

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 3/4/ID/2013/SDR(WB-HP)

Dated: 28th May, 2013

To,

The Chief Electoral Officer
West Bengal,
Kolkata.

Subject:- Bye-Election to the House of the People 2013- Commission's Order regarding use of Electors Photo Identity Card.

Sir,

I am directed to enclose herewith Order dated 28th May, 2013 regarding identification of electors at the current bye-election to West Bengal Parliamentary Constituency. The Commission has directed that all electors in 25-Howrah Parliamentary Constituency in West Bengal, for the bye-election notified on 8-5-2013, shall produce their EPIC for establishing their identity before casting their votes. If any elector is not able to produce his/her EPIC, such elector shall have to produce any of the alternative photo documents prescribed. Kindly note that the "Smart Card" being issued under NPR scheme by RGI and "Aadhaar Card" issued by UIDAI have also been included as one of the alternative identity documents. The overseas electors shall have to produce their original passport only for identification.

2. The Order may be brought to the notice of the Returning Officers and all Presiding Officers of the said constituency.

3. If an elector produces an Electors Photo Identity Card, which has been issued by the Electoral Registration Officer of another Parliamentary Constituency, such cards shall also be taken into account provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting. Minor discrepancies in the entries in the EPIC should be ignored and the elector allowed to vote provided the identity of the elector can be established by means of the EPIC.

4. The Commission's Order dated 28th May, 2013 may be got published in the state Gazette immediately. This Order may be given wide publicity through print/electronic media for information of the general public and electors of the concerned constituencies. All contesting candidates at the said bye -election may also be informed, in writing, of this direction of the Commission.

5. The Returning Officers shall be instructed to note the implications of this Order and explain the contents thereof to all Presiding Officers through special briefings. They should also ensure that a copy of this letter is available with the Presiding Officers at all polling stations / booths in the constituency.

6. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

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

No. 3/4/ID/2013/SDR(WB-HP)

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ORDER

1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under section 62 of that Act more effective, provisions may be made by rules under that Act for use of Electors Photo Identity Card for electors as the means of establishing their identity at the time of polling; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electors Photo Identity Card to electors bearing their photographs at State cost; and
3. Whereas, Rules 49H (3) and 49K (2) (b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card may result in the denial of permission to vote; and
4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Photo Identity Card, where provided by the Election Commission at State cost, and that both are to be used together; and
5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electors Photo Identity Card (EPIC) to all electors, according to a time bound programme; and
6. Whereas, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPIC was taken up, the election machinery of West Bengal, has issued these cards to a substantially high number of electors and made all possible efforts, by way of repeated rounds of the constituencies and areas, with a view to issuing cards to the left-out electors; and

7. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in 25-Howrah Parliamentary Constituency in West Bengal for the bye- elections notified on 8-5-2013, shall produce their EPIC for establishing their identity before casting their votes. Electors who are not able to produce EPIC shall have to produce any of the following photo documents for establishing their identity:-

- (i) Passport,
- (ii) Driving License,
- (iii) Income Tax Identity (PAN) Card,
- (iv) Service Identity Cards with photograph issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks with photograph issued by Public Sector Banks/Post Office and Kisan Passbooks(Accounts opened on or before 30-4-2013)
- (vi) SC/ST/OBC Certificates issued by competent authority with photograph (issued on or before 30-4-2013),
- (vii) Pension Document such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates, Old Age Pension Order, Widow Pension Order with photograph issued up to 30-4-2013,
- (viii) Freedom Fighter Identity Cards with photograph,
- (ix) Arms License with photograph, issued up to 30-4-2013,
- (x) Certificate of physical handicap with photograph issued by the competent authority on or before 30-4-2013,
- (xi) Health Insurance Scheme Smart Card with photograph (Ministry of Labour's Scheme) issued up to 30-4-2013,
- (xii) Property documents with photograph such as Pattas, Registered Deeds, etc.,
- (xiii) Job Card issued under NERGA Scheme with photograph, issued up to 30-4-2013,
- (xiv) Smart Cards issued by RGI under the scheme of National Population Register (NPR),
- (xv) Aadhaar Card issued by UIDAI.

8. Any of the abovementioned documents that is available only to head of the family may be used for identifying the other members of the family provided all members come together and are identified by the head of the family.

9. Notwithstanding anything in Para 7 above, overseas electors who are registered in the electoral rolls under Section 20A of the Representation of the People Act, 1950, based on the particulars in their Passport, shall be identified on the basis of their original passport only (and no other identity document) in the polling station.

By Order,

(Ashish Chakraborty)
Secretary