

**VIDHAN SABHA
GENERAL ELECTIONS - 2013**

**A CHECK LIST
FOR
Returning Officers &
Assistant Returning Officers**

2013

**ELECTION DEPARTMENT, SECRETARIAT-
JAIPUR, RAJASTHAN**

PREFACE

The General Election to the Vidhan Sabha will be held shortly. Election is conducted under the superintendence, direction and control of the Election Commission of India. The Election Laws, Rules and Notifications provide detailed procedure for the conduct of election. The Commission has also issued various orders and circulars from time to time for conduct of elections.

The Returning Officers play a very important and critical role in conduct of Elections. Even a slight mistake, lapse or wrong application of the law or rules may vitiate the entire election process. Up-dated Election Manual and Compendium of Instructions have been made available to you and these are available on website also. You should make yourself thoroughly familiar with the Manual, Hand Books for RO, Presiding Officers etc. and latest directions of Election Commission and refer to them as often as you can and every time you are in doubt.

The Department has also prepared a checklist enumerating steps to be taken at various stages of elections. The Department has taken every precaution to include all relevant Election Laws and directions of the Commission in this check list. However it may be kept in mind that this may not cover all action points and this is only a model checklist, a sort of broad reminder at various stages and is in no way a substitute in all respects for various provisions governing the conduct of elections. You should, wherever necessary, refer to legal provisions and latest directions of the Commission. I hope, this volume will be very useful in the conduct of the forthcoming Vidhan Sabha General Elections.

Wishing you the very best for the ensuing elections,

Jaipur,

Dated : 05.09.2013

(Ashok Jain)

Chief Electoral Officer, Rajasthan

**A Check list for Returning Officers in connection with
Conduct of Elections for Legislative Assembly**

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Part-1. Preliminary

1.1 General Duty of RO/ARO –

- (i) RO (Sec. 24 of RP Act 1951) - To do all such Acts and things as may be necessary for effectively conducting the elections - over all supervision on election process.
- (ii) Assistant RO (Sec. 22 & 23 of RP Act 1951) – ARO, subject to control of RO, competent to perform the functions of the RO. However scrutiny of nominations not to be done by ARO unless the RO is unavoidably prevented from performing the scrutiny.

1.2 Reading Material –

- (i) Constitution of India (relevant provisions)
- (ii) RP Act, 1951
- (iii) Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956.
- (iv) IPC, 1860 (relevant provisions)
- (v) Conduct of Election Rules, 1961
- (vi) RO's Hand Book
- (vii) Presiding Officer's Hand Book
- (viii) Manual for EVM operations
- (ix) Instructions of ECI
- (x) Model Code of Conduct (Booklet of ECI)
- (xi) Instructions regarding Election Expenditure Monitoring.

1.3 Special Features of Elections to Legislative Assembly, 2013 –

- (i) Special procedure/smooth management of Postal Ballot Papers.
- (ii) Special procedure for Monitoring of candidate's Election Expenditure.
- (iii) Role of Income Tax Deptt., State Excise Deptt., in Election Expenditure Monitoring.
- (iv) “Paid News” Monitoring.
- (v) DEO’s role in monitoring of accounts of election expenditure by political parties
- (vi) Intensive training to all election related officials.
- (vii) Systematic Voter Education & Electoral Participation (SVEEP).
- (viii) Voter slips for facilitation of voters on poll day.
- (ix) Call Centre with Toll Free Numbers.
- (x) Revised procedure for First Level Checking (FLC) of EVMs.
- (xi) Allocation of EVMs to ACs and PSs after tracking through Software.
- (xii) Live Monitoring of Poll Process through Webcasting.

Part-2. Electronic Voting Machines

Reference —

- R. 49A, 49B of CE Rules 1961, Ch. XII of RO Hand Book,
- ECI's No.464/OBS/EVM/2007/PLN-IV dated 12.10.2007,
- ECI's No. 51/8/7/2007 PLN-IV dated 12.10.2007,
- ECI's No. 51/8/2008 - EMS (INST-1) dt. 11.08.2008
- ECI's No. 51/08/16/4/2010-EMS dated 04.08.2010;
- ECI's No. 51/08/3/2010/Vol. II dated 04.10.2011;
- ECI's No. 51/8/7/2012-EMS dt. 19.01.2012
- ECI's No. 51/8/7/2011-EMOPS dt. 02.07.2012

2.1 Availability -

- (i) Requirement and availability of EVMs be assessed
- (ii) Adequate reserve per AC.
- (iii) Reassessment of BUs if the number of contesting candidates becomes more than 16.
- (iv) Data entry of all EVMs is must.

2.2 Preliminary Checking –

- (i) Each and every EVM should be checked by authorized engineers of BEL at district HQ - DEO to nominate a Nodal Officer.
- (ii) All switches be checked in the presence of representative of DEO.
- (iii) Defective EVMs should be kept separately for follow up action for rectification of defect.
- (iv) CUs and Bus shall be kept under proper lock and key.

2.3 First Level Checking of EVM (FLC)

First Level Checking of EVM is technical and physical examination of the machine by the engineers of the BEL/ECIL.

2.3.1 FLC when to be done : As per programme before 15th August, 2013 FLC should be completed.

2.3.2 Political Party Involvement-

- (i) Schedule for FLC shall be communicated to every recognized political party in writing by the DEO at least one week before the beginning of the FLC.
- (ii) During FLC, representatives of all recognized political parties authorized by District President of the party shall be allowed to be present.
- (iii) A register shall be kept by the DEO in which signatures of all political parties shall be taken every day as token of their presence (Annex.- A of the instruction dated 04.08.10).

2.3.3 Arrangements for FLC-

- (i) FLC shall be carried out in a large hall.

- (ii) To accommodate officers nominated by the DEO, engineers of BEL and also representatives of political parties.
- (iii) The hall for FLC shall be fully sanitized to ensure that the hall is free from any other electronic device or components of electronic devices.
- (iv) Every hall shall have a metal detector door frame and guarded by police force.
- (v) Every person who enters the hall shall be frisked at every entry.
- (vi) Entry to this hall shall be on production of Identity Card of the authorized officials/passes issued by the District Election Office.
- (vii) Nobody will be allowed to carry any electronic device inside the hall including cell phones, camera and spy pens etc. or out of the hall.

2.3.4 Man Power -

- (i) FLC shall be carried out only by authorized engineers of BEL .
- (ii) List of engineers deputed by BEL for carrying out FLC in a district alongwith their identity card numbers etc. shall be communicated in writing by BEL to the DEO.
- (iii) No engineers, technicians or other technical staff except authorized engineers/technical staff of BEL shall be allowed to enter the FLC hall.
- (iv) Authorized persons will be allowed to enter the FLC hall only after proper identification using photo identity documents.

2.3.5 Work to be done in FLC -

- (i) Removal of address tags, Ballot Papers, cleaning of superscriptions on CU & BU, clearing of earlier poll data, dusting of CU & BU etc.
- (ii) Visual Inspection of CU/BU: Physical verification of Carrying Cases, CU, BU, Connecting Cable, Connector, Latches etc. to ensure no breakages
- (iii) Full functionality checks: Checking of all switches in CU & BU, doors (flaps), sealing provisions, scratches on acrylic screen etc. Response of all switches, confirmation tests for efficacy of CU, BU etc.
- (iv) BEL engineers shall carry out test prescribed by the manufacturers to confirm that all components of the EVM are original.
- (v) BEL engineers will certify that all the components of the EVMs are original in Annexure-B of the instruction dated 04.08.2010.
- (vi) If any EVM is found to be defective, it will be kept aside and then taken to the factory of BEL for repairs
- (vii) Security personnel will not allow any equipment, other than prescribed by BEL, to be carried into the FLC hall

- (viii) Casting of votes against all 16 candidate switches, observation of result & clearing of mock poll data will be done for each EVM.
- (ix) **In 5% percent** of EVMs at least 1000 votes shall be polled during the mock poll. In rest of the machines number of votes polled during the mock poll should be to the satisfaction of the representatives of political parties
- (x) Representatives of political parties shall be allowed to do the mock poll themselves.
- (xi) Signatures of representatives of political parties shall be taken in a register as a token of having done mock poll themselves in Annexure –C of the instruction dated 04.08.2010.

2.3.6 Demonstration of printout of results (in FLC)

- (i) A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll shall be taken out for at least 5% of EVMs and shown to the representatives of political parties.
- (ii) Representatives of political parties shall be allowed to pick machines randomly for this purpose .
- (iii) Signatures of representatives of political parties shall be taken in a register as a token of having seen the print out and confirm that there is no discrepancies between the votes polled during the mock poll and results in the print out in Annexure-D of the instruction dated 04.08.10.

2.3.7 Sealing of plastic cabinet of Control Unit of EVMs

- (i) In order to ensure that the Control Unit of the EVM has not been opened after First Level Checking of the EVMs, the Control Unit shall be sealed with the 'Pink Paper Seal' supplied by the Nasik Security Press in the presence of the representatives of the Political Parties present at the time of FLC.
- (ii) The Pink Paper Seal shall be affixed on the portion between the Candidate Set Section and the Result Section of the Control Unit.
- (iii) After fixing the Pink Paper Seal, the Engineer of the Manufacturer shall put his signature on the Pink Paper Seal.
- (iv) The representatives of the Political Parties shall also be allowed to put their signature on the said seal with party name in abbreviation below the signature.
- (v) The representatives of the Political Parties present should be allowed to note down the serial number of the pink paper seal affixed on the Control Unit.
- (vi) A register shall be maintained to note down the serial number of the pink paper seal used on the Control Unit by clearly mentioning the unique ID number of Control Unit and the Pink Paper Seal number in Annexure–E of the instruction dated 04.08.2010.

- (vii) Signatures of representatives of political parties will also be obtained on this register.
- (viii) Photocopy of this register will be given free of cost to all National and State level recognized political parties as soon as FLC is over.
- (ix) Photocopy of this register will also be given to all contesting candidates as soon as last date of withdrawal of candidature is over.
- (x) Photocopy of this register should also be available at the time of candidate setting and at the time of counting, and should be shown to candidates and their representative and acknowledgement taken on the register.

2.3.8 Supervision of FLC

- (i) The DEO shall nominate one officer not below the rank of ADM to supervise the entire process of FLC.
- (ii) This officer shall be present in the FLC hall for the entire duration of FLC.
- (iii) The process of FLC shall be continuously videographed.
- (iv) Video CD will be kept in the custody of DEO.
- (v) CCTV cameras shall be put in the FLC hall in such a manner that the process of FLC can be seen on CCTV in the office of DEO.

2.4 First Randomisation

- (i) After FLC of EVMs, the first randomization of EVM (BU & CU) to be done to allocate AC wise.
- (ii) This randomization can be done in the EVM Tracking Software.
- (iii) The DEO to fix the schedule of first randomization and inform the political parties to remain present.
- (iv) After random allocation of EVM for election, random allocation for training and awareness is to be done.
- (v) Green color sticker for EVMs for election clearly written 'Election' on the sticker.
- (vi) Yellow color for training/awareness EVM and also written on the same as 'Training' or 'Awareness'.
- (vii) AC wise list of random allocation of EVM for both 'Election' and 'Training/Awareness' are to be given to representatives of political parties by DEO.
- (viii) Care should be taken that in no case the EVMs found defective are included in this list.
- (ix) RO should take charge of his EVMs right from here and receive by checking the Unique Serial Number of EVMs from the list.
- (x) Thereafter the RO to keep his EVMs in his strong room with due care that pink paper seal fixed on CUs during FLC do not get damaged in any way. 24×7 security for this strong room to be provided.

- (xi) RO may allow the political parties to affix their seal on the lock of strong room where the FLC done EVMs are stored.
- (xii) The EVMs meant for training etc. should be handed over to the concerned officials.

2.5 Preparation of EVMs for Poll –

2.5.1 Preparation/Commissioning of EVM's

ECI No. 51/8/2008-EMS(INST-1) dated 11.8.2008

- (i) EVMs must be prepared one week before poll.
- (ii) EVMs allotted by DEO in first randomization only be used.
- (iii) Prior intimation in writing to candidate/election agent at least one week before the date of such preparation.
- (iv) Advance preparation of Register; address tags etc to save time.
- (v) Observer's presence is must.
- (vi) Candidates/their representatives be explained about procedure.
- (vii) Step by step operation given in RO Hand book.
- (viii) For preparation of EVMs, take BU first.
- (ix) Ballot paper before it is fixed on BU, shall be signed on its back by RO (by hand or through rubber stamp)
- (x) Ensure proper alignment of ballot paper with panels of corresponding candidate in BU
- (xi) Candidates / their agents be allowed to put their seals on address tags alongwith the seal of RO.
- (xii) Don't use "secret seal" of ECI at this stage - RO shall use his own seal. Secret seal should be used only to seal EVMs and election papers after counting of votes.
- (xiii) Use new battery during RO sealing.
- (xiv) Numeric Stickers in Braille signage will be pasted to the right of Blue button of BU by RO/ARO in the presence of candidates / agents. (ECI No. 51/8/2009-EMS dt. 12.2.2009)

2.5.2 Preparation of EVM by RO

- (i) Preparation shall be carried out in a large hall which can accommodate all EVMs to be prepared and all personnel concerned.
- (ii) Entry to this hall shall be on production of Identity Card issued by the DEO.
- (iii) The hall should be sanitised – free from all electronic device (except devices carried by the engineers of EVM).
- (iv) Only one entry provided with metal detector door frame and guarded by the police.
- (v) The Returning officer should fix the date of preparation of EVMs for poll (Candidate set) one week before poll and intimate all candidates to remain present or send their representatives during the process.

- (vi) On this day second randomization should be done before doing the process of preparation of EVMs for polls and CUs and BUs should be randomly allocated to polling stations.
- (vii) After second randomization Polling Station number should be marked in the EVM tracking software, against those BUs and CUs which have been assigned to polling stations.
- (viii) Those BUs and CUs which have not been assigned to polling stations but are meant to be used in elections should be marked "Reserve" in the EVM tracking software.
- (ix) List of such EVM assigned to each polling station including reserve to be given to each candidate.
- (x) In case more than one BU is needed, the additional BUs should also be allocated to each polling station randomly.
- (xi) In case the additional BUs are being arranged by CEO, these BUs should also be allocated randomly on arrival.
- (xii) BU shall be examined by BEL engineers who will certify as in Annexure-3 (dt. 19.01.2012).
- (xiii) If any BU is found defective, it will be kept aside and will not be repaired as repairing is strictly prohibited in the field.
- (xiv) Casting of votes against all 16 candidate switches, observation of result & clearing of mock poll data will be done for each EVM. In 5 % (five percent) of EVMs at least 1000 votes shall be polled during the mock poll. In rest of the machines number of votes polled during the mock poll should be to the satisfaction of the representatives of candidates.
- (xv) Representatives of candidates shall be allowed to do the mock poll themselves.
- (xvi) Signature of representatives of candidates shall be taken in a register in Ann.4 (Letter dt. 19.01.2012).
- (xvii) Ensure that the pink paper seal fixed on the CU at the time of FLC is not damaged in any manner in this process.
- (xviii) A sequential print out of every vote polled during the mock poll shall be taken out for at least 5% of EVMs and shown to the representatives of political parties. Representatives of candidates shall be allowed to pick machines randomly for this purpose.
- (xix) Signatures of representatives of candidates shall be taken in a register in Ann.5 (Letter dt. 19.01.2012).
- (xx) Sealing of BU with thread and address tags should be done as per procedure.
- (xxi) In addition, the BU shall be sealed with a special "pink paper seal".
- (xxii) After affixing the pink paper seal, BEL engineer shall put his signature on the pink paper seal. Candidates or their representatives shall also be allowed to put their signatures on this seal with name of the candidate, party.
- (xxiii) A register in Ann.6 (Letter dt. 19.01.2012) shall be maintained to note down the serial no. of the pink paper seal

used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no.

- (xxiv) Signatures of candidates and their representatives will also be obtained on this register.
- (xxv) Photocopies of this register will be given free of cost to all candidates once preparation is over.
- (xxvi) Preparation shall be supervised either personally by the RO or one of the AROs under videography.

2.5.3 Safe custody of prepared EVMs

- (i) Prepared EVMs to be used at PSs and kept as reserve be stored in safe custody under double lock - Strong room should be sealed with ROs seal and candidates/representative should be asked to put their seal.
- (ii) Log book should be maintained regarding opening/sealing etc.,.
- (iii) Opening of strong room - Prior intimation to candidates is must

2.6 Receipt of EVMs by Polling Parties at the time of dispersal -

- (i) Check the serial numbers & Address tags on CU & BU & on their carrying cases.
- (ii) Check the seals put by RO on the Candidate Set section on CU and at the right top and bottom latch covers of BU and affixed Pink Paper Seal on CU & BU.
- (iii) Polling party should never open the seals put by Returning Officer on CU and BU.
- (iv) Switch on the CU and press 'Total' button' to verify that the CU is set for correct number of candidates.
- (v) Check that the ballot paper is properly fixed.
- (vi) Check that the required candidate Buttons are unmasked (blue) and the other Buttons are masked (white)
- (vii) Seals of Balloting Unit should not be opened by polling party at any time
- (viii) Switch off the CU and pack it in its carrying case before taking it away to polling station.

2.7 Tracking of Mock Poll

- (i) The RO through the Sector Officers and using the communication link with the polling station/ mobile teams, shall track the conduct or otherwise of mock poll, and ascertain the mock poll status.
- (ii) Non-confirmation of mock poll could be indicative of non-commencement of poll and in that case the RO shall make immediate intervention to sort out the problem.

2.8 Conduct of Mock Poll

- (i) Mock poll shall be conducted normally one hour before the scheduled hour of commencement of poll.

- (ii) All contesting candidates should be informed in writing well in advance in this regard.
- (iii) Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes.
- (iv) If the agents still do not come, then the Presiding Officer may start the mock poll.
- (v) Remove the Ballot Unit & Control Unit from their carrying cases.
- (vi) Connect Ballot Unit to Control Unit.
- (vii) Open back cover of CU and Switch "ON" power.
- (viii) Open "Result" section outer door and inner door of CU.
- (ix) Press Clear button of CU to show to the agents present that there are no votes polled.
- (x) The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. A total of at least 50 votes should be polled in the mock poll.
- (xi) Presiding Officer will ascertain the result in the Control Unit in the presence of the Polling agents and confirm that the result is tallying with the votes polled in respect of each candidate.
- (xii) Thereafter, Presiding Officer will prepare and sign the mock poll certificate in the prescribed format as in Annexure -7 (dt. 19.01.2012) where pre-2006 EVMs are being used.
- (xiii) The Presiding Officers shall ensure that the data of the mock poll is deleted, without fail, before the actual poll starts.
- (xiv) Micro-observer should also participate in mock poll process and sign the mock poll certificate.
- (xv) These proceedings should be videographed wherever videography arrangement has been made at a polling station.
- (xvi) If any unit of the EVM found defective during poll process, the entire set of EVM (both BU & CU) should be replaced by new set of EVM (BU & CU).
- (xvii) Again mock poll should be conducted on the new set of EVM (both BU & CU) before it is put to use.
- (xviii) However, in this case, it would be sufficient to cast at least one vote each for each of the candidates.
- (xix) A new mock poll certificate should be recorded in such a case.
- (xx) Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the BU, supplied by DEO/RO in the presence of polling agents and never inside the voting compartment.

2.9 Conduct of Poll

- (i) In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/names/ballot button, the Presiding Officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.
- (ii) At the time of closure of poll the Presiding Officer shall press the 'Close' button and make a note of the Poll end date and time displayed on the CU in the presiding officer's diary. And do the other prescribed procedures.

2.10 Collection Centre

- (i) The machines shall be escorted back after the poll under proper escort. After all formalities are completed, the EVMs shall be kept in strong room and the room shall be sealed in the presence of the candidates/ their agents and Observer.
- (ii) In case of re-poll, the EVM required for re-poll shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing and also to be entered in the EVM Tracking Software.

2.11 Re-pollled EVM

- (i) After re-poll the strong room shall be re-opened in the presence of the candidates/ their agents and Observer for the storage of the re-pollled EVM.
- (ii) This re-pollled EVM should be placed together with the old EVM which was used earlier in the original poll.
- (iii) A tag 'Not to be counted' shall be put prominently on the old EVM and another tag 'Re-pollled EVM – to be counted' shall be put on the new re-pollled EVM. RO shall put signature on both the tags.

2.12 Counting of Votes

- (i) Before starting the counting in the EVM the unique ID number of the CU, the Unique ID number of the Pink Paper Seal and the unique ID number of Green paper seal should be verified from the record and shown to the polling agents.
- (ii) In case any CU does not display result due to not-pressing of "Close" button by the PO in the polling station at the close of poll, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall.
- (iii) Counting of votes in other machines should continue as usual.
- (iv) When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in such machine (s)

- (v) In both the cases where the margin of votes is more or less than the total votes polled in that machine (s), the RO/Counting Supervisor shall press the “Total” button of the CU to see the total votes polled in that machine (s).
- (vi) In case, total votes polled in the machine (s) tallies with the total votes polled mentioned in the Form-17 C, the RO/Counting Supervisor shall press the “Close” button of the CU (s) so that “Result” button can be pressed for getting result data explaining the entire issue to the candidates/ their authorised agents and recording a proceeding in this behalf with their signatures.
- (vii) In such a case, the RO and Observer should send a detailed report to the Commission in the format mentioned at Annexure-9 (dt. 19.01.2012).
- (viii) In case, total votes polled in the machine(s) does not tally with the total votes polled mentioned in the Form-17 C, the matter should be referred by the RO to the Commission for its decision.
- (ix) In such a case, the RO and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-10, where the winning margin is more than the votes polled in the CU in question, and in Annexure-11 (dt. 19.01.2012), where such margin is less.
- (x) In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer’s custody in the counting hall.
- (xi) Counting of votes in other machines should continue as usual.
- (xii) When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in the malfunctioned machine (s).
- (xiii) In both the cases where the margin of votes is more or less than the total votes polled in the malfunctioning machine (s), the RO should try to retrieve the result from this machine, with the help of engineers of BEL/ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents.
- (xiv) If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-12 (dt. 19.01.2012).
- (xv) In case it is not possible to retrieve the result from the malfunctioning machine even by using ADU, then the Returning Officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of BEL/ECIL.

- (xvi) If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case, also the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-12.
- (xvii) If the result from the malfunctioned machine can not be retrieved even by sing printer, the matter should be referred by the RO to the Commission for its decision.
- (xviii) In such a case, the RO and Observer should also send a detailed report to the Commission in the format mentioned at Ann.13 (Dt. 19.1.12), where the winning margin of vote is more than the votes polled in the malfunctioned EVM, and in Ann.14 (Dt. 19.1.12), where such margin is less.
- (xix) In no case the machine should be opened, or its outer or inner seals disturbed in any manner. There should be no attempt to repair the machine as it is strictly forbidden.
- (xx) After completion of counting, all the CUs whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again.
- (xxi) The RO & Observer should put their signatures on the seal.
- (xxii) All candidates and their election agents should also be allowed to put their signature on the seal.
- (xxiii) The Control Unit should be then kept in the strong room(s).

2.13 Videography of Events –

- (i) All the stages beginning from first level checking should be fully covered with videography and records kept properly.

Part-3. Nominations

3.1 Notification -

- (i) Notification for election of Legislative Assembly shall be issued by the Governor u/s 15 of R.P. Act, 1951, as recommended by ECI. The notification shall be published in official gazette of the State.
- (ii) On the date of notification u/s 15, another notification u/s 30 shall be issued by ECI appointing the dates of nominations, scrutiny, withdrawals, date/dates of poll and date before which election shall be completed. This notification shall also be published in official gazette of the State.

3.2 Public Notice (Sec. 31 of RP Act 1951 and R. 3 of CE Rules 61)

- (i) Public Notice in Form-1 – to be published on the day of notification of election (u/s 15 and 30), well before 11:00 AM (time for commencement of filing of nominations)
- (ii) In Hindi and English- both.
- (iii) To be signed by RO only – No other authority can issue this public notice.
- (iv) To be published on the notice boards of RO, Panchayat Samiti and Tehsil, other prominent public offices, PSs etc.
- (v) Normally one ARO should be specified in Form-1 who will also receive nominations, and he should, as far as possible, be the one stationed at RO's headquarters.
- (vi) Other particulars to be specified in the public notice: -
 - 1. Name of election
 - 2. Name of place at which nominations are to be filed (normally at RO HQr)
 - 3. Last date of filing of nominations; date, time & place of scrutiny; withdrawal and date & hours of poll.

3.3 Presentations of Nominations Papers

(Sec. 8, 32, 33, 33A of RP Act, 1951 and R.4, 4A of CE Rules, 1961; Ch-V of RO Hand Book, ECI's No. 3/4/2012/SDR/dated 24.08.2012)

- (i) Nominations paper in Vidhan Sabha Election must be in Form 2-B.
- (ii) Cannot be filed on a public holiday
- (iii) May be presented on the day of public notice or any of the seven days following that day unless any of these days is a **public holiday**.
- (iv) Every holiday for Government offices is not to be treated as 'public holiday', unless that is declared under N.I. Act, 1881 as 'public holiday'.

- (v) ARO should sign as "Assistant Returning Officer" and not "for Returning Officer".
- (vi) Copy of Form-26 be supplied to the intending candidates as and when they are supplied form of nomination paper.
- (vii) Either RO or ARO must be present for nominations but on the last day of nomination the RO himself (not ARO alone) should be present.
- (viii) Nomination papers shall be presented **by candidate personally** or **by proposer** at the **place specified** and at no other place.
- (ix) To be presented before RO/specified ARO only.
- (x) Cannot be sent by post or filed through any other person.
- (xi) Time of presentation - between 11:00 A.M. and 3:00 P.M. If some intending candidates or proposers are physically present in the office at 3:00 PM their nominations should be treated as presented at 3:00 P.M.
- (xii) A maximum of 4 nomination papers of candidate be accepted. If more than 4 nominations are filed the 5th set onwards will be ignored.
- (xiii) An affidavit in Form 26 (as amended on 1-8-2012) is also required at the time of delivering the nomination paper.
- (xiv) The RO shall display one copy of the **affidavit on the notice board** of his office.
- (xv) In nomination paper no column should be left blank.
- (xvi) Only 4 persons can enter in the office of RO/specified ARO other than the candidate.
- (xvii) During filing of nominations upto 3 vehicles be allowed to come within periphery of 100 meters of RO/ ARO's office.
- (xviii) Accompanying documents – Only one original needed.

3.4 Preliminary examination of nomination papers

(Sec.33 of RP Act, 1951, Ch-V of RO Hand book)

- (i) Nomination paper should be examined then and there by RO/ARO from technical point of view, however no formal scrutiny be made at this stage.
- (ii) Entries in electoral rolls should be compared.
- (iii) Clerical errors in names, sr.no. etc can be allowed to be corrected or even ignored.
- (iv) Defects, if any, to be pointed out to candidate.
- (v) Where a candidate is an elector from another AC and does not produce certified copy of roll of the relevant part or a certified extract of electoral roll (as required u/s 33(5)), indicate that fact, in the Checklist (as per ECI circular dt. 21.01.2013) - Certified extract of electoral roll can be filed up to the time of scrutiny.

