of the states wherein the supplies of arms and ammunitions are sent so as to take advance action to provide adequate security for remitting the consignment to the actual consignee.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

Form LOR - FORM I

Election Commission of India Daily

Law & Order Report for Districts for Electoral Events

Election ID: GENERAL ELECTIONS, 2009

Report for a day should cover a period of 24 hours from 6.00 AM of that day to 6 00 AM of next day)

To
1) District Election Officer 2) District Magistrate
Copy to
1) Home Secretary 2) Director General of Police 3) Chief Electoral Officer

Start Date for these Reports (1) :Date			Month			Year					
Report for.....day (2) :Date			Month			Year					
Name of State:											
Name of Police District :											
Police Range (of IG/DIG):											

Part I : Summary

Sl. No.	Item	Reporting Day	Cumulative from Start Date upto and including Reporting day
1.	Nc. of Unlicensed Arms/Explosive seized		
	a)Arms/Weapons		
	b)Cartridges/Explosives(Quantity/Numbers)		
2.	No. of illicit arms manufacturing centres raided and seizures made		
3.	Licensed Arms deposited/impounded/ cancelled		
4.	No. of persons bound down U/S 107/116 CrPC etc.		
5.	Execution of non-bailable warrants		
	a) Executed		
	b) Pending		
6.	No. of incidents of violence related to poll campaign, political rivalry etc.		
	a) No. of incidents		
	b) Total killed		
	c) Total injured		
	d) Damage to property (in Rs. Lakhs)		
7.	Number of Incidents occurred under Atrocities Act, 1989 during election		
8.	Information regarding Vulnerable Hamlets (a) Name of hamlets identified as vulnerable (b)Name of persons identified as		

	probable source of trouble c) Remarks (Type of Threat, e.g. caste domination, communal tension, criminal gangs etc)		
Signature of SP/SSP:		**Name of SP/SSP:**	

Form LOR – FORM I (Page No.....)

Daily Law & Order Report for Districts for Electoral Events

Election ID : GENERAL ELECTIONS, 2009

(Report for a day should cover a period of 24 hours from 6.00 AM of that day to 6.00 AM of next day)

Report for..... day (2) Date			Month			Year				

Name of State:

Name of Police District:

Part II : Details of Incidents of Violence

(Use a separate sheet for each incident of violence covered in item 6 of part I)

A. General Information

1.	Incident No.:	Time :	
2.	Place/Location:		
3.	Brief Narrative Summary of incident of violence :		
4.	Political/Communal Affiliation of the Groups/People involved in the incident, if any :		
5.	Police Action taken, if any :		
6.	Break-up of persons killed and injured in the incident:	Killed	Injured
	a) Political workers/Activists		
	b) Poll Officials		
	c) Policemen/Security Staff on Duty		
	d) Onlookers		
	e) Others		
	Total		
7.	Details of Damage to Property, if any :		

Signature of SP/SSP:

Name of SP/SSP:

Form LOR – FORM I (Page No.....)

Daily Law & Order Report for Districts for Electoral Events

Election ID: GENERAL ELECTIONS, 2009

(Report for a day should cover a period of 24 hours from 6.00 AM of that day to 6.00 AM of next day)

Report for..... day (2) Date			Month			Year				
Name of State:										
Name of Police District										

Part IIB : Names & Particulars of Persons killed/injured

(Use a separate sheet for each incident of violence covered in item 6 of Part I)

Incident No.:

S.No.	Name & Particulars of Person	Age (3)	Sex	Category (4)	Killed/Injured
Signature of SP/SSP:		Name of SP/SSP :			

(3) Approximate age.

(4) Political worker or activist/Poll official/Policeman or security staff on duty/Onlooker/Others.

Form LOR - FORM II

Election Commission of India

Daily Law & Order Report for State for Electoral Events

Election ID : GENERAL ELECTIONS, 2009

(Report for a day should cover a period of 24 hours from 6.00 AM of that day to 6.00 AM of next day)

To
The Secretary
Election Commission of India

Start Date for these Reports (1): Date			Month			Year				
Report for..... day (2) : Date			Month			Year				

Name of State:

Sl. No.	Item	Reporting Day	Cumulative from Start Date upto and including Reporting day
1.	No. of Unlicensed Arms/Explosive seized		
	a)Arms/Weapons		
	b)Cartridges/Explosives(Quantity/Numbers		
2.	No. of illicit arms manufacturing centres raided and seizures made		
3.	Licensed Arms deposited/impounded/ cancelled		
4.	No. of persons bound down U/S 107/116 CrPC etc.		
5.	Execution of non-bailable warrants		
	a) Executed		
	b) Pending		
6.	a) No. of incidents of violence related to poll campaign, political rivalry etc.		
	b) Total killed		
	c) Total injured		
	d) Damage to property (in Rs. Lakhs)		

Signature Of CEO:	**Name of CEO:**

IMPORTANT: In case a violent incident has occurred for this day, please enclose, for each incident, a copy of the report for the concerned Police District in Form LOR-FORM I.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/UP/2011/EPS

Dated: 30th December, 2011

To,

The Chief Electoral Officers of
All States and UTs

Subject: Issuance of Armed License during Model Code of Conduct - reg.

Sir/Madam

I am directed to refer to the Commission's circular No. 464/INST/2009/EPS dated 01.09.2009 and to state that in pursuance of the orders of the Hon'ble High Court of Allahabad dated 19.10.2011 in the W.P. © 52500 of 2011, the Commission has modified the para 3.8 of the cited circular that during the period of Model Code of Conduct the issuance of Arms Licenses should be in consultation with the Screening Committee referred to in the para 3.11 of the said circular.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

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BY CAMP BAG

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.576/14/2013/EPS Dated : 22nd October, 2013

To

The Chief Secretaries to the Government of: -

1. **Chhattisgarh, Raipur**
2. **Madhya Pradesh, Bhopal**
3. **Mizoram, Aizwal**
4. **Rajasthan, Jaipur**
5. **Delhi, Delhi**

The Chief Electoral Officers of:-

1. **Chhattisgarh, Raipur**
2. **Madhya Pradesh, Bhopal**
3. **Mizoram, Aizwal**
4. **Rajasthan, Jaipur**
5. **Delhi, Delhi**

Subject : General Elections to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi – **Prohibition on sale of Liquor etc – Regarding.**

Sir,

I am directed to invite your attention to Section 135 C of the Representation of the People Act, 1951 which provides that no spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in the polling area.

2. In view of the statutory provision as above, 'Dry day' shall be declared and notified under the relevant State laws as is appropriate during 48 hours, ending with the hours fixed for conclusion of poll as indicated in the Commission's notification with respect to polling day for an election in that polling area where election to Legislative Assembly is due to be held. This will include the dates of repoll, if any.

3. The Commission further directs that the date on which Counting of Votes is to be taken up, for Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi shall also be declared 'Dry Day' under the relevant laws in the States.

4. No liquor shops, hotels, restaurants, clubs and other establishments selling/serving liquor, shall be permitted to sell/serve liquor to anyone whosoever, on the aforesaid days.

5. Non-proprietary clubs, star hotels, restaurants etc. and hotels run by anyone even if they are issued different categories of licenses for possession and supply of liquor, should also not be permitted to serve liquor on these days.

6. The storage of liquor by individuals shall be curtailed during the above period and the restrictions provided in the excise law on the storage of liquor in unlicensed premises shall be vigorously enforced.

7. The Commission directs that the State Governments shall strictly implement the above measures. They are required to issue detailed and comprehensive instructions to all concerned authorities to take appropriate and legally effective measures to implement the above prohibitions and assist the election authorities in peaceful and smooth conduct of free and fair poll.

8. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

Copy to concerned Zonal Sections

MEDIA, POLITICAL ADVERTISEMENTS, CERTIFICATION AND PAID NEWS

thereof

सं0 509/75/2004/न्या0अनु0–I, दिनांक 15 अप्रैल, 2004

आदेश

1. यतः केबल टेलीविजन (विनियम) अधिनियम, 1995 की धारा 6 में यह उपबंधित है कि कोई भी व्यक्ति केबल सेवा द्वारा किसी विज्ञापन का प्रसारण या पुनः प्रसारण नहीं करेगा जब तक कि ऐसे विज्ञापन विहित विज्ञापन संहिता के अनुरूप न हो : एवं

2. यतः केबल टेलीविजन नेटवर्क (विनियम) नियम, 1994 के नियम 7 के उप–नियम (3) ऊपर लिखित धारा–6 के निबंधनों के अनुसार "विज्ञापन संहिता का निर्धारण करते हुए यह उपबंधित करता है कि कोई विज्ञापन जिसकी विषय वस्तु मुख्य रूप से धार्मिक या राजनैतिक प्रकृति की हो और जो धार्मिक या राजनीति की ओर प्रेरित हो, ऐसे विज्ञापन के प्रसारण की अनुमति नहीं दी जाएगी" और

3. यतः आंध्र प्रदेश उच्च न्यायालय, दिनांक 23.3.2004 के आदेश के डब्ल्यू पी.एम.पी सं0 5214/2004(जेमिनी टी.वी प्राईवेट लिमिटेड बनाम भारत निर्वाचन आयोग एवं अन्य) एवं अपने निर्णय द्वारा केबल टी.वी. नेटवर्क (विनियम) नियम, 1994 के नियम 7 (3) के ऊपर लिखित उपबंधों को आस्थगित कर दिया है : एवं

4. यतः माननीय सर्वोच्च न्यायालय ने चुनौती के अधीन आदेश, के प्रतिस्थापन में एस.एल.पी (सिविल) सं0 6679/2004 (सूचना एवं प्रसारण मंत्रालय बनाम मैसर्स जेमिनी टी.वी एवं अन्य) में दिनांक 2.4.2004 के अपने अंतरिम आदेश द्वारा निम्न निदेश दिए हैं :–

(i) कोई भी केबल ऑपरेटर या दूरदर्शन चैनल किसी ऐसे विज्ञापन का प्रसारण नहीं करेगा जो देश की विधि के अनुरूप न हो एवं जो नैतिकता, मर्यादा एंव भावनाओं या विचारों को ठेस पहुँचाता हो अथवा जो घृणित, भड़काऊ एवं दहलाने वाला है ।

(ii) भारत निर्वाचन आयुक्त द्वारा प्रसारण को मानीटर किया जाएगा

(iii) यह प्रश्न कि क्या अभ्यर्थी द्वारा ऐसे विज्ञापन के अंतः स्थापन करने पर उपगत व्यय को शामिल किया जाना चहिए अथवा नहीं, इस पर 5 अप्रैल 2004 को विचार किया जाएगा एवं

(iv) वह रीति कि क्या ऐसे विज्ञापन विधि के अनुरूप हैं, भारत के निर्वाचन आयुक्त द्वारा निर्धारित किए जाएंगे ।

5. यतः माननीय भारतीय सर्वोच्य न्यायालय ने एस.एल.पी. (सिविल) सं0 6679/2004 में दिनांक 13 अप्रैल, 2004 के अपने अगले आदेश द्वारा निम्न निदेश दिए हैं :–

"–इससे पहले कि हम आदेश पारित करें, समय–समय पर यथा संशोधित केबल टेलविजन नेटवर्क (विनियम) अधिनियम, 1995 (संक्षेप में "अधिनियम") तथा तद्धीन बनाए गए नियमों के उपबंधों पर ध्यान दिया जाना उपयुक्त होगा । इस अधिनियम का उद्देश्य देश में केबल टेलीविजन नेटवर्क के प्रचालन को विनियमित

