

By special camp bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

F. No. 3/4/ID/2012/SDR/(LA)

Dated: 17th January, 2012

To

The Chief Electoral Officer,
Punjab
Chandigarh.

Sub:- General Election to the Legislative Assembly, 2012 – Commission's Order regarding use of Electors Photo Identity Cards.

Sir,

I am directed to enclose herewith Order dated 17th January, 2012 regarding identification of electors at the current general election to Punjab Legislative Assembly. The Election Commission has directed that all electors in each of the 117 Assembly Constituencies in Punjab, for the general election notified on 5th January, 2012, shall produce their EPIC for establishing their identity before casting their votes. Electors who do not have EPIC shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for identification in the polling stations. For those electors whose photographs are not available in the electoral roll they shall have to produce any of the alternative photo documents 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 Officer 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 17th January, 2012 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 general election may also be informed, in writing, of this direction of the Commission.

5. The Returning Officer 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,

(N.T.BHUTIA)
UNDER SECRETARY

Copy to Zonal Section.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/ID/2012/SDR/(Punjab)

Dated :17th January, 2012

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 Cards 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, 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, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPIC was taken up, the election machinery of Punjab, have 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, 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 EPIC should produce those cards to exercise their franchise at the said elections, and that it would permit the electors who do not have EPIC to vote at the said election, provided their identity is otherwise established by production of one of the alternative documents prescribed by the Commission; and

8. Whereas, the Commission has introduced distribution of authenticated 'Photo voters' slip to the electors in Punjab.

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 117 Assembly Constituencies, in Punjab, for the general election notified on 5th January, 2012, shall produce their EPIC for establishing their identity before casting their votes. Electors who do not have EPIC shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for identification in the polling stations. For those electors whose photographs is not available in the electoral roll they shall have to produce any of the following photo documents for establishing their identity :-

- (i) Passport,
- (ii) Driving License,
- (iii) Income Tax Identity (PAN) Card,
- (iv) Service Identity Cards having photograph, issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbook with Photograph issued by Public Sector Banks/Post Office and Kisan Passbook (Accounts opened on or before 31-12-2011),
- (vi) SC/ST/OBC certificate issued by competent authority with photograph issued on or 31-12-2011
- (vii) 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 on or before 31-12-2011),
- (viii) Freedom Fighter Identity Card with photograph.
- (ix) Arms Licenses with photograph, issued on or before 31-12-2011,
- (x) Certificate of Physical Handicap with photograph issued by the Competent Authority on or before 31-12-2011,
- (xi) Health Insurance Scheme Smart Card with photograph (Ministry of Labour's Scheme), issued up to 31-12-2011,

- (xii) Property Document with Photograph such as pattas, Registered Deeds, etc.
- (xiii) Job Cards with photograph under the National Rural Employment Guarantee Scheme issued on or before 31-12-2011,
- (xiv) Authenticated 'Photo Voter Slip' issued by Election Machinery.

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