3.5 Check List regarding documents/ requirement

(ECI No.576/3/2009/SDR dt. 10.02.2009 & 576/3/2013/SDR dt. 21.01.2013)

- (i) A Check List (as modified) of documents required to be filed and other requirement to be fulfilled by candidates at the time of filing of nominations should be maintained.
- (ii) The Check List should be in duplicate.
- (iii) While checking the documents filed with nomination and filling up the Check List RO/ARO should make an endorsement about defect if any noticed in the documents.
- (iv) Both the copies of above Check List with all requirements indicated therein shall be signed by RO/ARO as well as the candidate.
- (v) The duplicate copy of the Check List shall be handed over to candidate/proposer and original copy to be retained by RO/ARO.
- (vi) No separate notice/memo is required to be given to candidates in respect of the items mentioned in the Check List.
- (vii) If and when a document is filed subsequent to filing of nomination, give a receipt mentioning therein the date and time - This should also be indicated in the original copy retained by RO.
- (viii) In case where a candidate set up by political party has either not filed Forms A & B or the Forms filed are not as per the requirement (not properly filed up or are not signed in original, etc.) while preparing Form 13 A (Notice of Nominations) a mention to this effect shall be made under Column 6 also with respect to such candidate.

3.6 Proforma of Checklist is given in the ECI circular No.

576/3/2013/SDR dt. 21.01.2013 -

The items of Checklist are: —

- (i) Affidavit in Form 26 (whether filed) (Yes/No)
- (ii) Certified extract of electoral roll (when candidate is an elector of different AC) (Whether filed). (Yes/No)
- (iii) Forms A and B (applicable in the case of candidates set up by political parties). (whether filed) (Yes/No)
- (iv) Copy of caste certificate (if candidate claims to belong SC/ST) (whether filed) (Yes/No)
- (v) Security deposit (whether made) (Yes/No)
- (vi) Oath/affirmation (whether taken). (Yes/No)

Note: For documents not filed and/or found defective in any manner, specific mention should be made in the second part of the Checklist as notice to candidate for filing the same within prescribed time limit.

3.7 Separate Bank Account by each Candidate for Election Expenditure

- (i) Each candidate is required to open a separate bank account exclusively for the purpose of election expenditure.
- (ii) This account shall be opened at least one day before the filing of nomination.
- (iii) The account number of this bank account shall be communicated by the candidate in writing to the RO at the time of filing nomination.
- (iv) If the separate bank account is not opened before the nomination or any amount is spent without depositing the same in the said bank account it will be treated that the candidate has not maintained the account “in the manner prescribed”.

3.8 Proposer

(Sec.33 of RP Act, 1951; Ch. V of R.O. Handbook)

- (i) Any proposer can present nomination paper duly signed by candidate.
- (ii) One proposer - in case of a candidate set up by a National recognized party or State recognized party in the State. In case of other candidates ten proposers.
- (iii) If a State party recognised in other State (but **not recognised in this state**) is granted concession for using its reserved symbol, the nomination of that candidate will also be required to be prescribed by **ten proposers**.
- (iv) Proposer should be an elector from the same constituency.
- (v) Proposer can propose more than one nomination papers of the same candidate or different candidates.
- (vi) In case of proposers who are illiterate their thumb impression has to be attested (u/r 2(2) of CE Rules, 1961) by RO or an officer authorised by ECI (an administrative officer not below the rank of SDO)
- (vii) Therefore, thumb has to be affixed in presence of the RO or the authorised officer.

3.9 Acknowledgement of nomination papers & other actions by RO on receipt of nominations (Sec. 33 and 35 of

RP Act, 51; Ch-V of RO Hand book) –

- (i) Give serial number on each nomination paper and enter the date and time also.
- (ii) Nomination papers in bunch may be assigned serial numbers in the order in which they are dealt with.
- (iii) Acknowledgement (Part-VI) duly filled up be given for each nomination paper.
- (iv) Each nomination paper be entered by RO and ARO in one and same register.

- (v) Give notice indicating the time, place and date of scrutiny and allotment of symbols
- (vi) Duplicate copy of Check List duly filled up (as per ECI Circular dt. 21.01.2013) should also be given.
- (vii) Obtain specimen signature of candidate.
- (viii) Ask the candidate to write down his name which is to be printed in ballot paper.

3.10 Oath or affirmation (Art. 173 of the Constitution; Para 21 to 24 of Ch. V of RO Hand book) –

- (i) Oath or affirmation in prescribed form (Annex. XV of RO Hand book) is must.
- (ii) The oath/affirmation by candidate only after his nomination and before the date of scrutiny. It cannot be made / subscribed on the day of scrutiny.
- (iii) Advise the candidate to make the oath/ affirmation immediately after presenting nomination papers - If he does not make it, mention that fact in the Checklist as mentioned above.
- (iv) RO and certain other persons are authorized to administer oath or affirmation.
- (v) Not necessary to make oath/ affirmation more than once if a candidate is nominated from more than one constituency.
- (vi) After making oath/ affirmation a certificate, in this regard, will be given to the candidate without his applying for it.
- (vii) Onus is own candidate to produce certificate of oath before the RO (where ever taken before a different authority)

3.11 Furnishing of Affidavit of liabilities/assets etc. in

Form-26- (Sec. 33A of RP Act, 1951 R. 4A of CE Rules 1961, ECI's No. 3/4/2012/SDR dt. 24.08.2012) -

- (i) Every candidate at the time of filing his nomination paper, shall furnish an affidavit in Form No. 26 (as amended vide notification dt. 01.08.2012) and shall give full and complete information of assets and liabilities of self, spouse and dependent children. Information about conviction/pending criminal cases also to be given in this affidavit.
- (ii) Format of affidavit in Form-26 should be delivered to every candidate as a part of the nomination paper.
- (iii) The affidavit should be on stamp paper of denomination of Re. 10/- and duly sworn before a Magistrate of Ist Class or a Notary or a Commissioner of Oaths appointed by the High Court.
- (iv) If the affidavit is not filed along with nomination paper, this fact may be indicated in the Checklist (as per ECI's circular dt. 21.01.2013). The affidavit can be filed separately by 3:00 PM of the last day of nominations.

- (v) All column should be filled up and no column to be left blank. If there is no information for any item either “Nil” or “Not applicable” should be mentioned.
- (vi) The affidavit should be either typed or written legibly & neatly.

3.12 Nomination by Overseas Electors —

(ECI's No. 576/3/2011/SDR dt. 22.03.2011)

- (i) An Overseas elector can contest election subject to the fulfillment of other requirements.
- (ii) In the case of a candidate who is outside India, the Oath can be made before the diplomatic for consular representative of India in the country where the candidate happens to be.
- (iii) If he is in India at the time of filing nomination he may make the oath or affirmation before the RO/ARO.
- (iv) If he/she appears before RO/ARO to make the oath, the RO/ARO shall ensure the identity of the person through his/her Passport.

3.13 Compendium/Compilation of Circulars/ Instructions & Register for Accounts of Election Expenditure to be given to Candidates at the time of the filing of Nominations —

- (i) A written memo along with (i) Compendium of Instructions on Election Expenditure Monitoring (ii) Compilation of other relevant orders/circulars, including extract of section 127-A of RP Act, 1951, inviting attention towards relevant legal provisions shall be given to the candidate at the time of filing of nomination.
- (ii) Register for maintaining accounts of election expenditure by candidates comprising three Parts in different colors and Abstract Statement alongwith Affidavit Form shall be given to every candidate.
- (iii) The registers shall be serially numbered and authenticated by DEO.
- (iv) Acknowledgement (as given in model form) should be sent by RO to DEO within one week from last date of withdrawals
- (v) The list of rates of various items as notified by DEO should also be given to every candidate after obtaining acknowledgement.
- (vi) **The list of rates of various items** as notified by DEO should also be given to every candidate after obtaining acknowledgement. This list has to be notified by DEO with consultation of political parties before notification of election.

3.14 Videography

- (i) Process of filing nomination to be videographed.

- (ii) Continuous/unedited videography in the last hour of filing nomination (2 PM onwards on the last day)
- (iii) Keep all papers securely. Avoid misplacing.

3.15 Notice of Nominations (Sec.35 of RP Act, 1951 and R. 7 of CE Rules, 1961) -

- (i) After 3.00 PM on each day a notice of the nomination papers presented on that day in Form 3-A published on your notice board- ARO should also do the same in respect of the nomination papers presented before him.
- (ii) In case more than one nomination papers by a candidate, notice must be given for all of them.
- (iii) Daily intimation to CEO and DEO.

3.16 Security Deposits (Sec.34, 55 of RP Act, 1951 and P.-27 of Ch-V of RO Hand Book) -

- (i) A receipt of the deposit should be attached with the first nomination paper - If not, indicate this fact in the Checklist (as per ECI's circular dt. 21.01.2013)
- (ii) Sum may be deposited in cash with RO or in RBI or a Govt. Treasury under prescribed head.
- (iii) Security deposit should be made either before the filing of nomination paper or at the time of filing of first set of nomination.
- (iv) One deposit sufficient for each constituency.
- (v) Separate deposit for different constituency.
- (vi) Security deposit (in Vidhan Sabha Election) required for a candidate of general category is Rs. 10000/- and in respect of SC/ST candidate only half of the amount, i.e. Rs. 5000/- even in a general seat - RO must satisfy himself that he is a member of SC/ST.

3.17 Consolidated list of nominated candidates (P. 31 Ch- V of RO Hand book) -

- (i) Immediately after 3 PM on the last date of nominations a complete list of all nomination papers, to be prepared.
- (ii) The names of candidates may be arranged under 3 categories and such names shall be arranged in Hindi alphabetical order within each category.
- (iii) Format of the list is given in RO Hand Book.
- (iv) Name of a candidate to be mentioned once only.
- (v) Symbols chosen in the first nomination paper be indicated.
- (vi) Recognized parties of other State will be included in second category of registered unrecognized party.
- (vii) In the case of a candidate set up by a Recognized party the reserved symbol may be shown.
- (viii) Even if more than one candidate has claimed to be set up by the same party, the names of all such candidates may be included in relevant category. However, suitable remarks

should be given in column No. 6 + 7 of the list, considering Form-A & B received from that Party in prescribed time.

- (ix) Complete address of each candidate must be shown.
- (x) Send one copy of the list on the same day to- (i) CEO (ii) Printing Press (iii) Commission

3.18 Safe Custody of Nomination Papers -

- (i) Nomination papers along with connected papers shall be kept in safe custody of RO., till transmission to DEO's safe custody.
- (ii) ARO should forward to RO for safe custody all the nomination papers received by him, if any, on daily basis.

3.19 Materials to be kept with RO -

- (i) Up-dated list of reserve and free symbols and their Facsimiles.
- (ii) Up-dated authenticated set of electoral rolls of the AC.
- (iii) Statutory forms -
- (iv) Other forms memos, circulars etc., which shall be given to candidates at the time of nominations - Illustrative list is as under: -
 - (a) Performa of checklist (as per ECI circular dt. 21.01.2013).
 - (b) Memo-form regarding provisions of maintenance of election expenses and its acknowledgement form.
 - (c) Three types of registers duly authenticated and numbered, regarding maintenance of election expenses (including form of affidavit)
 - (d) Sufficient copies of Commission's orders (to be given to candidates) (compile in booklet).
 - (e) Register to enter nomination papers.
 - (f) Form of consolidated list of nominated candidates – as given in Ch.V of RO Hand Book
 - (g) RO's seal (brass and rubber both).
 - (h) Cashier with cash receipt book to receive security deposits.
 - (i) List of disqualified persons, u/s 8A, 9 and 10-A of RP Act, 1951.
 - (j) Rate list of various items which are to be used in electioneering by candidates (as notified by DEO).

3.20 Receiving Form-A and Form-B (Para 13 and 13A of Election Symbol (R+A) order, 1968) -

- (i) Form A and Form B delivered to RO shall be accepted only up to 3.00 PM on last date of nominations.
- (ii) Forms signed in ink only, be accepted. Facsimile signatures or signatures by means of rubber stamp or forms transmitted by fax/e-mail shall not be accepted.

- (iii) If Form-B received from the same party in favour of more than one candidate duly signed by the authorised office – bearer, and there is no cancellation/rescinding of Form-B for any candidate, than among such candidates, the one who filed nomination paper first shall be treated as the candidate sponsored by that party.

3.21 Display of information submitted by the candidates regarding affidavit

(Sec. 33-A of RP Act 1951, ECI No. 3/ER/2003/JS-II dated 27.3.2003 and No. 3/ER/2003/JS-II dated 07.08.2003; No. 3/ER/2004/JS-II dt. 9.3.2004; No. 3/ER/2009/SDR dt. 21.03.2009, No.3/ER/ 2011/ SDR dt. 20.07.2012& 12.10.2012, Ch. V of R.O. Hand book) –

- (i) A copy of nomination paper & Affidavit (Form 26) to be displayed at a conspicuous place at the office of RO and also at the notice board of ARO, if his office is in a different place.
- (ii) If offices of both RO & ARO are outside the boundary of AC, one set of copies of Affidavit to be displayed at the prominent public places within the AC limits.
- (iii) Copies to be given freely to electronic media/press, NGO and any other persons.
- (iv) Scanning and updating of the affidavit on the CEOs website at the earliest and not later than 24 hours of nomination is received.
- (v) The affidavits filed by all candidates, whether set up by a recognized political party or unrecognized political party or independent shall be put up on website.
- (vi) Even if the candidate withdraws his candidature the affidavit already uploaded on website shall not be removed.
- (vii) Information to the contrary, by means of counter affidavits, shall also to be displayed.
- (viii) RO is not required to conduct enquiry into correctness of statements in the affidavit.
- (ix) A copy of each affidavit should be sent to DEO at the earliest, who will consolidate all such affidavits and make available their copy to any applicant on nominal payment of copying charges.
- (x) Constituency-wise consolidated information furnished by candidates on "Govt. Dues" in Item-8(ii) in the affidavit should be published by RO in a format in two News Papers having local circulation one of which should be vernacular news paper. This should be done within two days of finalization of the list of contesting candidates.

Part- 4. Scrutiny of Nomination Papers

4.1 Scrutiny by RO himself (Sec.22 (2) of RP Act, 51, Ch-VI of RO Hand Book) -

- (i) Scrutiny of nomination papers has to be done by RO himself except when he is unavoidably prevented from performing the said function. In that case RO should record reasons and authorize ARO in writing.
- (ii) Whole process of scrutiny of nomination papers should be videographed in all cases.

4.2 Entry into place fixed for scrutiny (Sec. 36 (1) of RP Act, 51, Ch. VI of RO Hand Book) -

- (i) On the date and hours fixed for scrutiny, only following persons should be allowed-
 - (a) candidate himself
 - (b) his election agent
 - (c) one proposer for each candidate, and
 - (d) one another person duly authorized by candidate in writing.
- (ii) Reasonable facilities for examining the nomination papers be given to the persons.
- (iii) Not necessary that the candidate or his representative should be present.

4.3 Scrutiny (Sec.33, 36 of RP Act and R.4 of CE Rules, 1961; Ch-VI of RO Hand Book) -

- (i) Scrutiny is a quasi-judicial function. Enquiry into the question of validity or otherwise of a nomination is a summary enquiry.
- (ii) All nomination papers are to be scrutinized.
- (iii) Reason to be recorded in case of every objection and rejection.
- (iv) RO can raise objection to any nomination suo-moto also.
- (v) Crucial date for qualifications and disqualification is the date fixed for scrutiny.
- (vi) Be liberal in overlooking minor technical or clerical errors.
- (vii) No-rejection on the ground of any defect which is not of a substantial nature.
- (viii) Where a recognized party has sponsored a candidate as main candidate and another one as substitute candidate, take nomination papers of main candidate first in scrutiny.
- (ix) If the nomination paper of main candidate is found valid, the substitute candidate shall not be deemed to have been set up by that party.
- (x) Where a candidate had not made a declaration in his nomination paper that he had been set up by a political party, he shall not be deemed to have been set up by that party.

- (xi) Inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked [Proviso of Sec. 33 (4)]
- (xii) Question of **genuine caste certificate** - RO should satisfy himself that candidate from a reserved constituency belongs to SC or ST. In case of doubt, the RO must insist on production of SC/ST certificate - Wherever certificate produced is also challenged, RO need not go into question, except where it is alleged that the certificate is forged. In case of any allegation/suspicion about the genuineness of the certificate, RO should get the position cross checked with the authority which issued the certificate (ECI's No. 4/3/2008/JS-II/Vol.III dt. 2.7.2008).
- (xiii) Certificate should be of a reasonably recent date.

4.4 Grounds for rejection (Ch-VI of RO Hand book & Sec.36 of RP Act, 1951) -

- (i) Reject nomination paper if the-
 - (a) Candidate is not qualified, or
 - (b) Candidate is clearly disqualified, or
 - (c) Signatures of candidate or proposer is not genuine.
 - (d) Non furnishing of affidavit
 - (e) Candidate has failed to comply with any provisions of Section 33, 33A and 34 of RP Act, 1951.
- (ii) For **Qualifications** see provisions of -
 - (a) Article-173 of the Constitution,
 - (b) Section 5 of RP Act, 1951,
 - (c) Section 55 of RP Act, 1951,
- (iii) For **Disqualifications**, see provisions of-
 - (a) Article-191 of the Constitution.
 - (b) Section 8, 8A, 9, 9A, 10, 10A, 11 of RP Act, 1951.
 - (c) Section 16 of RP Act, 1950 read with section 36 (7) of RP Act, 1951.
 - (d) The Rajasthan Legislative Assembly Members (Removal of Disqualifications) Act, 1956.
- (iv) Grounds of rejection – Non compliance of provisions u/s 33, 33A and 34 of RP Act, 1951: -
 - (a) Nomination paper is not signed by candidate,
 - (b) Nomination paper is not subscribed by requisite number of proposers,
 - (c) Requisite security deposit has not been made,
 - (d) Certified extract of entry in the electoral roll not submitted, if candidate is contesting from different constituency.
 - (e) Affidavit in Form-26 has not been submitted Complete address of candidate has not been mentioned in nomination paper Not filed within the date and time prescribed or not filed before the RO or the authorised ARO at the specified place

- (v) Record reasons for rejecting a nomination paper on the spot and supply certified copies of the order, free of cost, in case where all the nomination papers of candidate have been rejected. This may be done even in the absence of an application by the candidate.

4.5 Qualifications-

- (i) Must be a citizen of India (Art. 173(a))
- (ii) Must be an elector for any Assembly Constituency in the State. (Sec. 5)
- (iii) In case of a seat reserved for SC, must be a member of SC in the State. (Sec. 5(a))
- (iv) In case of a seat reserved for ST, must be a member of ST in State. (Sec. 5(a))
- (v) Must make and subscribe before authorised person an oath or affirmation in the form set out in Third Schedule. (Art. 173 (a))
- (vi) On the date fixed for scrutiny of nominations, minimum age must be 25 years. (Sec. 36 (2)(a) and Art. 173 (b))
- (vii) A member of SC or ST is eligible also for a seat not reserved for SC or ST. (Sec. 55)

4.6 Disqualifications under constitution (Art. 191 of the Const.) –

- (i) If a person holds any office of profit under the GOI or any State Government - Exceptions - Ministers of Central Government or State Government (Art. 191(a)) - Other exceptions are mentioned in The Rajasthan Legislative Assembly Members (Removal of Disqualifications) Act, 1956.
- (ii) If a person is of unsound mind, so declared by a competent court (Art. 191 (b)) – Mere allegation not sufficient.
- (iii) If a person is an un discharged insolvent (Art. 191 (c))
- (iv) If a person is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence of a foreign State. (Art. 191 (d))
- (v) If a person is disqualified on ground of defection under Tenth Schedule. (Art. 191 (2))

4.6.1 Office of profit under the Government – Test for deciding the question [in the light of Judgement of Hon’ble Supreme Court (1971) 3 SCC 870]:

- a) Whether the Govt. makes the appointment
- b) Whether the Govt. has the right to remove or dismiss the holder
- c) Whether any remuneration is paid
- d) Does the Govt. exercise any control over the performance of those functions.

- e) However, certain offices mentioned in the above mentioned Rajasthan Act of 1956 are excluded.

4.7 Disqualification under R.P. Act 1951-

4.7.1 Disqualification on ground of conviction for certain offences (Sec.8 of RP Act, 1951, ECI No. 509/5/2005 JS-I dt. 14.1.05 and dt. 20.1.2005) -

- (i) Disqualification commences from date of conviction, and shall continue: —
 - (a) in case of only fine for a period of six years, and
 - (b) in case of imprisonment till further period of six years since his release.
- (ii) Offences and period of imprisonment for disqualification -
 - (a) For offences mentioned u/s 8(1) - Any penalty or any period of imprisonment.
 - (b) For offences mentioned u/s 8(2) - Imprisonment for minimum 6 months.
 - (c) For any other offences (Sec 8(3)) minimum imprisonment of 2 years.
- (iii) Release on bail does not remove disqualification unless conviction is also stayed during pendency of appeal.
- (iv) In case of conviction for more than one offence in a common trial and with the sentences of **imprisonment to run consecutively**, for the purposes of Sec. 8(3), the period of sentence of imprisonment for each offence **should be added** and if the total length of time is two years or more, the convicted person shall be disqualified u/s 8(3) of RP Act, 1951.
- (v) The above interpretation would be equally applicable to the provisions of Sec. 8(2).
- (vi) Protection u/s 8(4) is given to a sitting MP/MLA only for the membership of the house, and not for future election.

Note: The Provisions of Sec 8(4) have been declared ultra virus recently by Hon'ble Supreme Court.

4.7.2 Disqualification on ground of corrupt practice (Sec. 8 A) -

- (i) On being found guilty of a corrupt practices by an order in election petition or in election appeal-Period of disqualification up to six years, as determined by the President after obtaining opinion of ECI.
- (ii) Only those persons are disqualified whose list is circulated by ECI from time to time.

4.7.3 Disqualification for dismissal for corruption or disloyalty (Sec. 9) -

- (i) Period of disqualification five years from the date of dismissal-ECI will issue a certificate for this purpose. (See Sec. 33(3) also).
- (ii) For a person dismissed from an office under Govt. of India / any State Govt. to contest election within 5 years of dismissal

- (iii) Such certificate must be filed with nomination paper otherwise nomination shall be rejected [Sec. 33(3)]

4.7.4 Disqualification for Government contracts etc [Sec. 9A] -

If there subsists (on the date of scrutiny) a contract with the State Government for supply of goods or for execution of any works - However the contract shall be deemed not to subsist, where the contract has been fully performed by the person and Government has not performed its part.

4.7.5 Disqualification for office under Government Company[Sec. 10]-

A managing agent, manager or secretary of any company or corporation (other than cooperative society) in which the State Government has 25% or more share.

4.7.6 Disqualification for failure to lodge account of election expenses (Sec. 10A) -

- (i) Disqualification for three years from the date of order of ECI.
- (ii) Only those persons are disqualified whose list is circulated by ECI from time to time.
- (iii) ECI, may remove any disqualification under Sec. 8, 9, 9A, 10 and 10 A or reduce the period of any such disqualification (Sec. 11)

4.8 Adjournment of Scrutiny (Sec .36 (5) of R.P Act, 1951 and of Ch. VI of RO Hand Book) -

- (i) If the Nomination of a candidate has been objected to, he should be given reasonable opportunity of rebutting the same and, where necessary, scrutiny proceedings in relation to his nomination may be adjourned. Scrutiny proceedings in relation to other candidates should continue.
- (ii) Scrutiny can be adjourned upto 3rd day, which is normally the last day of withdrawal and not beyond that date.

4.9 Decision of RO is final

- (i) Decision of RO rejecting or accepting the nomination of a candidate is not subject to any review or revision by any authority including the Courts and the Election Commission until the process of the election is over.
- (ii) If can be challenged only by means of an Election Petition [Article 329(b)]

4.10 List of validly nominated candidates (Sec. 36 (8) of RP Act, 1951 and R.8, 22(3), 30(3) of CE Rules, 1961 and of Ch. VI of RO Hand Book) -

- (i) List shall be prepared in Form 4 and affixed on notice board. Names shall be classified into three categories i.e.

- a) Candidates of Recognized National/State Political Parties in the State.
- b) Candidates of registered unrecognized political parties.
- c) Other (Independent) candidates.
- (ii) Names to be arranged in Hindi alphabetical order within each category- first letter of the name as given in nomination paper, shall be considered, irrespective of whether the name or surname. However, initials (viz - T.K., S.R.) prefixed to the name should be ignored for this purpose.
- (iii) Prefixing or suffixing honorific titles to names are permitted, but these prefixes are not taken into account in the determination of the alphabetical arrangements of names.
- (iv) Only one entry for a candidate.
- (v) **Corrections in the names of candidates** – (Ch. VI of RO Hand Book) -
- (vi) Normally the name of candidate in the list of validly nominated candidates shall be shown as it appears in nomination paper [R.8(2)]
- (vii) However, spelling of the name may be corrected or alteration in the name may be made on application by RO (if satisfied as to genuineness of the request) either at the time of nomination or immediately after the scrutiny or at the time of allotment of symbols, and before the preparation of list of contesting candidature.
- (viii) After preparation of 7-A, request for correction / alteration cannot be entertained.

4.11 Substitute Candidates (Sec. 33 and 36 of RP Act, 1951; Ch.VI of RO Hand Book) -

- (i) The nomination paper of substitute candidate will be rejected if the nomination paper of main candidate of party is accepted. However if such substitute candidate has also filed another nomination paper subscribed by ten proposers, then this nomination paper will be scrutinized independently by treating him as an independent candidate.
- (ii) Where the nomination paper of the main approved candidate is rejected, the substitute candidate will be treated as main candidate of the party and his nomination paper will be scrutinized accordingly.
- (iii) **Candidates claiming to be set up by a recognised party** - If a candidate files a nomination with both Part-I and Part-II thereof filled, and he fails to bring form A and B, the nomination paper may be accepted, if Part-II is properly filled up and subscribed by ten proposers.

Part-5. Withdrawal of Candidature

5.1 Notice for withdrawal of candidature (Sec.37, of RP Act, 1951 and R. 9 of CE Rules, 1961 and Ch. VII of RO Hand book) -

- (i) A validly candidate may withdraw his candidature by a notice in Form 5.
- (ii) Form 5 duly signed by candidate shall be delivered by (a) candidate in person, or (b) his proposer, or (c) his election agent. The proposer or election agent must be additionally authorized by the candidate in writing. Such notice cannot be sent to the RO in any other manner.
- (iii) Candidature shall be withdrawn **during normal office hours** after the scrutiny is over and before 3:00 P.M. of the last date of withdrawal. No withdrawal on public holiday.
- (iv) Notice of withdrawal shall be delivered either to RO or ARO at their offices (as specified in Form -1)
- (v) RO must satisfy himself as to the genuineness of a notice of withdrawal and identity of the person delivering it.
- (vi) A notice of valid withdrawal in Form - 6 shall be affixed on RO's notice board on every day.
- (vii) Valid withdrawal not to be cancelled.
- (viii) No provision for retirement from contest after last day fixed for withdrawals.
- (ix) Receipt for withdrawal be given immediately.

5.2 Preparation of list of contesting candidates (Sec. 38 of RP Act, and R.10 of CE Rules, 1961 and Ch. VII of RO Hand Book) -

- (i) Immediately after 3.00 PM on the last date of withdrawal and after allotment of symbols, list shall be drawn in Form 7-A.
- (ii) List in Form - 7-A shall be prepared in Hindi and English, both. Names shall be classified into 3 categories – namely
 - a) Candidates of recognised National and State Political Parties.
 - b) Candidates of registered political parties (other than recognized National and State political parties).
 - c) Other candidates.
- (iii) Names shall be arranged in the above order of categories.
- (iv) Names in each category shall be arranged in Hindi alphabetical order within each category, but sr. no. of names shall be run-on.
- (v) Required particulars including address should be filled up correctly.
- (vi) Even in case of uncontested election, list in Form - 7-A shall be prepared.
- (vii) Send immediately copies of the list (alongwith English translation) to the Govt. Press, CEO and ECI.
- (viii) If symbol has been revised by order of ECI, the list shall be amended.

- (ix) Names of candidate shall appear on ballot papers in same order as in Form 7A, however the headings of 3 categories shall not appear on the ballot papers.