करना है । इस अधिनियम की धारा 6 में यह उपबंधित है कि कोई भी व्यक्ति केबल सेवा के माध्यम से ऐसे किसी विज्ञापन को प्रसारित अथवा पुनः प्रसारित नहीं करेगा, जब तक वह निर्धारित विज्ञापन संहिता के अनुरूप न हो। अधिनियम की धारा 11 में यह उपबंध है कि यदि किसी प्राधिकृत अधिकारी के पास ऐसा विश्वास करने का कारण है कि किसी केबल ऑपरेटर द्वारा इस अधिनियम के उपबंधों का उल्लंघन किया गया है अथवा किया जा रहा है, तो वह केबल टेलीविजन नेटवर्क के प्रचालन के लिए ऐसे केबल ऑपरेटर द्वारा प्रयुक्त उपकरण को जब्त कर सकता है । अधिनियम के उपबंधों के किसी भी प्रकार से उल्लंघन की दशा में, इस अधिनियम की धारा 12 में उपकरण की जब्ती का उपबंध हैं । इसी प्रकार अधिनियम की धारा 13 में भी उपकरण के अभिग्रहण अथवा जब्ती और दंड का उपबंध है । धारा 16 अधिनियम के उपबंधों के उल्लंघन के लिए दंड का उपबंध करती हैं । धारा 19 यह अधिकथित करती है कि यदि कोई प्राधिकारी लोकहित में ऐसा करना आवश्यक या समाचीन समझता है कि वह आदेश द्वारा किसी भी केबल ऑपरेटर को ऐसे किसी विज्ञापन का प्रसारण या पुनः प्रसारण करने से निषेध कर सकता है, जो निर्धारित कार्यक्रम संहिता और विज्ञापन संहिता के अनुरूप नहीं है तथा जिससे विभिन्न धर्म, प्रजाति, भाषायी या क्षेत्रीय समूहों जातियों या समुदायों के मध्य धर्म, प्रजाति, भाषा, जाति या समुदाय के आधार पर या किसी भी अन्य आधार पर शत्रुता या सामंजस्य या शत्रुता की भावना, घृणा या द्वेष उत्पन्न होने की संभावना हो, जिससे लोक शांति भंग हो । अधिनियम की धारा 22, अधिनियम के उपबंधों को कार्यान्वित करने के लिए नियम बनाने हेतु केन्द्र सरकार को सशक्त बनाती है । अधिनियम की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार नियम बनाने में समर्थ है, जिन्हें केबल टेलीविजन नेटवर्क नियम, 1994 (संक्षिप्त में "नियमों") कहा जाता है । नियमों के नियम 7 में यह उपबंध है कि जब कोई विज्ञापन किसी केबल सर्विस द्वारा प्रसारित किया जाता है तो वह इस प्रकार अभिकल्पित होना चाहिए कि वह देश के कानून के अनुरूप हो तथा उसे ग्राहकों की नैतिकता शालीनता और धार्मिक संवेदनशीलता को आघात नहीं पहुँचाना चाहिए । इसके साथ–साथ, उप नियम (2) यह उपबंध करता है कि ऐसे किसी भी विज्ञापन की अनुमति नहीं दी जाएगी जो कि किसी प्रजाति, जाति, रंग, पंथ और राष्ट्रीयता का उपहास करता हो, जो भारत के संविधान के किसी उपबंध के विरूद्ध हो और किसी भी प्रकार के लोगों को अपराध करने के लिए भड़काए, अव्यवस्था और हिंसा का कारण बने या कानून का उल्लंघन करे या हिंसा या अश्लीलता को महिमामंडित करे । पुनः उप नियम (3) में यह उपबंध है कि ऐसे किसी भी विज्ञापन की अनुमति नहीं दी जाएगी जिसका विषय पूर्ण रूप से या मुख्य रूप से धार्मिक या राजनीतिक प्रकृति का है, विज्ञापनों को किसी धार्मिक या राजनीतिक लक्ष्य की ओर निर्दिष्ट नहीं होना चाहिए । इस पृष्ठभूमि में अब हम निम्नलिखित आदेश पारित करने का प्रस्ताव करते हैं:–

प्रत्येक रजिस्ट्रीकृत राष्ट्रीय और राज्यीय राजनीतिक दल तथा निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी जो टेलीविजन चैनल और/या केबल नेटवर्क पर विज्ञापन जारी करने का प्रस्ताव करता है, उसे ऐसे विज्ञापन के प्रसारण की प्रारंभ की प्रस्तावित तिथि से कम से कम तीन दिन पूर्व निर्वाचन आयोग अभिहित अधिकारी (निर्वाचन आयोग द्वारा यथा अभिहित) के पास आवेदन करना होगा । किसी अन्य व्यक्ति या अरजिस्ट्रीकृत राजनीतिक दलों के मामले में, उन्हें प्रसारण की तारीख से कम से कम सात दिन पूर्व आवेदन करना होगा ।

ऐसे आवेदन के साथ, प्रस्तावित विज्ञापन की इलैक्ट्रानिक फार्म में दो प्रतियों के साथ उसके विधिवत रूप से अनुप्रमाणित प्रतिलेखन संलग्न किया जाएगा । प्रथम चरण के निर्वाचनों के मामले में आवेदन का निपटान उसकी प्राप्ति के दो दिन के भीतर किया जाएगा और जब तक उस पर निर्णय नहीं ले लिया जाता, 2 अप्रैल, 2004 का हमारा आदेश लागू रहेगा । बाद के चरण के निर्वाचन के मामले में आवेदन का निपटान उसकी प्राप्ति के तीन दिन के भीतर किया जाएगा और जब तक उस पर निर्णय नहीं ले लिया जाता, 2 अप्रैल, 2004 का हमारा आदेश लागू होगा । ऐसे आवेदनों का निपटान करते समय निर्वाचन आयोग/पदाभिहित अधिकारी विज्ञापन के किसी भी भाग को हटाने/संशोधित करने का निदेश देने के लिए स्वतंत्र रहेंगे ।

प्रमाणन के लिए आवेदन में निम्नलिखित विवरण शामिल होंगे :–

(क) विज्ञापन बनाने की लागत :

(ख) विज्ञापनों के अन्तर्वेशनों की संख्या के अंतराल और ऐसे प्रत्येक अन्तर्वेशन के लिए प्रभारित की जाने वाली प्रस्तावित दरों के साथ किसी टेलीविजन चैनल या केबल नेटवर्क पर ऐसे विज्ञापन के प्रस्तावित प्रसारण की अनुमानित लागत ।

(ग) इसके साथ यह कथन भी संलग्न होगा कि शामिल किया गया विज्ञापन अभ्यर्थी (अभ्यर्थियों)/दलों के निर्वाचन की ~~संभावनाओं~~ को लाभ पहुँचाने के लिए है ।

(घ) यदि विज्ञापन किसी राजनीतिक दल या अभ्यर्थी के अलावा किसी अन्य व्यक्ति द्वारा जारी किया जाता है, तो उस व्यक्ति को यह शपथ लेनी होगी कि वह किसी राजनीतिक दल या किसी अभ्यर्थी के लाभ के लिए नहीं है तथा यह कि उक्त विज्ञापन किसी राजनीतिक दल या किसी अभ्यर्थी द्वारा आयोजित या अधिकृत या खरीदा गया नहीं है, और

(ङ) एक कथन कि सभी भुगतान चेक या डिमांड ड्राफ्ट के माध्यम से किए जाएंगे ।

हम पाते हैं कि अधिनियम की धारा 21 (क) "प्राधिकृत अधिकारी" को अधिकारिता क्षेत्र की उसकी स्थानीय सीमाओं के भीतर (क) जिला मजिस्ट्रेट, (ख) उप प्रभागीय मजिस्ट्रेट, या (ग) पुलिस आयुक्त के रूप में परिभाषित करता है । इसी प्रकार, लोक प्रतिनिधित्व अधिनयम, 1951 की धारा 28 क में यह उपबंधित है कि किसी निर्वाचन के संचालन के लिए इस भाग के अधीन रिटर्निंग ऑफिसर, सहायक रिटर्निंग ऑफिसर, पीठासीन अधिकारी, मतदान अधिकारी या कोई अन्य अधिकारी तथा राज्य सरकार अस्थाई रूप से अभिहित पुलिस अधिकारी, ऐसे निर्वाचन की अपेक्षा करने वाली अधिसूचना की तिथि से प्रारंभ होने वाली तथा ऐसे निर्वाचन के परिणामों की घोषणा की तिथि को समाप्त होने वाली अवधि तक के लिए निर्वाचन आयोग में प्रतिनियुक्त समझे जाएंगे, और तद्नुसार ऐसे अधिकारी इस अवधि के दौरान निर्वाचन आयोग के नियंत्रण, अधीक्षण और अनुशासन के अध्यधीन रहेंगे ।

चूंकि, विभिन्न केबल नेटवर्क और टेलीविजन चैनलों पर सभी विज्ञापनों को पहले से ही नियंत्रित (सेंसर) करना निर्वाचन आयोग के लिए प्रत्यक्ष रूप से संभव नहीं है, अतः यह आवश्यक हो गया है कि निर्वाचन आयोग को यह प्राधिकार दिया जाए कि वह इस संबंध में अपनी शक्तियों को सभी राज्यों और संघ राज्य–क्षेत्रों के सम्बन्धित जिला मजिस्ट्रेट या राज्य प्रांतीय सिविल सेवा के सदस्य से कम श्रेणी के न हों । यह निर्वाचन आयोग द्वारा एक सामान्य आदेश जारी करके किया जा सकता है । ये अधिकारी निर्वाचन आयोग के नियंत्रण, अधीक्षण और अनुशासन के अधीन कार्य करेंगे । निर्वाचन आयोग अपनी और से अपनी शक्तियों को प्रत्येक राज्य या संघ राज्य–क्षेत्रों, जो भी मामला हो, के मुख्य निर्वाचन अधिकारी को प्रत्यायोजित कर सकता है ।

प्रत्येक राज्य या संघ राज्य–क्षेत्र का मुख्य निर्वाचन अधिकारी, किसी विज्ञापन को प्रमाणन प्रदान करने या न करने से सम्बन्धित किसी राजनीतिक दल या अभ्यर्थी या किसी अन्य व्यक्ति के परिवार या शिकायतों का निपटान करने के लिए एक समिति नियुक्त कर सकते हैं । इस प्रकार नियुक्त समिति अपने निर्णय की सूचना निर्वाचन आयोग को देगी ।

इस प्रकार गठित समिति, भारत निर्वाचन आयोग के पूर्ण अधीक्षण, निदेशन और नियंत्रण के अधीन कार्य करेगी ।

समिति द्वारा दिया गया निर्णय, उपरोक्त कथन के अध्यधीन इलेक्ट्रॉनिक मीडिया में विज्ञापन के लिए आवेदन करने वाले राजनीतिक दलों, अभ्यर्थियों या किसी अन्य व्यक्ति के लिए बाध्यकारी होगा और उनके द्वारा इसका अनुपालन किया जाएगा ।

विलोपन या संशोधन, जो भी मामला हो, के लिए की गई टिप्पणियॉ और समुक्तियॉ, ऐसी संसूचना की प्राप्ति के 24 घण्टों के भीतर सम्बन्धित राजनीतिक दल या निर्वाचन लड़ने वाले अभ्यर्थी या किसी अन्य व्यक्ति के लिए बाध्यकारी रहेगा और उनके द्वारा इसका अनुपालन किया जाएगा तथा इस प्रकार संशोधित विज्ञापन समीक्षा और प्रमाणन के लिए पुनः प्रस्तुत किया जाएगा ।

