

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No. 322/UP-LC/1/2010-CC&BE

Dated : 25th December, 2009

To

The Chief Electoral Officers of

1. Andhra Pradesh, Hyderabad
2. Bihar, Patna
3. Jammu & Kashmir, Jammu
4. Karnataka, Bangalore
5. Maharashtra, Mumbai,
6. Uttar Pradesh, Lucknow

Subject: Biennial Election to Legislative Council from Local Authorities' Constituencies – Instructions - regarding.

Sir,

I am directed to state that various complaints are received in the context of elections to the State Legislative Councils. The Commission has decided to issue the following instructions for free and fair conduct of the biennial elections: -

1) The poll proceedings inside all the Polling Stations shall be videographed on the day of poll. The videography should be continuous and uninterrupted under the supervision of an officer who would be accountable for it. While doing so, it should be ensured that the secrecy of ballot is not at all violated/compromised.

2) Also, it should be ensured that no person who is employed in Govt./Semi Govt. offices nor any person who is holding a post accruing political benefit shall be allowed to be appointed as election agent/ Polling agent/ Counting agent of a contesting candidate.

3) No helper or companion should be allowed inside the polling booths for helping / assisting the voters except in the case of an illiterate/blind/infirm voter in accordance with rule 40A (under rule 70) of the Conduct of Elections Rule, 1961. Such voters, on the day of poll, before voting, must submit their declaration in the proforma enclosed at Annexure 'A' herewith that he/she is illiterate/blind/infirm and thereafter action may be taken by the Presiding Officer concerned as per Rule 40A of the Conduct of Elections Rules, 1961 and accordingly maintain a record for that purpose as per rule (Form 14A of the Conduct of Elections Rules, 1961). The provisions contained in Rule 40A of the Conduct of Elections Rules, 1961 shall be strictly followed in this regard.

4) During the poll, all the voters have to produce either EPIC or any other identity document having photograph of the elector or their Identity Cards issued by the Local Authorities concerned of which they are members.

5) The State Government shall not release any kind of financial grant to the Local Bodies where an election from Local Authorities Constituency is in progress nor make any announcement to this effect which is likely to disturb the level playing field.

6) The Commission further directs that :-

i) All Ministers whether Central or State, shall not combine in any manner their official tours with election work during the said ongoing biennial election. They shall return to their headquarters on completion of their official tours.

ii) No official of any rank of the district(s) dealing with election related work where the biennial elections are being held shall be called to attend any meeting by any Minister in any district, that is to say, even in the other districts where election is not being held.

- iii) No member of any Local Authority which forms part of the electorate shall be called for any official meeting by any Minister/Political functionary. Routine meetings of the Local Bodies, when essential, may be held with the prior permission of the District Election Officer of the District concerned.
- iv) Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an officer mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that section and liable to penal action provided thereunder.
- v) No pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by any Minister during his private visit to the constituency even if the State administration has granted him a security cover requiring presence of armed guards accompanying him on tour.

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

8). Separate instructions would be issued for Graduates and Teachers Constituencies.

Yours faithfully,



(K. N. BHAR)
UNDER SECRETARY

Chief Electoral officer,
Uttar Pradesh
Lucknow.

Annexure 'A'

DECLARATION BY ILLITERATE/BLIND OR OTHERWISE INFIRM ELECTOR

I, _____ S/D/W/o _____
R/o : _____, do hereby solemnly
affirm and declare that I am unable to read the ballot paper or to record vote thereon
in accordance with Rule 37A of the Conduct of Elections Rule, 1961 by the reason of
illiteracy/blindness/other infirmity.

Signature/Left Hand Thumb Impression of elector _____

Name of Elector _____

Part No. & Serial No. in the Electoral Rolls _____

Declaration given in my presence

Signature of Presiding Officer