5.3 Publication of list in Form 7A (Sec.38 of RP Act, 1951 and R.10, 11, 31(1)(b) of CE Rules, 1961 and Ch. VII of RO Hand Book) -

- (i) It shall be affixed on the notice board even in uncontested election.
- (ii) It shall be given to each contesting candidate or his election agent.
- (iii) It shall be published by RO in Hindi in Official Gazette of State.
- (iv) It shall be displayed out side the PS through PrOs on pre – poll day.
- (v) The ballot papers will be printed strictly as per 7-A

5.4 Identity cards to contesting candidates (Ch. VII of RO Hand Book) -

- (i) Two copies of identity cards with photograph in the form given in P.8 of Ch.VII of RO Hand Book - one copy to be retained in record.
- (ii) ID cards dully attested by the RO with his seal.

5.5 Issue of list of polling stations (Ch. II of RO Hand Book) - Three copies of list of PSs, free of cost, to each contesting candidate.

5.6 Intimation about legal provisions of corrupt practices and electoral offences (Ch. VII of RO Hand Book) - A notice to each contesting candidate should be given inviting attention towards penal provisions of corrupt practices and electoral offences - Model Form given in RO Hand Book.

5.7 Supply of copy of electoral roll (R. 85D of CE Rules 1961 and Ch. VIII of RO Hand Book) -

- (i) RO shall supply one copy of roll, free of cost to the candidate of every recognised political party
- (ii) Such copy should be supplied within 3 days after withdrawal.
- (iii) List of CSVs for the constituency should also be given along with roll.

5.8 Appointment of Election Agent (Sec. 40, 41 and Sec. 45 of RP Act, 1951 and R.12 of CE Rules 1961) -

- (i) Ministers, MPs/MLAs/MLCs/Mayor of Corporation/Chairman of Municipality/Zila Parishad and others having security cover not to be allowed as election agent. (ECI's No. 464/INST/2008/EPS dated 14.10.2008, 464/INST/2009/APS dt. 25.04.2009, dt. 09.05.2009 & dt. 12.05.2009)

- (ii) A person who is disqualified for being Member of Parliament or Legislative Assembly or for voting at an election shall be disqualified for being an election agent.
- (iii) Appointment in Form 8 (in duplicate) with photographs affixed on top-right - RO shall return one copy after affixing his seal and signature - ID card to the election agent will be provided by RO
- (iv) Revocation in Form-9.
- (v) ID Card to be provided.

5.9 Appointment of an Additional Agent for Expenditure Matters (ECI's No. 76/2011/SDR dt. 18.03.2011)

- (i) An additional agent to assist the candidate in various expenditure matters.
- (ii) Appointment in the format prescribed by ECI (dt. 18.03.2013).
- (iii) Person disqualified for being chosen as, and for being a MP/MLA or voting at an election should not be appointed.
- (iv) General prohibition against appointing Minister/MP/MLA/Mayor/Chairperson or Municipality/Pramukh of Zila Parishad etc. as any agent would also apply.
- (v) This agent would be for the purpose of performing only the non-statutory duties related to expenditure monitoring matters.

5.10 Declaration of result of un-contested Election (Sec. 53(2) of RP Act, 1951 and R.11(1) of CE Rules 1961, Ch. IX of RO Hand Book) -

- (i) After affixation of list (Form-7-A) on the notice board of RO, result of uncontested election shall be declared in Form 21.
- (ii) Return of Election in Form 21-E with suitable amendments.
- (iii) Copies to (i) State Government (ii) ECI (iii) Secretary, Vidhan Sabha (iv) CEO.
- (iv) Date of declaration shall be the date on which the result is declared.
- (v) Certificate of Election in Form-22 – Acknowledgement of such certificate, duly signed, may be obtained from returned candidate - Which shall be sent to Secretary Vidhan Sabha.

5.11 Safe deposit of papers relating to nomination etc (Ch. VII of RO Hand Book) -

- (i) Papers/proceeding relating to nominations, scrutiny, and withdrawals should be put together in a cover, with description, and to be retained by R.O.
- (ii) After declaration of result, these documents should be sent to safe custody of DEO.

Part-6. Allotment of Symbols

(R. 5 and 10 of CE Rules 1961 and Ch. VIII of RO Hand Book)

6.1 Approved symbols (R.5 and 10 of CE Rules, 1961; P. 17 of the Election Symbols (R&A) Order, 1968) -

- (i) Always refer to latest notification containing the names of National /State recognized political parties with symbols reserved thereto, names of registered but unrecognized political parties and list of free symbols approved for this State.
- (ii) Symbols out of the approved list not to be allotted.
- (iii) Reserved symbol only to the candidate setup by that recognised party.

6.2 Candidates set up by a political party (Para 13 of Symbol Order, 1968, Ch. VIII of RO Hand Book) -

- (i) A candidate shall be deemed to be set up by a political party, if, and only if -
 - (a) The candidate has made a declaration in any of his nomination paper.
 - (b) Form B signed by authorised person must reach the RO not later than 3.00 PM of the last date of nomination.
 - (c) Name and specimen signatures of such authorized person in Form A are communicated to the RO and CEO not later than 3.00 PM of last date of nominations - However reaching the RO is mandatory.
 - (d) Forms A and B are signed in ink only - Fax not to be accepted.

6.3 Choice of symbols (R.5 and 10 of CE Rules, 1961 and Symbol (R&A) Order, 1968 and Ch. VIII of RO Hand Book) -

- (i) A candidate sponsored by National/State recognised party shall choose and shall be allotted only the reserved symbol for that party and no other symbol. Such candidate need not indicate three symbols in his nomination paper.
- (ii) The candidate sponsored by unrecognized but registered party and independent candidate shall choose three symbols out of the list of free symbols specified for the State by the Commission.

6.4 Which choice of symbol to be considered (R.5 and 10 of CE Rules, 1961.; Election Symbols (R&A) order, 1968 and Ch. VIII of RO Hand Book)-

- (i) Only the choice of symbols made by a candidate (other than a candidate sponsored by a Recognised Party) in the nomination paper first delivered, shall be considered, even when nomination paper is rejected.
- (ii) In the case of candidate set up by a National or State recognised party, the choice of party's symbols indicated by a

candidate made in subsequent nomination papers may also be considered.

6.5 Allotment of symbols to party candidates (R.5 & 10 of CE Rules, 1961 and Election Symbols (R&A) Order, 1968 and Ch. VIII of RO Hand Book) -

- (i) First pick up the candidates set up by National/State parties and allot reserved symbol. Fulfillment of conditions under Para 13 and 13A of order, 1968 is necessary.
- (ii) If a State party recognized in other State (but not recognized in this State), sets up a candidate in this State, the symbol reserved for that State party shall be allotted to a candidate set-up by it if the authorization from ECI is received in relation to that constituency.
- (iii) If an unrecognized party which was recognized not earlier than six years from the notification of election, sets up a candidate, under Para 10A and the authorization is received from ECI, in relation to that AC. then such candidate may be allotted the symbol reserved earlier for that party.
- (iv) If same free symbol is chosen by two candidates candidate of registered party gets preference.

6.6 Allotment of Symbols to independent candidates

- (i) If such candidate has given option for a particular free symbol as his first preference and no candidate of a registered unrecognized party has opted for that symbol as his first preference, he shall be allotted that symbol to the exclusion of all other candidates;
- (ii) If more than one independent candidates have given their first preference for the same free symbol, RO shall decide by lot which of those candidates should be given that free symbol;
- (iii) However, if any of those candidates is, or was, immediately before the election, a sitting MP/MLA, he shall be allotted that symbol without draw of lots, provided that he contested the earlier election on that very symbol;
- (iv) If a candidate does not get his first preference symbol because of draw of lots, his second preference for a symbol shall not be treated now as his first preference, while considering the preferences of other candidates;
- (v) If a candidate does not get any of the symbols as per his preferences, he shall be allotted a symbol at the end of the allotment process (including the allotment of symbols to the independent candidates) from out of the remaining free symbols available for allotment with the RO.

6.7 Substitution of candidate by political party (Para 13A of Symbol Order, 1968) –

If a political party submits Form B in respect of more than one candidate and does not indicate that earlier notice has been rescinded, then Form 'B' in respect of the candidate **whose nomination paper was first delivered, shall be accepted** as candidate set up by that party.

6.8 Revision of Symbols (R. 10(5) of CE Rules, 1961) -

- (i) RO's decision is final except where it is inconsistent with any direction issued by the ECI in which case the ECI may revise the allotment of symbols.
- (ii) List in Form 7-A shall be amended accordingly, in case symbol is revised under the orders of ECI.

Part-7. Postal-Ballot Papers

7.1 Printing arrangements (Ch. X of RO Hand Book) -

- (i) Postal ballots should be printed at district level at private or govt. printing press.
- (ii) Printing with due care and with fool proof security arrangements - Depute an ARO, for strict watch.
- (iii) Planning and identification of such private presses should be made well in advance.
- (iv) Ensure that proper slugs, numbering machines, etc. are available at the press.

7.2 Voters entitled to vote by post (Sec. 60 of RP Act., 1951; Sec.20 of RP Act, 1950; R. 17, 18(a) & (c), 20-21 & 27B of CE Rules, 1961) -

- (i) Service Voters (including their wives) - (except those who opted for proxy voting)
- (ii) Special Voters - (including their wives) who are holding declared offices. [List of such declared offices is given in footnote below at Sec. 20 of RP Act, 1950].
- (iii) Electors subjected to preventive detention.
- (iv) Electors on election duty – Persons and Staff who are specifically assigned any official work in connection with elections on the day of poll & cannot be able to vote at normal PS. These include all police personnel (except those on leave), HGs, DEOs/ROs/AROs & their Staff, Control Room Staff, Videographers/Staff of EEM Teams/ ZOs/SOs, BLO, MOs, Drivers/Cleaners, etc. also. (ECI's No.52/2012/SDR dt. 01.11.2012)
- (v) Notified voters, if any-

7.3 Uniform common design of postal ballot papers (R.22, 30 of CE Rules, 1961; Ch.X of RO Hand Book) -

Design of Postal Ballots for all categories shall be common.

7.4 Design of postal ballot papers (PB) (R.22 of CE Rules, 1961 and Ch. X of RO Hand Book)-

- (i) It shall have counterfoil attached to it at the top.
- (ii) ECI's direction regarding design, form and language of postal ballot paper are given at Para 4, Ch. X of RO Hand Book.
- (iii) In election to Vidhan Sabha it shall be printed on **Pink** paper.
- (iv) Width of PB shall be between 3" & 4".
- (v) Single column - up to 9 candidates – In case of indivisible numbers of candidates, e.g. 11 candidates' first six candidates will be shown in first column and remaining 5 will be shown in second column, and space at the end of

second column for 12th candidate will be completely shaded.

- (vi) Names of candidates shall be arranged in the same order under 3 categories in which they appear in the list (Form 7A). Headings of categories should not appear in PBs.
- (vii) Symbols will not be printed.
- (viii) Party affiliation, if any, shall be printed along with the name of candidate.
- (ix) Party affiliation will be shown for the candidates set up by all political parties (recognised and unrecognized both).
- (x) For independent candidates the word "Independent" in English and "निर्दलीय" in Hindi will be printed.
- (xi) Sample of PB is given at Ann. XXIV of RO Handbook.

7.5 Language of postal ballot paper (R.22 of CE Rules 1961 and CH. X of RO Hand Book)–

- (i) Counter foil in English only.
- (ii) Particulars of Candidates and party affiliation in Hindi and English, both.
- (iii) Particulars in Hindi will appear first over those in English.
- (iv) Particulars of Constituency and election in ballot paper will appear in English only.

7.6 Printing of postal ballot papers (Ch. X of RO Hand Book) –

- (i) In the first phase, printing of postal ballots for service voters should be completed within 24 hours of withdrawals.
- (ii) For other categories these should be printed in 2nd phase and within 72 hours of withdrawals.
- (iii) To be stitched in bundles of 50 ballot papers.
- (iv) Ensure that Serial number on postal ballot and on its counterfoil are identical.

7.7 Arrangements for Dispatch of Postal Ballot Papers to Service Electors –

- (i) PB for the service electors will be centrally dispatched from the District Head Quarters itself.
- (ii) The DEO will appoint a **Nodal Officer** to supervise the entire process of dispatching PBs to service electors.
- (iii) The DEO will co-ordinate with the Postal Department to ensure that a team of postal department receives covers containing PBs from that location itself and the ballots are sent to the right address without any delay.
- (iv) Details of PBs sent AC wise shall be maintained in a register and the signature of the postal authorities shall be obtained in the register.
- (v) R.O shall depute a team of officers including an ARO with details of **Service Electors** to whom PBs are to be dispatched on the basis of the last part of the roll.

- (vi) Service voters, who opted for proxy voting, not to be issued PB. Mark “**CSV**” against such voters in the last part of electoral roll.
- (vii) One of the **Observers** available in the district headquarters shall personally monitor the entire process of dispatch, who will send the report to the ECI.
- (viii) The entire process must be **videographed**.

7.7.1 Dispatch to service voters (Chapter x of RO Hand Book and R.23 of CE Rules) –

- (i) In advance - "prepare addressed covers (Forms -13-B and 13-C)", complete Form 13-D (i.e. instructions) and keep Form 13-A (i.e. declaration) ready.
- (ii) Enter the Part Number of roll and Sr. No. of the elector on the counterfoil of ballot.
- (iii) Mark "PB" against the entry of elector in the marked copy of roll.
- (iv) **Sr. No.** of postal ballots shall **not be mentioned in the marked copy** of roll.
- (v) **Sr. No. of ballot to be written correctly on the cover (Form 13-B) containing PB & in the space provided in Form 13-A (Declaration) also.**
- (vi) **IMPORTANT-** At the time of counting if the PB Nos. do not tally then they are rejected.
- (vii) Fill up hours and date of commencement of counting in Part-II of Form 13D.
- (viii) The covers in Form 13-B shall be in **Pink** color in Vidhan Sabha Election and **Green** in Lok Sabha Election. However, covers in 13-C for issue of PBs to Service Electors shall be in **Yellow** color both for election to Lok Sabha & Vidhan Sabha.
- (ix) Form 13-B & 13-C, Form 13-A and Form 13-D as prepared will be put inside a larger cover addressed to the service voter.
- (x) Address/ particulars, on the covers must be clear and proper.
- (xi) Before the PBs are issued, the facsimile signature of the RO will be stamped on the reverse of PB two times.
- (xii) Voters, who have been issued PB, are not entitled to vote in person at a PS.
- (xiii) Proper postage stamps should be affixed on above larger cover.
- (xiv) Separate larger cover for each service voter, even in the case of husband and wife.
- (xv) All larger covers addressed to service voters attached to each record office will be put inside **one packet** and the packet will be dispatched to record office by **Registered Post** only.

- (xvi) Postal Department to ensure the delivery of PBs to respective Record Offices within 48 hours.
- (xvii) For service voters in foreign these shall be sent by ordinary airmail service.
- (xviii) Write "W" on the cover in Form-13C in the case of female voter
- (xix) Process of dispatch to be completed within 48 hours of withdrawals.
- (xx) Voters who have been issued PB are not entitled to vote in person at a Polling Station.

7.7.2 Sealing of counterfoils of ballots and marked copy of rolls (Ch.X of RO Hand Book) –

- (i) Counterfoils of postal ballots, issued, shall be sealed by RO in a packet.
- (ii) Electoral roll relating to service voters, also to be sealed in separate packet.
- (iii) Brief description of contents with date of sealing to be mentioned on both these packets and these should be kept in safe custody of RO, which will be transmitted to DEO for safe custody after declaration of result.

7.7.3 Return of Polled PBs from Service Voters -

- (i) For receiving back PBs by post, the DEO will make arrangement with the Postal Department to nominate one post office for each AC which will deliver PBs every day to the RO.
- (ii) The time of delivery will be fixed at **3 PM** every day at the office of the RO, except for the counting day when the time for delivery will be **8 AM** at the counting center for that AC.
- (iii) A Pass should be issued by the DEO to the nominated postal department employee to enter the counting center on counting day for this purpose.

7.8 Intimation by other categories of voters - as to vote by post (R.19 and 20(1) of CE Rules, 1961; Ch. X of RO Hand Book) –

- (i) By **special voter** in Form 12 at least 10 days before poll. (R.19)
- (ii) By an elector on **election duty** in Form-12 along with duplicate copy of appointment/ duty letter (R. 20(1)).

7.8.1 Intimation by electors under preventive detention (R.21 of CE Rules, 1961 and Ch. X of RO Hand Book)–

- (i) The Home department will communicate to RO within 15 days after the date of notification of the election-about the-

- (a) names and addresses of all such voters in the AC;
- (b) respective places where they are being so held.
- (ii) Elector may also send intimation to RO specifying name, address, Part No. & Sr. No. in the roll and place of detention.
- (iii) In either case, before sending PB, it is to be ensured that the name is entered in the roll and the person is held under preventive detention.

7.8.2

Preparation of postal ballots by RO for other categories (other than service voters) (R. 23 of CE Rules, 1961; Ch. X of RO Hand Book)–

- (i) Before the PBs are issued, the facsimile signature of the RO will be stamped on the reverse of PB two times.
- (ii) PBs shall be sent by registered post (if not delivered personally) to,-
 - (a) special voters,
 - (b) electors under preventive detention containing-
 - (c) voters on election duty (on application in Form 12)
- (iii) PB envelopes shall be prepared similarly as in case of Service Voters, which contain:-
 - (a) A declaration in Form - 13-A.(Sr. No. of PB to be filled up).
 - (b) A cover in Form 13-B (containing postal ballot paper) (Sr.No. of PB to be written correctly). (Reason of rejection, if Sr.No. of PB not found)
 - (c) A cover addressed to the RO in Form 13-C (without postage stamp)
 - (d) Instructions for the guidance of the elector in Form 13-D. (Date and time of commencement of counting to be filled up).
- (iv) Above documents [at (a), (b), (c) and (d)] shall be placed inside a larger cover. This cover should be properly addressed and postage stamp shall be affixed (if not delivered personally).
- (v) Postal ballots be issued as expeditiously as possible.
- (vi) Write "W" on the cover in Form 13-C in case of female voter.
- (vii) The Covers in Form-13-B and 13-C for issue of PBs to categories other than service voters, shall be in **Pink** color in Vidhan Sabha Election.

7.8.3 Issue of E.D.C. (R. 22 (2) of CE Rules 1961 and Ch. X of RO Hand Book)–

- (i) If a person is not able to cast his vote at the PS where he is enrolled, for reason of being on election duty, such person is entitled to an EDC if he is on duty in the same constituency where he is enrolled as a voter.
- (ii) EDC in Form 12-B.
- (iii) EDC on application in Form 12-A only.
- (iv) EDC holders not to be issued PB.
- (v) All persons on election duty to apply PB rather than EDC- Reason is that the staff are assigned duty outside their AC and further that they come to know about the place of duty only at the last moment. One more reason is that issuing PBs and casting of vote by PBs at facilitation center will be more convenient and transparent.

7.9 Smooth Management of PBs for Persons on Election

Duty (ECI's No. 52/2012/SDR dt. 13.8.2012, No. 52/2013/SDR Dated 26.03.2013 issued to CEO Karnataka and ECI's No.52/2013/SDR dt. 18.06.2013 to all CEO's)

7.9.1 Preparation of Database -

- (i) All Deptts./Institutions should be asked by DEO to check enrollment of all the employees in rolls.
- (ii) A database of all persons likely to be on election duty should be prepared well in advance.
- (iii) Along-with other information about No. & name of AC, No. & Name of PS, Sr. No. in Part where the person is enrolled and EPIC of each person should be captured in the database.
- (iv) Cell phone number and E-mail Ids, if any, of all persons shall be collected and stored in the database.
- (v) The software for preparation of this database shall be made available by CEO.
- (vi) The work of preparation of database should be completed by 31.08.2013.
- (vii) The database should also have fields for capturing information about No. & Name of AC, No. & Name of PS where the persons will be put on duty, the location of facilitation centers.
- (viii) The facilitation center and training center will be same. If a person is to be called for training more than

once, information about all the trainings should be captured in the database.

7.9.2 Checking of the enrollment status of person in the database:-

- (i) Enrolment of a person can be found by using search facility provided on CEO's website based on EPIC/Name/Locality.
- (ii) The search should be completed by 30.09.2013.

7.9.3 Corrections in electoral roll entries-

- (i) Based on search, if any correction in roll becomes necessary, appropriate forms should be got filled and correction be made following due procedure-
- (ii) In case person is not enrolled at all or enrolled at a place other than ordinarily residence, ERO should take immediate steps for enrollment at the place of ordinarily residence.
- (iii) They should be enrolled once only and all of them should have an EPIC.
- (iv) DEO should monitor this on a daily basis.
- (v) It should be made clear to Govt. employees, by a circular, that enrollment at more than one place is an offence, and that a person is to be enrolled only at the place of ordinarily resident and not at native place.

7.9.4 Database of employees of election duty-

- (i) Database should include not only employees of State Govt, it should include all employees of Central Govt. and Central & State PSUs.
- (ii) The DEO has to prepare a database of all eligible employees who can be put on election duty, viz., polling personnel, Sector Officers, ZMs, AEOs, Micro-Observers, Staff of Control Room/ Helpline, VST/ FST/ VVT/ SST/ Accounting team, Communication Monitoring Team, Web cast Teams, BLO, Videographers, MCC Team etc.,.

7.9.5 Postal Ballot for Police Personnel -

- (i) All police force from Constable to DGP are notified under Sec.28A of R.P.Act, 1951 as on deputation to ECI during election period.
- (ii) On the basis of judgment of Hon'ble Madras High Court dated 22.08.2012 all police personnel, except those on leave during the election period, are treated

as personnel on election duty and hence entitled to vote by Postal Ballot.

7.9.6 Database of all police personnel -

- (i) The SP should prepare the database of all police personnel (including home guards, to be deployed on election duty).
- (ii) Enrolment status of all police personnel to be collected in the database.
- (iii) Pre-filled Form-12 shall be delivered to the police personnel along with his duty order or by any other means atleast 15 days before the poll.
- (iv) Police personnel have to submit Form-12 for availing the facility of PB, so as to reach RO atleast 7 days or such shorter period as the RO may allow before poll.(u/r 20(1)).
- (v) RO shall issue PBs to all police personnel whose Form-12 are received in time through SP. This can be combined with training of police officer on poll duty.
- (vi) SP should organize a special facilitation camp for police officers for casting PBs.
- (vii) One Gazetted officer for attestation of Declaration in Form-13A at Facilitation Camp.
- (viii) Register for correct account of PBs issued.
- (ix) A ballot box shall be kept at the facilitation centre and police officers who have been issued PB should deposit PB in this box after marking.

7.9.7 Database of drivers, conductors and cleaners of vehicle on election duty -

- (i) The database of drivers, conductors and cleaners shall be prepared by the OIC of transportation, who shall get the information about enrollment of them through owners of private vehicles (buses, trucks, minibuses, taxi etc.).
- (ii) 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.
- (iii) One Officer well trained in the process of elector search should be deputed.
- (iv) With regard to Driver/Conductor etc. the complete address, No. & name of AC, PS No. & Name where he is enrolled, EPIC No. should be entered in a register. OIC may use search facility.

- (v) The OIC shall get the signature of Drivers/ Cleaners/ Conductors in Form 12 and send to RO at least 7 days before poll.

7.9.8 Issue of pre-filled Form-12 and collection of signed form-12 -

- (i) Pre-filled Form- 12 with information of Name of elector, No. & Name of AC, No. & Name of PS and Sr. No. in Part where the person is enrolled should be sent to all persons on election duty along-with the appointment order.
- (ii) Pre-filled Form-12 can be printed from the database of employees by software prepared by CEO. Small cell with computers, laser printers & internet connection.
- (iii) A note should be printed at the bottom of Form-12 , that the employee should check it and make corrections, if any.
- (iv) For Police Personnel - DCP/SP shall arrange to distribute pre-filled Form-12 and collection of duly filled-in & signed Form-12.
- (v) For Drivers/Conductors/Cleaners on poll duty - OIC, transportation shall arrange to distribute pre-filled Form-12 and collection of duly filled-in & signed Form-12.
- (vi) Duly filled-in & signed Form-12 should be collected from employees on poll duty by the Nodal Officer appointed by DEO before the last date of withdrawal of candidature. However, if for some reason Form-12 can be collected even after the date.

7.9.9 Issue of Postal Ballots to persons on election duty -

- (i) RO should prepare PB for all employees who are called for training and for all police personnel in anticipation of receiving filled-in Form-12 duly signed.
- (ii) RO should also prepare PBs for all such drivers/ conductors/ cleaners whose Form-12 duly signed are received through OIC, transportation.
- (iii) All employees including police personnel and drivers etc., will be called at least once for training for the purpose of facilitation of postal balloting.
- (iv) For drivers etc. facilitation of casting of PBs can be done one day before the dispatch of polling parties.
- (v) For police personnel facilitation for casting of PBs will be done during the special facilitation camp organized by DCP/SP and all trainings.

- (vi) If more than one training session is organized for employees facilitation of postal balloting should be done in each session.
- (vii) RO will depute one Officer for each facilitation centre for delivering PBs to persons on poll duty.
- (viii) Prepared PBs should be given to these Officers, in advance, so that PBs can be delivered as soon as duly signed and filled-in Form-12 received from persons on poll duty.
- (ix) The Officer shall maintain a register to keep account of PBs received by him and issued by him.
- (x) The Officer will issue PBs after verifying identity of the Voter concerned based on EPIC or any other photo ID.
- (xi) Signature of persons to whom PBs are issued shall be obtained in the register in the same format as Form-17A.
- (xii) All un-issued PBs, after trainings are over, shall be kept in a sealed cover with proper record by RO.
- (xiii) Employees are generally not sent for election duty outside their district. If however it becomes necessary to send a PB to a Facilitation Center outside the district the DEO will co-ordinate with the DEO of the other district.

7.9.10 Procedure at the Facilitation Center (FC) -

- (i) DEO shall appoint one senior officer as OIC of PB at each FC.
- (ii) All Recognized **Political Parties will be informed in writing the schedule** of facilitation of postal balloting at FC. They shall be allowed to send their representatives to witness the facilitation process.
- (iii) In each training session, after training is over, at least **2 hours shall be set apart** for facilitation of postal balloting.
- (iv) **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 OIC of facilitation can order such a person to leave the premises immediately.
- (v) **Voting compartments** (as in a PS) shall be made in each FC for marking the PBs by employees in complete secrecy. Arrangement of glue/gum also be made to seal the envelopes.

- (vi) At least one **gazetted officer** shall be put on duty by the DEO at each FC to attest the declaration in Form 13A based on the identification of the voter by his identity documents.

7.9.11 Process of Postal Balloting -

- (i) After receiving his PB, the voter shall go into the voting compartment and mark the PB in secrecy. He shall then keep the marked PB in the inner envelope (Form 13B) and seal it properly.
- (ii) The voter shall then sign the declaration in Form- 13A and get it attested by a gazetted officer. He shall write the serial number of the PB paper if not already filled up in Form 13A.
- (iii) He shall then keep the inner envelope (Form 13B) and the signed & attested declaration in Form 13A in the outer envelope (Form 13C) and seal this as well. The voter will then cast his PB in the Facilitation Ballot Box.
- (iv) **A large steel trunk with one opening at the top for casting of PBs** shall be used as a facilitation ballot box. Before the casting of PBs is started the empty facilitation ballot box will be shown to all present. The facilitation ballot box will then be sealed by the OIC of FC. Every voter shall cast his PB in the Facilitation Ballot Box after marking it and sealing it in the envelopes.