हम स्पष्ट करते हैं कि लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 126 के उपबंध, इस आदेश के अधीन शामिल विज्ञापन के लिए लागू होंगे ।

यदि कोई राजनीतिक दल, अभ्यर्थी या कोई अन्य व्यक्ति समिति या अभिहित अधिकारी/निर्वाचन आयोग द्वारा लिए गए निर्णय से यह समझता है कि उनके साथ अन्याय हो रहा है तो वे इसके लिए स्वतंत्र होंगे कि वे स्पष्टीकरण या उपयुक्त आदेश के लिए केवल इसी न्यायालय में आएं तथा कोई भी अन्य न्यायालय, अधिकरण या प्राधिकरण ऐसे विज्ञापन के विरूद्ध शिकायत से सम्बन्धित किसी याचिका पर विचार नहीं करेगा । यह आदेश 16 अप्रैल, 2004 से प्रवृत्त होगा और 10 मई, 2004 तक प्रवृत्त रहेगा ।

यह आदेश, भारत के संविधान के अनुच्छेद 142 के अधीन शक्तियों का प्रयोग करते हुए जारी किया जा रहा है और यह उन सभी राजनीतिक दलों, अभ्यर्थियों, व्यक्तियों, व्यक्तियों के समूह या ट्रस्ट को सम्मिलित

करेगा, जो केबल आपरेटरों के साथ–साथ केबल नेटवर्क और/या टेलीविजन सहित इलेक्ट्रॉनिक मीडिया में विज्ञापन जारी करने का प्रस्ताव करते हैं ।

निर्वाचन आयोग ऐसे कर्मचारियों की मांग करने के लिए स्वतंत्र है जो ऐसे विज्ञापनों के प्रसारण का अनुवीक्षण करने के लिए आवश्यक है । जहॉ निर्वाचन आयोग का समाधान हो जाता है कि इस आदेश या अधिनियम के किसी उपबंध का अतिक्रमण किया गया है तो वह अतिक्रमण करने वाले को ऐसा अतिक्रमण तत्काल रोकने के लिए आदेश जारी करेगा और वह उपस्करों का प्रत्यक्ष अभिग्रहण करने के लिए भी स्वतंत्र होगा । ऐसे प्रत्येक व्यक्ति (व्यक्तियों) द्वारा प्रत्येक आदेश का तत्काल अनुपालन किया जाएगा, जिनके लिए ऐसा आदेश पारित किया गया है ।

निर्वाचन आयोग को, विज्ञापनों के अनुवीक्षण की लागत की पूर्ति के लिए निधि भारत संघ द्वारा उपलब्ध करवाई जानी चाहिए । इलेक्ट्रॉनिक मीडिया और प्रिंट मीडिया के माध्यम से भारत संघ द्वारा इस आदेश का पर्याप्त प्रचार किया जाएगा ।

यह आदेश, इस न्यायालय द्वारा दिनांक 2 अप्रैल, 2004 को पारित आदेश के क्रम में है तथा एक अंतरिम उपाय के रूप में 10 मई, 2004 तक प्रवर्तन में रहेगा ।

उपर्युक्त आदेश के अध्यधीन आन्ध्र प्रदेश उच्च न्यायालय के दिनांक 23 मार्च, 2004 के निर्णय पर रोक लगी रहेगी । यह आदेश, अधिनियम के उपबंधों के उल्लंघन के संदर्भ में केन्द्रीय सरकार की शक्तियों के अल्पीकरण के रूप में नहीं, बल्कि इसके अतिरिक्त पारित किया जा रहा है ।"

6. अतः, अब माननीय उच्चतम न्यायालय के पूर्वोक्त निदेशों के अनुसरण में निर्वाचन आयोग निम्नलिखित निदेश देता है :–

(i) मुख्य निर्वाचन अधिकारी, दिल्ली को एतद्द्वारा निदेश दिया जाता है कि निम्नलिखित व्यक्तियों को मिलाकर एक समिति गठित करें, जो इसमें पैरा (ii) में उल्लिखित राजनीतिक दलों और संगठनों के आवेदनों का निपटान करेंगे :–

(क) संयुक्त मुख्य निर्वाचन अधिकारी – अध्यक्ष ।

(ख) दिल्ली में किसी संसदीय निर्वाचन–क्षेत्र का रिटर्निंग ऑफिसर ।

(ग) सूचना और प्रसारण मंत्रालय से एक विशेषज्ञ मांगा जाए जो श्रेणी – I से कम स्तर का अधिकारी न हो ।

(ii) उपर्युक्त समिति किसी टेलीविजन चैनल या केबल नेटवर्क में प्रसारित किए जाने वाले किसी विज्ञापन के प्रमाणन के लिए निम्नलिखित द्वारा दिए गए आवेदन पर विचार करेगी :

(क) वे सभी मान्यताप्राप्त राजनीतिक दल, जिनका मुख्यालय राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली में है ।

(ख) वे सभी संगठन या संघ या व्यक्ति, जिनका मुख्यालय राष्ट्रीय राजधानी राज्यक्षेत्र दिल्ली है ।

(iii) प्रत्येक अन्य राज्य/संघ राज्य क्षेत्र के मुख्य निर्वाचन निर्वाचन अधिकारी को एतद्द्वारा निदेश दिया जाता है कि वे नीचे पैरा (iv) में उल्लिखित राजनीतिक दलों और संगठनों द्वारा दिए गए आवेदनों के निपटान के लिए निम्नलिखित समिति गठित करें :–

(क) अपर/संयुक्त मुख्य निर्वाचन अधिकारी – अध्यक्ष

(ख) राज्य की राजधानी में स्थित किसी संसदीय निर्वाचन क्षेत्र का रिटर्निंग ऑफिसर

(ग) एक विशेषज्ञ के रूप में कम से कम प्रथम श्रेणी के एक अधिकारी को सूचना व प्रसारण मंत्रालय से मांगा जाएगा।

(iv) उपर्युक्त पैरा (iii) में गठित समिति निम्नलिखित द्वारा टेलीविजन चैनल तथा केबल नेटवर्क पर विज्ञापन के लिए प्रमाणन हेतु आवेदनों पर विचार करेगी :–

(क) उस राज्य/संघ राज्य क्षेत्र में मुख्यालयों वाले सभी पंजीकृत राजनीतिक दल

(ख) उस राज्य/संघ राज्य क्षेत्र में पंजीकृत कार्यालयों वाले सभी संगठन या व्यक्तियों के समूह या संघ

(v) देश में प्रत्येक संसदीय निर्वाचन क्षेत्र के रिटर्निंग ऑफिसर को एतद्द्वारा उस संसदीय निर्वाचन क्षेत्र से ,जहाँ ऐसे पदाभिहित अधिकारी रिटर्निंग ऑफिसर हैं, और विधानसभा निर्वाचन क्षेत्र में निर्वाचन लड़ने वाले अभ्यर्थी जो उसी संसदीय निर्वाचन क्षेत्र के अंतर्गत आते हैं द्वारा केबल नेटवर्क या टेलीविजन चैनल पर जारी किए जाने के लिए प्रस्तावित किसी विज्ञापन के प्रमाणन के लिए आवेदन पर विचार करने के उद्देश्य से पदाभिहित् अधिकारियों के रूप में घोषित किया जाता है। कथित रिटर्निंग ऑफिसर आवेदनों के प्रमाणन के कार्य में अपनी सहायता के लिए राज्य प्रांतीय सिविल सेवा से संबंधित कम से कम उप प्रभागीय मजिस्ट्रेट श्रेणी के सहायक रिटर्निंग ऑफिसर को सहयोजित कर सकता है।

7. प्रत्येक राज्य/संघ राज्य क्षेत्र का मुख्य निर्वाचन अधिकारी किसी विज्ञापन को प्रमाणीकरण प्रदान करने या अस्वीकार करने के निर्णय के संबंध में किसी राजनीतिक दल या अभ्यर्थी या किसी अन्य व्यक्ति की शिकायतों पर विचार करने के लिए निम्नलिखित समिति का गठन करेगा :

(i) मुख्य निर्वाचन अधिकारी – अध्यक्ष

(ii) भारत निर्वाचन आयोग द्वारा तैनात प्रेक्षक

उपर्युक्त पैरा 6(i) व 6(iii) में उल्लिखित विशेषज्ञ के अलावा समिति द्वारा एक अन्य विशेषज्ञ को सहयोजित किया जाएगा।

8. पंजीकृत राजनीतिक दलों तथा निर्वाचन लड़ने वाले अभ्यर्थियों द्वारा किसी विज्ञापन के प्रमाणन के लिए आवेदन ऐसे विज्ञापन का प्रसारण प्रारंभ करने की तिथि से कम से कम तीन दिन पहले, उक्त पैरा 6(i) तथा 6(iii) में उल्लिखित समिति का पैरा 6(iv) में यथा उल्लिखित पदाभिहित अधिकारी को यथा स्थिति प्रस्तुत किया जाएगा। निर्वाचन के प्रथम चरण के मामले में ऐसे आवेदनों का निपटान उनकी प्राप्ति के दो दिनों के भीतर किया जाएगा तथा यदि इस पर कोई निर्णय नहीं लिया जाता है, तो सर्वोच्च न्यायालय का दिनांक 02–04–2004 का आदेश लागू होगा।

9. जब किसी अन्य व्यक्ति या गैर पंजीकृत राजनीतिक दलों द्वारा विज्ञापन के प्रमाणन के लिए कोई आवेदन प्राप्त होता है, तो इसे प्रसारण की तिथि से सात दिन पूर्व दिया जाना चाहिए।

10. ऐसा प्रत्येक आवेदन निम्नलिखित दस्तावेजों के साथ संलग्नक 'क' में विहित आरूप में प्रस्तुत किया जाए:–

(i) इलेक्ट्रॉनिक रूप में प्रस्तावित विज्ञापन की दो प्रतियाँ उसके विधिवत् अनुप्रमाणित लिप्यंकन सहित

(ii) प्रमाणन के लिए आवेदन में निम्नलिखित विवरण होना चाहिए :–

(क) विज्ञापन की निर्माण लागत

(ख) टेलीविजन चैनल या केबल नेटवर्क पर ऐसे विज्ञापन के प्रस्तावित प्रसारण की अनुमानित लागत दिखाए जाने की अवधि के विवरण तथा प्रत्येक सन्निवेश के लिए प्रभारित की जाने वाली प्रस्तावित दर सहित ।

(ग) इसके साथ यह वक्तव्य दिया जाएगा कि क्या यह विज्ञापन अभ्यर्थियों/दलों के निर्वाचन की संभावना के हितों के लिए दिखाया गया है।

(घ) यदि यह विज्ञापन अभ्यर्थी या राजनीतिक दल को छोड़कर किसी अन्य व्यक्ति द्वारा जारी कराया गया है, तो वह व्यक्ति यह शपथ लेगा कि यह राजनीतिक दल या अभ्यर्थी के हित लाभ के लिए नहीं है तथा यह कि कथित विज्ञापन किसी राजनीतिक दल या अभ्यर्थी द्वारा प्रायोजित या जारी या भुगतान नहीं किया गया है।

