

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/ID/2016/SDR/Vol.I

Dated: 2<sup>nd</sup> February, 2016

To,

The Chief Electoral Officers of

1. Uttar Pradesh
2. Madhya Pradesh
3. Karnataka
4. Bihar
5. Telangana
6. Maharashtra
7. Punjab
8. Tripura

Subject:- Bye-Elections to the States Legislative Assemblies, 2016 – Commission's order regarding identification of electors.

Sir,

I am directed to enclose herewith Commission's Order dated 2<sup>nd</sup> February, 2016 regarding identification of electors at the current bye-elections to the States Legislative Assemblies notified on **20-01-2016(Wednesday)** from **14-Muzaffar Nagar, 274-Bikapur and 5-Deoband Assembly Constituencies in Uttar Pradesh, 56-Devadurga(ST), 50-Bidar, 158-Hebbal Assembly Constituencies in Karnataka, 35-Narayankhed Assembly Constituency in Telangana, 65-Maihar Assembly Constituency in Madhya Pradesh, 130-Palghar (ST) Assembly Constituency in Maharashtra, 24-Khador Sahib Assembly Constituency in Punjab, 31-Harlakhee Assembly Constituency in Bihar and 42-Amarpur Assembly Constituency in Tripura.**

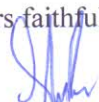
2. The Commission has directed that all electors who have been issued EPIC have to produce the EPIC for their identification at the polling station before casting their votes. Those electors who are not able to produce the EPIC shall produce one of the alternative photo identity documents mentioned in paragraph 8 of the Order for establishing their identity.

3. As already directed in the Commission's letter No. 464/INST-VS/2014-EPS dated 21<sup>st</sup> March, 2014, Authenticated Photo Voter Slips shall be distributed to all electors before the poll day. On the day of poll one officer (BLO) will be on duty outside each polling station, during polling hours, with undistributed Photo Voter Slips, so that any elector who has not been issued Authenticated Photo Voter Slip, can collect their Authenticated Photo Voter Slip in original outside the polling stations. It shall be ensured that the officer with the undistributed photo voter slips sits at a facilitation desk set up at a conspicuous place outside the polling station. Banners/ Posters to convey this information in the local language should also be put at places which are easily visible.

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

4. In the case of EPIC, minor discrepancies in the entries therein should be ignored provided the identity of the elector can be established by the EPIC. If an elector produces an Elector Photo Identity Card, which has been issued by the Electoral Registration Officer of another Assembly Constituency, such card shall also be accepted for identification 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. If it is not possible to establish the identity of the elector on account of mismatch of photograph, etc. the elector shall have to produce one of the alternative photo documents mentioned in para 8 of the Order.
5. The overseas electors shall have to produce their original passport only for identification.
6. The Order may be brought to the notice of the Returning Officers and all Presiding Officers concerned. A copy of the Order translated in the vernacular language should be supplied to each of the Presiding Officers.
7. The Commission's Order dated 2<sup>nd</sup> February, 2016, 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-elections may also be informed, in writing, of this direction of the Commission.
8. Please note that in column (3) 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 sufficient that the letters 'EP' (denoting EPIC) and 'VS' (denoting photo voter slip), respectively, is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC or the Photo Voter Slip. However, in the case of those who vote on the basis of any 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.
9. 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.
10. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

  
(N.T. Bhutia)  
Under Secretary

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Nirvachan Sadan, Ashoka Road, New Delhi-110001

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Dated: - 2<sup>nd</sup> February, 2016

## 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, wherever it has been 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 28<sup>th</sup> 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 have been issued to substantially high percentage of the electors in the States of Uttar Pradesh, Madhya Pradesh, Karnataka, Bihar, Telangana, Maharashtra, Punjab, and Tripura.
7. Whereas, in addition the Commission has directed that '**Authenticated Photo Voters Slip**' shall be distributed to the electors before the date of poll for the current bye-elections;
8. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for the current bye-elections from **14-Muzaffar Nagar**,