7.9.12 Sorting of PBs -

- (i) After all PBs for the day have been cast, the box will be opened by the OIC of FC in the presence of the representatives of political parties. All the PBs will be taken out of the box and the empty box will be shown. The PB envelopes will be sorted AC wise and the number of PB envelopes received for each AC will be entered in a register in prescribed Format.
- (ii) Representatives of political parties present will be asked to put their signature on the register. A copy of the relevant pages be given to them.
- (iii) All PB envelopes for one AC shall be kept in one large envelope. The name of the Facilitation Centre, the date of Facilitation, the number of PBs contained therein and no. & name of AC will be clearly written on this envelope.

- (iv) This envelope will then be sent to the concerned RO along with a copy of the relevant pages of register through special messenger appointed by RO for this purpose not below the rank of Naib Tahsildar.

7.9.13 Videography - The entire process of postal balloting will be videographed.

7.9.14 Monitoring of the process at Facilitation Center-

- (i) The OIC of FC will prepare a return in Format-2 on every day when facilitation of PBs is done and will send it to the DEO daily till the facilitation is over.
- (ii) The compiled daily return will be sent by DEO to the CEO who will send compiled return of the entire state in the Format to ECI every day till the facilitation of PBs is over in the State.
- (iii) CEO will also send a copy of return in the Format every day to all recognized political parties.

7.9.15 Storage of PBs received from facilitation center- RO shall keep the envelope containing PBs along with the copy of the relevant pages of the register in a special strong room made especially for this purpose.

7.9.16 Reporting format to monitor PBs by employees on poll duty (ECI's No. 52/2013/SDR dt.5.7.2013) -.

- (i) Fortnightly progress i.e. on 5th and 20th of each month will be sent to ECI with district-wise details for each category of employees on poll duty.
- (ii) Format showing position of (i) total No. of employees, (ii) No. of employees in database, (iii) No. of employees whose ER & EPIC details known, (iv) No. of employees whose name are not in ER, (v) employees who filled Form-12 (vi) No. of employees who were issued PBs (vii) No. of employees who cast PBs at facilitation centre.
- (iii) Information on above points to be given for each category of employees on poll duty.

7.9.17 Receipt of PBs by post-

- (i) For receiving back PBs by post, the Postal Department will be asked to nominate one post office for each AC which will deliver PBs every day to the RO.
- (ii) The time of delivery will be fixed at 3 PM every day at the office of RO, except for the counting day when the time for delivery will be 8 AM at the counting center.

- (iii) The list of counting centers and the addresses of ROs offices will be communicated in writing to the Postal Department by the CEO & DEO.
- (iv) 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 PBs by the post office.
- (v) The PBs envelopes delivered by the post office will be counted in the presence of representatives of political parties & candidates.
- (vi) A pass should be issued to the nominated postal department employee to enter the counting center on counting day for the purpose.

7.9.18 Procedure on receiving PBs by post-

- (i) An acknowledge of the number of PBs received will be given to the post office.
- (ii) Copy of acknowledgement shall be kept in the record of the RO.
- (iii) The number of PBs received will be entered by RO in the daily return in Format-1.
- (iv) R.O. to give a daily report to the Observer when he starts receiving the polled PBs indicating the cumulative number of such polled PBs.
- (v) The entire process will be videographed.

7.9.19 Storage of PBs received by Post- The RO will keep all PBs 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 PBs every day after the post has been received.

7.9.20 Role of Postal Department

- (i) To appoint a Nodal Officer at State, District and AC level.
- (ii) To open a prepaid account of RO well in advance to ensure PB deliveries.
- (iii) Collection of service voters’ PBs from RO and its delivery in time.
- (iv) Daily delivery of PBs at 3:00 PM and on counting day before commencement of counting.
- (v) Keeping record of deliveries.

7.9.21 Monitoring by daily return-

- (i) RO will prepare a daily return of the PBs received from facilitation center in Format-3 to check till the facilitation is over. He will enter the number of PBs received by post also in Format-3 and Format-4 till the day of counting.
- (ii) RO will send a copy of Format- 3 to the CEO every day through the DEO. He will also send a copy of Format-3 and Format-4 to all the candidates.
- (iii) Compiled information of the State in Format-3, Format-4 and Format-5 will be sent every day to ECI. Copy of compiled return will be sent by CEO to all recognized political parties also.

7.9.22 Sending PBs to the counting center -

- (i) Where the counting is done at a place other than the RO headquarters, the PBs will be transferred to another strong room for the PBs for that AC at the counting centers, one day before the day of counting.
- (ii) For this purpose, the RO shall inform in writing to the candidates the time at which this will be done. The strong room for PBs shall be opened in the presence of the candidates/representatives present.
- (iii) All PBs will then be kept in steel box to be sealed in the presence of candidates/ representatives.
- (iv) This box will then be carried under guard of armed CPF to the strong room for PBs at the counting center. Candidates and their representatives shall be allowed to follow the vehicle carrying PBs.
- (v) The box will then be kept in the strong room for PBs at the counting center in the presence of the candidates/representatives. Strong room will then be sealed and signatures of candidates/ representatives shall be taken.
- (vi) Candidates/representatives shall be allowed to keep watch on the strong room for which they will be provided reasonable facilities by the DEO.
- (vii) Whole process will be video graphed.
- (viii) On the day of counting, the RO will open the strong room and bring all PBs and copies of the relevant pages of registers received from the Facilitation Centers to the table where the PBs will be counted.

7.9.23 Tallying of PB numbers before counting-

- (i) The envelopes received from facilitation centers will be opened one by one and the number of PBs found in each envelope will be tallied with the numbers mentioned in the copies of relevant pages of the registers received from the facilitation centers.
- (ii) The result of such tallying will be shown to the candidates/election agents before the counting of PBs.
- (iii) Similarly, the register of PBs received by post shall also be shown to the candidates/election agents.

7.9.24 Marked copy of Roll and Record of PBs & EDCs (R. 20 (2) and 23 of CE Rules, Ch. X of RO Hand Book) –

- (i) In the marked copy of roll "EDC" or "PB", shall be marked in RED ink against the name of such elector.
- (ii) In any case only one marked copy should be used as *Master Copy* for issued PBs to avoid any mistake.
- (iii) Serial number of PBs **not** to be mentioned in the marked copy of roll.
- (iv) The counterfoils should be sealed in a separate packet and kept in safe custody.
- (v) After marking "PB" or "EDC", in all cases, marked copy of electoral roll may be sealed and it will be supplied to the concerned PrO for the use at PS.

7.10 Register of postal ballot papers (Ch. X of RO Hand Book) –

- (i) A separate register to keep a record of issue of PBs to all categories and PBs received back.
- (ii) The names of electors to whom PBs are issued and category i.e., *Service Voter, Special Voter, Voters on Election Duty and Voters in Preventive Detention* shall be entered in the register.
- (iii) A record of PBs received back should also be entered in the register indicating how many PBs are received in time and how many received late, in each category.

7.11 Supply of second set of ballot papers (R. 26 of CE Rules, 1961 and Ch. X of RO Hand Book) –

- (i) Second postal papers along with connected papers, may be issued only if –
 - (a) it returned undelivered
 - (b) elector has inadvertently spoiled it or any connected paper in such a manner that it cannot be used.

- (ii) RO shall cancel the spoilt ballot papers so returned, seal them in a packet and note the Sr. No. of PB.

7.12 Counting of PBs

- (i) RO to first deal with the PBs and then after 30 minutes EVM counting starts.
- (ii) PBs received in time be taken for counting.
- (iii) In first phase – covers in Form 13C be opened and Form 13A will be scrutinized.
- (iv) If 13A not found separately or 13A is incorrect or incomplete, reject without opening Cover – A.
- (v) If 13A & Cover A found separately, then match the Sr. No. of the Ballot on cover with the Declaration.
- (vi) If the Sr. No. doesn't match or is not found at all on either 13A or on Cover A, reject it.
- (vii) Correct & incorrect Declarations & their respective Ballot Covers will be separated.
- (viii) After sealing the Declarations, PBs in Cover-A shall be taken for counting.
- (ix) In second phase – Form 13-B (Cover-A) shall be opened and PBs found therein shall be scrutinized.
- (x) Second last round (penultimate round) of EVM counting will be stopped if PB counting is not completed.

7.13 PBs received after commencement of counting

- (i) PBs received late, i.e. after commencement of counting of votes, not to be counted and must be rejected. Date and time of receipt to be noted on covers. However such rejected PBs not to be included in Form 20 and 21-E.

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 from 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																			

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									

Part-8. Ballot Papers For EVMs

8.1 Form and Language of ballot paper for EVM (Label)

(R. 49 B of CE Rules 1961 and Ch. X of RO Hand book; ECI No. 51/8/99/ PLN-II Dated 25.8.1999)

- (i) Names of candidates in Hindi, and name of Constituency in English.
- (ii) Names of candidates to be arranged in same order as they appear in list of contesting candidates (Form 7A) under 3 categories. The headings of categories not to be printed in ballots.
- (iii) Form and design of ballots as per directions given in Ch. X of RO Hand Book.
- (iv) Sample ballot paper is shown in Annexure XXXI-B of RO Hand Book.

8.2 Assessment of requirement of ballot papers (Ch. X of the RO Hand Book 1998)

Requirement of ballot papers on the following basis -

- (i) Number of Polling Stations + 12% Reserve.
- (ii) 20 ballot papers per Polling Station for tendered ballot papers.
- (iii) In addition to point (i) & (ii) 10% of the above number may be printed extra for mutilation at the time of fixing the BPs in the B.U., defective BPs.

8.3 Printing of Ballot Papers (Ch. X of RO Hand Book) —

- (i) The detailed instructions will be sent by CEO
- (ii) The list of contesting candidates (Form 7A) to be sent on same day to CEO and Govt. Press.
- (iii) Transport and security arrangements to be ensured.
- (iv) O.I.C. printing will leave at once for printing with the relevant documents.
- (v) Each bundle will have 20 ballot papers - Not to be stitched - Ballot papers will have consecutive serial numbers.
- (vi) Exact alignment with BUs to be ensured - For this purpose a BU should be kept in the press.

8.4 Verification of ballot papers (Ch. X of RO Hand book) -

- (i) Ensure that names and symbols have been printed properly and correctly and in correct order.
- (ii) Ensure that there is no discrepancy in the numbers of ballot papers dispatched by the press and received by RO
- (iii) Defective ballots or with duplicate number, or missing number should be entered in register - Also to be published on notice board and intimation to candidates also.
- (iv) Ballot papers should be kept in safe custody.

8.5 Safe custody of undistributed ballot papers (Ch. X of RO Hand Book)-

- (i) After the issue of ballots, surplus undistributed ballot papers should be kept in safe custody
- (ii) Such surplus ballot papers may also be used for fresh/adjourned poll.
- (iii) After completion of the election surplus ballot papers should be disposed off in the manner prescribed in Ch. XVIII.

8.6 Ballot papers for record of ECI and CEO (Ch. XVIII of RO Hand Book)-

Two undistributed ballot papers duly cancelled with words "Cancelled for the record in Election Commission" and one ballot paper duly cancelled with the words "Cancelled for the record of Chief Electoral Officer" written on the back of ballot paper under the signature of the RO should be sent to the CEO.

8.7 Tendered ballot papers (CH. X of R.O. Handbook)

Tendered ballot papers shall be in same design and form as the ballot papers to be used in balloting unit of EVM. The words "Tendered ballot paper" shall be stamped on the back of ballot paper.

Part-9. Sector Officers and Vulnerability Mapping (Measures to prevent booth capturing/Intimidation of voters)

9.1 Identification of critical polling stations [ECI No. 464/INST/2008-EPS dt. 24.10.2008] Factors to be taken into account —

- (i) PSs of high % of Non EPIC voters.
- (ii) PSs of high % of missing voters without family links.
- (iii) PSs having vulnerable pockets - SO's, Police's and candidate's "worry list".
- (iv) PSs where polling was more than 75% and where more than 75% of votes have been polled in favour of one candidate in last election.
- (v) Re-poll reported due to malpractices, and where electoral violence has taken place during last election.
- (vi) Anti social elements and their areas of influence.
- (vii) Observer will be consulted while finalizing the list of critical PS.
- (viii) Categories of critical PSs - like S-1, S-2, S-3 and S-4. Weight-ages to be assigned to each category of criticality.

9.2 Critical Polling stations - Measures to be followed thereat [ECI No. 464/INST/2008 - EPS dt. 24.10.2008 and No. 447/2007/PLN-4 dt. 17.1.2007] -

- (i) One or all of the following measures: —
 - a) CPF to safe guard the PS.
 - b) PrOs be briefed to ensure that the EPIC / approved identification document are properly verified and reflected in the remarks col. of Form 17A
 - c) List of such PSs be given to Commanding / Assisting Commanding Officer of CPF to keep an eye on such PSs.
 - d) Digital/Video camera be positioned at identified PSs as directed by the ECI - Photography be carried inside the PS to capture photos of all electors in same sequence as in Form 17A and cover poll proceeding without compromising the secrecy of voting - Special care about the faces of all electors without EPIC or other ECI approved photo identity card.
 - e) Micro Observer to be deployed - with consultation / approval of Observer.
- (ii) Critical events in and around the PS should also be captured/photographed
- (iii) Digital cameras will be issued by DEO to the trained officers for such PSs - The officer shall submit a certificate (format enclosed) after the poll.

- (iv) Media persons not to be allowed to capture photograph inside the PS. [See also ECI No. PS/AK/2005 dt.10.9.2005]

9.3 Deployment of Sector Officers and Tasks assigned to them (ECI's No.51/8/7/2008 - EMS dt. 15.7.2008 and No. 464/INST/2008-EPS dt. 24.10.2008)

9.3.1 Appointment & Training – Before announcement of election they may be appointed and trained.

9.3.2 Deployment –

- a) Responsible for election management from the day of announcement of schedule of election till the completion of poll process.
- b) If required central Govt. officers can also be deployed.
- c) Most responsible position; best officers to be identified.
- d) A manageable route covering 10-12 polling locations (1 to 2 hours) should be assigned.
- e) They may be designated as Zonal/Sector Magistrates for the same area. They will be provided powers of Special Executive Magistrates also.
- f) Sectors to be constituted well in advance.
- g) The routes should be plotted on constituency map.
- h) Immediately after the appointment he should have the sector map.
- i) DEO/RO & Observers to frequently (weekly) have review meetings with SOs and monitor works allotted to and done by them
- j) They should be provided with a vehicle.
- k) A Videographer can also be provided to monitor any breach of MCC.

9.4 Prevention of Intimidation to the voters – Mapping of vulnerability

(ECI No. 464/INST/ 2007 - PLN-I dt. 12.10.2007, No. 464/INST/ 2008-EPS dt. 24.10.2008, No.464/INST/2009-EPS dt. 22.03.2009, 31.03.2009 & No. 464/Instructions/EPS/2011 dt. 05.03.2011) -

9.4.1 “Vulnerability”- In the context of election may be defined as, -

- a) susceptibility of any voter or section of voters, whether or not living in a geographically identifiable area,
- b) to being wrongfully prevented from or influenced upon in relation to the exercise of his right to vote in a free and fair manner,
- c) through intimidation or use of undue influence or force of any kind on him/her.

9.4.2 The exercise of **Vulnerability Mapping** in the context of elections to be undertaken with the point of view,-

- a) to clearly identify vulnerable voter/ section of voters,

- b) to identify the persons/factors causing such vulnerability , &
- c) to plan and take adequate corrective action well in advance.
- d) For identification of the areas well in advance Sector Officers should be ready before the announcement of election. All help including vehicular support should be given to the SO.

9.4.3 Exercise on Vulnerability Mapping - For identification of the areas/communities Sector Officers should do exercise soon after declaration of election by, -

- (i) Visiting the catchment area of every polling station in his Sector.
- (ii) Meeting with community, local intelligence etc.
- (iii) Identify source of threat and intimidation.
- (iv) Considering incidence and current apprehensions.
- (v) Consultation with SHO, BDO, Tehsildar and other local administrative officers/officials.
- (vi) Candidates' "Worry List" when candidates are finalized and observers have arrived.
- (vii) Identify names of people who are likely to cause undue influence/intimidation.
- (viii) Sector Officer will prepare,-
 - The list of vulnerable households & families,
 - The list of persons and factors causing such vulnerability
 - Contact no. of household/ Contact points within the habitats/ community vulnerable
 - Action taken/proposed
 - Contact no. & address of the person who are to be tracked/prevented from intimidating/wrongly influencing the voters
- (ix) Sector Officer, after visiting the area and collecting information, shall fill up detailed information in **Format VM-SO** for each polling station in his Sector
- (x) Each Format VM-SO must contain the details of all vulnerable localities/pockets/voter segments in one polling station area.
- (xi) It must be ensured and certified by Sector Officer that no locality/pocket/voter segment which is vulnerable has escaped or been missed from inclusion in this Format for any polling station area.
- (xii) The SO must retain a copy of filled Format VM-SO with himself and submit all filled in Formats VM-SO to the Returning Officer.
- (xiii) Each RO must collect all Formats VM-SO and prepare the **Format VM-RO** and will send it to DEO.
- (xiv) The DEO on the same lines must collect the **Formats VM-RO** & prepare and make available to the CEO the **Format VM-DEO** .

- (xv) CEO will compile all the districts formats **Format VM-DEO** of the State in a book which will be sent to the ECI.

9.4.4 Follow up action on Vulnerability Mapping exercise

- a) Preventing measures by DEO and SP and confidence building measures for free and fair poll - Frequent visit at such locations.
- b) Regular feedback by district intelligence.
- c) DEO / RO shall interact with candidates/political parties.
- d) A specific officer will be designated at Thana level for tracking the individual trouble mongers.
- e) The name of Police Officer responsible for each vulnerable location should be mentioned along with his contact no. in the format to be sent as ATR.
- f) The ATR is required to be submitted by DEO & SP jointly to the CEO 5 days before the poll.
- g) Details of PS wise vulnerability mapping be given to Observer also on his arrival.
- h) Action plan by DEO and SP to deal with potential threats and intimidation points - action under 107 / 116 / 151 CRPC, forcing trouble mongers' appearance in police station, placement of police pickets, visits by officers etc.,.
- i) The Police patrolling parties should keep track of the vulnerable locations and keep the control room informed on the day of poll. Wherever necessary police pickets should be established.
- j) The Commanders of the CPMF shall be given list of such vulnerable locations.
- k) On the day of poll CPF shall make it a point to visit such pockets as a confidence building measures.

9.4.5 On the day of poll special attention by SO –

- a) The Presiding Officer should be briefed about the vulnerable locations. In the electoral roll the Section within the part should also be marked for proper monitoring.
- b) SO will verify whether voters from vulnerable habitats/communities/households are turning up for voting or not.
- c) It can be gauged from the marked copy of electoral roll where voters who have voted are ticked.
- d) In case SO find that some section of voters is conspicuously absent then they should inform the RO about this immediately and special squad will be sent to ascertain that there is no hindrance.
- e) At the end of poll SO to submit special report to RO that voters from vulnerable habitats were able to vote or not.

9.4.6 The Observers shall give their full attention at every stage. A special mention shall be made about this in their final report.

9.4.7 If ordered by ECI, Observer will make a reading of the Form 17A and the marked copy of the electoral roll used at the PS.

9.5 Sector Officers – Other Tasks

9.5.1 Pre-poll responsibility - About polling location -

- (i) To verify whether route plotted on map is feasible - Ascertaining the approach and accessibility.
- (ii) Ascertain infrastructure at polling stations – water, shade, ramps, toilet, telephone etc., and physical status of building.
- (iii) Collect phone no., ascertain mobile connectivity at PS;
- (iv) Party Offices, whether they exist within 200 meters periphery of PS
- (v) He shall keep an eye and report to the RO on movement of unauthorized campaign vehicles, defacement of property, unauthorized campaigning, misuse of public buildings/ Govt. Vehicles/ Government servants and all possible violation of MCC.

9.5.2 Pre-poll responsibility – About voter turnout-

- (i) To increase voter turnout - awareness
- (ii) To organize SVEEP activities in the field
- (iii) EVM demonstration to the voters in catchments;
- (iv) Inform voters about help lines and locations of their PSs.
- (v) To inform voters to check their names and entries in PER through BLO
- (vi) SO will act as Zonal/Sector Magistrate, therefore will accompany with police officer.
- (vii) Since SO will act as Zonal/Sector Magistrate, he will prepare a Zonal/Sector Magistrate Plan with a sketch map for PSs, list of telephone Nos of PSs and election related officers, police stations, list of responsible persons, list of Anti Social elements etc.,.

9.5.3 Poll-eve responsibility

- (i) Ensure that the polling teams and all material have reached their PSs
- (ii) Ensure that force has arrived at PSs according to the plan.
- (iii) Clarify any last minute doubt on EVM operation or the polling process, amongst the poll personnel
- (iv) Give OK report to control room

9.5.4 Other Tasks - Poll day responsibility

- (i) To ascertain the mock poll status before commencement of poll - Remedial action to sort out problem, if any, on the part of PrO or the EVM.
- (ii) Frequent visit and attention on the PS where the mock poll had to be conducted in the absence of agents.
- (iii) Report commencement of polls.
- (iv) To ensure that Forces deployed at PSs is in position

- (v) Replacements of EVMs where required.
- (vi) Track and report the presence /absence of polling agents
- (vii) To assist polling team inside polling station with procedures,
- (viii) To maintain the purity of poll process and check all aspects of polling during their visits to PSs.
- (ix) Mock poll certification be ensured - mock poll status be reported within 30 minutes to RO [ECI's No. 51/8/7/2008-EMS dt. 15.7.08]
- (x) Handling of poll day complaints
- (xi) Check the sealing of EVMs and preparation of papers by polling parties.
- (xii) Escort all EVMs with the polling team to receipt centre.
- (xiii) Replacement of polling personnel from reserve parties

- (xiv) At the end of poll he will ensure that: -
 - a) PrO diary is filled up properly
 - b) EVMs are properly sealed.
 - c) Copies of 17C are given to polling agents
 - d) Register of 17A is properly filled up.
- (xvi) After poll, submit a report on polling to RO.

Part-10. General Arrangements For Poll

10.1 Meeting with constituency level Standing Committee

(Ch. XI of RO Hand Book)

Representatives of political parties, contesting candidates and local police officers be associated - Briefing about arrangements, model code of conduct, cooperation for law and order etc., - Minutes to be drawn.

10.2 Observers (Sec. 20B of RP Act 1951; Para 12 of Ch. 1 of RO Hand Book) -

- a) Due courtesies and facilities to be given
- b) General Observer and Expenditure Observer

10.2.1 Duties of Observers -

- (i) To observe the preparedness for conducting elections
- (ii) They will observe all aspects for a fair, free and peaceful election
- (iii) They will inspect at random electoral rolls - Polling material and arrangements of polling booths also to be observed - Random checking of EVMs also.
- (iv) Security arrangements and force deployment plan - Observers to be consulted.
- (v) Expenditure incurred by candidates to be inspected
- (vi) Directions of ECI regarding model code of conduct - Compliance to be observed
- (vii) Randomization of polling personnel, counting personnel in the presence of Observer.

10.2.2 Powers of Observers -

- (i) To stop counting of votes before declaration of results or direction to RO not to declare result
- (ii) Place of stay, phone number and dates of visit are to be publicised
- (iii) Polling personnel, counting personnel and Micro Observers are to be selected randomly in presence of Observer.
- (iv) Preparation of EVMs for poll - Presence of Observer is must.
- (v) Dispatch arrangements, movement plan of prepared EVMs to dispersal centers, movement plan for polled EVMs to collection centers, Security arrangements at counting centers/strong rooms to be intimated to Observers.

10.3 Dummy ballot papers (Political Parties/Candidates) (Ch. XI of RO Hand book)

- (i) It should not resemble genuine ballot paper in size and colour.
- (ii) It should not contain the actual names and symbols of the other candidates

10.4 Dummy balloting unit (Political Parties/Candidates) (Ch. XI of R.O Hand book)

It may be made of wooden, plastic or plyboard boxes, half the size of official balloting unit and may be painted brown, yellow or grey.

10.5 Unofficial identity slips (Ch-XI of R.O Hand book)

Political parties/candidates may issue identity slips containing

- (i) Name and Sr. No. of elector in roll,
- (ii) Part No. of roll
- (iii) Sr. No. and Name of PS. - It should be on white paper and should not contain the name of the candidate or party and his symbol. No slogan/exhortation to vote for a party or candidate.

10.6 Restrictions on the Printing of pamphlets, posters

etc., [ECI's No. 3/9(ES008)94-JS II/5196 dt. 2.9.94, No. 3/9/2004/JS II dt. 24.8.2004 & No. 3/9/2007/JS II dt. 16.10.2007 and section 127A of RP Act 1951]

- (i) Ensure that printers and publishers are complying the provisions of section 127-A of R. P Act, 1951 and ECI's directions.
- (ii) All the printing presses shall be informed within 3 days of announcement of election programme in writing by the District Magistrate to furnish information and printed material as required U/s 127-A of RP Act 1951.
- (iii) Surrogate advertisements in print media for/against a political party/candidate - Expenditure involved in such advertisement has to be added to account of election expenses u/s 77(1) - Sec. 171H of IPC prohibits expenditure without authority from the candidate.
- (iv) In case of any violation of the provisions of Sec. 77(1) and 127A of RP Act, 1951, 171H of IPC and Commission's directions, strict action should be taken.
- (v) Display of election materials , viz., Cardboard badges, Paper caps, Mobile stickers, Sticker badges, Flag banners, Cut-outs, Caps, Masks, Scarf are not covered under section 127-A. Therefore, they should not seized for violation of 127-A. (ECI No. 464/INST/2012/EVS dt. 20.01.2012)

10.7 Polling rehearsals/training of EVMs (Para 7 of Ch. XI of RO Hand Book)-

- (i) Polling staff be given intensive training. Polling rehearsals should be conducted - RO should be present in the polling rehearsals/ training classes.
- (ii) Training should also be imparted to Police officers/personnel.
- (iii) PrOs to prepare additional report in prescribed format.

10.8 Timely submission of information/data -

Various types of daily information right from nominations, till result of election will be required by the Commission - Special care about the stipulated time.

10.9 Authority letters for entry into PSs and Counting places (R. 49-D, and 53 of CE Rules 1961, and ECI's orders) -

- (i) Authority letters will be issued as per directions of the Commission only.
- (ii) Authority letters issued u/r 49D and 53, only, will be valid.
- (iii) Public servants on duty includes Micro Observers, Sector Officers, Officers for inside photography in specified PSs etc., - They should be given photo identity card by DEO to be displayed on their persons.

10.10 Measures to reduce multiplicity of candidates (ECI No. 3/ER/94/J.S.II, dt. 27-4-94; No. 3/ER/ESO 11/94/ J.S.II dt. 7.9.94; and dt. 7.12.94)

- (i) Candidates may misuse certain facilities. Prevent such misuse.
- (ii) If a candidate announces his retirement facilities such as personal security, permits for vehicles etc., be withdrawn.
- (iii) If any vehicle authorized candidate/his agents is being used by any other candidate or for any other purpose, the vehicle shall be impounded till the polling.
- (iv) Seating arrangement of polling agents at the PSs in following order of priorities –
 - a) Candidates of National Recognised Political parties;
 - b) Candidates of State Recognised Political Party.
 - c) Candidates of recognised State parties of other States, permitted to use reserved symbols in the AC;
 - d) Candidates of registered unrecognized parties;
 - e) Independent candidates.
- (v) Seats for counting agents at each counting table shall also be arranged in above priority.
- (vi) Security personnel provided to a candidate cannot be allowed to be used by another candidate, In case of misuse, security will be withdrawn.
- (vii) However, facilities which are available under law such as appointment of election/polling/counting agent cannot be withdrawn.