(ङ) एक वक्तव्य कि सारा भुगतान चैक या डिमांड ड्राफ्ट के माध्यम से किया जाएगा।

10. किसी विज्ञापन के प्रमाणन के लिए आवेदन पर निर्णय लेते समय पैरा 6(i) तथा 6(iii) में यथागठित समिति या उक्त पैरा 6(V) में पदाभिहित अधिकारी या उपर्युक्त पैरा 7 में यथागठित पुनरीक्षण समिति, उस विज्ञापन के किसी भाग के सीधे विलोपन/संशोधन का निदेश देने के लिए स्वतंत्र होगा। विलोपन तथा संशोधन के लिए टिप्पणियां व प्रेक्षण करने वाला ऐसा प्रत्येक आदेश बाध्यकर होगा और इसकी प्राप्ति के 24 घण्टों के भीतर संबंधित राजनीतिक दल या निर्वाचन लड़ने वाले अभ्यर्थी या किसी अन्य व्यक्ति को इसका अनुपालन करना होगा। इस प्रकार संशोधित किया गया विज्ञापन पुनरीक्षण तथा प्रमाणन के लिए पुनः प्रस्तुत किया जाएगा।

12. जहां उक्त पैरा 6(i) तथा 6(iii) में गठित समितियाँ या पदाभिहित् अधिकारी या उपर्युक्त पैरा 7 में गठित पुनरीक्षण समिति , जैसा भी मामला हो , संतुष्ट है कि वह विज्ञापन विधि की अपेक्षाओं को पूरा करता है तथा उपर्युक्त पैरा 4 व 5 में यथा कथित सर्वोच्च न्यायालय के निदेशों के अनुसार है, तो इस आशय का प्रमाण पत्र जारी किया जाना चाहिए कि संबंधित विज्ञापन प्रसारण के लिए उपयुक्त है। इस प्रमाण प्रत्र का आरूप अनुलग्नक 28 में दिया गया है।

13. सर्वोच्च न्यायालय के दिनांक 13 अप्रैल , 2004 के आदेश में समाहित निदेशों का प्रत्येक संबंधित को सख्ती से पालन करना चाहिए तथा यह 10 मई , 2004 तक लागू रहेंगे और सभी राजनीतिक दलों, अभ्यर्थियों, व्यक्तियों के समूह या ट्रस्ट, जो केबल नेटवर्क तथा/या टेलीविजन चैनलों व साथ ही केबल संचालकों सहित इलेक्ट्रॉनिक मीडिया में वह विज्ञापन दिखाए जाने का प्रस्ताव करते हैं, इससे बंधे होंगे।

अनुलग्नक–26

सभी राज्यों एवं संघ राज्य क्षेत्रों के मुख्य निर्वाचन अधिकारियों को संबोधित निर्वाचन आयोग का दिनांक 21 नवम्बर, 2008 का पत्र संख्या 509/75/2004/जे0एस0–I/वॉल्यूम–II/आर.सी.सी

विषयः– रेडियो पर राजनीतिक प्रकृति के विज्ञापन के संबंध में ।

सूचना एवं प्रसारण मंत्रालय ने दिनांक 20 नवम्बर, 2008 के पत्र सं0 1/04/2004–बी.सी/iv/द्वारा यह सूचित किया है कि रेडियो पर भी स्पॉट एवं जिंगल के रूप में राजनीतिक दलों/अभ्यर्थियों/व्यक्तियों द्वारा विज्ञापन देने के लिए व्यवसायिक विज्ञापन की संहिता में संशोधन किया गया है । इसके परिणामस्वरूप आयोग ने इस प्रभाव से आदेश जारी किया है कि दूरदर्शन चैनलों/केबल नेटवर्को पर राजनीतिक विज्ञापन की जॉच के लिए मुख्य निर्वाचन अधिकारियों के कार्यालय में गठित समितियां, ऐसे निर्वाचनों से संबंधित आदर्श आचार संहिता के लागू रहने की अवधि के दौरान, लोकसभा एवं राज्य विधान सभाओं के साधारण निर्वाचनों से जुड़े राजनीतिक दलों/अभ्यर्थियों/अन्य व्यक्तियों के विज्ञापनों की पूर्व प्रसारण संवीक्षा के लिए आवेदनों का निपटान भी करेगी ।

आदेश की प्रति सभी मान्यता प्राप्त राजनीतिक दलों की राज्य इकाइयों सहित प्रत्येक राजनीतिक दल को भेजी जानी चाहिए जिनका मुख्यालय आपके राज्य/संघ राज्य क्षेत्र में हो। अन्य संबद्ध प्राधिकारियों तथा साधारण जनता को सूचना के लिए इसका व्यापक प्रचार किया जाए।

कृपया इस पत्र की पावती भेजें ।

ऊपरनिर्दिष्ट आदेश की प्रति सहित प्रति सभी मान्यताप्राप्त राष्ट्रीय तथा राज्यीय राजनीतिक दलों को सूचनार्थ।

अनुलग्नक 45

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोका रोड, नई दिल्ली – 110001

सं. 491/मीडिया पॉलिसी/2010

दिनांक 23 सितम्बर, 2010

2010

सेवा में,

सभी राज्यों / संघ राज्य क्षेत्रों

के मुख्य निर्वाचन अधिकारी

विषयः– निर्वाचनों के दौरान 'पेड न्यूज' अर्थात मीडिया में खबरों के रूप में विज्ञापन पर रोक लगाने के उपाय

महोदय,

उपरोक्त विषय पर आयोग के दिनांक 08 जून 2010 के पत्र सं0 491/मीडिया/2009 के क्रम में, मैं दिनांक 30 जुलाई, 2010 के प्रेस कांउसिल ऑफ इंडिया संख्या पी आर/2/1011 की रिपोर्ट की प्रति एतद्द्वारा भेज रहा हूँ।

2. रिपोर्ट के निम्नलिखित अंशों पर विशेष ध्यान दिया जाए तथा आवश्यक कार्रवाई की जाए :

(क) प्रेस काउंसिल ऑफ इंडिया ने 'पेड न्यूज़' को "प्रतिफल के रूप में नकदी या किसी वस्तु के रूप में मूल्य चुकाने के लिए किसी मीडिया (प्रिंट तथा इलेक्ट्रानिक) में आने वाली कोई खबर या विश्लेषण" के रूप में परिभाषित किया है।

(ख) कांउसिल ने इस पत्र के साथ संलग्न रिपोर्ट के पृष्ठ 8 से 10 पर 1996 के अपने दिशा–निर्देशों पर विशेष बल दिया है । दिशा–निर्देशों के पैरा – 1 में उल्लेख है कि " समाचार पत्रों से दूषित निर्वाचन प्रचार में शामिल होने, निर्वाचनों के दौरान किसी अभ्यर्थी/पार्टी या घटना के बारे में अतिश्योक्तिपूर्ण रिपोर्टों की अपेक्षा नहीं की जाती है । समाचार पत्र को, वास्तविक प्रचार पर रिपोर्ट करते समय किसी भी अभ्यर्थी द्वारा उठाए गए महत्वपूर्ण बिंदुओं को छोड़ना नहीं चाहिए और उसके या उसके प्रतिद्वंद्वी पर प्रहार नहीं करना चाहिए । इसी प्रकार से पैरा –5 इस बात का विशेष रूप से उल्लेख करता है कि प्रेस से किसी विशेष अभ्यर्थी / पार्टी के पक्ष में प्रचार करने की अपेक्षा नहीं की जाती । यदि यह ऐसा करती है, तो वह अन्य अभ्यर्थी / पार्टी को जवाब देने के लिए उत्तरदायी होगी। " अतः उपर्युक्त दिशा – निर्देशों से विचलित होने से 'पेड खबरें ' की प्रथम दृष्टया जांच – पड़ताल का मामला बनना चाहिए।

3. रिपोर्ट के अन्य अंश सूचनार्थ है । आयोग द्वारा विशेष कार्रवाई, यदि कोई है, की जा रही है।

4. निर्वाचन अवधि के दौरान 'पेड खबरों' की संवीक्षा के लिए जिला स्तरीय समिति की संरचना की जा रही है, इस समिति में निम्नलिखित अधिकारी होंगे :

(i) जिला निर्वाचन अधिकारी/उप–जिला निर्वाचन अधिकारी

(ii) डी पी आर ओ

(iii) केंद्रीय सरकार, सूचना एवं प्रसारण कर्मचारी (यदि जिले में कोई है तो)

(iv) प्रैस काउंसिल द्वारा अनुशंसित स्वतंत्र नागरिक/पत्रकार

5. उपर्युक्त को दिनांक 08 जून, 2010 द्वारा जारी अनुदेशों के क्रम में अतिरिक्त दिशा – निर्देश माना जाए तथा तदनुसार कार्रवाई की जाए।

भवदीय

(तपस कुमार)

सचिव

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No. 491/Media Policy/2010 Dated: 23rd September, 2010

To

The Chief Electoral Officers of
All States and UTs

Subject: Measures to check Paid News during elections i.e. 'advertising in the garb of news in media

Sir,

In continuation of the Commission's letter No. 491/Media/2009, dated 8th June 2010, on the subject cited, I forward herewith a copy of the report of the Press Council of India No. PR/2/1011 dated 30th July 2010.

2. The following parts of the Report are for particular attention and necessary action:

(a) The Press Council of India has defined paid news as "any news or analysis appearing in any media (Print and Electronic) for a price in cash or kind as consideration".

(b) The Council has highlighted its own guidelines of 1996 at page 8 to 10 of the Report enclosed with the letter. Para 1 of the guidelines refers that "newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. While reporting on actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent." Similarly, para 5 specifically refers that "Press is not expected to indulge in canvassing of a particular candidate /party. If it does, it shall allow the right of reply to the other candidate party." Thus, any departure from the above guidelines should make a case for prima facie investigation of paid news.

3. Others parts of the Report are for information. Specific action, if any, is being taken by the Commission

4. As regards the constitution of the district level committee for scrutiny of

Paid News during election periods, the same shall be composed of following officers:

i. DEO/Dy DEO

ii. DPRO

iii. Central Govt. I&B Ministry official (if, any in the district)

iv. Independent citizen/Journalist as may be recommended by PCI

5. The above may be taken note of as additional guidelines in continuation of the instructions issued vide letter dated 8th June 2010 and action may be taken accordingly.

Yours faithfully,

(Tapas Kumar)
Principal Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2012/EPS

Dated: - 20th January, 2012.

To,

Chief Electoral Officers of
All States and UTs

Subject:- Display of normal publicity material – regarding.

Sir/Madam,

As you are aware that the Commission has allowed display of flags, banners, cut outs, wearing of party /candidate supplied special accessories like caps, mask, scarf etc. (vide letter No.3/7/2008/JS-II dated 7th October, 2008).

Now, it has been brought to the notice of the Commission by some political parties that normal election publicity materials consisting of cardboard, badges, paper caps, mobile stickers and sticker badges etc. are being seized for violation of section 127A of Representation of People Act, 1951 on the ground that these materials do not contain print line printed on the materials.

The provisions of section 127A of RP Act, 1951 inter alia states that printing of pamphlets and posters is not allowed which do not bear on their face the names and addresses of the printer and the publisher thereof. Therefore, the provision expressly restricts printing of pamphlets, posters, which do bear on their face the name and addresses of the printer and the publisher thereof.

In view of the above the Commission has considered the request and is of the view that the display of election materials, viz., cardboard badges, paper caps, mobile stickers, sticker badges, flags banner, cut outs, caps, mask, scarf which are normal publicity materials are not covered under the provisions of section 127A of the Representation of People Act, 1951. Therefore, such materials should not be seized for violation of section 127A of RP Act, 1951.

You are, therefore, requested to bring to the notice of all the concerned the above instructions of the Commission for strict compliance.

