

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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No. 479/INST/2012-CC&BE

Dated: 7<sup>th</sup> July, 2012

To

1. The Returning Officer-Cum Secretary General, Rajya Sabha, Room No. 29, Parliament House, New Delhi.
2. Assistant Returning Officers (Through Chief Electoral Officers).

Subject: - Presidential Election, 2012 –Identification of voter during actual poll.

Sir,

As per the existing guidelines of the Commission, the members of Parliament as electors in the Presidential election are allowed to cast their vote on the day of poll either at the Parliament or at any place of poll set up at any of the state Headquarters with the Commission's prior permission. Similarly, MLAs are allowed to cast their votes either at their own State Headquarter or at the Parliament House. The Commission has stipulated that MLAs can also cast their votes in exceptional cases at any one of the State Headquarters with the Commission's prior permission.

1. Though the Presiding Officers by virtue of their interaction and association with the members of the electoral college may in most of the cases, be knowing them and may be in a position to identify the electors individually, yet, considering the fact that there are States where the Assemblies have been constituted very recently leaving less scope for such personal knowledge and also considering that there could be electors who are the Members of Parliament and electors who are members of other Legislative Assemblies who may opt to vote in any other State Headquarters, there is a need for a proper mechanism for identification of voters at the time of poll.
2. Under this circumstance, in order to ensure proper identification of the electors at the time of actual poll, the Commission has issued the following instructions to be followed during the ongoing Presidential election on the day of poll.
  - (i) It is ascertained that Members of Parliament and various Legislative Assemblies have been issued with identification cards by the respective Secretariats. The cards are used by the MPs and MLAs for identification purpose on various occasions. It is further ascertained that most of the Assembly Secretariats are also maintaining a database of the elected members with their photo images. Some Assembly secretaries are having a copy of the identification cards in the

form of hard copy. With regard to those Assemblies that maintain such data bases (either as a soft-copy database or as a hard copy), the Commission desires that the AROs may immediately prepare a reference document containing the serial number of the elector, name of the elector and his photo image (sourced from data base or copied from hard copy). Wherever such reference documents are prepared, the identification process would be easier. While there may not be any necessity to verify the identification of the known legislators who are known to the Presiding Officer, such reference document would be handy for verifying the identification of newly elected members by the Presiding Officer before issuing the ballot Paper. This would probably be the most pragmatic and effective method of ensuring proper identification of electors at the time of poll.

- (ii) There may be some States where in spite of the identity cards having been issued to the elected members, their photo images may not available as office copies with the Assembly Secretariat readily, for creating a reference document as above. In such a situation the identification can be established, only by requesting the elector to show the identification card issued by the respective Assembly, except where the Presiding Officer is personally satisfied about the identity of any particular elector who is not able to produce his or her identity card for any reason.
- (iii) There may be possibility that majority of the newly elected members have been issued with identification cards and there are some members who have not yet received their ID cards and are thus not possessing such ID cards. In such a situation there is a necessity to prescribe other alternative documents. The Commission in this regard directs that apart from the identification card issued by the respective Legislative Assembly, Elector's Photo Identity Card (EPIC) issued by the Returning Officer (in Form 22) after the declaration of result of election, may be asked for the identification of the elector at the time of poll.
- (iv) Hence, in the case of electors referred to in sub para (ii) above, it may be brought to the notice of all the electors that the electors will have to produce any one of the three documents (1) ID issued by the Parliament/Assembly, (2) EPIC, (3) Original Copy of "Certificate of Election" in case the Presiding officer asks for the same.

4. It is abundantly made clear that the Presiding Officer shall satisfy himself about the identity of the elector before issuing the ballot paper. The entire process of identifying the elector shall be done with due care and diligence and not mechanically. Production of identification proof is not merely a technical formality but a valid method for establishing identity. In this process the ARO should rely on his own personal knowledge or the

documentary proof and not merely on the knowledge of other staff. This verification process through production of identity proof needs to be resorted to only where the Presiding Officer feels the necessity. But, at the same time, it shall be brought to the notice of all electors that they need to carry their ID proof as above, which may be verified if needed.

5. The Commission has recently issued instructions for allowing the Members of Legislative Assemblies to cast their votes in exceptional cases at any one of the State Headquarters (apart from their own State Headquarters and Parliament House) after obtaining the permission of Election Commission to do so. In such cases the elector concerned shall invariably produce the identification card issued by the Secretariat of the Legislative Assembly of which he or she is a member.

6. The above instructions of the Commission will be applicable mutatis mutandis to the poll to be held at Parliament House as well.

7. The Returning Officer and Assistant Returning Officers may take all necessary steps to bring this to the notice of all candidates and electors immediately.

Kindly acknowledge receipt.

Yours faithfully,

**(K.N. BHAR)**  
**SECRETARY**