10.11 Feed back about "Dummy Candidates" and measures to be taken in this regard (ECI's No. 464/INST/2008/EPS dt. 7.1.2009) —

- (i) Actual use of vehicles permitted for campaigning be reviewed - Video recording and collecting evidence - Issuing notice.
- (ii) Before giving permits of vehicles on poll day dummy factor should be considered.
- (iii) Appointment of polling agents should be tracked.
- (iv) Close watch on counting agents.
- (v) On misuse of permitted vehicle, action u/s 171H IPC to be taken.

- (vi) On misuse of vehicle authorized for other candidate, notice be given to include the expenditure of the candidate, who misused the vehicle for his campaigning.

10.12 Use of videography and digital camera during elections process (ECI No. 447/2007/ PLN IV dt. 17.1.2007 and dt. 12.10.2007 and No. 4/2008/SDR dt. 15.12.2008)

- (i) DEO/RO to make arrangement of videography of critical events during election campaign day of poll, counting etc..
- (ii) Video teams under supervision of Senior Officers - The private videographers to be properly sensitized and be easily identified.
- (iii) Besides Video Surveillance Teams in EEM separate Video Teams will also be required for videography of various stages of election process to be done by DEO & RO.
- (iv) Critical events which are likely to vitiate the poll and related to election expenditure by candidates/political parties be video taped - Viz - Meetings, violent incidents, booth capturing, intimidation of voter, inducement/ bribery of voters, canvassing within 100 meters of PS, vulgar display of expenditure, cutout/hoardings, movement/activities of candidates with criminals records, critical PS, nominations/ scrutiny/withdrawal etc, preparation of EVMs, closure and opening of strong rooms, counting process etc.
- (v) Video films to be viewed by R.O/VVTs immediately - corrective actions by R.O - In cases of serious infringement of MCC & seizure of money etc. copy of video tape accompanied by a brief note by R.O., be sent to ECI -
- (vi) Unedited videographic clippings/ cassettes/ CD's will be handed over to Observers on the same evening or latest by morning of next day - Certificate to be also furnished.
- (vii) CDs of all critical events should be made available on reasonable cost to everyone whoever intends to obtain a copy of the same.

10.13 Advertisement of political nature on Radio, TV Channel and cable networks (ECI No. 509/75/2004 JS-I (Vol. II) dt. 15.4.2004; 26.9.2007; 2.11.2007, dt. 08.11.2007; 21.11.2008; 18.03.2009, No. 3/ER/2009/SDR dt. 20.3.2009 and ECI No. 491/Paid News/2012/ Media dt. 27.07.2012)

- (i) Advertisement of political nature on TV Channels, Cable Network and Radio including FM Channels are to be got certified.
- (ii) 'Advertisement' includes programme also which intends to use campaign material.
- (iii) Committees are formed at **three level** for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties before it is inserted in the electronic media.

10.13.1 Committee setup in the office of CEO, Delhi –

- (i) To deal with applications by Central Offices of all Political Parties having HQrs at Delhi.
- (ii) Certification by this committee will be valid for telecast/broadcast throughout country in all States.
- (iii) The party should submit a copy of the certificate obtained from Committee in Delhi to CEO of the State in which such advertisements are proposed to be telecast/broadcast.
- (iv) The copy shall be accompanied with declaration that the same is a true copy of the certificate.
- (v) This should be submitted to the CEO of the State before the advertisement is telecast/broadcast.

10.13.2 State level Committee - Headed by Jt. CEO – for certification of political advertisement by (i) State Units of recognized national political parties, (ii) all registered political parties having HQr in the State and (iii) all organizations or groups of persons or associations having their registered offices in the State.

10.13.3 District level MCMC –

- (i) For purposes of the certification of advertisements on TV/Radio by an individual / candidates the RO of the Parliamentary Constituency & ARO (not below SDM) shall be members of MCMC.
- (ii) For the scrutiny of cases of *Paid News* etc. there shall be 3 additional members and in such case DEO of the district concerned will preside the Committee.
- (iii) Application for such certification should contain all required details and in prescribed format and with two copies of proposed advertisement in electronic form along with transcript.
- (iv) Register of application and applications be serially numbered.
- (v) Certificate to be given in prescribed format.
- (vi) Information about all political advertisements as certified by the Committee/District MCMC should be communicated immediately to DEO & RO concerned.
- (vii) District MCMC will also monitor all the political advertisements in electronic media, for checking if the telecast/broadcast has been done only after certification by the competent committee.
- (viii) Immediate action will be taken in case of political advertisement is found without certification.
- (ix) Broad casting of commercial advertisement of political nature on Radio Channels (including private FM Channels) during the period of MCC – Instruction of ECI about pre-broadcasting scrutiny and certification by the Committees

setup at three levels shall apply to advertisements on Radio also.

10.14 Voter's Slip (ECI No. 464/INST/2011/EPS dt. 18.02.2011, dt. 19.03.2011, dt. 20.01.2012 & ECI No. 464/INST/2013-EPS dt. 14.06.2013)

- (i) Voter's slip including photograph of elector, wherever available, will be distributed by District Adm. well before the poll day to facilitate the voter to know about his enrollment i.e., Part No., Sr. No. & Polling Station.
- (ii) The Voter's slip should be authenticated by ERO/BLO so that they can be used as an alternative ID document.

An additional copy of Voter's slip would be kept available at Facilitation Booth outside the Polling Booth so that voter's who have misplaced Voter's slip/ EPIC can collect it at the Polling Booth itself.

10.15 Preparation of working copies of Electoral Rolls

ECI No. 22/2/2006 PLN-II dt. 24.3.2006, No. 22/2/2007 ERS dt. 06.11.2007 and No. 22/2/2008 PLN-II dt. 8.8.2008)

10.15.1 At ERO Level -

- (i) There shall be one integrated draft roll (reprinted at the time of publication) one supplement of final publication and another supplement of continuous updation.
- (ii) The basic mother roll (integrated draft roll) shall remain same as was published in draft except in following 4 manners: —
 - (a) The word "D E L E T E D" shall be superimposed diagonally (computer generated) on the elector detail box 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 Sr. No. of each deleted entry to denote the reason for deletion.
 - (b) A hash (#) sign shall be prefixed before Sr. No. 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.
 - (c) Photographs of electors corrected in the supplement will not be added/ changed/ corrected. However, in the space provided for photograph, the words "**Photo as in Correction List**" in bold should be printed. - In case the existing photograph was wrong these words should be stamped/ imprinted over an existing photograph.
 - (d) Where the photo in draft roll is wrong and correct is not captured before final publication in such case "photo deleted" may be standby in printed or the wrong photo in mother roll and a # sign affixed to indicate the change in Supl.I. In the Supplementary-I against the

space for image, there should be no image and words "Photo Deleted" should be inscribed.

- (iii) ERO shall supply one authenticated copy of complete roll alongwith PDF version to the DEO and the RO in a sealed cover.
- (iv) ERO shall give a few more copies and a CD of the roll in a printable form to the DEO/RO for making copies required for use in election.

10.15.2 At RO (Who is ERO also) Level -

- (i) RO to reflect all the deletions and corrections, if any, appearing in Supplements.
- (ii) At Supplement 1 stage (of final publication) the roll is computer generated and all deletions/corrections are software generated.
- (iii) Deletions in Supplement 2 (continuous updation) shall be marked by hand through a rubber stamp **D E L E T E D** with 'E', 'S', 'R', 'Q' or 'M' written with red ink to indicate the reason. (E = Expired, S = Shifted, R = Repeated, Q = Disqualified, M = Missing)
- (iv) All corrections in Supplement 2 shall be indicated by putting a hash sign (#) **by hand through rubber stamp in red ink** on the entry corrected just after the name of elector.
- (v) In case of corrections/additions of a photograph, the photo box in the mother roll should be made through rubber stamp in red ink "Photo as in correction list".
- (vi) The official entrusted to reflect the deletions/corrections of supplements should put his signatures on each page of part of the roll.
- (vii) Maintenance of a register by RO showing names and designation of officials who carried out deletions and corrections of Supplement No. 2. - Not more than 4 officials per AC.
- (viii) In case of Auxiliary PSs Two copies of roll of that part - Non relevant pages / part of page to be deleted by putting cross (×) marked by hand with ink – Official should put his full signature also.
- (ix) Entries relating to EDC and PB in working copy.
- (x) Working copies should be completed 2 days before dispatch of polling parties.

10.15.3 Classified Service Voters

(R. 27P & 49F of CE Rules, Para 16 of Ch. X of RO Handbook, ECI No. 3/1/2003 JS-II dt. 23.9.2003 and No. 22/2/06 PLN-II dt. 24.3.2006)

- (i) List of CSVs shall also be supplied to the candidates of recognized parties
- (ii) PS wise sub list of CSVs and proxy to be added to the end of relevant part of roll

- (iii) One copy of list of CSVs for entire constituency to be forwarded to DEO in a sealed cover.

10.15.4 Authentication of working copies

(ECI No. 22/2/2006 PLN-II dt. 24.3.2006; No. 22/2/2007 ERS dt. 06.11.2007 and No. 22/2/2008 PLN-II dt. 8.8.2008)

- (i) Certificate by RO/ARO (ink signed) in prescribed format to be attached on top of one copy to be used as marked copy - In case of auxiliary polling stations S.Nos. of voters also to be indicated clearly in the aforesaid certificate.
- (ii) Total number of deletions and corrections, both in words and figures be also indicated in the certificate.

10.15.5 Supply of working copies of rolls to candidates of recognized parties

(R. 85D of CE Rules, 1961, ECI No. 3/1/2003 JS-II dt. 13.11.2003; No. 22/2/07 - ERS dt. 06.11.2007 and No. 22/2/2008 PLN-II dt. 8.8.2008)

- (i) Complete set of roll, free of cost, to be supplied.
- (ii) Working copies of rolls and the copies of rolls supplied to such party candidates should be identical.
- (iii) Computer generated electoral roll at Supplement 1 stage carrying all deletions/ corrections, alongwith Supplement 2 shall be given to such party candidates.
- (iv) They may be asked in writing to carry out corrections / deletions in Supplement No. 2 by hand.
- (v) List of CSVs also to be supplied to such candidates.

10.15.6 Supply of working copies (including sub list of CSVs) for use of PrO etc., (ECI No. 22/2/2006 PLN-II dt. 24.3.06 and No. 22/2/2007 ERS dt. 06.11.2007) –

- (i) Polling party - 4 sets: - after all the PBs/EDCs are issued - marked copy i.e. master copy in sealed cover.
- (ii) DEO - 1 set (sealed copy along with PDF version)
- (iii) RO - 1 set (with PDF version)
- (iv) Sector Officer - 1 set

10.16 List of Absentee/Shifted/Duplicate voters -

- (i) RO to prepare PS wise list of Absentee voters, both with family and without family linkage.
- (ii) The list will be used for identification of critical polling stations.
- (iii) The list will be provided to PrO for special watch during identification of voters in the list.

Part-11. Model Code of Conduct

11.1 Period of MCC -

MCC comes into operation in the Constituency from the day of announcement of Election Programme.

11.2 Objective -

- (i) To develop for maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth elections.
- (ii) To provide level playing field for all political parties and candidates.

11.3 Publicity

- (i) Provisions of MCC, Illustrative list of DO's' & DON'Ts', Legal provisions electoral offences and corrupt practices and ECI's directions may be explained in the meetings with political parties/ candidates.
- (ii) R.O. to give copies of ECI's directions to candidates at the time of nominations.
- (iii) Wide Publicity through print/electronic media etc.

11.4 Be pro active - check misuse of

- (a) Official vehicles of Government/PSUs
- (b) Government Building
- (c) Government Officials/Machinery.

11.5 Important Aspects of the MCC- DO's & DONT's (ECI No. 464/INST/2007-PLN-I dt. 07-01-07)

11.5.1 On Welfare schemes and governmental works:

- (i) Announcement of new projects or programme or concessions or financial grants or promises thereof or laying of foundation stones, etc., are prohibited.
- (ii) These restrictions apply equally to new schemes and also ongoing schemes. The commissioning of such schemes will be done by civil authority without associating political functionaries and without any fanfare or ceremonies.
- (iii) Even if a budget provision has been made or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor/budget speech the schemes can not be

announced/inaugurated/ taken up while the MCC is in operation.

- (iv) No fresh sanctions for governmental schemes should be made.
- (v) Review by political executives and processing of beneficiary oriented schemes, even if ongoing, should be stopped.
- (vi) No fresh release of funds on welfare schemes and works should be made or contract for works awarded without prior permission of the Commission. This includes works under the MP/MLA Local Area Development Fund .
- (vii) No work shall start even if work orders have been issued before the MCC came into effect. However, if a work has actually started, that can continue.
- (viii) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- (ix) Prior approval of Commission is required for schemes like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. However, ostentatious functions are not allowed.

11.5.2 Ban on Transfer/Appointments

- (i) From the announcement of election programme no officer/official connected with election work or likely to be deputed for election work not to be transferred.
- (ii) Transfer orders issued prior to the date of announcement but not implemented till the announcement should not be given effect without specific permission from ECI.
- (iii) No appointment/promotion in Govt./PSUs shall be made without prior clearance of ECI.
- (iv) Officers connected with election work should not remain at the place against the Home District and 3+ policy.

11.5.3 Conduct of Government Servants (ECI No. 62/84 dt. 6.11.84 and Sec 129, 134 and 134A of RP Act 1951 and Civil Services (Conduct Rules)

- (i) No Government servant can take part in political activities - He shall be guilty of misconduct under the relevant service rules.
- (ii) He can not act as election agent, polling agent, counting agent. It is an offence. (S.134 of R.P.Act, 1951)
- (iii) If he happens to be an official mentioned in Section 129 (1) of R.P. Act, 1951, he shall also be additionally liable to penal action.
- (iv) He should not be present in public meeting during election campaign. Exception - those officers engaged in law & order and security arrangements.

11.5.4 Misuse of official vehicles (ECI No. 437/4/96-PLN-III dt. 15.1.96, No. 437/6/96-PLN-III dt. 9.4.1996, No. 437/6/97 PLN-III dt. 18.3.97 and No. 464/INST/2007 - PLN-I dt. 7.1.07 and No. 437/6/2008/CC&BE dt. 19.10.2008)

- (i) Total restrictions on the use of official vehicles such as helicopters, aircraft (except PM), cars, jeeps, etc.
- (ii) Use of official vehicles by Ministers, even on payment for electioneering purposes including by adopting the official work is totally prohibited.
- (iii) The only exception will be the Prime Minister and other political personalities who require security of high order.
- (iv) Official vehicle means vehicles belonging to Central Govt., State Govt., Public / Joint Sector under takings of Central or State Govt., Local bodies, PRIs and any other body in which any public funds are invested.
- (v) Functionaries of autonomies organizations may use the official vehicle only for commuting between office and residence and to attend any official meeting within Head Quarters itself (ECI No. 437/6/2008/CC&BE dt. 19.10.2008)
- (vi) Close watch by district administration.

- (vii) Vehicles found being misused, may be confiscated forthwith.

11.5.5

Tours of Ministers (ECI's No. 437/6/96 PLN.III dt. 17.1.1996; No. 437/6/99 PLN-III dt. 15.7.1999; No. 464/INST/2007 - PLN-I dt. 7.1.2007 and No. 437/6/2007/ PLN-III dt. 23.11.2007, No. 437/6/INST/2011-CC&BE dt, 24.03.2011 & 01.04.2011)

- (i) Official visits and political activities/electioneering not to be combined.
- (ii) Tours of Union Ministers - They may visit on purely official business after letter of certification by Secretary of department/ministry - Govt. vehicles, accommodation and due courtesies be given for such official trip.
- (iii) Tours of Ministers of State Government -
 - (a) No Minister shall undertake an official visit.
 - (b) Election related officers not to be summoned by Minister.
 - (c) Only exception is Minister in charge or CM in case of failure of law and order and occurrence of natural calamity
- (iv) Minister entitled for official vehicles at HQ from their residence to offices for official work only and not for any political activity.
- (v) During visit, whether on a private or official, no pilot car(s) or car(s) with beacon lights or car affixed with sirens be used by Minister or by any political functionary, even if he has been granted security cover. This is applicable whether vehicle is government owned or private owned.
- (vi) Official staff of Minister not to accompany with minister during electioneering – But one member of non gazetted personal staff of the Chief Minister may be allowed to accompany him on personal/private tour.
- (vii) However, such personal staff shall not take part in political activity or assists the CM in his political work.

11.5.6

Security covers to Ministers/political personalities (ECI No. 437/6/96- PLN-III dt. 9.4.96; No. 437/6/98 PLN-III dt. 18.8.99; No. 4/2001/JS II dt. 30.3.2001 and No. 437/6/2007 PLN-III dt. 24.10.2007, No. 437/INST/2009/CC&BE dt. 25.03.2009)

- (i) Security covers as per threat perception assessed by Govt. agencies.
- (ii) Absolute ban on the use of State owned aircraft or helicopters propelled at State cost or hired at State cost for any reason including security (except P.M.).

- (iii) State owned one bulletproof vehicle be permitted where the security agencies have prescribed such use. Stand-by vehicle not to be permitted unless so specifically prescribed by security authorities.
- (iv) Cost of spare multiple vehicles, where prescribed in the case of SPG protectee by the security agencies will be borne by Govt. (except the vehicle used by the SPG protectee.
- (v) Propulsion charges of bulletproof vehicle used by PP/SPG protectee will be borne by the PP/SPG protectee when it is used for non-official purpose and in case star campaigner it will be borne by the political party.
- (vi) Carcade will be strictly in accordance with security norms. Propulsion charges of such security vehicles and cost of man power will be met by State Govt.
- (vii) Political functionaries of other states (other than Z+ and SPG protectees for whom approved guidelines exist) will not be permitted with private security vehicles or security guards - They will be permitted to come with their PSOs as per X, Y and Z category entitlement. (ECI's No. 464/RJ-LA/2008 dt. 20.11.2008)

11.5.7 Other DO'S & DONT'S (ECI No. 464/INST/2007-PLN-I dt. 07-01-07)
A. Illustrative list of DO'S :-

- (i) **Ongoing programmes**, which actually started in the field before the announcement of elections may continue.
- (ii) **Relief and rehabilitation** measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (iii) Grant of cash or medical facilities to terminally or **critically ill persons** can continue with appropriate approvals.
- (iv) Public places like **maidans** must be available impartially to all parties/contesting candidates

for holding election meetings. So also use of **helipads** to ensure a level playing field.

- (v) **Criticism** of other political parties and candidates should relate to their policies, programme, past record and work.
- (vi) The right of every individual for peaceful and undisturbed **home life** should be fully safeguarded.
- (vii) The local police should be fully informed of the venue and time of the proposed **meetings** well in time and all necessary permissions taken.
- (viii) Restrictive or **prohibitory orders**, if any, in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (ix) Permission must be obtained for the use of **loudspeakers** or any other such facilities for the proposed meetings.
- (x) The Police assistance should be obtained in dealing with **persons disturbing meetings** or otherwise creating disorder.
- (xi) The time and place of the starting/termination of any **procession** and the route should be settled in advance and advance permissions obtained from the police authorities.
- (xii) **Restrictive orders**, if any, in force in the localities through which the procession has to pass should be fully complied with. So also all **traffic regulations** and other restrictions.
- (xiii) The passage of the procession must be without hindrance to traffic.
- (xiv) Cooperation to all election officials at all times to ensure peaceful and orderly poll.
- (xv) All Workers must display badges or **identity cards**.

- (xvi) Unofficial **identity slips** issued to voters shall be on plain (white) paper without any symbol, name of the candidate or name of the party.
- (xvii) Restrictions on **plying of vehicles** during campaign period and on poll day shall be fully obeyed.
- (xviii) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the ECI can enter any polling booth. No functionary highly placed (e.g. CM, Minister, MP or MLA etc) is exempt from this condition.
- (xix) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the Observer/RO/Sector Magistrate/ECI.
- (xx) Directions/orders/instructions of the ECI/RO/DEO shall be obeyed in all matters related to various aspects of election.
- (xxi) Do leave the constituency after the campaign period is over if the political functionaries are not a voter or a candidate or candidate's election agent from that constituency.

B. DON'Ts (ECI No. 464/INST/2007-PLN-I dt. 07-01-07)

- (i) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.
- (ii) No Minister shall enter any PS or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (iii) Official work should not at all be mixed with campaigning/electioneering.
- (iv) No inducement, financial or otherwise, shall be offered to voters.
- (v) Caste/communal feelings of the electors shall not be appealed to.

- (vi) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (vii) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (viii) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (ix) Any place of worship shall not be used for election propaganda, including speeches, posters, music etc., on electioneering.
- (x) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings after campaign period is over and conveyance of voters to and from polling stations are prohibited.
- (xi) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (xii) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner. The specific permission will be shown to and deposited with the DEO.
- (xiii) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.
- (xiv) No procession along places at which another party is holding meetings.

- (xv) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
- (xvi) Posters of other parties/candidates shall not be removed or defaced.
- (xvii) Posters, flags, symbols or any other propaganda material shall not be displayed in election booths of candidates on the day of poll or near polling booths.
- (xviii) Loudspeakers shall not be used either before 6 a.m. or after 10a.m. and without prior written permission of the authorities concerned.
- (xix) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be subject to the local laws and other relevant considerations like festival season, examination period, etc.
- (xx) No liquor should be distributed during elections.
- (xxi) On the day of the poll, no person having security cover shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person happens to be a voter also, then he or she shall restrict his/her movement - to voting only.
- (xxii) No person having official security or private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.
- (xxiii) Grants/payments out of discretionary funds shall not be sanctioned.

11.6 References to Politicians/Ministers on official website- (ECI No. 437/6/2007/Inst./ PLN III dt. 21-11-07)

References to Ministers, politicians or Political Parties on Govt. official website, shall be taken off / purged off.

11.7 Restrictions on presence of political functionaries who is not voter, in the constituency, when campaign period is over [ECI No. 464/INST/2007/PLN-I dt. 8.1.2007 and 27.2.2007]–

- (i) Office bearer of political party, who is in charge of the state, shall declare his place of stay in the State HQ and his movement shall remain confined normally between this party office and place of stay.
- (ii) Premises like community halls etc., be checked to find out outsiders.
- (iii) Check posts in the constituency border for vehicular movement.
- (iv) Verify the identity of people/group of people -whether they are voters.

11.8 Regulation of plying of vehicles during campaign period [ECI's No. 437/6/96-PLN-III dt. 16.01.1996, No. 464/INST/2007 PLN-I dt. 9.2.07, No. 437/6/97 PLN-III dt. 18.3.97, No. 437/6/2007 PLN-III (Vol. III) dt. 16.3.2007; No. 437/6/2006-PLN-III dt. 12-11-2007 and dt. 23.11.2007, No. 437/6/INST/2010/ CC&BE dt. 05.10.2010]

- (i) Strict action against vehicles plying in contravention of provisions of MV Act
- (ii) Close watch on vehicles for any possible mischief or criminal activities carrying of illegal arms, illicit liquor, and anti-social elements - Such vehicles not to be release till elections – Penal actions under relevant law also be taken.
- (iii) Vehicles for campaign purpose may ply only with prior approval of RO - Original permits bearing number of vehicle and name of candidate be displayed premonitory on wind screen of vehicles - Details to be given to Expenditure Observer
- (iv) Vehicle not registered for campaigning if found being used for campaigning shall be deemed to be unauthorized campaigning for the candidate - Action for such activity be taken u/s 171H of IPC also.
- (v) During filing of nominations upto 3 vehicles be allowed to come within the periphery of 100 meters of RO/ARO office - Expenditure will be included in account.

- (vi) In case visits by party leader as covered U/S 77 (1) (a) the permits of vehicles for road journey be issued centrally by CEO in different color - expenditure to be proportionally distributed (ECI No. 437/6/2007Vol.IV/PLN-III dated 16-10-2007 and No. 437/6/INST/2008-CC&BE dt. 31.10.2008)
- (vii) Convoys of more than 10 vehicles (excluding security vehicles in view of security gradation of PP) not to be allowed from the date of notification till completion of election - Bigger convoys be broken up keeping a minimum distance of 200 meters
- (viii) Bicycle, Two wheelers or cycle rikshaw is also a vehicle u/s 160 of RP Act 1991.
- (ix) Only one flag/banner/poster/placard be allowed on one vehicle during procession.

11.9 Permission of vehicle to a political party for transporting publicity material (ECI's No. 464/INST/2011/EPS dated 23-3-2011 and 28-3-2011)

- (i) CEO may grant permission of a vehicle to a recognized political party on request, for distributing publicity material to various party offices in the State.
- (ii) The color of permit will be different.
- (iii) Political party will have to specify the name of district, route map, dates etc.
- (iv) The vehicle will be subjected to normal checks and will not be used for campaigning.
- (v) The expenditure shall be incurred by political party and not by candidate.

11.10 Vehicle permit for district office-bearers of recognized political party - (ECI's No. 464/INST/2011/EPS dated 23-3-2011 & 28-3-2011)

- (i) DEO may permit district level office-bearers (other than Star Campaigners) of recognized political party for electioneering in different constituency within district.
- (ii) Permit on different color from the color of permits issue to candidates and Star Campaigners
- (iii) Permit in the name of person and details of vehicle – journey, period etc.
- (iv) The expenditure shall be incurred by political party and not by candidate.

11.11 Prevention of defacement of property (ECI's No. 3/7/2008/JS II dt. 07.10.2008 and 10.11.2008)

A. Defacement of Public Places —

- (a) No defacement in any form (wall writing, banners, posters, flags, hoardings etc.,) be permitted on Government premises.
- (b) Writing of slogans displaying of posters etc, erecting cutouts, hoardings, banners, advertisement **only in any public place specifically identified** for such purposes be allowed strictly as per local laws - **Equal opportunity** to candidates/political parties.
- (c) If specifically earmarked places are already let out to any agency, the DEO through municipal authorities should ensure equitable opportunity to candidates/political parties.

B. Defacement of Private Places —

- (a) Not to be permitted on private places, if the local law do not permit even with consent of the owner.
- (b) Where local law has express provisions permitting wall writings, posters, banners, hoarding etc on private premises the written permission of the owner is must - Photocopies of the same shall be submitted by the candidate with a statement in prescribed format, to the RO within 3 days - Expenditure to be accounted for. However, expenditure incurred on party campaign without indicating any candidate shall not be added to candidate's expenditure.
- (c) In areas where there is no law on defacement of private property, temporary and easily removable campaign material like flags and banners would be permitted with written permission of the owner. Copy of the same is to be submitted to the RO.

C. Other issues —

- (a) In case of violation of legal provisions relating to prevention of defacement of property penal action to be taken.
- (b) Displaying of flags and stickers on private vehicles - If it aims to solicit vote for a candidate, then provision of S. 171-H IPC would be attracted.
- (c) No poster/flag/campaign material be displayed on commercial vehicles, except in case of vehicles permitted for electioneering (Action u/s 171-H of IPC).

- (d) External modification / fittings including loudspeakers, in contravention of M.V. Act, not to be allowed on vehicles.
- (e) Educational institutions (including grounds) not to be used for campaigning/rallies

11.12 Accommodation in Government Guest Houses (ECI No. 437/6/2006-PLN-III (Vol.II) dt. 1.4.2006)

- (i) Accommodations in the Guest Houses / Rest Rouses of Govt. or PSUs can be given to political functionaries who are provided security cover in Z scale or above, on equitable basis.
- (ii) No political activities while staying in such guest houses etc.,.

11.13 Liquor - Restrictions on Sale (Sec. 135-C of RP Act 1951 & ECI No. 464/L&O/2007 PLN-I dt. 7.1.2007)

Liquor not to be sold, given or distributed on polling day and period of 48 hours ending with close of poll - Dry day shall be declared.