Yours faithfully

SUMIT MUKHERJEE
(SECRETARY)

By Speed Post/Fax/E-mail

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MM/2013/229 Dated:10th June, 2013

To

Chief Electoral Officer,

Rajasthan	:	Jaipur
Madhya Pradesh	:	Bhopal
Mizoram	:	Aizwal
NCT of Delhi	:	Delhi
Chhattisgarh	:	Raipur

Subject: Poll day media monitoring of major news channels – regarding.

Sir,

I am directed to say that the Commission has taken an initiative of monitoring of election management related news on major national and regional news channels on poll day and one day prior to poll day. For this, media control rooms are to be set up in the Commission's HQ and in the O/o the CEOs during upcoming assembly elections in your State scheduled to be held in 2013.

You are, therefore requested to arrange to set up a 24 hour media control room in your office and deploy suitable officials to monitor election management related news on all major regional news channels on poll day and one day prior to poll day. Report of all election management related news shall also be furnished to the Commission in a reporting format (enclosed herewith) on 2 hourly basis.

Yours faithfully

(Rahul Sharma)
Under Secretary
Ph.23052070

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General election to the Karnataka Legislative Assembly, 2013

Two-Hourly report on election management related news

Sl No.	Time of broadcast of News	Name of the channel	Gist of News (like hourly poll percentage/law & order situation/suspected violation of MCC/any other poll related incident etc)

S15

Signature.....

Name of Officer-.....

By Speed Post/Fax/E-mail

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/PN/2013 /572

Dated: 3rd July, 2013

To

Chief Electoral Officer,
Rajasthan,
Jaipur.

1136/CE
8113

Subject: Commission's comprehensive guidelines dt. 27.08.2012 to monitor paid news during elections – clarification – regarding

Sir,

I am directed to refer to your letter no. P.8(2)(6)Nirva/2008/2178 dated 04.06.2013 on the subject cited, seeking Commission's guidance on two points of the said comprehensive guidelines on paid news. Point vise clarifications are as follows –

1. As per the Commission's order dt 15.04.2004 and letter 27.08.2012 (copy enclosed), the Returning Officer of the parliamentary constituency (who may or may not happen to be the District Election Officer of the district concerned) is the designated officer for the purpose of certification of advertisement proposed to be issued on cable network or television channel by an individual candidate contesting the election from the parliamentary constituency of which such Designated Officer is the Returning officer and candidate contesting in the assembly constituencies falling with that parliamentary constituency.

Such District Election Officers, who are not the Returning Officer of parliamentary constituency, are not authorized for the certification of advertisements.

2. Regarding the appointment of DPRO/District Information Officer in the District MCMC as Member Secretary, the officers of the State Public Relation Service may be appointed as the member Secretary in District MCMC.

Hindi version of the letter follows.

Yours faithfully

(Rahul Sharma)
Under Secretary

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अनुलग्नक–71

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली–110 001.

सं0: 491/पेड न्यूज/2012/मीडिया

दिनांक : 9 अक्तूबर, 2013.

सेवा में,

सभी राज्यों/संघ राज्य क्षेत्रों के

मुख्य निर्वाचन अधिकारी ।

विषयः– निर्वाचनों के दौरान 'पेड न्यूज' अर्थात् मीडिया में खबरों की आड़ में विज्ञापन और संबंधित मामलों पर रोक लगाने के उपाय–संशोधित दिशा–निर्देश–तत्संबंधी ।

महोदय/महोदया,

मुझे उपरोक्त विषय पर आयोग के दिनांक 27 अगस्त, 2012 के पत्र के अनुक्रम में मुझे यह कहने का निदेश हुआ है कि उपरोक्त पत्र का पैरा 5.5.2 आंशिक संशोधन के साथ अब इस प्रकार पढ़ा **जाना** चाहिए, "अभ्यर्थी जिला/राज्य स्तरीय एम सी एम सी से प्राप्त नोटिस का उत्तर नोटिस के प्राप्त होने से 48 घण्टे के अन्दर देगा। यदि निर्धारित समय के अंदर अभ्यर्थी से उत्तर प्राप्त नहीं होता है तो एम सी एम सी का निर्णय अंतिम होगा। जिला/राज्य स्तरीय एम सी एम सी उत्तर प्राप्त होने पर शीघ्रता से और अधिमानतः 48 घण्टे के अन्दर अपना निर्णय देगी और अभ्यर्थी/दल को अपना अंतिम निर्णय सूचित करेगी।"

भवदीय,

ह0/–

(राहुल शर्मा)

अवर सचिव

Election Commission of India

Nirvachan sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/44/2013

Date: 9th October 2013

PRESS NOTE

Sub: General election to State Legislative Assemblies of Rajasthan, Madhya Pradesh, Chhattisgarh, Mizoram and NCT of Delhi 2013 – Media Coverage during the period referred to in Section 126 of RP Act, 1951.

Section 126 of the Representation of the People, 1951, prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency. The relevant portions of the said Section 126 are re-produced below: -

(126. Prohibition of public meeting during period of forty-eight hours ending with hour fixed for conclusion of poll-

(1)No person shall –

(a) .....

(b) Display to the public any election matter by means of cinematograph, television or other similar apparatus;

(c) .....

In any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this Section, the expression "election mater" means any matter intended or calculated to influence or affect the result of an election.)

2. During elections, there are sometimes allegations of violation of the provisions of the above Section 126 of the Representation of the People Act, 1951 by TV channels in the telecast of their panel discussions/debates and other news and current affairs programmes. The Commission has clarified in the past that the said Section 126 prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours ending with the hour fixed for conclusion of poll in a constituency. "Election matter" has been defined in that Section as any matter intended or calculated to influence or affect the result of an election. Violation of the aforesaid provisions of Section 126 is punishable with imprisonment upto a period of two years, or with fine or both.

3. In this connection, attention is also invited to Section 126A of the R.P. Act 1951, which prohibits conduct of Exit poll and dissemination of their

results during the period mentioned therein, in the hour fixed for commencement of polls in the first phase and half hour after the time fixed for close of poll for the last phase in all the States.

4. The Commission once again reiterates that the TV/Radio channels and cable networks should ensure that the contents of the programme telecast/broadcast/displayed by them during the period of 48 hours referred to in Section 126 do not contain any material, including views/appeals by panelists/participants that may be construed as promoting/prejudicing the prospect of any particular party or candidate(s) or influencing/affecting the result of the election.

5. During the period not covered by Section 126 or Section 126A, concerned TV/Radio/Cable/FM channels are free to approach the state/district/local authorities for necessary permission for conducting any broadcast related events which must also conform to the provisions of the model code of conduct and the programme code laid down by the Ministry of Information and Broadcasting under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc. They are also required to stay within the provisions of Commission's guidelines dated 27th August, 2012 regarding paid news and related matters. Concerned Chief Electoral Officer/District Election Officer will take into account all relevant aspects including the law and order situation while extending such permission.

6. Attention of all media is also drawn to the following guidelines issued by Press Council of India to follow for observance during the election:

(i) It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent.

(ii) Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports, which tend to promote feelings of enmity or hatred between people on the ground of religion, race, caste, community or language.

(iii) The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.

(iv) The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality

or other facilities offered to them by or on behalf of any candidate/party.

(v) The Press is not expected to indulge in canvassing of a particular candidate/party. If it does, it shall allow the right of reply to the other candidate/party.

(vi) The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/government in power.

(vii) The Press shall observe all the directions/orders/instructions of the Election Commission/Returning Officers or Chief Electoral Officer issued from time to time.

The above guidelines should be duly observed for compliance by all the concerned media.

(Dhirendra Ojha)
Director

By Speed Post

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.491/Misc./2013 (Media)/146

Dated: 23th October 2013

To

The Chief Electoral Officers of

Madhya Pradesh	-	Bhopal
Rajasthan	-	Jaipur
Chhattisgarh	-	Raipur
Mizoram	-	Aizwal
NCT of Delhi	-	Delhi

Sub: General election to State Legislative Assemblies of Rajasthan, Madhya Pradesh, Chhattisgarh, Mizoram and NCT of Delhi 2013 – Pre-ceritification of political advertisements on radio channels – regarding.

Sir,

I am directed to invite reference to the Commission's order No.509//75/2004, dated 15.04.2004 regarding pre-telecast certification of political advertisements on TV channels and cable networks. The Commission vide its order dated 21.11.2008 has directed that advertisements of political nature on Radio channels during the period of operation of Model Code of Conduct, shall also be required to be got certified in the same manner as in the case of the advertisements on TV channels/Cable TV networks. The Model Code of Conduct is in force with effect from 04.10.2013, in connection with the assembly general elections in Chhattisgarh, Madhya Pradesh, Rajasthan, NCT of Delhi and Mizoram.

You are therefore, requested to ensure that no political advertisement is broadcast on Radio channels, without pre-certification. If political advertisements are being broadcast on radio channels or telecast on TV channels/cable networks, which are not certified by the competent committee, you may take appropriate action to stop broadcasting/telecasting of such political advertisements, which are being relayed without pre-certification, while also serving notice on political party/candidate for violating the Commission's said orders.

Yours faithfully,

(Rahul Sharma)
Under Secretary
Ph.23052070

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No. 491/SM/2013/Communication Dated: 25th October, 2013

To,

1. Chief Electoral Officers
   of all States and Union Territories

2. Presidents/General Secretaries
   of All National/State recognized Political Parties.

Sub: Instructions of the Commission with respect to use of Social Media in Election Campaigning.

Sir,

The Commission's attention was drawn to use of social media for election campaigning and also certain violations of the Electoral Law in the social media, which need to be regulated in the interest of transparency and level playing field in the elections.

Social media refers to the means of interactions among people in which they create, share, and/or exchange information and ideas in virtual communities and networks. It differentiates from traditional/industrial media in many aspects such as quality, reach, frequency, usability, immediacy, and permanence. The prevalence of Web and social media has increased over the years and there have been demands from the political and social groups to regulate the social media during elections as other media is regulated.

There are broadly five different types of social media:

a) collaborative projects (for example, Wikipedia)

b) blogs and micro blogs (for example, Twitter)

c) content communities (for example, YouTube)

d) social networking sites (for example, Facebook)

e) virtual game-worlds (e.g., Apps)

Legal provisions relating to election campaigning apply to social media in the same manner in which they apply to any other form of election campaigning using any other media. Since social media is a relatively new form of media, it appears necessary to clarify to all concerned by the following instructions:-

A. **Information to be given by candidates about their social media accounts.**

Candidates are required to file affidavits in Form-26 at the time of filing of nominations. Detailed instructions and the format in which the affidavits have

to be filled were issued vide the Commission's letter No. 3/4/2012/SDR dated 24, August, 2012. Para 3 of this Form requires that email ID of the candidate, if any, should be communicated to the Commission in this Form. The Commission finds it necessary that authentic social media accounts of candidates should also be informed to the Commission. This information should be furnished in the said Para 3 as follows:-

"My contact telephone no.(s) is/are.....,
my email ID (if any) is ....., and
my social media accounts (if any) are....."

