

SPEED POST

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

No. 3/4/ID/2013/SDR(TN)

Dated: 11th November, 2013

To,

The Chief Electoral Officer
Tamil Nadu,
Chennai.

Subject:- Bye-Election to the State Legislative Assembly of Tamil Nadu- Commission's Order regarding use of Electors Photo Identity Card.

Sir,

I am directed to enclose herewith Order dated 11th November, 2013 regarding identification of electors at the bye-election to Tamil Nadu Legislative Assembly notified on 09-11-2013 from 83-Yercaud (ST) assembly constituency.

The Commission has directed that all electors in 83-Yercaud (ST) Assembly Constituency in Tamil Nadu, who have been issued EPIC have to produce the EPIC for their identification at the polling station before casting their votes. Electors who are not able to produce EPIC for some reason shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for identification in the polling stations. If any elector who has been issued EPIC fails to produce either his/her EPIC or the Authenticated Photo Voter Slip then such elector shall collect the duplicate photo voter slip from an officer positioned outside the polling station with an additional copy of Authenticated Photo Voter Slips of all electors for this purpose. It shall be ensured that the officer with the duplicate copy of the Voter Slip sits at a desk set up near the Queue of the voters. The official managing the Queue should be briefed in advance to inform the voters in the Queue about the counter for duplicate Authenticated Photo Voter Slip so that those who need to collect the duplicate copy are able to do so before they enter the polling booth. Frequent announcement should be made near the queue that no alternate identity document is allowed for those voters whose photo is available in the electoral roll, and if such voters have not brought their EPIC or Authenticated Photo Voter Slip, they should collect a duplicate copy of the Authenticated Photo Voter Slip outside the polling station itself. Posters containing this information in the local language should also be put at places which are easily

visible from the queue. This order of the Commission should also be given wide publicity before the polls by all media channels.

In the case of those whose photograph does not match, they shall have to produce any of the alternative photo documents mentioned in the Order along with the Voter Slip for establishing their identity. 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. The Commission's Order dated 11th November, 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. All contesting candidates at the said bye-election may also be informed, in writing, of this direction of the Commission.

4. Your attention is also invited to the Commission's instructions that in the Remarks column of Form 17A (Register of Voters) the last four digits of the Identification document should be mentioned. In the case of electors voting on the basis of the EPIC and Authenticated Photo voter Slip, it is clarified that it is sufficient that the letters 'EP' (denoting EPIC) and 'VS' (denoting photo voter slip) respectively is mentioned in the Remarks column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of the alternative documents, the instructions to note down the last four digits of the document shall continue to apply. The type of the document produced should also be mentioned therein.

4. 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.

5. 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(TN)

Dated :- 11th November, 2013

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, as the means of establishing their identity at the time of polling 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, Electors Photo Identity Card has been issued to all registered electors in the State of Tamil Nadu; and

7. Whereas, the Commission has revised the format of the electoral roll in the State of Tamil Nadu to incorporate the photo of the elector alongside the other particulars of the elector and the photo electoral roll with photos of 100% registered electors will be used during the current bye-election to the Legislative Assembly of Tamil Nadu from 83-Yercaud (ST) assembly constituency; and

8. Whereas, the Commission has further directed preparation of '**Authenticated Photo Voters Slip**' from the database of photo electoral roll and to distribute these 'Authenticated Photo Voters Slips' to the electors before the date of poll for the said bye-election to the Legislative Assembly of Tamil Nadu for identification at the polling station on the day of poll;

9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for the bye-election to the Tamil Nadu Legislative Assembly notified on 09-11-2013 -

- a. All electors in 83-Yercaud (ST) Assembly Constituency in the State, have to produce the EPIC for their identification at the polling station before casting their votes;
- b. Electors who, for some reason, are not able to produce EPIC issued to them, shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for their identification;
- c. For this purpose, Authenticated Photo Voter Slips shall be distributed to all electors, a few days before the poll day;
- d. Returning Officer shall put one officer on duty outside each polling station, during polling hours, with an additional copy of the Authenticated Photo Voter Slips, so that any elector who has not brought his/her Authenticated Photo Voter Slip to the polling station, can collect a copy of his Authenticated Photo Voter Slip outside the polling stations;
- e. If any elector who has been issued EPIC fails to produce his/her EPIC or the Authenticated Photo Voter Slip, then such elector shall collect the duplicate photo voter slip from the officer outside the polling station as given in (d) above and produce the same.

f. For those electors whose photograph on the EPIC does not match, shall have to produce any of the following alternative photo identity documents for establishing their identity:-

- (i) Passport
- (ii) Driving License
- (iii) Service Identity Cards with photograph issued to employees by Central/State Govt. PSUs/Public Limited Companies
- (iv) Passbooks with photograph issued by Bank/Post Office
- (v) Pan Card
- (vi) Aadhar Card
- (vii) Smart Card issued by RGI under NPR
- (viii) MNREGA Job Card
- (ix) Health Insurance Smart Card issued under the scheme of M/o Labour
- (x) Pension document with photograph.

10. Notwithstanding anything in Para 9 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