11.14 Police briefing by CM/HM (ECI's No.437/6/INST/2009/CC&BE dt 26.04.09)

- (i) Security briefing of CM/HM when essential should be undertaken by Home Secretary or Chief Secretary. If required Police Agency/ Officers may present in such briefing.
- (ii) In situation where is so warranted, DGP/Police Agencies may inform the political executives and take directions from them in the bona-fied performance of their duty.

11.15 Misuse of religious institutions for political purposes (ECI's No. 3/1/2012-SDR dt. 27.07.2012)

- (i) Use of place of worship for election propaganda in any manner is prohibited.
- (ii) Use of religious institutions for funds of religious institutions for the promotion or propagation of any political idea or political activity or for benefit of any political party is offence and punishable under Religious Institutions (Prevention of Misuse) Act, 1988.
- (iii) In case of violations FIR/complaints be lodged.

11.16 Prohibition of Misuse of SMSs (ECI's No. 464/INST/2008-EPS dt. 05.11.2008 & No. 464/INST/2012-EPS dt. 15.05.2012)

- (i) For objectionable SMSs, which are violating the provisions of MCC, Election Law and ECI's directions, the police authorities should advertise special mobile nos on which the

receiver of such SMSs can forward the said SMSs alongwith the number of sender.

- (ii) Police authority should initiate enquiry and take action under relevant provisions of IPC and RP Act, 1951
- (iii) Total prohibition of bulk SMSs of political nature during the period of 48 hours ending with the hours fixed for conclusion for poll.

11.17 Use of loud speakers (ECI No. 3/8/2000/JS II dt. 26.12.2000 and No. 3/8/2005/JS-II dt. 26.9.2005)

- (i) Loudspeakers on vehicles or for meetings can be used between 6.00 Am and 10.00 PM only.
- (ii) Permission is must for use of loudspeakers.
- (iii) In the case of loudspeaker on vehicles, permit issued by Govt. authority, shall indicate registration Number / identification Number of vehicle.
- (iv) Vehicles used without written permission is liable to be confiscated with all equipment.
- (v) Expenditure to be accounted for.

11.18 Public meeting / processions

- (i) A register for permissions granted for meetings etc.,.
- (ii) "First come first" principle be followed strictly.
- (iii) Permission - Subject to local laws / prohibitory orders.
- (iv) No public meeting / processing after campaign period is over.
- (v) Expenditure plan of the public rally must be enclosed with the application for permission.
- (vi) Copy of this expenditure plan shall be given by the DEO along with the copy of permission to the officer deputed for maintenance of Law & Order, Asstt. Expenditure Observer, VST & Accounting Team.
- (vii) Permission for public rally shall not be given if the candidate does not produce his account for inspection.

11.19 Temporary offices of candidates during electioneering (ECI No. 437/6/2007/INST/ PLN-III dt. 12.11.2007)

- (i) No such offices will be setup by way of encroachment or in campus of a religious place or contiguous to a educational institution / hospital or within 200 mtrs of PS.
- (ii) Only one flag and one banner (4 × 8 ft.) is allowed.

11.20 Restriction on publication and dissemination of result of exit poll etc. (Sec 126 A and 126B)

- (i) No person shall conduct any exit poll and publish or publicized by means of the print or electronic media or disseminate in any other manner, the result of any exit poll,-
 - (a) At any time during the period as may be notified by the ECI.
 - (b) The period may commence from the beginning of hours fixed for poll on first day and continue till half an hour after close of poll in all the phases in all States.
- (ii) On contravention punishment- imprisonment upto 2 years/fine.

11.21 Political Parties & star campaigners: –

- (i) Names to come within 7 days of notification - their movements and expenses to be closely monitored - cases when it will be apportioned to candidate(s) -
- (ii) CEO & DEO to maintain a party wise register to track the instances of violation of MCC by candidates/star campaigners - Brief description be given about violation, dates of violation, action taken, order passed - This should also be put in public domain. (ECI No. 437/6/INST/2008-CC & BE dated 18.2.2009)
- (iii) Any violation of MCC by candidates of recognized political parties or by a star campaigner must be reported to ECI.

11.22 Restrictions on the Printing of pamphlets, posters

etc., [ECI's No. 3/9(ES008)94-JS II/5196 dt. 2.9.94, No. 3/9/2004/JS II dt. 24.8.2004 & No. 3/9/2007/JS II dt. 16.10.2007 and Sec. 127A of RP Act 1951]

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- (i) Ensure whether printers and publishers are complying with the provisions of Sec. 127A of R. P Act, 1951.
- (ii) All the printing presses shall be informed within 3 days of announcement of election in writing by the District Magistrate to furnish information and printed material as required U/s 127A of RP Act 1951 - Attention towards provisions of Sec. 77(1) and 127-A of R.P. Act and sec. 171-H of IPC and ECI's directions may also be drawn.

- (iii) Four copies of such printed material along with declaration of the publisher shall be furnished to DM by the printer within 3 days of printing.
- (iv) List of all the election pamphlets, posters etc shall be exhibited on the notice board of DM.
- (v) Surrogate advertisements in print media for/against a political party/candidate - Expenditure involved in such advertisement has to be added to account of election expenses u/s 77(1), hence required to be maintained - Sec. 171H of IPC prohibits expenditure without authority from the candidate.
- (vi) Strict action on violation of the provisions of Sec. 77(1) and 127A of RP Act, 1951, 171H of IPC and Commission's directions.
- (vii) A press note should be issued drawing attention towards provisions of Sec. 77(1) and 127A of RP Act, 1951 and Sec. 171H of IPC.
- (viii) A report to CEO after completion of election.
- (ix) Display of election materials, viz., Cardboard badges, Paper caps, Mobile stickers, Sticker badges, Flag banners, Cut-outs, Caps, Masks, Scarf are not covered under section 127-A. Therefore, they should not be seized for violation of 127-A. (ECI No. 464/INST/2012/EVS dt. 20.01.2012)

11.23 Feedback about "Dummy Candidates" and measures to be taken in this regard (ECI's No. 464/INST/2008/EPS dt. 7.1.2009) —

- (i) Actual use of vehicles permitted for campaigning be reviewed - Video recording and collecting evidence - Issuing notice.
- (ii) Before giving permits of vehicles on poll day dummy factor should be considered.
- (iii) Appointment of polling agents should be tracked.
- (iv) Close watch on counting agents.
- (v) On misuse of permitted vehicle, action u/s 171H IPC to be taken.
- (vi) On misuse of vehicle authorized for other candidate, notice be given to include the expenditure of the candidate, who misused the vehicle for his campaigning.

11.24 Use of videography and digital camera during elections process (ECI No. 447/2007/ PLN IV dt. 17.1.2007 and dt. 12.10.2007 and No. 4/2008/SDR dt. 15.12.2008)

- (i) DEO/RO to make arrangement of videography of critical events during election campaign day of poll, counting etc..

- (ii) Video teams under supervision of Senior Officers - The private videographers to be properly sensitized and be easily identified.
- (iii) Besides Video Surveillance Teams in EEM separate Video Teams will also be required for videography of various stages of election process to be done by DEO & RO.
- (iv) Critical events which are likely to vitiate the poll and related to election expenditure by candidates/political parties be video taped - Viz - Meetings, violent incidents, booth capturing, intimidation of voter, inducement/ bribery of voters, canvassing within 100 meters of PS, vulgar display of expenditure, cutout/hoardings, movement/ activities of candidates with criminals records, critical PS, nominations/ scrutiny/ withdrawal etc, preparation of EVMs, closure and opening of strong rooms, counting process etc.
- (v) Video films to be viewed by R.O/VVTs immediately - corrective actions by R.O - In cases of serious infringement of MCC & seizure of money etc. copy of video tape accompanied by a brief note by R.O., be sent to ECI.
- (vi) Unedited videographic clippings/ cassettes/ CD's will be handed over to Observers on the same evening or latest by morning of next day - Certificate to be also furnished.
- (vii) CDs of all critical events should be made available on reasonable cost to everyone whoever intends to obtain a copy of the same.

11.25 Advertisement of political nature on Radio, TV Channel and cable networks (ECI No. 509/75/2004 JS-I (Vol. II) dt. 15.4.2004; 26.9.2007; 2.11.2007, dt. 08.11.2007; 21.11.2008; 18.03.2009, No. 3/ER/2009/SDR dt. 20.3.2009 and ECI No. 491/Paid News/2012/Media dt. 27.07.2012)

- (i) Advertisement of political nature on TV Channels, Cable Network and Radio including FM Channels are to be got certified.
- (ii) 'Advertisement' includes programme also which intends to use campaign material .
- (iii) Committees are formed at **three level** for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties before it is inserted in the electronic media.

11.25.1 Committee setup in the office of CEO, Delhi -

- (i) To deal with applications by Central Offices of all Political Parties having HQrs at Delhi.
- (ii) Certification by this committee will be valid for telecast/broadcast throughout country in all States.

- (iii) The party should submit a copy of the certificate obtained from Committee in Delhi to CEO of the State in which such advertisements are proposed to be telecast/broadcast.
- (iv) The copy shall be accompanied with declaration that the same is a true copy of the certificate.
- (v) This should be submitted to the CEO of the State before the advertisement is telecast/broadcast.

11.25.2 State level Committee - Headed by Jt. CEO – for certification of political advertisement by (i) State Units of recognized national political parties, (ii) all registered political parties having HQr in the State and (iii) all organizations or groups of persons or associations having their registered offices in the State.

11.25.3 District level MCMC –

- (i) For purposes of the certification of advertisements on TV/Radio by an individual / candidates the RO of the Parliamentary Constituency & ARO (not below SDM) shall be members of MCMC.
- (ii) For the scrutiny of cases of *Paid News* etc. there shall be 3 additional members and in such case DEO of the district concerned will preside the Committee.
- (iii) District MCMC will also monitor all the political advertisements in electronic media, for checking if the telecast/broadcast has been done only after certification by the competent committee.

11.26 Immediate action will be taken in case of political advertisement is found without certification.

11.27 Broad casting of commercial advertisement of political nature on Radio Channels (including private FM Channels) during the period of MCC-Instruction of ECI about pre-broadcasting scrutiny and certification by the Committees setup at three levels shall apply to advertisements on Radio also.

Part-12. Election Expenditure Monitoring

(Election expenses by candidates)

(Sec. 77, 78 of RP Act 1951, R. 86, 87, 88, 89 and 90 of conduct of election Rules 1961, Ch. XVII of RO Hand book & ECI's circulars)

12.1 Legal Provisions

- (i) Every candidate shall keep a separate and correct account of all expenditure incurred or authorized by him or by his election agent, between the date on which he was nominated and the date of declaration of result, both dates inclusive. (S.77(1) of R.P. Act, 1951)
- (ii) The total expenditure shall not exceed the prescribed amount. (S.77(3) of R.P. Act, 1951) – The ceiling is Rs. 40 lacs in Lok Sabha and Rs. 60 lacs in Vidhan Sabha elections in Rajasthan (Notification dt. 23.2.2011 u/r 90).
- (iii) U/S 77(2), the account shall contain such particulars as may be prescribed.
- (iv) Such particulars are prescribed u/r 86.
- (v) Failure to maintain the account is an electoral offence (Section 171-I of IPC).
- (vi) Incurring or authorizing excess expenditure is a corrupt practice. (S. 123(6) of R.P. Act, 1951).
- (vii) Every contesting candidate is required to lodge a true copy of the account of his election expenses with the DEO within 30 days of the declaration of result of the election (S.78 of R.P. Act, 1951).
- (viii) Failure to lodge the account of election expenses within the time and in the manner required by law without good reason or justification may result in disqualification of the candidate by the ECI. (10A of R.P. Act, 1951)
- (ix) The Commission can go into the correctness of the account of election expenses filed by the candidate and disqualify a candidate u/s 10A of R.P. Act, 1951 in case the account is found to be incorrect or untrue. (AIR 1999 SC 252)

12.2 Other legal provisions related to –

- (i) Sec. 127A of RP Act, 1951 – Restriction on printing of pamphlets, posters etc.,.
- (ii) Sec. 171B of IPC – Bribery
- (iii) Sec. 171E of IPC – Punishment for Bribery
- (iv) Sec. 171C of IPC – Undue influence at elections
- (v) Sec. 171F of IPC – Punishment for undue influence at elections.
- (vi) Sec. 171H of IPC – Illegal payments in connection with an election.
- (vii) Sec. 171-I of IPC – Failure to keep election accounts

- (viii) Rule 85-B of CE Rules 1961 – Form of contribution reports by political party.
- (ix) Rule 87 of CE Rules 1961 - Notice by DEO for inspection of accounts.
- (x) Rule 88 of CE Rules 1961 – Inspection of accounts and obtaining copies thereof.
- (xi) Rule 89 of CE Rules 1961- Report by DEO as to the lodging of account of election expenses and the decision of the ECI thereon.

12.3 Election Expenses incurred by party / candidate – Travel by Star Campaigners, Expenses on common rostrums, Advt. etc., -

- (i) All expenses (except on visit of "leader" covered under Exp. 2 of Sec. 77) incurred by the candidate, political party(ies), association/ bodies/ individuals/ supporters shall be included.
- (ii) List of star campaigners required to be submitted to CEO/ECI within 7 days of the notification.
- (iii) Travel expenses on party leaders, other than star campaigners should be accounted for.
- (iv) Travel expenses of party leaders who's names not communicated to ECI and CEO within 7 days from the notification of election or who's names not included in the list of party leaders as per section 77(1) Exp. 2, shall also be accounted for.
- (v) Proportionate expenditure between candidate where expenses incurred by political party / star campaigners (except travel expenses) such as expenses of constructions of rostrums / barricades, advertisements etc.,
- (vi) Expenditure on general party propaganda seeking support for the party and its candidate in general, but without any reference to any particular candidate or any particular class/group of candidates, shall be treated as expenditure of the party on general party propaganda - Not to be accounted for by the candidates.

12.4 Star Campaigner -

- (i) A candidate who has been declared as "leader" for the purpose of Sec. 77(1) cannot be considered to be a "leader" in his own constituency - In his own constituency, he is a candidate first - Hence, travel expenses incurred by him within his constituency would be accounted for.
- (ii) Substituting a name from the list (u/s 77(1)) is permitted only where the person dies or ceases to be a member of the political party.
- (iii) Travel expenses of star campaigners of allied party are not to be exempted.

- (iv) If the Star campaigner travels with candidate or media person, then 50% of the travel expense will be added to the candidate
- (v) If the candidate shares the Pandal with the Star Campaigner or his photo or poster with his name is exhibited in the meeting, then the meeting expense will be added to his account
- (vi) If any attendant, Security Guard, Medical attendant or any person including any member of the party not being a candidate in the constituency and not playing any role in election campaign for the candidate.

12.5 Types of Election Expenditure -

- (i) Broadly two categories, **the first type is allowed** under the law for electioneering, subject to it being within the permissible limit.
- (ii) The **second category** of expenditure on items which are illegal and **not permitted** under law. For example, distribution of money, liquor etc. which is bribery and is an offence and corrupt practice also.
- (iii) Another form of expenditure in recent times is on **Surrogate Advertisements, Paid News** etc.

12.6 Election Expenditure Monitoring (EEM)- Purpose-

- (i) The purpose is two fold. For the **first category**, it must be ensured that all election expenditure on permitted items is truthfully reported and considered while scrutinizing the expenditure account.
- (ii) For **second category** including surrogate advertisements, paid news etc. the systems should be robust enough to catch such expenditure as well, and not only include it in the account of election expenditure, but also take action against the wrongdoers under the relevant provisions of law.

12.7 Mechanism for Election Expenditure Monitoring (EEM)

12.7.1 Meeting with Political Parties

- (i) DEO will have a meeting with all recognised Political Parties within 3 days of announcement of election to explain the legal provisions and Instructions of ECI and give a copy of the compendium of instructions,
- (ii) He will also discuss the various rates of expenditure and consider their suggestions before notification of rates,

- (iii) Training at State Level (to be given by SLMTs) on Expenditure Monitoring Measures for the representatives of all registered political parties of the State, to explain various legal provisions including the procedures.

12.7.2 Notification of rates for assessment of Expenditure

- (i) The list of these rates would be given by the RO to the candidates at the time of filing of nomination papers,
- (ii) If the rate of any item is not available in the list, the candidate/election agent, if they wish, may apply with the DEOs to notify the rates for such items as well and the DEOs will take appropriate steps to notify them,
- (iii) Any objection regarding the quantum of such rates has to be made to the DEO within 24 hours of notification,
- (iv) To obtain airing charges from media houses with reference to campaigning through electronic media.

12.7.3 Rates of items to be fixed after consultation with political parties:

- (i) Loudspeaker with amplifier and microphone
- (ii) Cloth banner, Cloth flags, Hand bills, Posters,
- (iii) Video Cassettes/CDs, Audio Cassettes/CDs,
- (iv) chairs, tables and other furniture, electrical fittings/equipments,
- (v) Audio slots on Radio & AV on TV, cable TV, State & National Level TV Channels
- (vi) podium or Pandal of standard sizes,
- (vii) Hoardings, Cut outs (wooden), Cut outs (Cloth/plastic),
- (viii) Daily hiring charges of vehicles (all types of vehicles),
- (ix) Print media advertisements and DAVP rates
- (x) Any other item commonly used in a district.

12.7.4 Two Training Programmes

- (i) The DEO will arrange two facilitation trainings at his own office for all election agents/candidates through the Exp. Monitoring cell ,
- (ii) One, immediately on the day of scrutiny of nomination in presence of Expenditure Observers to acquaint them with the legal provisions, procedures for filling up the forms and registers and dates of inspection of accounts,

- (iii) Second, within a week before the final date of submission of accounts in presence of Asst. Exp. Observers (i.e., after 20 days of declaration of results) with all election agents/candidates/personnel engaged in his office for receiving the accounts, regarding the procedure for filling up the forms of Abstract, Statements of Election Expenses and affidavits, consequences for failure and other legal provisions.

12.7.5 New Expenditure Monitoring Machinery

- (i) Expenditure Observer (EO)
- (ii) Asst. Expenditure Observer (AEO)
- (iii) Flying Squad and Static Surveillance Teams (FS and SST)
- (iv) Video Surveillance Team (VST)
- (v) Video Viewing Team (VVT)
- (vi) Media Certification and Monitoring Committee (MCMC)
- (vii) Accounting Team (AT)
- (viii) Liquor Monitoring Team (LMT)
- (ix) Election Expenditure Monitoring Cell.

12.8 Expenditure Observer (EO)

12.8.1 To be appointed by the Commission.

- (i) EO's are responsible for overall supervision of expenditure monitoring for two or more Assembly segments.
- (ii) They will train the AEOs and inspect functioning of different teams engaged in EEM in each constituency
- (iii) They will coordinate with various law enforcement agencies of Income tax, Police, BSF/SSB, State Excise and DRI
- (iv) They will assist the DEO in preparation of scrutiny report.

12.8.2 Structure and Functions

- (i) Expenditure Observers for each district not more than five ACs.
- (ii) AEO for each constituency
- (iii) More number of Observers and AEOs in ESC (Expenditure sensitive constituency)
- (iv) More number of Flying Squads and SSTs with man power from central Govt. and central PSUs and CPF

12.9 Role of DEO

- (i) Make appeal to public to avoid carrying huge amount of cash during election process,

- (ii) Give wide publicity about the 24X7 - Call centre and District Complaint monitoring Cell,
- (iii) He shall involve NYKs, NSS and other citizen forums to get information about distribution of cash and other gift items for inducement of electors,
- (iv) He shall appeal to public and students for ethical voting and educate them that both receiver and giver of bribe are punishable as per law,
- (v) He shall be responsible for training of the manpower engaged in Expenditure monitoring teams and election agents.

12.10 Expenditure Monitoring Cell (EMC)

- (i) This cell at district level will consist of a Nodal Officer, of the rank of SDM/ADM and two officials, who will be in charge of Expenditure monitoring training and coordination with all other team heads engaged in expenditure monitoring,
- (ii) It will be responsible for expenditure monitoring efforts in the district, providing manpower and logistical support like space and equipments,
- (iii) First training of the AEOs and all the officials engaged in various teams should be done by these Nodal Officers of EMC in the District as soon as the elections are announced,
- (iv) This cell will keep custody of all Shadow Observation Registers (SOR) and Folders of Evidence (FE) after the poll,
- (v) Nodal Officer of EMC shall act as the link between the DEO and the EO,
- (vi) EMC will assist the DEO and Expenditure Observer in finalizing the scrutiny report to be submitted after declaration of result.

12.11 Video Surveillance Team

- (i) Minimum One official, one videographer and one vehicle
- (ii) Can be more than 1 team at a public meeting,
- (iii) Properly trained to identify and capture MCC and expenditure related events in adequate minute details as required,

- (iv) At the beginning of shooting, the team will record in voice mode the title and type of event , date, place and the name of the party or the candidate organizing the same.
- (v) It will capture the photo in such a way that the evidence of each vehicle, furniture, rostrum, banner, cutout etc. can be seen clearly and the expense thereon can be estimated,
- (vi) At the end of shooting, the team may also record in voice mode the estimated number and type of vehicles, Chairs, furniture, approx size of rostrum/banner/poster/cutout etc. used in the event.
- (vii) This team will prepare a video cue-sheet in the format given at Annexure-7 of the instructions. This cue-sheet contains the highlights of the recording with date and time. Therefore it should be ensured by the team that the time and date set up in the camera is correct.

12.12 Video Viewing Team

- (i) 1 officer and 2 clerks (or as required) for each assembly segment ,as viewing all CD's is a time consuming task,
- (ii) View Video CD provided by VST for identifying election expenditure and MCC related issues,
- (iii) Submit report containing candidate wise expenditure not later than next day to Accounting Team/ Asst. EO, on public rally including the vehicle numbers, number of chairs, size of Dias, audio system, posters , banners, helicopter expense, media advertisements and Paid News, names of candidates
- (iv) MCC related report to General Observer and RO

12.13 Accounting Team

- (i) One official and one accounting clerk per AC.
- (ii) Drafted from employees of accounts wing of Central Govt. depts.
- (iii) It will work under Asst. EO, involved in preparation of Shadow Observation Register and maintaining videos/ CD evidences carefully in Evidence Folder. To maintain proper back-up which can be called by Commission later.
- (iv) Will enter expenditure incurred by the candidate on major expenses and corresponding notified rates against each

12.14 Campaign through media : Monitoring by MCMC

12.14.1 Print Media –

- (i) Local News Papers
- (ii) Other News Papers in circulation in the area.
- (iii) Magazines
- (iv) Pamphlets and Posters

12.14.2 Electronic Media –

- (i) Radio including private FM
- (ii) TV Channels, Cable network
- (iii) Bulk SMS

12.15 District Level MCMC – To Operate 24×7

- (i) A Dist. Level MCMC comprising DEO/RO (of Parliamentary Constituency), ARO (not below SDM), Central Govt. I&B Official (if any) and 1 citizen/ journalist nominee of Press Council of India/ DPRO or DIO equivalent- member secy.
- (ii) Certifying advt. proposals of candidates, by committee comprising only RO Parliamentary Constituency + one ARO
- (iii) Scanning media for suspected 'paid news' and examination of complaints, reference by EO.
- (iv) RO to issue notice to candidate within 96 hrs. and on receipt of reply from candidate Dist. Level MCMC to decide expeditiously & convey decision to candidate. If he/she does not reply within 48 hrs of recpt. of notice, then Distt. MCMC's decision is final
- (v) EO to report to ECI immediately on Paid News
- (vi) Infrastructure – in separate room - 3-4 TVs with cable, all newspapers including local,

12.16 Separate Bank Account

- (i) The candidate is required to open a separate bank account for the purpose of election expenditure, one day prior to filing of his nomination papers.
- (ii) It can be opened in joint name of the candidate and his election agent, anywhere in the state.

- (iii) This Bank account can not be opened jointly by the candidate with spouse or other relatives, if they are not the election agent of the candidate.
- (iv) The account can be opened in any bank, including co-operative banks and Post Office.
- (v) At the time of filing the nomination the candidate will communicate the account number of this bank account to the RO in writing.
- (vi) All the election expenses of the candidate should be met from this bank account. The candidate shall also submit a certified copy of the account statement after the poll.

12.17 Shadow Observation Register (SOR) & Folder Of Evidence (FE)

- (i) SOR (in format as given in ECI's instructions) is for each Contesting Candidate in a constituency (ANNEXURE-11 of the Instructions). To record all expenses incurred on major events(public meetings/ rallies etc.) towards election campaign,
- (ii) All expenditure recorded to be supported by CD/Video evidences(proper referencing) held in FE and to be cross-checked during Inspections
- (iii) Signatures of candidate/authorized agent to be taken
- (iv) The SOR & FE to be handed to the Dy.DEO by the EO for safe custody before leaving the constituency, under receipt.

12.18 Flying Squads

- (i) FS- to attend to all complaints related to election expenditure & MCC
- (ii) Receive complaints forwarded by Distt. Complaint Monitoring Cell or forwarded from CEO Office
- (iii) Take immediate action on receipt of complaints which will provide complete contact details of complainant
- (iv) Wherever not possible to reach within ½ hour, send SST or local SHO and monitor action taken_by the officials
- (v) All action taken by FS/SST/Local SHO to be videographed
- (vi) Complainant to be contacted in case of clarification

- (vii) FS- report action taken to District Control Room/ Call Centre
- (viii) Forward Daily Report (Format as prescribed) to SP & DEO and copy to AEO

12.19 Static Surveillance Teams (SST)

- (i) The SSTs shall be formed under each Police Station comprising of one magistrate, 3-4 Police personnel and one videographer.
- (ii) They will be responsible for putting the check post on major road/arterial road to check movement of illegal cash/ liquor/arms or gift items.
- (iii) There should be surprise elements in putting the check posts so that one can not anticipate about its placement. The Flying Squad of the district will supervise the posting of the Static Team/ Check Post so as to avoid any harassment of public.
- (iv) The entire activity at the check post should be video graphed and the DVD handed over to Accounting Team, for keeping in `folder of evidence`.
- (v) Any member of public may ask and take copy the Video DVD/CD for a particular day by depositing Rs. 300/-.
- (vi) It will submit a Daily Activity report in prescribed format to SP, RO and AEO,
- (vii) The Nodal Officer at Police Headquarters at State level will compile the Daily Activity reports of FSs and SSTs and send to the CEO and Commission.
- (viii) EO to have coordination meeting with all law enforcement agencies of district and the teams.
- (ix) Flying Squad will supervise operation of SSTs and law & order issues arising out of the operation,
- (x) FS & SST will seize cash or other gift items suspected to be used for inducement of electors under CrPC/ IPC, if criminality is suspected.
- (xi) **Criminality is determined, if they find :**
 - (a) Banner/ poster/ voter slip/ any campaign material along with cash or gift.
 - (b) Arms or illicit items along with cash or gift.
 - (c) Cash in custody of any candidate/ agent/ party official being carried in a vehicle or any other modus operandi leading to crime.

(xii) **Utmost care to ensure all politeness, decency and courtesy –**

- (a) Seizure has to be done with proper Panchnama/ Acknowledgement
- (b) The authority whom to appeal and procedure for appeal must be mentioned in the seizure order
- (c) FIR to be lodged and also put in notice board of RO.
- (d) Copy forwarded to SP, DEO, Exp. Observer, Nodal Officer of Police and Police Observer (If any)

12.20 Standard Operating Procedure : SOP

- (i) During checking by SSTs, if any cash exceeding Rs.50,000 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. Whole event of checking/seizure to be video graphed by video team submitting CD to R.O.,
- (ii) An Appeal is to be made by DEO and CEO in local language through Flying Squads / media regarding the enforcement measures & advising the public and political functionaries not to carry huge cash during election process.

