

**HANDBOOK
FOR
CANDIDATES**

CHAPTER – I

PRELIMINARY

The Constitution of India has established a representative parliamentary democracy under which elections are held from territorial constituencies as determined under the law.

2. If you are standing as a candidate for election from a parliamentary or an assembly constituency, it is essential that you should know the salient provisions of election law and procedure so that you may not experience any difficulty or inconvenience in connection with your candidature. Perhaps you are already aware of the basic provision of the election law and rules; still for your benefit and guidance, the Election Commission of India has brought out this Handbook, giving in brief the important and relevant provisions of the law, rules and instructions/directions issued in relation to an election to the House of People (Lok Sabha) or to a Legislative Assembly (Vidhan Sabha) (other than the Legislative Assembly of the State of Jammu & Kashmir).
3. Conduct of credible and periodic election has been the hallmark of modern democratic India. Indian electoral system has gained a world-wide reputation and being a contesting candidate as one of the stakeholders, you have also a great responsibility to further strengthen this reputation. In spite of election being peaceful, there could still be malpractices that can take place if the election machinery is not vigilant. Election can be called truly free and fair election only when all the stakeholders perceive and accept the election to be free and fair.
4. There have been tremendous changes in the approach and methodology of the election management in the country over a period of time, particularly, in recent times. The elections are being more and more micro managed as an institutional responsibility to the growing complexities associated with the elections. In this chapter, outlines of some of the salient features of the election management in the light of new guidelines and instructions issued by the Election Commission of India in recent times have been given.

4.1 MODEL CODE OF CONDUCT

A visible and rigorous enforcement of Model Code of Conduct enhance the credibility of the elections and gives confidence to the stakeholders/voters. It is ensured that official machinery for the electoral purposes is not misused. It is also ensured that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters, is prevented, be prevented by all means. Introduction of photo electoral roll by the Election Commission is expected to play a crucial role in minimizing the scope for impersonation.

4.2 POLLING AGENTS

The polling agent appointed by the candidate shall be a voter in the same polling station aims at minimizing the external interference in the election process at the polling station. Such polling agents shall be ordinarily resident and elector of the concerned polling areas only or in the alternate from the neighbouring polling

station falling in the same constituency and must have Electors Photo Identity Card or any other recognized identification device issued by the Govt or any Govt agency which bears his/her identity.

4.3 VULNERABILITY MAPPING

The threat and intimidation to the voters particularly, the voters from vulnerable sections of the society in some parts of the country has been a cause of concern. With a view to meet this challenge, the Commission has recently introduced the system of 'Vulnerability Mapping'. A free and fair election can be conducted only in a conducive atmosphere from the law and order point of view. Hence, it becomes imperative to keep track of the law and order situation during the run up to the election and on the poll day.

4.3(a) Bank Account

Separate Bank Account to be opened by each candidate for election expenditure- In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers.

The Account Number of this bank account shall be communicated by the candidate in writing to the returning officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.

4.4 ELECTRONIC VOTING MACHINES

The Electronic Voting Machine was used universally in all polling stations in the country during the Lok Sabha election 2004. However, the voter awareness about the EVM cannot be taken for granted. It is endeavour of the Commission to spread the awareness about the EVM among all the voters particularly, in the remote areas and among the new voters. The Commission has introduced the system of randomization of EVMs for allotment of EVMs to the polling stations and specific responsibility has been given to the Returning Officer. By the system the first level checking of EVMs are carried out only by BEL/ECIL Engineers, as the case may be, only at the District Headquarters. At this stage, the EVMs are randomized in the presence of representative of recognized political parties for distribution to Assembly Constituencies. The second randomization of EVMs for allotting to specific polling stations is done in the presence of candidate or his election agent or authorized representative of the candidate and Election Commission's Observer.