B. Pre-Certification of Political Advertisements

In pursuance of the Hon'ble Supreme Court of India's Order in SLP (Civil) N. 6679/2004, dated 13 April,2004, the Commission issued detailed instructions on this subject vide its order no. 509/75/2004/JS-1/4572 dated 15.04.2004. In this order, it was stated that every registered/national and State political party and every contesting candidate proposing to issue advertisements on television channels and/ or on cable network will have to apply to Election Commission of India/designated officer for pre-certification of all political advertisements on electronic media before the publication. The order was further modified and consolidated vide Commission's order dated 27.08.2012, wherein Media Certification and Monitoring Committees at district and State levels were given the responsibilities of pre-certification of such advertisement along with other functions viz acting against Paid News etc. Since social media websites are also electronic media by definition, therefore, these instructions of the Commission contained in its order No.509/75/2004/JS-1/4572 dated 15.04.2004 shall also apply mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification. You are, therefore, requested to ensure that no political advertisements are released to any internet based media/websites, including social media websites, by political parties/candidates without pre-certification from competent authorities in the same format and following the same procedures as referred in the aforesaid orders.

C. Expenditure on campaigning through internet including social media websites.

According to Section 77, sub section (1), of Representation of the People Act, 1951, every candidate is required to keep a separate and correct account of all

expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has filed nomination and the date of declaration of the result thereof, both dates inclusive. The Hon'ble Supreme Court of India had directed in Common Cause Vs. Union of India in 2005 that political parties should also submit a statement of expenditure of elections to the ECI and such statements are required to be submitted within 75 days of assembly elections and 90 days of Lok Sabha elections. It is obvious that expenditure on election campaign through any advertisement in social media is a part of all expenditure in connection with the elections.

For the sake of removing any ambiguity, it is hereby directed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. This, among other things, shall include payments made to internet companies and websites for carrying advertisements and also campaign related operational expenditure on making of creative development of content, operational expenditure on salaries and wages paid to the team of workers employed by such candidates and political parties to maintain their social media accounts, etc.

D. Application of Model Code of Conduct to content on internet including social media.

The Commission has a model code of conduct in place during the elections in respect of political parties and candidates which remains in force from the date the elections are announced by the Commission till the completion of elections. It is clarified that the provisions of model code of conduct and related instructions of the Commission issued from time to time shall also apply to the content being posted on the internet, including social media websites, by candidates and political parties.

E. As far as the content posted by persons other than candidates and political parties is concerned, the Commission is considering the matter in consultation with the Ministry of Communication and Information Technology on practical

ways to deal with the issue, in so far as they relate to, or can be reasonably connected with, the election campaigning of political parties and candidates.

These instructions may please be brought to the notice of all concerned including candidates, political parties, media and election observers for immediate necessary action.

Yours faithfully,

(Rahul Sharma)
(Under Secretary)
Tel. 011-23052070
Email: rahulsharma.eci@gmail.com

MISCELLANEOUS
Other Instructions

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

F. No. 56/Misc./2012 Dated: 19th September, 2012

To,

(i) The President/General Secretary,
All Recognised National and State Political Parties

Sub:- Use of animals in election process- regarding.

Sir/Madam

The Commission has received representations from certain individuals and organisations alleging that animals like horses, ponies, donkeys, elephants, camels, bulls, etc. are subjected to cruelty in different ways, in connection with election campaign. It is alleged that the animals are often made to carry loads beyond permissible limits, made to work for long hours, and some candidates even paint slogans and election symbols on animals using harmful chemicals.

2. The Commission has considered the matter. The cadres/workers of political parties and candidates, in their enthusiasm, should not lose sight of the legal provisions dealing with cruelty to animals. Article 51 A (g) of the Constitution of India calls for compassion for living creatures and the Prevention of Cruelty to Animals Act, 1960 and Wildlife Protection Act, 1972 prohibit over- drives, over loads and torture of animals. Further, the use of animals for work is regulated by the Prevention of Cruelty to Draught and Pack Animals Rules, 1965.

3. Having regard to the above, the Commission hereby advises the Political Parties and candidates that they should refrain from using any animals for election campaign in any manner. If at all use of animals is unavoidable for any particular reason, they should ensure that there is no

meted out to the animals, and that there is no violation of any of the legal provisions mentioned in para 2 above.

4. The Chief Electoral Officers are also requested to bring these instructions to the notice of the District Election Officers, Returning Officers and all other election related authorities for information and compliance. The DEOs and ROs should also be instructed that at the time of elections, in the meeting with political parties and candidates, they should be advised to make sure that they do not violate the provisions of any of the above mentioned laws.

5. The Commission has also addressed separate letter to the political parties in this regard, a copy of which is enclosed. It is requested that copy of the letter to the political parties may be got delivered to all political parties based in your State/UT, including State Units of recognised National Parties and State Parties of other States.

6. Please acknowledge receipt of this letter.

Yours faithfully,

(K.F. WILFRED)
PRINCIPAL SECRETARY

BY SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2013-EPS Dated: 6th November, 2013

All Recognised National And State Political Parties

Subject: Engagement of Child Labour in the election related activities - regarding.

Sir/Madam,

In continuation of the Commission's letter Nos. 464/INST/2009/EPS, dated 1st May, 2009 and No. 464/INST/2013-EPS dated 2nd May, 2013 on the subject cited, I am directed to enclose herewith a copy of the letter dated 14.10.2013 from the Delhi Commission for Protection of Child Rights forwarding therewith a copy of the judgment dated 15th July, 2013 passed by the Hon'ble High Court of Delhi in W.P (C) No. 9767 of 2009 – Court on its own motion Vs. Govt. of NCT of Delhi and connected matters. In para 21 of the said judgment, the Hon'ble High Court has inter-alia held that, "*However, in our view, the Juvenile Justice (Care and Protection of Children) Act, 2000, would apply to children between the age of 14 and 18 years as well as to those children employed below the age of 14 years in non-scheduled occupation and processes. Consequently, the said children would be governed by the Juvenile Justice (Care and Protection of Children) Act, 2000 as well as Bonded Labour System (Abolition) Act, 1976, if applicable and not by CLPRA, 1986, as stipulated in the Delhi Action Plan prepared by the National Commission.*"

2. It is advised that the Parties take action to ensure that the observations and directions in the abovementioned judgement are complied with in letter and spirit in the course of their election campaigining and that there is no occasion for any complaint in this regard.

Yours faithfully,

Lahiri

(Jaydeb Lahiri)
Under Secretary

Copy to: 1. The Chief Electoral Officers of all the States and UTs.
2. Shri Arun Mathur, Chairperson, Delhi Commission for Protection of Child Rights, 5th Floor, ISBT Building, Kashmere Gate, Delhi – 110006.

Lahiri

(Jaydeb Lahiri)
Under Secretary

सत्यमेव जयते
ARUN MATHUR
Chairperson

दिल्ली बाल अधिकार संरक्षण आयोग
दिल्ली सरकार
दिल्ली–110006
DELHI COMMISSION FOR PROTECTION OF CHILD RIGH
GOVT. OF NCT OF DELHI
DELHI - 110006

Sub: Engagement of child labour in election process- Regarding

Delhi Commission for Protection of Child Rights (DCPCR) has been constitute under the Commissions for protection of Child Rights Act, 2005 read with the Govt. c India, MHAs Notification F. No U-11030/1/2007-UTL dated 15th January, 2008, gazeti by the Govt. of NCT of Delhi on 7th July, 2008. Further, u/s 13 (1j) of the Commissior for Protection of Child rights Act 2005, this Commission is empowered as a Civil cou to undertake inquiry in to complaints and to take suo-motu notice of matters relating tc (i) Deprivation and violation of child rights (ii) Non-implementation of laws providin for protection and development of children. (iii) Non-compliance of policy decisions guidelines or instructions aimed at mitigating hardships to ensuring welfare of th children and to provide relief to such children or to take up the issues arising out of such matters with the appropriate authorities.

2. Delhi Commission for Protection of Child Rights is happy to note the instructior issued on behalf of Election Commission of India No.464/Instruction/2009/EPS dated 01 May 2009 (copy enclosed at Annex-I) regarding use of children under various hazardous and non-hazardous activities during election process by the Election Officers/ Returning officers and other officials and it states that the employment of children below 14 year of age in specific occupations such as transport of goods etc. is considered unsafe and harmful to child workers as per the Child Labour (Prohibition and Regulation) Act 1986.

3. We wish to bring to your kind notice that children employed as labour are also children in need of care and protection as defined in Section 2 (K) and Section 2D (ia) of Juvenile Justice (Care and Protection of Children) Act 2000.

4. The Hon'ble High Court of Delhi in its judgment in WP(C) 9767/2009, WP (CRL) 2069/2005, WP(C) 15090/2006, WP(C) 4125/2007 and WP(C) 4161/2008 dated 15/07/09 has ruled that children under 18 years engaged as labour are to be treated as children in need of care and protection and action will be initiated against erring employers of such children (copy of High Court order enclosed at Annex-II).

5. National Commission for Protection of Child Rights had developed a Plan of Action for Abolition of Child Labour in Delhi which was accepted by Govt. of NCT of Delhi and it is being implemented since 15 July 2009 (copy of Plan of Action enclosed at Annex-III). The Hon'ble High Court of Delhi is monitoring the implementation of this Action Plan on a regular basis.

6. Since the election process has commenced in Delhi, the Commission will appreciate if fresh instructions are issued by the Election Commission of India stating the age of a child as 18 years instead of 14 years with reference to the Juvenile Justice (Care and Protection of Children) Act 2000 and above mentioned judgment of Hon'ble High Court of Delhi and Plan of Action for Abolition of Child Labour in Delhi for taking note of the same by officials as well as political parties.

with regards

Yours sincerely

(Arun Mathur)
Chairperson
14.10.2013

F/DCPCR/13-14/Misc/4602

Sh. Narendra Nath Butolia
Secretary
Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi-110001

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 9767/2009**

COURT ON ITS OWN MOTION ..... Petitioner

versus

GOVT OF NCT OF DELHI ..... Respondent

Through: Mr.A.S. Chandhiok, ASG with
Mr. Sanjay Katyal, Ms. Sweta Kakkad &
Mr. Varun Pathak, Advs. for UOI.
Ms. Mukta Gupta, Standing Counsel
with Mr. Rajat Katyal, Adv. for State.
Mr. Anil Shrivastav, Adv. for NCPCR.
Ms. Asha Menon, Member Secretary,
DLSA with Mr. Harish Dudani, OSD for
DLSA.

AND

\+ **W.P.(CRL) 2069/2005**

SAVE THE CHILDHOOD
FOUNDATION ..... Petitioner

Through: Mr. H.S. Phoolka, Sr. Adv. with
Ms. Sunita Tiwari & Mr. Bhuwan
Ribhu, Advocates.

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr.A.S. Chandhiok, ASG with
Mr. Sanjay Katyal, Ms. Sweta Kakkad &
Mr. Varun Pathak, Advs. for UOI.
Ms. Mukta Gupta, Standing Counsel
with Mr. Rajat Katyal, Adv. for State.
Mr. Anil Shrivastav, Adv. for NCPCR.
Ms. Asha Menon, Member Secretary,
DLSA with Mr. Harish Dudani, OSD for
DLSA.

AND

+ **W.P.(C) 15090/2006**

Q.I.C. & A.C. ..... Petitioner

Through: None.

versus

MINISTRY OF LABOUR &
EMPLOYMENT & ANR. ..... Respondents

Through: Ms. Zubeda Begum, Adv. for GNCTD. and Labour Department.
Mr. Anil Shrivastav, Adv. for NCPCR.
Ms. Asha Menon, Member Secretary, DLSA with Mr. Harish Dudani, OSD for DLSA.