12.21 Visit of Expenditure Observer

- (i) To reach the constituency on the day of notification of elections,
- (ii) EO to leave the constituency after submitting the poll preparedness report-I,
- (iii) 2nd Visit on date immediately after the date of withdrawal of candidature and remain in the constituency during entire campaign period and leave the constituency only after the completion of poll and sending his Report-III,
- (iv) 3rd visit after 30 days from declaration of results to assist in finalisation of scrutiny report prepared by DEO. He/ she will send their Final Report- IV after that.

12.22 Inspection of Accounts of Election Expenditure

Candidates are required to produce their accounts for Inspection 3 times or more before the Expenditure Observer (EO) or any officer authorized by him. The RO will notify 3 dates & timing well in advance in consultation with EO for inspection of election expenditure accounts maintained by candidates.

12.22.1 Inspection of Accounts

- (i) Gap between the two inspection should not be less than 3 days and inspection to be done in such a way that major portion of expenses are covered under inspection,
- (ii) Candidate can have a separate agent for election expenses matters
- (iii) Inspection to be done in the office chamber of RO or any other Office room NOT AT THE GUEST HOUSE between 10AM to 5PM,
- (iv) Publicity has to be given about the contact number of EO and time of inspection,
- (v) The Accounting Team alongwith the AEO to be present with SOR and FE during inspections,
- (vi) The details of excess expenditure, if any found based on evidences gathered, must be recorded in writing on the register maintained by the candidate and also on the SOR/EF and signatures of candidate/Agent obtained on both. It must be counter signed by EO/AEO and RO / Accounting team head,
- (vii) Commission considers the comments of Expenditure Observer in the register at the time of disqualification proceedings.
- (viii) Instances of suspected Paid News will also be noted in the register,
- (ix) RO to issue notice to candidate on the same day on all such discrepancies and also on all advertisements / Paid News,
- (x) A photocopy of the accounts maintained by the candidates should be obtained after each inspection and RO will display a copy on the notice board

- (xi) Notice to be issued to candidate in case of failure to produce accounts for inspection and FIR to be filed if failure continues (Sec 171I of IPC),
- (xii) Withdrawal of permission for use of campaign vehicle, if the failure continues in spite of notice,
- (xiii) Intimation of such withdrawal of permission to the Flying Squad to take the vehicle out of campaign,
- (xiv) Any member of Public can obtain copy of Shadow Observation Register after inspection, notices and replies by candidates on payment of Re. 1/- per page.

12.23 Registers Maintained by Candidates to be Checked During Inspections

- (i) Register for maintenance of day to day a/c's of election expenses by contesting candidates Refer annexure-14 of the instructions:
- (ii) Daily Register : Part-A Color: White Pages)
- (iii) Cash Register: Part-B (Color: Pink Pages)
- (iv) Bank Register: Part-C (Color: Yellow Pages)

12.24 District Complaint Monitoring Cell

- (i) Copies of all complaints received and reports of inquiries conducted shall be put on the notice board of the RO for information of the Public. Any member of the Public can obtain copies of these documents on payment of a fee of Re. 1 per page.
- (ii) All complaints filed with District Level Complaint Monitoring cell to be recorded and investigated

12.25 Assistant Expenditure Observer

- (i) One Asst. Expenditure Observer (AEO) for each Assembly segment.
- (ii) AEO's should be from Income Tax, Central Excise, Audit and Accounts or Central PSUs - of the rank Group 'B' Central Govt. Officers.
- (iii) AEOs are appointed from date of announcement of election by DEO.
- (iv) He would assist the Expenditure Observer and the DEO in scrutiny of the account election expenses submitted after the declaration of result.

12.26 Public Meetings/Rallies

- (i) Format for applying for permission to hold public meeting/ rally is given in Instruction of ECI.
- (ii) Candidate has to mention date time, duration and location of such meeting/rally along with expenditure plan for obtaining due permission
- (iii) This is necessary for maintenance of law and order and proper video recording of events.

12.27 Rally Expenses

- (i) All public rallies and Public meetings (even before notification and after announcement) to be videographed
- (ii) Rally expense for filing nomination to be included
- (iii) Public who attend the rally in their own vehicle without receiving any payment or without any flag, banner or photo of candidate not to be included
- (iv) Commercial vehicles used for rally to be included in expense
- (v) Notional cost of fuel and driver salary of one Personal vehicle used by the candidate to be added (Notional cost of hiring in case of more than one personal vehicle used)
- (vi) One vehicle of district level party officer (Not being the candidate) exempted. Its expenses shall be incurred by political party.

12.28 Printing Pamphlets, Banners and Posters

- (i) The print and electronic media, cable network and FM radio will be closely monitored
- (ii) Prior approval of CEO before any broadcast or telecast
- (iii) Press or publisher's name and address, number of copies and amount charged to be mentioned in all printed material including media advertisements and sent to DEO immediately
- (iv) Advertisement in Print media to be covered under section 127A of RP Act,1951.
- (v) Copy of the printed material and declaration from the publisher to be sent by the printer to CEO or DEO.

12.29 Monitoring of vehicles

- (i) Candidates to submit before the RO details of vehicles proposed to be used and obtain permission in writing
- (ii) Permission letter to be displayed on the wind screen of vehicle
- (iii) Permission given to a particular candidate being used by another, vehicle to be seized and exp. for entire period to be added.

12.30 Monitoring production, storage and distribution of liquor

- (i) From the date of announcement of election, the production, off-take, stock limits of stockists and retailers of IMFL/Beer/country liquor are to be monitored district wise,
- (ii) Opening and closing of liquor vending shops are to closely monitored,
- (iii) Intensive vigil over inter state movement of vehicles at RTO check-posts and border check-posts by special enforcement staff of Excise Deptt.,
- (iv) To conduct raids to seize illicit liquor,
- (v) Inter-state coordination of Excise Commissioners of the bordering states,
- (vi) District level Nodal Officer to submit report in format prescribed by ECI every alternate day to DEO, Exp. Observer and State Level Nodal Officer, who will compile the state level report to Commission and CEO (Annex.22).

12.31 Other Instructions

- (i) If candidate attends a community kitchen, during election campaign, (other than those organized by religious communities and normal ceremonies like marriage etc,) the entire expenditure will be added as his election expenditure,
- (ii) If the vehicle permitted to any independent candidate or any other candidate is found carrying campaign material of another candidate or being used for campaign for any other candidate, the entire expenditure on the vehicle from the date of permission will be added to the candidate using it for his campaign and permission will be withdrawn.

12.32 Other Monitoring Measures

- (i) The bookings of marriage halls and Mandaps to be monitored,
- (ii) Distribution of gift items and cash coupons to be closely monitored,
- (iii) Unusual cash deposit/ withdrawal in account of SHGs and NGOs,
- (iv) Disbursal of wages under ongoing Government schemes only in presence of Government officials during elections.
- (v) Tracking on transportation of liquor – Any linkage between the election process and such indulgences.

12.33 Lodging Of Accounts Of Election Expenses

- (i) Candidates are required to lodge their accounts of election expenses with the DEO within 30 days of declaration of result along with the register of election expenses (U/s. 78 of the RP Act, 1951)
- (ii) **Documents required to be filed:**
 - (a) Part I to Part VI of Abstract statement signed by the candidate ,
 - (b) Certified Copy of Bank statement ,
 - (c) Affidavit signed by the candidate
 - (d) Register of Day-to-day Accounts with all bills and vouchers in original duly signed,
 - (e) Copies of expenditure related notices issued by RO and replies to such notices,
 - (f) Replies to discrepancies pointed out at the time of Inspection,
- (iii) **Not lodging account in manner**
 - (a) Election Expenditure Register comprising of Day to Day Account Register + Cash Register+ Bank Register + Abstract Statement (Part I to Part VI) + Bills and Vouchers (serially numbered) if not lodged with the DEO office,
 - (b) Abstract Statement (Part I to Part VI) as well as Affidavit annexed with it not signed by the candidate himself. (both these should be signed by the candidate himself).

- (c) Bills and vouchers are not signed by the candidate or his election agent,
- (d) In case of discrepancy on any item of expenditure, pointed out by RO/Expenditure Observer/designated officer during inspection of register, the explanation along with reason for the discrepancy on such items not enclosed,
- (e) Self certified copy of the bank statement not submitted,
- (f) Any amount not correctly reflected by the candidate or understatement of any amount of expenditure.

12.34 DEO's Scrutiny Report

- (i) **At Sr. No. 8, prescribed format:-** whether candidate has submitted his Expenditure Register (Part A, B,C), Abstract Statement (Part I to VI) along with Affidavit sworn by candidate before Magistrate of first class or Oath Commissioner or Notary Public, vouchers of expenses signed by candidate/Agent, Self certified copies of the Bank Account,
- (ii) **Sr. No.10(a) of DEO's Report:-** The most important column which may cause the issue of Notice for disqualification to candidate- by the Commission. DEO has to mention as to whether items of expenses reported by candidate tally with those shown in Shadow Observation Register. If there is understatement or candidate has not mentioned any expenses then it has to be shown in relevant columns of 10(b) with proper evidences collected by various teams on Expenditure Monitoring kept with the DEO.

12.35 SOP: Checking of Helicopters/Aircraft

- (i) The Bureau of Civil Aviation Authority Instruction vide its OM dt. 14.02.12
- (ii) During election process proper frisking and preembarkation, checking of all persons, screening/ phy. Checking of baggage to be done,
- (iii) CISF to inform the Income Tax dept. if cash above 10lacs/ bullion is detected in poll bound states,

- (iv) No prior permission for landing/ takeoff at commercial airports from DEO. But ATC to keep records of all such pvt. Aircrafts/ helicopters and make available such information to the CEO within 3 days of landing or takeoff. The CEO to share this information with EO for accounting purpose.
- (v) The candidate or Party shall inform about the travel plan of the aircraft or helicopter 24 hrs in advance for landing and take off in non commercial airports, to DEO for security purpose
- (vi) For airstrips not used for commercial purposes applications to be made to the DEO concerned 24 hrs in advance by candidate or Political Party,
- (vii) Every candidate shall inform the RO concerned in writing, within 3 days of landing about the hiring charges paid or payable for helicopter / aircraft and name of Political Party if party has borne the expenses
- (viii) Political Parties to inform the ECI in 75 days (for AC) and in 90 days (for PC) after completion of poll, details of expenses borne on such hiring of crafts.

12.36 Role assigned to Income Tax Department

- (i) To gather intelligence/ keep watch over movement of cash in the constituency and take necessary action under IT Laws
- (ii) To watch all airports of the state, major railway stations, hotels, farm houses, hawala agents, financial brokers, Cash couriers, Pawn brokers
- (iii) IT Deptt. will open Air Intelligence Units in all airports of the poll bound states and also shall keep vigil over movement of cash through aircrafts/ helicopters leading to poll bound states,

12.37 Paid News Monitoring

12.37.1 Media Certification and Monitoring Committee (MCMC) –

- (i) ECI letter No. 491/Media Policy/2010, dated 23rd Sept 2010 in relation to the measures to check *Paid News*, to carry out the already assigned work of certification of advertisements, it will also monitor both print and electronic media including cable networks, and record either in CD or DVD/ keep a photocopy of all

advertisements /paid news/ election related news of the contesting candidates/political parties.

- (ii) DEO will provide this Committee all national & local newspapers, 3-4 TV sets with connections of all the local/ national News channels and one recording device and separate rooms so that they can watch and record all the advertisements/discussions related to the election.
- (iii) The advertisements of political nature on TV Channel, cable networks, radio, including the FM Channels, during the period when MCC is in operation, can only be made after prior clearance.
- (iv) Copy of permission granted by District Level Committee or the Committee constituted by the CEO, it shall be forwarded along with expenditure details to DEO and the Accounting Team to include the expenditure in the Shadow Observation Register.
- (v) The political party/candidate shall have to submit the details of expenditure on the telecast/broadcast in electronic media and advertisement/ paid news in print media.
- (vi) If the MCMC finds that any advertisement has been made in TV, Radio, Cable Network, FM Channel, without proper permission, they shall inform the RO who shall issue a notice to the candidate u/s 127-A.
- (vii) If the MCMC finds any advertisement or advertorial in Print Media, it will bring it to notice of EO and a copy will be placed in the Folder of Evidence. The expenditure on this advertisement will be mentioned in the Shadow Observation Register and intimated to the candidate during inspection of his register.
- (viii) S.127-A provides that no person shall print or publish or cause to be printed or published any election pamphlet or poster, handbill or **other document** without mentioning the name and address of the printer and the publisher, and without obtaining declaration from the publisher which is attested by two persons.

- (ix) Such press shall deliver a copy of the declaration along with copy of the document to the DEO/CEO, within reasonable time.
- (x) Printing **other documents** for the purpose of section 127A includes any advertisement inserted in news paper and “Paid News” published in any news paper. For violation of this provision, the penalty on the printer or the person is six months of imprisonment or fine up to Rs.2000/-.
- (xi) Therefore, the R.O. shall issue notice to candidate bringing to his notice such advertisements published and the notional expenditure involved in the advertisement and whether declaration/authorization has been given by him for printing such material. (No. 491/Media/ 2012 dated 08.06.2010 and 3/09/2007/JS-II dated 16.10.2007)
- (xii) If the advertisement is with consent or knowledge of the candidate, it will be accounted for in expenditure of the candidate.
- (xiii) If the advertisement by a person is without authority from candidate in violation of S.171-H of IPC then action will be taken against defaulter. The matter will be taken up with such media house, for printing advertisement, in violation of section 127- A of R.P. Act.
- (xiv) ***Paid News:*** As defined by PCI ‘any news or analysis appearing in any media (Print and Electronic) for a price in cash or kind as consideration’. The ECI circular No.491/ Media/2010 dated 8th June 2010 sets out the approach to *Paid News* and the action that needs to be taken.
- (xv) The MCMC shall see all the newspapers, print media, electronic media, cable network, mobile network and bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews. This committee will submit a Daily Report with respect to each candidate in a format to the Accounting Team with copy to RO and EO on advertisement including the assessed cases of *Paid News*, along with cuttings/clippings, recordings of TV and Radio advertisements, which will also be included in the Shadow Observation Register.

- (xvi) The RO will issue notice to candidate with regard to *Paid News* in consultation with the EO for not showing the expenditure on such publication. The EO shall send a report of *Paid News* along with copy thereof to the ECI within 24 hours.
- (xvii) The Accounting Team will calculate the expenditure involved at the DAVP/DPIR rate, whichever is lower, and will mention it in the Shadow Observation Register. The EO will bring such discrepancies to the notice of the candidate/his election agent at the time of inspection and mention the discrepancies in the expenditure on account of ***Paid News*** in the remarks column of the Register of election expenses of the candidate.
- (xviii) The copies of all such notices along with the paid news should be displayed in the notice board of R.O and DEO/CEO's Website. The copies of the same can be given to any member of public on payment of Rs.1/- per page.
- (xix) In case of dispute by the candidate in admitting the expenditure on account of *paid news*, such cases may be considered in appeal by the State level committee. (ECI circular dated 8th June 2010 and circular no. 491/Media/ 2009 dated 18.03.2011).
- (xx) The Commission has issued guidelines putting time frame for appeal against decision of MCMC to State Level MCMC and also the procedure involved vide its letter no.491/Paid News/2012/Media, dated 27th August, 2012.
- (xxi) Appeal against the decision of State Level MCMC in the matter of Paid News will be made to the ECI. The State Level MCMC can also make a reference to the ECI for advise.
- (xxii) In order to bring uniformity in dealing with the instances of alleged *Paid News* and advertisements on TV/Cable Channels owned by political parties or their functionaries/office bearers, the Commission vide its letter No.491/Media/2011 (Advt, dated 16-08-11 has issued following guidelines:-
- (a) Six months before the due date of expiry of LA, a list of TV channels/radio channels/newspapers,

broadcasting/ circulated in the State and their standard rate cards shall be obtained by the CEOs and forwarded to the Commission. Similar action be taken in respect of any news channel, newspaper, etc. ,introduced within this said period of six months.

- (b) MCMC - At District level and State level will monitor all political advertisements in relation to candidates, either overt or covert, and will intimate the Returning Officer for issue of notices to candidates for inclusion of notional expenditure based on standard rate cards in their election expenses account, even if, they actually do not pay any amount. This will also include publicity by or on behalf of candidate by Star Campaigner (s) or others. A copy of the notice will also be marked to EO.
- (c) In case of bye-election to the standard rate card will be obtained by the DEO immediately on announcement of the bye-election.
- (d) Like in the case of "Paid News", the CEO & DEO will brief political parties and media houses about the above guidelines before the commencement of the election campaign.
- (e) In case of any technical doubt relating to the application of the standard rate card, the matter would be referred to the DAVP, Ministry of I&B, Govt. of India for advice.

(xxiii) The DEO shall alert political parties, candidates and media that *Paid News* shall be accounted through MCMC and they must refrain from such practice. The DEO shall also explain the new Expenditure Monitoring Mechanism and related legal provisions. They shall be clearly told that any practice of surrogate advertising shall be dealt with sternly. At the state level, the CEO shall do the same exercise.

(xxiv) If the advertisement for general party propaganda with photo or appeal of the Star Campaigner is made in print and electronic media, without any reference to any candidate, then expenditure on such general party advertisement shall be booked to the account of the political party.

(xxv) The Commission has issued Code of Conduct for Television broadcasts in connection with election.

12.38 Targeted activities regarding EEM-

S.No.	Activity	Target Date
1	Formation of District Level MCMC (As per ECI's instruction dt. 27.08.2012)	31.07.2013
2	Assessment & requirement of Officers, Staff & Equipments for new system of EEM	31.07.2013
3	Formation of expenditure monitoring cell	15.09.2013
4	To identify Distt. Level Nodal Officer for EEM - Name, Mobile, Tel. No., Fax No. to ECI also.	31.08.2013
5	Appointment of Assistant Expenditure Observer(s)	31.08.2013
6	Formation of Flying Squads & SSTs	15.09.2013
7	Formation of Video Surveillance Teams, Video Viewing Teams, Accounting Teams	15.09.2013
8	Formation of Liquor Monitoring Teams	15.09.2013
9	Infrastructure for Paid News Monitoring - Separate Room & Radio, 3-4 TVs with cable, all News Papers, Computer/Laptop	15.09.2013
10	Obtaining required registers & other stationery from Election Department or to be arranged at DEO level for use of EEM teams/candidates/political parties. (i) Day to day accounts or Election Expenditure of the candidates (Register with Part A, B & C) (ii) Shadow Observation Register (iii) Video Cue Sheet for Video Surveillance Team (iv) Daily Activity Reports by Flying Squad/Static Surveillance Team (v) Compendium of Election Expenditure guidelines in Hindi/Local language	31.08.2013
	(vi) Criminal case and Assets liability format for the candidates (vii) Abstract statement of Election Expenditure (viii) Revised Statement of Expenditure for the political parties, to be submitted within 75 days of declaration of result	
11	List of Star Campaigners to be made available to DEOs, ROs	On the day when received

S.No.	Activity	Target Date
12	To take note of the list of Star Campaigners from CEO office	Within 7 days of notification of election
13	Details of Certifications of political advertisements by (i) Jt. CEO committee & (ii) RO (Parliamentary Election) Committee to be sent to DEO & RO	On the same day of certification of such advertisement
14	Rate Lists of various articles to be prepared	15.09.2013
15	List of TV Channels/Radio Channels & News Papers along with their rate cards to be obtained from CEO office	30.06.2013
16	To pursue all pending cases, where FIR was filed during last election for bribing the electors	31.07.2013
17	Impart training to FSs/SSTs/VSTs and other EE Teams in two phases	20.09.2013
18	Arrangement for - Toll free Complaint + Monitoring cell with 2/3 hunting lines. (to be started from the date of announcement of election)	30.09.2013
19	Wide publicity in local print/electronic media-about penal provisions against bribery u/s 171 B of IPC- and formation of Flying Squads & Toll free No. of Complaint Cell	After announcement of election
20	To arrange meeting with Banks regarding Opening of account by candidates suspicion transaction report, ATM vans etc.	Soon after announcement of election
21	Helicopter landing- checking of baggage	On the day of event
22	Meeting with political parties about briefing of new EEM system	Within 3 days from announcement
23	Final training to EEM tem at RO level in the presence of Observer	Before withdrawal of Candidature
24	Capturing photos of all major rallies organized by political parties after announcement of election (This is to be compared with party exp. statement to be filed after 75 days of poll)	From the date of announcement of election
25	To provide logistic support to Income Tax Officers, after their deployment	From the date of announcement

S.No.	Activity	Target Date
		of election
26	To arrange training programme at RO level for candidates or their agents and apprise them about the new procedure of Expenditure Monitoring in the presence of Expenditure Observer	From the date of notification of election
27	To prepare updated total seizure report of cash, liquor, other items, FIRs lodged on the ground of bribery and sent to CEO for compilation of figures for the whole State (regularly)	From the date of notification of election
28	To issue a letter just after declaration of result to all the candidates for lodging the account	within 30 days of declaration of result
29	Scanned copy of the Abstract Statement (Part I to Part VI) of all the candidates along with copies of all notices issued by the RO, if any, and the replies thereto, during election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expensed by the candidate, for wider dissemination of information to all public	within 3 days of lodging of account
30	To affix on the notice board photocopies of the Abstract statement of returned candidate and Ist runners up, within two days from the date and to put a notice with the list of candidates and dt. of lodging of the Election Expenditure A/Cs.	within 9 days from lodging of account
31	To arrange one-day facilitation training programme for all the election agents/candidates and the personnel engaged for receiving the accounts	within one week before the final date of submission of the account of election expenses
32	The scrutiny report of DEO for each candidate is to be entered in EEMS Software	within a week after submission of DEO's Scrutiny Report
33	To scrutinize the statement of accounts of election expenditure submitted by each candidates after the declaration of results with the help of the Exp. Monitoring Cell with the assistance of the Exp. Observer and issue letter to the candidates on discrepancies as per procedure mentioned in ECI order Dt. 14.03.2013. The candidate shall be asked to reply within 2 days, on such discrepancy.	After the lodging of accounts

S.No.	Activity	Target Date
34	To prepare the DEO scrutiny report of each candidate with assistance of Exp. Observers and forward to CEO, along with the Summary report for the each constituency.	Within 7 days of receipt of account
35	To issue notice to those candidates who have not filed their election expense accounts.	31st day after result
36	Arrangements for Service of Notices to Candidates in the matters of EEM	Before notification of election
37	Arrangements for scrutiny of accounts submitted by candidates	-do-
38	Submission of reports by DEO to ECI regarding Election Expenditure Accounts of Candidates - After scrutiny and comments of Observers	Immediately after 30 days from declaration of result

Part-13. Dispatch Arrangements

13.1 Dispatch Arrangements of Polling Parties

- (i) Displaying No. and Name of PSs
- (ii) Checking attendance of polling parties + zonal magistrates.
- (iii) Introducing all the members of a polling party.
- (iv) Wherever required, replacement of absentee.
- (v) Ensuring that polling material has been received by all the parties.
- (vi) Transport cell at dispersal centres
- (vii) Counter system - AC wise
- (viii) Third randomization of polling parties in the presence of Observer
- (ix) ID cards for poll personnel
- (x) Last minute training
 - a) EVM briefing + Hands - on
 - b) Non EVM briefing
- (xi) Non CPF force, deployed at PS, to accompany the parties.
- (xii) Facilities at dispersal centre -
- (xiii) Boarding of vehicles.
- (xiv) Training space
- (xv) For checking of EVM + material by polling parties.
- (xvi) Facilitation centre for postal ballots.
- (xvii) Strong rooms for EVMs and storage of other material.
- (xviii) Distribution counter.
- (xix) Medical Aid.
- (xx) Basic amenities.
 - a) No canvassing during period of 48 hours ending with close of poll
 - b) Arrangement of advance TA/DA and outright charges etc., and medical kits.
 - c) POL arrangement
 - d) New formats, viz for MO, SO and PrO be given to the concerned.
 - e) Additional list of EPICs be included in dispatch material.
 - f) Every polling material kit to be checked well in advance.
 - g) Basic amenities for polling personnel.
 - h) First Aid/other medical facilities should be arranged.
 - i) ASD list of voters also to be given to polling parties.
 - j) OK report of all polling parties reaching their PSs
 - k) P/O shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS No. indicated on the sticker compared with PS No. mentioned in the address tag before accepting the EVM. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

Part-14. Poll Day Arrangements

14.1 Control Room Arrangements

- (i) Additional staff / Equipments
- (ii) Communication arrangements - To be in touch with DEO/CEO etc., - Keep mobile on.
- (iii) Complaint handling arrangements.
- (iv) Arrangement for deploying reserve staff.
- (v) Arrangement for EVM replacement.
- (vi) Arrangements for Webcasting at identified PSs.
- (vii) Arrangement for escorting of the polled EVMs and election material - Observers to be intimated.

14.2 Regulation of plying of vehicles on poll day [ECI's No. 437/6/96-PLN-III dt. 16.01.1996 & dated 24.3.2007 and No. 437/6/2006 - PLN-III dt. 23.11.2007]

- (i) One vehicle for candidate, one vehicle for election agent and one vehicle for candidate's workers/party workers be allowed - not more than 5 persons including drivers be allowed. If candidate is absent from constituency no other person should be allowed to use the vehicle allotted to him.
- (ii) Permits be issued by DEO - Permits be displayed on wind screen of the vehicle.
- (iii) Carrying of voters by these vehicles - Corrupt practice u/s 133 and penal action u/s 123(5) of RP Act, 1951.
- (iv) Exceptions - Govt. Servant on duty, transportation of patient / old / infirm persons, voters in their own vehicle, public transport and other genuine bona-fide use other than election
- (v) Private vehicles used by owners for themselves/ family members for going to polling booth to vote, not to be allowed within a radius of 200 mtr. of PS.

14.3 Prohibitions

- (i) No canvassing within PS or any public or private place within a distance of 100 meters of a PS – (S. 130)
- (ii) Cellular phones, cordless phone, wireless sets etc., not to be allowed, except officers on duty in the 100 meters of a PS. [ECI No. 464/INST/2007-PLN-1 dt. 12.1.2007 and No. 464/INST/2008-EPS dt. 9.2.09]
- (iii) Identity slips to be plain white slips without name of candidate/party markings/ symbol.
- (iv) No posters or banners.

14.4 Prohibition of misuse of SMSs [ECI's No. 464/INST/2008-EPS dt. 05.11.2008] -

- (i) Objectionable SMSs are to be traced and action to be taken by police.

- (ii) Bulk transmission of SMSs as an alternative electioneering - cost involved to be noticed.
- (iii) Prohibition on transmission after the campaign period is over
- (iv) Prohibition of loudspeakers, mega phones etc and disorderly conduct - within 100 mtrs of a PS (S. 131)
- (v) Amplifying or reproducing the human voice by any apparatus not allowed.
- (vi) In case of contravention such apparatus be seized.
- (vii) Shouting or otherwise act in disorderly manner not allowed.
- (viii) Penal action also to be taken.

14.5 Video/digital photography of proceedings inside the PS (ECI's No. 447/2007/PLN-IV dt. 17.1.07)

- (i) In particular cases, as directed by ECI, photography of voters in identified area/AC/PSs.
- (ii) Faces of all electors should be in same sequence as in Form 17-A - Special care about faces of voters not having EPIC or ECI approved photo-I cards.

14.6 Photography of proceedings inside the PS

- (i) Critical events in and around the PS also to be captured - viz - mock poll and sealing of EVM, positioning of voting compartment, presence of polling agents, last voter in queue at the close of poll - visits of SO, etc.,.
- (ii) After poll such officer will give a certificate.
- (iii) Separate counter for depositing camera and the certificate.
- (iv) Downloading of data be arranged - Video cassettes to be treated as part of election record.
- (v) Video cassettes duly indexed will be kept in the custody of DEO as other election records.
- (vi) Locking seals of cassettes will be kept intact.
- (vii) Inspection and certified copy of print of video cassette - as per direction of ECI and on payment fixed by ECI.

