

SPEED POST

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No. 3/4/ID/2009/SDR/(MH)

Dated: 25th September, 2009

To

The Chief Electoral Officer,
Maharashtra,
Mumbai.

Subject:- General -Election to the Legislative Assembly, 2009 – Commission's Order regarding use of Electors Photo Identity Cards.

Sir,

I am directed to enclose herewith Order dated 25-9-2009 regarding identification of electors at the current general-election to Maharashtra Legislative Assembly. The Commission has directed that all electors in each of the 288 Assembly Constituencies, shall bring the EPIC when they come for voting. If any elector fails to produce his/her EPIC, such elector shall have to produce any of the alternative photo documents prescribed.

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 Assembly 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 25-9-2009 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. This may also be brought to the notice of all candidates.

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,

(ASHISH CHAKRABORTY)
UNDER SECRETARY

Copy to Secretary/Under Secretary/Zonal Section.

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

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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 Identity Cards 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 Cards 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 Cards under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electoral Identity Cards at the polling station and failure or refusal on their part to produce those Electoral Identity Cards 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 Cards (EPICs) 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 EPICs was taken up, the election

machinery of Maharashtra, 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. Whereas, electoral rolls containing photographs of the electors have been prepared and issued in Maharashtra; and

8. Whereas, at the general election to the Legislative Assembly of Haryana held in January – March, 2000, and at all general and bye-elections held since then, the Commission had directed that all electors who were issued with EPICs should produce those cards to exercise their franchise at the said elections, and that it would permit the odd electors who have not obtained their EPICs to vote at the said elections, provided their identity is otherwise established by production of one of the alternative documents prescribed by the Commission; and

9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in each of the 288 Assembly Constituencies, in Maharashtra, for the general election notified on 18th September, 2009, shall produce their EPICs for establishing their identity before casting their votes. If any elector fails to produce his/her EPIC, such elector shall have to produce any of the following alternative documents for establishing his/her identity.

- (i) Passports,
- (ii) Driving Licences,
- (iii) Income Tax Identity (PAN) Cards,
- (iv) Service Identity Cards having photograph, issued to its employees by State/Central Government Offices, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks containing Photographs for Accounts opened up to 31-8-2009 in Public Sector Banks/Post Offices,
- (vi) Freedom Fighter Identity Card with photograph.
- (vii) SC/ST/OBC certificates issued by competent authority with photograph issued up to 31-8-2009 ,

- (viii) Certificate of physical handicap having photograph issued by the Competent Authority, issued up to 31-8-2009 ,
- (ix) Arms License having photograph, issued up to 31-8-2009,
- (x) Job Cards with photograph issued under the National Rural Employment Guarantee Scheme, issued up to 31-8-2009,
- (xi) Property Documents with Photograph such as pattas, Registered Deeds, etc.,
- (xii) Pension Documents 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 upto 31-8-2009),
- (xiii) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme, issued up to 31-8-2009,
- (xiv) Ration Cards issued on or before 31-8-2009.

10. The EPIC issued to the elector or any of the abovementioned documents that is available only to the 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.

By Order

(K.F. WILFRED)
SECRETARY