AND

+ **W.P.(C) 4125/2007**

ALL INDIA BHRASHTACHAR
VIRODHI MORCHA (REGD.) ..... Petitioner

Through: Mr. Tiger Singh, Adv. with Ms. Jasbir Singh & Mr. Manmeet Singh, Advs.

versus

KAROL BAGH BANGIYA
SWARAN SHILPI SAMITI
(REGD.) & ORS. ..... Respondents

Through: Mr. Mayank Nagi, Adv. for R-1.
Ms. Deepak Tiwari, Adv. for Ms. Sujata Kashyap, Adv. for GNCT.
Mr. Sanjeev Sabharwal, Adv. with Mr. Hem Kumar, Adv. for MCD.
Ms. Pinky Anand, Adv. with Ms. Aakanksha Munjhal, Adv. for R-7.
Mr. Anil Shrivastav, Adv. for NCPCR.
Ms. Asha Menon, Member Secretary, DLSA with Mr. Harish Dudani, OSD for DLSA.

AND

+ **W.P.(C) 4161/2008**

COURT ON ITS OWN MOTION ..... Petitioner

versus

STATE NCT OF DELHI ..... Respondents

Through: Ms. Zubeda Begum, Adv. for GNCT.
Mr. Anil Shrivastav, Adv. for NCPCR.
Ms. Asha Menon, Member Secretary, DLSA with Mr. Harish Dudani, OSD for DLSA.

Reserved on : July 09, 2009
Date of Decision: July 15, 2009

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANMOHAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the Reporter or not? Yes.
3. Whether the judgment should be reported in the digest? Yes.

JUDGMENT

MANMOHAN , J :

1. Today's children constitute tomorrow's future. To ensure a bright future of our children, we have to ensure that they are educated and not exploited.

2. In fact, children are the most vulnerable members of any society. They are entitled to special care and assistance because of their physical and mental immaturity. The problem is more complicated in developing

countries like ours, where child labour exists in relationship with illiteracy and poverty.

3. To eliminate the menace of child labour and to effectuate the mandate of Articles 23, 24, 39, 45 and 47 of the Constitution, Supreme Court had given a large number of mandatory directions in ***"M.C. Mehta v. State of Tamil Nadu*** reported in ***AIR 1997 SC 699"***. One of the important directions was to direct an employer to pay a compensation of Rs.20,000/- for having employed a child below the age of 14 years in hazardous work in contravention of Child Labour (Prohibition & Regulation) Act, 1986 (hereinafter referred to as 'CLPRA, 1986'). The appropriate Government was also directed to contribute a grant/deposit of Rs.5,000/- for each such child employed in a hazardous job. The said sum of Rs.25,000/- was to be deposited in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund and the income from such corpus was to be used for rehabilitation of the rescued child.

4. As the constitutional mandate and statutory provisions with regard to children were not being vigorously implemented and there was lack of coordination between different agencies of the Government of NCT of Delhi and other authorities, this Court, vide a detailed order dated 24th September, 2008 directed the National Commission for Protection of Child Rights (hereinafter referred to as 'National Commission'), to formulate a detailed Action Plan for strict enforcement and implementation of CLPRA, 1986 and other related legislations. The National Commission was directed to suggest

measures regarding education, health and financial support to the rescued children. The National Commission was also directed to suggest measures for timely recovery and proper utilization of funds collected under the Supreme Court's direction in the aforesaid ***M.C. Mehta's*** case.

5. The National Commission after holding consultation with various stakeholders and after conducting research and survey submitted to this Court a *Delhi Action Plan for Total Abolition of Child Labour*.

6. According to the National Commission, the *child labour profile* in Delhi *is of two types namely, out-of-school children* living with their parents in Delhi *and migrant children* from other states who have left their family behind.

7. The Action Plan for Total Abolition of Child Labour is *based on two strategies*. The *first strategy* is an '*Area Based Approach*' for elimination of child labour, wherein all children in the age group of 6 to 14 years would be covered whether they are in school or out-of-school. The National Commission has proposed that this approach be initiated as a *Pilot Project in North-West District of Delhi*.

8. The *second strategy* is an approach to be adopted in the *context of migrant child labour*. It involves a process of identification, rescue, repatriation and rehabilitation of child labour. This strategy is proposed to be implemented as a *Pilot Project in South Delhi District*.

9. It is pertinent to mention that both the strategies in essence implement CLPRA, 1986, Delhi Shops and Establishment Act, 1954, Juvenile Justice (Care and Protection of Children) Act, 2000 and the Bonded Labour System (Abolition) Act, 1976.

10. One of the objectives of the Area Based Approach is to mobilize and build consensus on the issue of total abolition of child labour through universalisation of elementary education. The plan attains to mobilize and build consensus by holding public meetings, rallies and by involving Municipal Councilors, RWAs' etc.

11. The Area Based Approach also aims to enroll all children in the age group of 6 to 14 years in schools and to withdraw them from work, while at the same time ensuring their retention in schools. This approach also seeks to integrate older children withdrawn from work in classes according to their age through programmes of various courses and accelerated learning. This objective is sought to be achieved by setting up *Transitional Education Centres or Non-Residential Bridge Course Centres or Residential Bridge Course Camps* as well as by holding *Short Term Camps*. This approach also aims to build local institutions for protection of Child Rights by forming Committees and Forums of Liberation of Child Labour (Youth and Teachers' Wings) as well as strengthening of Vidyalaya Kalyan Samitis and by implementing training and retention programmes on issues relating to Child Labour and Children Rights to Education along with tasks and roles of specific stakeholders.

12. The Strategy for Unaccompanied Migrant Child Labourers in Delhi is based on "Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour" issued by Ministry of Labour and Employment, Government of India, 2008. According to the Action Plan, trafficked and migrant child labourers are primarily engaged in prohibited occupations such as zari, bulb manufacturing, auto workshop units and domestic household etc.

13. This strategy contemplates constitution of a ***Steering Committee on Child Labour*** at the State level and ***District Level Task Force on Child Labour*** at District Level.

14. The Delhi Action Plan provides for a detailed procedure to be adopted at the pre-rescue and actual rescue stage. The pre-rescue plan deals with as to how information is to be collected, verified and as to the composition of the rescue team as well as what training is to be imparted in advance to the members of the rescue team. The pre-rescue plan provides for prior preparation of residential centres through RBC, JJ Homes, NGO Shelter for accommodating the child labour proposed to be rescued.

15. The Delhi Action Plan provides a detailed procedure for interim care and protection of the rescued children. It provides for immediate medical examination of the children and as to how investigation is to be conducted and charge sheet is to be prepared.

16. The strategy for Unaccompanied Migrant Children also provides for assessment and verification of Child's background and intra state as well as inter state repatriation.

17. The Action Plan provides for detailed procedure for rehabilitation and social integration of the child labour as well as training and capacity building of duty bearers.

18. In a bid to ensure proper coordination amongst different agencies of the Government of NCT of Delhi, the Action Plan defines the role and responsibilities of various departments/authorities involved in the process in the following consolidated manner:

"**7.7. The Responsibilities of the Respective Departments**

7.7.1. **Delhi Police**

The concerned Deputy Commissioner of Police should:

a. *Make the necessary arrangements of police force for raids as per the demand and requirement of Action Force;*

b. *Personally participate in the raids conducted by the Action Force;*

c. *Should take charge of the child labour liberated by the Action Force;*

d. *Should take steps to arrest the owners/employers of the child labour as per provision of Indian Penal Code Sec. 331, 370, 374 and 34 as well as provisions of Sec. 23, 24, 26 of Child Justice (Care and Protection) Act. They should register the crime and take all the necessary future steps to conduct further criminal proceedings;*

e. *Should treat the liberated child labour with respect and honour and hand them over to children's home in the charge of officers of Women and Child Welfare Department;*

f. *Put forward the cases of child labour as per Section 32 with the help of Action Force in front of Child Welfare Committee. As per the decision of the Child Welfare Committee, the children should be handed over to their parents through JAPU if the children are from other states.*

7.7.2. ***Department of Labour, GNCTD:***

a) *To keep the areas in their jurisdiction where the child labour is likely to be hired under continuous active surveillance.*

b) *In case the child labour is found to be employed and if their number is high, then immediate action should be taken within 24 hours after contacting the District Collector and police officers by carrying out a raid through Action Force. If the number of child labour is less, then immediate action should be taken to liberate them on the very day with the help of departmental colleagues and police.*

c) *To keep track of the planning and conduct of every child labour rescue operation. It should be ensured that adequate number of officers and shop inspectors are present during the raid. There should be active participation in the liberation of child labour. Necessary action should be carried out against the employer of the child labourer as per the provisions of Section 3 of Child Labour (Prohibition and Regulation) Act, 1986, if this is applicable. If Section 3 of the Act is not applicable then action should be taken under provisions of Section 7, 8, 9, 11, 12 and 13.*

d) *Even if the job carried out by the child worker does not fall under the dangerous job category, the child labourer should be liberated from the clutches of unscrupulous employers and handed over to the police with a view to eradicate the undesirable practice of child labour and bringing these children under the mainstream of education.*

e) *To document all details of the liberated child worker by obtaining details from him in an affectionate manner and furnishing a copy to the police department. A complaint*

against the employer of the child labourer should be lodged (with the help of Task Force, if necessary) with the police and his statement should be recorded as a matter of formality and duty.

f) While obtaining information from the child labourer, if it is found that the employer had paid any money as financial assistance, loan advance etc. to the parents, then immediate report should be made to the District Collector for declaring the child labourer as 'forced' labourer and a copy should be endorsed to the Government through the Commissioner.

g) Due care of the liberated child labourers should be taken till they are sent to the Children's Home and it should be seen that they are provided with proper food, water and other facilities in time.

h) As per the definition specified in Section 2(K) of the Juvenile Justice (Care and Protection of Children) Act 2000, the individual who is below 18 years of age should be considered as a child. Therefore in the course of raid, if child workers above 14 years of age are found, then they should also be liberated from the clutches of the employer(s) and handed over to the police.

i) A sum of Rs. 20,000/- (Rupees Twenty Thousand) should be recovered from the employer of child labourer subjected to legal action vide Section 3 of Child Labour (Prohibition & Regulation) Act 1986 as per the directives issued by the Hon'ble Supreme Court in the M.C. Mehta case, 1996 and credited to the District Chila Labour Welfare Fund of the District to which the child originally belongs.

j) To designate nodal officers at senior level to be part of the District Level Child Labour Task Force (districtwise) and also for the rescue team.

k) To strengthen the intelligence network through the Community Workers of the Labour Department on the status of out-of-school children, places of work involving children and their employers/contractors/middlemen, etc.

l) Necessary legal action should also be taken against the employers of child labourers under the following legislations and corresponding Rules (wherever applicable):

i. *Delhi Shops and Establishment Act, 1954*

ii. *Minimum Wages Act, 1948*

iii. *Motor Transport Workers Act, 1961*

iv. *Factory Act, 1948*

v. *Interstate Migrant Workmen (Regulation of Employment and Condition of Services) Act, 1979.*

vi. *Contract Labour (Regulation & Abolition) Act, 1970.*

7.7.3. Women and Child Welfare Department, GNCTD

a) *Generation of awareness among masses against the practice of child labour. Steps should be taken for the rehabilitation of local child labourers with the help of Deputy Commissioner (DC) and voluntary organizations, if the child labourer happens to be from the local area.*

b) *Take charge of child labourers liberated by the Action Force and see that they are provided adequate food, clothing and shelter. Due care should be taken about their safety.*

c) *If the child worker happens to be a local person, she/he should be inducted in the mainstream of education with the help of education officer. If possible, he/she should be provided job oriented technical education.*

d) *The Superintendent of the Children Home to which the liberated Child Labourers have been placed should arrange for the interaction/taking of statements by the concerned Child Welfare Committee.*

e) *Information about instructions of the Child Welfare Committee should be independently submitted to the DC and Labour Commissioner every month.*

f) *DWCD, GNCTD should designate nodal officers at senior level who can be part of the District Child Labour Task Force for every district.*

g) *Issue letters to the respective CWCs to nominate a member who can be part of the District Child Labour Task Force. Such member of the CWC can be a link between the CWC*

and District Child Labour Task Force for all practical purposes, including, attending the pre-rescue planning meeting of the Task Force, issuing Orders for the interim care and custody of the rescued child reports (SIR), verification/identification of their families and their ultimate repatriations/follow-up. The CWC Member will get the inquiry done and Social Investigation Report prepared under JJ Act in a child friendly manner at the camp/home/hostel/RBC where the children have been lodged.

h) To keep the Homes ready for the reception and suitable accommodation of the rescued child labours.