14.7 Monitoring of Poll Process through Webcasting

- (i) In the identified polling stations poll process will be monitored by RO/DEO/CEO/ ECI through Webcasting.
- (ii) Arrangements to be made as per direction of CEO.

14.8 Candidates' election booths

Candidates' **election booths** (one table + two chairs) without shamiyana/tentage and with - one banner upto 3 ft. × 1.5 ft. beyond 200 mtrs of a PS allowed. If it have valid permission from local authority (ECI's No. 464/INST/2007/PLN-I dt. 12.01.2007)

14.9 Going armed to / near a polling station (Sec. 134B and ECI No. 464/INST/2007 PLN-I dt. 24.2.2007)

- (i) Security personnel attached to any person not to be allowed - Except in case of person covered under Z Plus security who's one security person in simple cloths and with concealed weapon is allowed.
- (ii) Prohibition for Minister/MP/MLA etc. to be an election agent etc., (ECI's No. 437/ INST/2008-EPS dt. 14.10.2008) -
 - (a) Minister/MP/MLA or persons to whom security cover granted not to be an Election Agent/Polling Agent/Counting Agent.
 - (b) Any person having security cover will not be allowed to surrender his security cover to act as such agent.

14.10 Entry into polling station

- (i) Only persons entitled under rule 49-D be allowed -
- (ii) Media person not to capture photograph of the balloting process in any manner that will be reveal the secrecy of ballot - Every one must have a valid pass properly displayed.
- (iii) Where the CPF is deployed a Jawan will stand at entrance - Not inside the PS except called by PrO.

14.11 Before Commencement of Poll

- (i) PrO to demonstrate the EVM.
- (ii) Marked copy of roll and Register of Voters also to be demonstrated before the polling agents present and their signatures be taken.
- (iii) Mock poll by PrO - A prescribed certificate shall be given by PrO. (ECI No. 51/8/7/2008 - EMS dt. 15.7.2008 & 464/INST/2008-EPS dt. 18.12.2008).
- (iv) Control unit to be sealed properly.
- (v) RO through SO and using other links shall track the conduct or otherwise of mock pole and ascertain the mock poll status within 30 minutes.

14.12 Before Commencement of Poll

- (i) Names of personnel using EDC facility should also be intimated to agents.
- (ii) Before mock poll, EVM identification slips be issued to agents (ECI No. 51/8/7/2009-EMS dt. 18.2.09)
- (iii) Mock poll certificate shall be given by PrO. (ECI No. 51/8/7/2008 - EMS dt. 15.7.2008 and No. 464/INST/2008-EPS dt. 18.12.2008).
- (iv) New EVM should be put to use only after conducting mock poll, clearing the data of mock poll and recording the certificate of mock poll [ECI's No. 576/3/2009/SDR dt. 6.1.2009]
- (v) Duties of Polling Personnel

- (vi) PrO to regulate the voters, and maintain purity of election - To deal with tendered votes, challenged votes, etc., - Overall supervision on poll process.
- (vii) Identification of voters - through EPIC or alternate documents approved by ECI - Minor discrepancies can be overlooked.
- (viii) PO- 1st - Marked copy - Responsible for identification.
- (ix) PO- 2nd - Indelible Ink - Register of voters - voter slips.
- (x) PO- 3rd - Control unit - He will sit near PrO - Same table for PrO + PO-3rd.

14.13 Duties of Polling Personnel in a polling party consisting only 2 Polling Officers (ECI No. 576/3/2011/SDR dt. 22.03.2011)

- (i) PO – 1st – Market Copy + Indelible Ink
- (ii) PO – 2nd – Register of Voters + CU
- (iii) In such cases it is not necessary to prepare Voters Slips.
- (iv) 2nd PO will activate the CU and then sent the voter inside the voting compartment exactly in the same sequence in which they sign in Register 17-A.

14.14 During Poll Process

- (i) Polling agents not to be allowed to carry electoral roll copy outside the PS - They can not be allowed to send slips, also, outside indicating the Sr. No. of voters who have voted or not voted. [ECI's No. 464/INST/2008-EPS dt. 21.1.09].
- (ii) Special attention where mock poll had to be conducted in the absence of agents [ECI's No. 464/INST/2008-EPS dt. 18.12.2008]
- (iii) Type of identity documents, Sr. No. of ID document and last four digits of ID document should be entered in Register 17-A by PrO. (ECI No. 464/INST/2011/EPS dt. 20.01.2012)
- (iv) Elector in ASD List should be personally verified by PrO. (ECI No. 464/INST/2012/EPS dt. 25.01.2012)
- (v) If there is a complaint with respect to candidate lamp of BU at the time of voting the EVM should be replaced immediately and matter to be reported ECI also. (ECI's No. 51/8/16/8/2009 – EMS dt. 29-4-2011)

14.15 Mobile phone in PS (ECI's No. 464/INST/2008/EPS dt. 09.02.2009)

- (i) Observers, Micro Observers should keep their mobile/cellular phones in silent mode inside the P.S. and shall not use it from inside of a PS.
- (ii) During polling PrO and other staff shall keep their mobile "silent mode" in the PS. If required they can talk from outside the polling booth.
- (iii) Booth Level Officers to be stationed outside the polling booth and should keep with mobile phone switched on.

14.16 Facilities for the physically challenged electors {ECI's

No. 509/110/2004-JS-I dt. 26.10.2007; No. 51/8/2009-EMS dt. 12.2.09} -

- (i) They should be given priority for entering PS without having to wait in queue.
- (ii) Full facility be provided to take their wheel chairs inside the PS.
- (iii) PrO should follow the provisions of Rule 49N - regarding companion of blind/infirm voter.
- (iv) Wide publicity about the facilities to be given to such voters.
- (v) Dummy Ballot Sheet in Braille - It will be given to a visually impaired voter on his request so that he can be able to cast his vote by reading the Sr. No. of the candidates on the numeric sticker fixed on BU - If he desires, the companion will be allowed to accompany him to voting compartment.
- (vi) Report on the voting by visually impaired voters shall be furnished in the prescribed proforma by PrO.

14.17 Voters' facilitation Booth -

14.17.1 Voters' Assistance/Facilitation Booth will be set up outside the polling booth at every polling station location.

14.17.2 Separate officials for each premises (Polling Station Location) should be appointed to facilitate the voters.

14.17.3 Following items for facilitation of voters will be kept at this Facilitation Booth:-

- (i) **Electoral roll in alphabetical order** (ECI No. 23/Locator/2007 ERS dt. 05.11.2007) - Part wise electoral roll in alphabetical order, in English to locate the Voter's name quickly
- (ii) **Voter's Slip** - (ECI No. 464/INST/2011/EPS dt. 18.02.2011, dt. 19.03.2011, dt. 20.01.2012 & ECI No. 464/INST/2013-EPS dt. 14.06.2013)

An additional copy of Voter's slip would be kept available at Facilitation Booth outside the Polling Booth so that voter's who have misplaced Voter's slip/ EPIC can collect it at the Polling Booth itself.

14.18 Supervisory visits – by SO, etc.

14.18.1 After close of poll -

- (i) Tally 17A, 17C and EVM count
- (ii) Proper sealing of EVM and election papers including Dummy Ballot Sheets.
- (iii) Tally 17A, 17C and EVM count - PO diary to be completed
- (iv) Additional report format to be handed over to SO
- (v) Form 17C - Attested copies to be given to polling agents.
- (vi) SO to ensure about arrangement.
- (vii) A line to be drawn after the last entry in 17A - Signed statement that "The Sr. No. of last entry in form 17A

is....” to be recorded - Signatures of agents also to be obtained, in the register.

14.18.2 Three comprehensive reports (Para 61 of Ch. XIII of RO Hand book)-

First upto 1300 hrs., Second by 100 hrs. and third by 0700 hrs. on next day.

14.18.3 Recommendation for fresh poll/completion of adjourned poll (Para 57, 58 & 59 of Ch. XIII of RO Hand book)-

- (i) Where necessary such recommendations should be in prescribed formats given in RO hand book (Annx. XXXV, XXXVI & XXXVII).
- (ii) While sending report for re-poll, result of Form 17A scrutiny be stated specifically.

14.18.4 Adjournment of poll after death of a candidate [Sec 52 of RP ACT, 1951]

- (i) RO on being satisfied about the fact should order such adjournment.
- (ii) State party recognised in other state not to be treated as recognised political party within scope of section 52, even that party has been granted concession under para 10 of Symbol Order to use its symbol.

Part-15. Receipt Arrangements

15.1 Final **storage at district HQ** only - Observers to verify arrangements.

- a) **Facilities -like lighting, proper barricading, control room, drinking water, toilets, refreshment, medical aid**
- b) **Strong rooms/Store rooms - proper security**
- c) **Telephone, Fax, Internet, Computer section, rooms for Observers, DEO, etc.,.**

15.2 There should be **no crowding** - If required set up separate counters for specific numbers of PSs.

15.3 Receipt of documents and polling material - as per printed checklist - Receiving officer should sign it.

15.4 Counter system - AC wise

- a) For sealed CUs + Form 17C + PrO declaration
- b) For other election papers - statutory + non statutory
- c) For other items / articles
- d) For PO diary + 17C + SOs report + Addl. report of PrO.
- e) For depositing digital camera along with certificate in case of identified PSs.
- f) Separate special counter for election papers of PSs identified for scrutiny of 17-A etc.
- g) Hoarding indicating such PSs at reception centre
- h) PrO can be relieved only after obtaining the EVMs and document after proper verification and discussion with RO/Observer.

15.5 Check before receipt

PrO diary is properly filled up and visit sheet attached thereto.

- a) EVM is sealed
- b) 17C is given to Polling Agents
- c) Additional report format by PrO given to SO
- d) All documents/material is available as per the Checklist.

15.6 Strong Rooms

- (i) Two cordoned security for strong rooms.
- (ii) Fire fighting requirements to be kept.
- (iii) Candidates/Agent be permitted to affix their seals and they may keep a watch from a considerable distance.
- (iv) Strong room of EVMs - AC wise - EVMs + one copy of 17C + PrO declaration
- (v) Strong room for election papers - Sealing thereof - To be put up in steel trunks - AC wise
- (vi) Separate room or demarked space for storing election papers of PSs whereat scrutiny of 17A register etc. will be done after poll.

15.7 Scrutiny of 17-A etc. (ECI No. 464/INST/2012/EPS Dt. 08.02.2012)

Scrutiny of PO diaries, 17-A, MO reports, Video reports, Still photography, visitors sheets, ZM reports, PrO reports etc. shall be done by Observer and RO in the presence of candidates / agents

for such categories of polling stations as described in ECI's instructions dt. 08.02.2012.

15.8 Scrutiny of form 17A etc., (ECI No. 464/INST/2007 PLN-I dt. 12.10.2007 & No. 464/INST/2012/EPS dt. 08.02.2012)

- (i) To facilitate identification of PSs for which scrutiny of 17-A etc. is required to be done, RO shall collect information on the points as mentioned in ECI's instruction dt. 08.02.2012.
- (ii) As far as possible scrutiny will take place at 11.00 AM on day after Poll.
- (iii) A written notice, in advance, should be served on all candidates to be present.
- (iv) Cross check the entries of Form 17A, marked copy of roll, remarks column of 17A, Form 17C, photography if taken.
- (v) The entire process shall be videographed.
- (vi) Report shall be submitted to ECI as soon as scrutiny is over.
- (vii) Candidates/Agent not to be allowed with cellular phones.
- (viii) Log book to be maintained.
- (ix) After scrutiny packets to be re-sealed.
- (x) Recommendation for re-poll if any be made by RO and Observer to ECI with reason.
- (xi) Difference in opinion, if any, be reflected with reasons.

15.9 Recommendation for fresh poll/completion of adjourned poll -

- (i) Where necessary such recommendations should be in prescribed formats given in RO hand book.
- (ii) Where polling gets delayed - An adjourned poll should be held where polling fails to start for two hours. (ECI No. 464/INST/2009-EPS dt. 21.1.09)

15.10 Arrangements of re-poll - Adjourned poll

- (i) Re-poll u/s 58 / 58A - Re-poll EVMs be put back in same strong room - old EVM to be prominently marked cancelled / not to be counted - Separate polling party for the re-poll.
- (ii) Adjourned poll u/s 57 - Sealed packets containing marked copy of roll and the Register of Voters and new EVM will be provided to PrO. - PrO to open sealed packet in presence of polling agents present.

Part-16.Counting of Votes and declaration of result

(R. 50 to 54A, 55C, 56C, 57C and 60 to 66 of CE Rules, 1961 and Ch. XIV of RO Hand Book, ECI No. 470/2007 PLN-I dt. 11.1.2007 & 29.8.2007; No. 470/2009/EPS dt. 21.1.09; No. 470/2009/EPS dt. 22.1.2009, No. 470/TN.LA/2011/SS1 dt. 05.05.2011 & No. 470/INST/2012-EPS dt. 01.03.2012)

16.1 Counting centres and Programme of Counting –

- (i) Date, time and place (Counting centre) shall be approved by the Commission -
- (ii) While selecting the building, all relevant factors should be considered, viz security, space available, infrastructure, maintenance of law and order, etc.

16.2 Arrangements for emergency lights -

Foolproof effective alternative arrangements for lights in and around the counting halls.

16.3 Giving Notice to candidates about time, date and place–

RO shall give notice to each candidate or his election agent in form prescribed (Annex. XXXVIII of RO Hand book)

16.4 Arrangements at counting centre

- (i) Counting centre and receipt centres should be same.
- (ii) Strong rooms and counting centres should be within same campu.
- (iii) Large rooms can be divided into halls by temporary partitions - In such partition CGI sheets with rigid frame be used, so that any material can not be sliped through partition.
- (iv) Only one AC in one hall.
- (v) There should be sufficient place for counting officials/agents, etc.,.
- (vi) Each counting center will have a distinct No. and each hall within counting center have a distinct No.
- (vii) Counting plan to be prepared - pre allotment of PSs.
- (viii) Drawings of counting centre be given to Observer.
- (ix) Counting halls should be got ready at least 3 clear days before counting - A report in this regard to be sent by RO to CEO and by Observer to ECI - consolidated report by CEO also to ECI.
- (x) Photo I-Cards to counting officials/candidates/agents.
- (xi) Unauthorized persons not to be allowed.

16.5 Security Arrangements

- (i) Three tier cordoning system should be setup to prevent unauthorised entry inside the counting centres.
- (ii) No counting agent without proper identity and having photograph duly displayed on its person shall be allowed to cross the first cordon.
- (iii) Identify of candidates/agents and counting officials should also be thoroughly verified at the first cordon itself.
- (iv) Magistrate to be posted at entrance to control crowd and regulate the entry.
- (v) Proper frisking at 2nd cordon by state police personnel.
- (vi) Barricades for each counting table.

16.6 Facilities at counting centres

- (i) Observers or group of Observers will be provided a separate room or cubicle with table/chairs, a telephone with STD and fax.
- (ii) Telephone of Observers to be installed 15 days ahead of counting and to be made known to ECI.
- (iii) Separate one or more telephone lines with STD and fax for RO/DEO to keep in touch with CEO and ECI.
- (iv) Two internet connections and computers in a separate data room.
- (v) Arrangements for on-line results

16.7 Media centres

- (i) Separate room of adequate size should be provided with telephone, fax, data communicate network etc.
- (ii) PRO or ARO or other senior officer should be made OIC of the media centre.
- (iii) Escorting of small media groups to visit counting halls from time to time - Officials to be deployed to assist the OIC, for such escorting.
- (iv) Media room should be at some distance from counting hall - media passes will be issued 'counting centre wise' and not 'counting hall wise'.
- (v) Counting trends and result information be given at media centre in systematic manner and in good time.
- (vi) Static camera or video not to be allowed inside counting hall or for this purpose a line be demarcated.

16.8 Counting Agents

- (i) Obtain the list of counting agents with their photographs from all the contesting candidates by 1700 hours on the day 3 days prior to counting. Photo I-cards of the counting agents should be issued them and there.
- (ii) Allow in counting hall only such counting agents as there are counting tables and one more to watch at ROs.
- (iii) Each counting agent may have a badge-bearing name of candidate and table No.

16.9 Appointment of Counting Assistants/Supervisors

- (i) Counting staff should not be affiliated with any candidate or party.
- (ii) Supervisor should be a Gazetted Officer or of equivalent status.
- (iii) One supervisor and one assistant at one table

16.10 Randomization of counting officials (ECI No. 470/INST/2013-EPS dt. 2.5.13)

Three stage randomization.

(i) **In Ist stage —**

- (a) A list of 120% of required number of officials (Counting Supervisors and Assistants & MOs) in the district should be generated (including reserve) randomly using software by DEO, one week prior to date of counting.
- (b) In **no** case at this stage the identity of AC will be known.

(ii) **In IInd stage -**

- (a) AC wise randomization shall be done by DEO in presence of Observer(s) 24 hours prior to commencement of counting.
- (b) There after concerned RO shall issue appointment letters to these officials assigning them allotted AC.

(iii) **In IIIrd stage -**

- (a) Randomization of tables in counting hall allotted to counting supervisors/assistant/MOs by RO in

presence of Observer at 5.00 AM at the day of counting.

- (b) 10% staff to be kept as reserve – Replacement in exigency from reserve staff by DEO randomly after consulting Observer.

Videography of randomization process will be done

16.11 Additional counting staff/Micro Observers

- (i) GOI/Central Govt. PSU official on each table as static observer
- (ii) He will note down the CU No., Round No., PS No., and candidate wise result, in a pre-printed format - The format will be handed over to Observer
- (iii) DEO to issue I-Card to such staff - They will also be selected randomly by Observer

16.12 Entry into counting hall

- (i) Only following persons can enter counting centres: -
 - (a) Counting Supervisors/Assistants/staff appointed by RO
 - (b) Persons authorized by Commission.
 - (c) Public servants on election duty.
 - (d) Candidates, their election agents and counting agents.
- (ii) Ministers/ MPs/ MLAs/ MLCs/ Mayor/ Municipal Chairman/ Zila Pramukh or other persons having security cover not to be allowed as Election Agent or counting agent, except as a candidate.
- (iii) Candidates whether he is MP/MLA shall be permitted with a stipulation that security persons with arms should not get into counting hall.
- (iv) Such candidates should be asked to given an undertaking that they are voluntarily surrendering their security. Exception is SPG producing or similarly placed persons. One SPG personnel in plain cloth can be accompanied with them.
- (v) Cellular phones, cordless phones, wireless sets etc not to be allowed to any person except officers on duty. Officer on

duty will keep their mobiles in silent mode. (ECI No. 464/INST/2008/EPS dt. 9.2.09)

16.13 Counting process

- (i) A round wise statement to be prepared by RO in a format.
- (ii) RO and Observer, both shall verify it.
- (iii) Next round should only start after finishing previous round at all tables.
- (iv) Table wise round wise results be shown at notice board inside counting centre and to be announced through public address system.
- (v) Flow of data through GENESYS.
- (vi) Round wise data to be faxed to CEO.
- (vii) After counting, the fully reconciled data should be checked thoroughly before result is declared.
- (viii) RO shall not declare the result without receiving the authorization in the prescribed format.
- (ix) **Random Re-counting** – Re-counting of two EVMs selected randomly by Observer from every round separately and additionally.

16.14 Counting of votes received by post [R. 54A and ECI's No. 470/2009/EPS dt. 21.1.09]

- (i) RO to first deal with the PBs - After a gap of 30 minutes the EVM counting can also start. However the penultimate round of EVM counting should not commence unless the PB counting is over.
- (ii) Should be a separate table and separate arrangements.
- (iii) One ARO shall be dedicated to handle the PB counting.
- (iv) Observer & RO should closely monitor the PB counting.
- (v) Before finalizing the tally of PB counting the RO should personally verify whether PB considered invalid and rejected have been verified properly before rejected.
- (vi) All PBs received till the time fixed for commencement of counting of votes shall be opened for counting.

(vii) Covers in Form 13C received after hour fixed for commencement not to be opened - They may be rejected and be kept separately into a larger cover and sealed.

(viii) **In 1st phase -**

(a) Covers in Form 13C be opened one after another and Form 13A will be scrutinized first before opening the Cover-A.

(b) RO will reject PB without opening Cover-A if, -

1. The Declaration (13-A) is not found inside 13-C, or
2. The Declaration has not been duly signed or not duly attested or is otherwise substantially defective, or
3. The Sr.No. of PB on Form-13A is different from the Sr. No. written on Cover-A

(c) All such rejected Covers-A containing PBs should be endorsed by RO/ARO and will be re-placed back with respective Form-13A in Cover-B (13-C)

(d) All such Covers-B will be kept together in separate packet which will be sealed and full particulars will be noted thereon.

(ix) **In 2nd phase -**

(a) RO will proceed to deal with remaining Covers-A (13B)

(b) In order to protect secrecy of voting all Declarations (13A) which were found in order should be placed together in a separate packet and sealed.

(c) Thereafter Covers in Form 13B should be opened and ballot paper will be scrutinized one after another.

(d) A Postal Ballot will be rejected if, -

1. No vote is recorded thereon, or
2. Vote is in favour of more than one candidate, or
3. It is a spurious ballot, or
4. It is so damaged or mutilated that its identity as genuine ballot cannot be established, or

(e) It is not returned in the Cover-B sent to the elector,

- (f) or
 - (g) The mark indicating the vote is doubtful, or
 - (h) The voter is identified
- (x) Any mark to indicate the vote can be accepted as valid.
 - (xi) A Postal Ballot shall not be rejected merely on the ground that the attesting officer has not put his seal on Form-13A, if the attesting officer has given all relevant details with regard to his name and designation (ECI No. 464/INST/2012 – EPS dt. 13.12.2012)
 - (xii) A Postal Ballot shall not also be rejected on the ground that the elector has not put his signature on Cover-B, if the identity of the elector is identifiable on the basis of Form-13A (ECI No. 464/INST/2012 – EPS dt. 13.12.2012)
 - (xiii) Result of PBs, received within prescribed time, to be shown in Form-20.
 - (xiv) Mandatory re-verification in the presence of Observer and RO, in case the victory is being decided only on account of PB counting.
 - (xv) Such re-verification/recounting proceedings should be videographed - Video cassette / CD should be sealed.

16.15 Declaration of result and return of election (Sec. 65, 66 and 67A of RP Act, 1951; R. 64 of CE Rules, 1961; Ch. XV of RO Hand book, ECI No. 474/TN-LA/2011/SS-1 dt. 5.5.2011 & 6.5.11, No. 470/INST/2012/EPS dt. 3.3.12)

- (i) Entire counting process will be videographed. CD of the video recording should be kept in safe custody of DEO.
- (ii) After completing final result sheet in Form 20 and receiving approval of the Observer, the RO will declare the result.
- (iii) Formal declaration of result shall be made in Form 21C.
- (iv) Date of result is the date of result declared.
- (v) Return of election in Form 21-E shall be completed and certified as soon as result is declared.
- (vi) One copy each of Forms 20, 21C and 21E will be given to Observer.
- (vii) Copy of Form 21 E to any candidate/agent @ 2/- per copy.

16.16 Re-sealing of EVMs and election record (Para 32 and 34 of Ch. XIV of RO Hand book, R. 93(1) of CE Rules 1961)

- (i) Immediately after counting is over, control units and packets of election papers specified under rule 93(1) shall be sealed with ROs seal and with the secret seal of the Commission.
- (ii) Secret seal shall be put on packets only and not on any of the locks of the trunk.
- (iii) After the sealing of the used control unit in boxes and election paper **proceedings should be drawn up** as prescribed.

16.17 Restriction on number of persons for receiving certificate of election (ECI No. 464/INST/2009-EPS dt. 15.5.2009)

When the candidate come for receiving certificate of election, only a maximum of 4 persons may accompany him.

16.18 Return of secret seal

- (i) After sealing is over, the secret seal should be put into a separate packet, which should also be sealed. Candidates may be allowed to put their seals on the packet.
- (ii) It should be returned to ECI, within 24 hours of counting of votes, by registered insured post.

16.19 Safe custody of election papers (R. 92 & 57C of CE Rules 1961 and Para 33, 34 and 36 of CH. XIV of RO Hand book)

- (i) Follow the procedure as mentioned in Returning Officer Hand book.
- (ii) Advance arrangement of steel boxes, locks, transportation, security, space in treasury should be ensured.

16.20 Certificate of election (Sec.53 of RP Act 1951 and R. 66 of CE Rules 1961)

- (i) Soon after declaration of result, candidate shall be granted a certificate of election in Form 22. Certificate should be in English or Hindi.
- (ii) Receipt of such certificate shall be obtained from candidate in the format given in para 9 of Ch. XV of RO Hand book. Signature of candidate on the acknowledgement shall be duly attested by the RO.

16.21 Reports of election (Para 7 of Ch. XV of RO Hand book)

- (i) Intimation of the result of election shall be sent by an immediate Fax/quickest means of transmission to the authorities - as mentioned in Ch. XV of RO Hand book.

- (ii) **Copies of documents relating to result etc be sent** (Ch. XV of RO Hand book and Sec. 67 of RP Act, 1951 and R. 64, 66 of CE Rules, 1961)
- (iii) Documents duly signed with seal of RO are to be sent immediately to -
 - 1. Election Commission of India, New Delhi, through CEO
 - (a) Form - 20
 - (b) Form - 21C
 - (c) Form - 21E
 - 2. Chief Electoral Officer
 - (a) Form - 20
 - (b) Form - 21C
 - (c) Form - 21E
 - 3. State Govt.
 - (a) Form - 21C
 - 4. Secretary Vidhan Sabha
 - (a) Form - 21C
 - (b) Acknowledgement of Certificate of Election.

16.22 Safe custody of election records / EVMs after result

(R. 92, 93 and 94 of CE Rules 1961 and Ch. XVIII of RO Handbook)

- (i) Under double lock - one key with DEO and one with TO .
- (ii) Inspection may be allowed and attested copies may be given of records which are not prohibited.
- (iii) Disposal of record - After expiry of prescribed period
- (iv) EVMs also to be cleared after expiry of prescribed period and be kept in DEO's Godown / Store at safe place and as per prescribed norms.
- (v) Where election petition is pending election record not to be disposed off and EVM not to be cleared and to be kept in tact.

Part-17. Miscellaneous

(Ch. XVIII of RO Handbook)

17.1 Disposal of deposits made by candidates (Sec. 158)-

- (i) The deposit can be refunded only to the person in whose it was made in the treasury or his legal representatives if he is dead.
- (ii) The deposit shall be refunded if the conditions laid down u/s 158 of RP Act, 1951 are fulfilled.
- (iii) Form of applications for return is given in RO Hand book.

17.2 ROs report (Ch. XVIII of RO Hand book) -

- (i) Two copies of report in Format given in RO Handbook should be sent to Commission through CEO one copy for CEO also.
- (ii) Ensure in advance that required information from Presiding Officers is available and mentioned in P.O. diaries.

17.3 Index Card (Ch. XVIII of RO Hand book) -

- (i) Send it through CEO to the Commission within 15 days of poll.
- (ii) To fill up the Index Card instructions given in the card should be carefully followed (Format given in RO Hand book)

17.4 Disposal of surplus and waste ballot papers -

- (i) Directions of Commission given at Para 13 of Ch. XVIII of RO Hand book shall be followed strictly.
- (ii) Superintendent Government Press and Collector / District Magistrate of the district, wherein Govt. Press is situated, shall send a report within a week to the CEO certifying that all surplus and waste ballot papers printed have been destroyed in the prescribed manner. Such consolidated report with certificate shall be submitted onwards to the Commission by the CEO.
- (iii) This presentation highlights only the key activities related to R.O./A.R.O. .
- (iv) R.Os/A.R.Os are advised to study legal provisions/specific circulars/orders of ECI also.

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