7.7.4.Education Department, GNCTD

a) In order to absorb the liberated child labourer into mainstream of education without any discrimination, (sex/caste etc.) they should be offered free and compulsory education and should be compelled to receive it.

b) Various schemes sponsored by the Central and State Governments should be implemented for this purpose.

c) During their educational period, they should get the benefit of free meals scheme of the State Government.

d) The Department will set up initially 250 Alternative Innovate Education Centres (AIEC)/NRBCs in the areas of child labour concentration and/or in the areas having large number of out-of-school children. The Department would also ensure that all the children at NRBCs/RBCs are given free mid day meal (as assured by the Department, vide UEE Mission letter no. 39, dated 11.4.2009).

e) Care should be taken to see that the child labourer develops liking for the education.

f) The education officer and Principal of the school should be held responsible for the dropouts among the child labourers receiving education.

g) Parents of child labourer should be counseled to stress the importance of education among the labourers.

h) *Monitoring of academically weaker children in schools will be done with the involvement of CRC and NGOs for (as assured by the Department, vide UEE Mission letter no. 39, dated 11.4.2009) preventing dropouts.*

i) *The concerned District Urban Resource Centre Coordinator (DURCC) will send a monthly report to the Dy. Commissioner of the District with a copy of the same to the SPD (SSA) and Director (Education), GNCTD about the following:*

   i. *School wise and class wise attendance and drop-outs corresponding to the number of children enrolled;*

   ii. *Number of out-of-school children in the district (school wise and class wise) along with the list;*

   iii. *The efforts made for awareness/sensitization/educational counseling of children and their parents.*

Such reports should be examined in the following meeting of the district level Task Force and of the state level Steering Committee as well as at the highest level in the Education Department of GNCTD for remedial measures.

j) *Department will ensure that all its schools have adequate number of teachers in proportion to children in each class (subject specific, wherever applicable) and they are maintaining punctuality. It should also introduce a system of incentive/reward for its schools which maintains higher enrolment/retention of out-of-school children and prevent dropouts as well as a system of disincentives for those who consistently fail to identify, enroll and retain the out-of-school children.*

7.7.5. Health Department, GNCTD

a) *After receiving information about the raid of Action Force through Labour Officer/Police Officer, complete medical examination of liberated child labourers should be carried out.*

b) *Immediate medical treatment should be initiated, if required.*

c) *Clear cerficiate of age (issued by medical officers not below the rank of Government Assistant Surgeon) of the liberated child labouer should be furnished immediately to the investigating police officer or Government labour officer as per their demand.*

d) *Expenses incurred towards the treatment and issuance of medical certificate should be met by the DC from the District Child Welfare Fund and should be recovered from the employer of the child labourer and reimbursed to the District Child Welfare Fund after recovery.*

7.7.6.Municipal Corporation of Delhi (MCD)

a) *Under its Slum Development Programme, the MCD should enhance the standard of living of all children living in the slums within its jurisdiction and particularly ensuring effective access to free health check up and medical care, quality education, recreation, vocational training and community life.*

b) *MCD Schools should provide free and compulsory education to all rescued child labourers belong to Delhi irrespective of their age (by arranging accelerated learning for the older children through NRBCs wherever necessary for mainstreaming them to age appropriate classes) without any discrimination (sex/caste etc.). They should be mentoring the non-formal education programmes run by NGOs in various slums with a view to bringing all out-of-school children in the area into the fold of mainstream education.*

c) *The Headmasters and the teachers of the MCD schools will hold a monthly meeting of the parents for sensitizing/counselling them about importance of the education. Experts/communities leaders would be invited to such meetings.*

d) *MCD will also have sensitization/counselling programmes for the slum-dwellers in general about the importance of education for their children and the facilities available for the same as well as the long-term evil impacts of child labour through meetings, prabhat feries, documentary films, etc. in the colonies.*

e) *The MCD should ensure that all its schools have adequate number of teachers in proportion to children in each class (subject specific, wherever applicable) and such teachers are maintaining punctuality. It should also introduce a system of incentive/reward for its schools which maintains higher enrolment/retention of out-of-school children and prevent dropouts as well as a system of disincentives for those who consistently fail to identify, enroll and retain the out-of-school children.*

f) *The Education Department of MCD will obtain the list of children who are not attending schools and will instruct the Principal of the concerned school(s) to bring such children back to school.*

g) *The concerned Zonal Dy. Education officer (DEO) will send a monthly report to the Dy. Commissioner of the District with a copy of the same to the Labour Commissioner and the Education Department of MCD about the school wise and class wise attendance and drop-outs corresponding to the number of children admitted. The report should also include the efforts made for sensitization/educational counseling of children and their parents. Such reports should be examined in the following meeting of the district level Task Force and of the state level Steering Committee as well as in the Education Department of MCD for remedial measures.*

h) *The Zonal Deputy Education Officer (DEO) will be responsible as the Nodal Officer on behalf of MCD on various matters relating to the pre-rescue planning, rescue and post-rescue rehabilitation/education in the concerned MCD area(s).*

7.7.7.Deputy Commissioner of the District concerned

a) *To ensure that no incidence of child labour in any form is found within his/her jurisdiction.*

b) *To get the meeting of the District level Task Force on Child Labour on monthly basis and to preside over the same.*

c) *To forward a copy of the monthly meetings of the District level Task Force on Child Labour, detailed report of the*

review meeting should be sent to the Government of NCT of Delhi through Labour Commissioner.

d) *To get a list of all voluntary organizations dealing with the problems of child labour prepared with areas of their expertise and to ensure that such list is updated on regular basis. Along with these organizations, public awareness drives should be arranged. Public opinion should be generated to stress that education is the right of every child and is a first step towards progress.*

e) *To get constantly updated about the raids, rescues and rehabilitations of child labourers in the district and to extend all necessary support to the rescue team.*

f) *To ensure that all necessary actions are taken within his competence under the Bonded Labour System (Abolition) Act and Rules, 1976 as well as under the 'Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour', if the facts and circumstances in which child labourers are found lead to the presumption that they are forced labourers/bonded labourers.*

g) *To also ensure that Rs.20,000/- per child labourer is recovered from his/her employer and credited along with Rs.5000/- to the District Child Labour Welfare Fund, as per the direction of the Hon'ble Supreme Court of India in the case of M.C. Mehta, 1996.*

h) *To furnish a utilization certificate to the Government through the Labour Commissioner about the funds stated above on half yearly basis, before 30 September and 31 March every year.*

i) *Guidance may be sought (wherever necessary) from the Labour Commissioner with regard to the utilization of collected funds. As far as possible, the amount collected should be utilized for the rehabilitation of the child labourers for whom the amount is collected.*

j) *As per the judgment of the Supreme Court cited above, adult unemployed member of the family of the child labourer should be provided employment there in his place and the child should be directed to receive education.*

k) In case the child has taken up the job due to economic condition of the family, adequate efforts should be made to provide all benefits to the family under all relevant developmental and social security schemes of the Government.

7.8. The above roles and responsibilities of concerned departments /authorities of Government of NCT of Delhi will be required for implementing both Strategy – I (Social Mobilization for Total Abolition of Child Labour) and Strategy - II (Pre-rescue, Actual-rescue, Interim care, Enforcement of Laws, Repatriation and Rehabilitation of Child Labour)."

19. Subsequent to the filing of the aforesaid Action Plan, the Labour Department of Government of NCT of Delhi has raised some issues. According to the Labour Department, CLPRA, 1986 prohibits employment of children only in certain scheduled occupations and processes. Consequently, according to the Labour Department, child workers employed in non-hazardous jobs cannot be rescued. The Labour Department has further urged that in the Action Plan it has been stipulated that all children between the age of 14 to 18 years have to be liberated and handed over to the police, even though CLPRA, 1986, defines child as a person who has not completed 14 years of age.

20. On a perusal of CLPRA, 1986, we are of the view that under the said Act, only child workers employed in scheduled occupation and processes can be liberated and children employed above the age of 14 years cannot be rescued.

21. However, in our view, the Juvenile Justice (Care and Protection of Children) Act, 2000, would apply to children between the age of 14 and 18 years as well as to those children employed below the age of 14 years in non-scheduled occupation and processes. Consequently, the said children would be governed by the Juvenile Justice (Care and Protection of Children) Act, 2000 as well as Bonded Labour System (Abolition) Act, 1976, if applicable and not by CLPRA, 1986, as stipulated in the Delhi Action Plan prepared by the National Commission.

22. Moreover, at the request of Labour Department, we direct that the responsibility of lodging a police complaint against an employer employing child labour would lie with the Delhi Police and not the Labour Department as directed in the Delhi Action Plan. We further clarify that the authority to take action under the Bonded Labour System Abolition Act, 1976, would be the Deputy Commissioner of District concerned and not the Labour Department. Accordingly, paras (e) and (f) of para 7.7.2 of the Delhi Action Plan are amended.

23. It is further clarified that the recovery of fine of Rs.20,000/- as stipulated by the Supreme Court in M.C. Mehta's case will not have to await a conviction order of the offending employer. The said amount would be recovered as arrears of land revenue and the said amount would be utilized for the educational needs of the rescued child even if the child has subsequently crossed the age of 14 years.

24. The Deputy Director, Child Welfare, has also filed a Status Report stating that considering the capacity and existing strength of NGOs' and Government run institutions in Delhi, the department would be able to accommodate only about 500 additional children every month, since the restoration efforts take about 30 to 40 days' time. The said Status Report, however, states that all efforts would be made to motivate NGOs to enhance their capacity to accommodate more children and to register more Children Homes.

25. Keeping in view the aforesaid infrastructural limitation, we direct the labour department to begin implementing the Delhi Action Plan by accommodating for the time being about 500 children every month.

26. Moreover, being cognizant of the fact that ground level reality may be different from the one projected in the Action Plan, we grant liberty to the above-mentioned authorities to seek clarification or amendment of the Action Plan from this Court.

27. To conclude, we would only quote what Dr. Dorothy I. Height, a social activist, has said, "*we have got to work to save our children and do it with full respect for the fact that if we do not, no one else is going to do it.*"

28. Consequently, we accept the Delhi Action Plan which provides a detailed procedure for interim care and protection of the rescued children to be followed by Labour Department as prepared by the National Commission with the modifications mentioned hereinabove in paras 20 to 26 and we

further direct all the authorities concerned to immediately implement the same. The Government of NCT of Delhi through the Labour Department is directed to file its First Taken Report to this Court after six months. For this purpose, list the present batch of matters on 13th January, 2010.

MANMOHAN
(JUDGE)

CHIEF JUSTICE

JULY 15, 2009
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