4.4(a) VOTER VERIFIABLE PAPER AUDIT TRAIL SYSTEM (VVPAT)

The Election commission has introduced VVPAT system at selected polling stations and has ordered that a printer with drop box of such design, as may be approved by the Election Commission may also be attached to a voting machine for printing a paper trail of vote, in such constituency or constituencies or parts thereof as the Election commission may direct where printer for paper trail is

used, the electors shall be able to view through the transparent window of the printer, the printed paper slip showing the serial number ,name and the symbol of the candidate to whom he has cast his vote before such slips gets cut and drops in the drop box of the printer

4.4(b)- None of the Above' :NOTA

The provision of NOTA option is an expression of decision not to vote for the contesting candidates The Hon'ble Supreme Court , in its judgments dated 27 the September 2013,in writ Petition No 161 of 2004 directed that the Commission should make necessary provision in the ballot papers/EVM for "None of the Above(NOTA)" option so that the electors who do not wish to vote for any of the candidates can exercise their right not to vote for any candidate without violation of the secrecy of their decision. A ballot panel with the words "None of the Above' :NOTA" will be available after the panel containing the name and particulars of the last candidate on the ballot paper . The electors who do not wish to vote for any of the candidate can exercise their right not to vote for any candidate without violation of the secrecy of their decision. For example ,if there are 15 candidates contesting the election, the words "None of the Above" shall be written on the 16th panel "and the ballot button against such 16th panel shall also be kept open

4.5 POSTAL BALLOT PAPERS

The Commission has issued new instruction with reference to postal ballot in recent elections. The new system calls for a greater involvement on the part of Returning Officer in managing postal ballot to prevent delay in dispatching and further postal delays in delivering the postal ballot to the eligible voters and in receiving the ballots back from them. The candidate and their election agents have some responsibility in making the new system functional and transparent.

4.6. CURBING OF MONEY POWER

An important pre-condition for fair election is to curb the money power which undermines the level playing field. This can be achieved by keeping a proper watch on expenditure incurred by the candidates/political parties. The Commission expects you to co-operate with the election machinery for implementation of its instructions on campaigning through vehicles and defacement of public and private properties.

4.7 MICRO OBSERVERS

The Commission has introduced the system of appointment of Micro Observers at the polling station level who work directly under control and supervision of Observer of the Commission. The Micro Observers are deployed at polling stations on the basis of various factors which contribute to vulnerability of voters, like domination of one social group over other, inaccessibility of the area, EPIC non availability, previous history of violence etc.

4.7.(a)SECTORAL OFFICER

The District Election Officer will appoint sufficient number of sectoral officer for each LAC. Usually, one sectoral officer will be in charge of 10-15 polling stations. They will coordinate all the election process in the polling station assigned to them

4.8 VIDEOGRAPHY OF CRITICAL EVENTS

Videography of critical events are made during the process of electioneering and on the day of poll, after taking into account the number of electors, the size of constituency, the number of sensitive polling stations, previous history of booth capturing and other malpractices, the general law and order situation, the likelihood of corrupt practices and electoral offences and other related factors and after analysing the video recording, the corrective measures are taken.

4.9 CENTRAL POLICE FORCES (CPF)

The Commission deploys significant number of Central Police Forces into the election going States on the basis of its assessment on the ground realities. It is ensured that the approved deployment of CPF is implemented properly.

4.10 VOTERS ASSISTANCE BOOTH

To assist the electors for locating their names on the day of poll, in every premise/building where three or more polling stations are located, a "VOTER ASSISTANCE BOOTH" manned by the team of officials is also set up. In the said booth, a copy of part-wise electoral roll in alphabetical order of each of the concerned polling stations are kept to assist the voters for giving information regarding their Sl.No. in the roll and name of polling station.

4.10.(a) BLO

BLO is a local Government/Semi-Government official, familiar with the local electors and generally a voter in the same polling area who assists in updating the roll using his local knowledge. In fact, BLO is a representative of Election Commission of India at the grass-root level who plays a pivotal role in the process of roll revision and collecting actual field information with regard to the roll corresponding to the polling area assigned to him. Though BLO is not a full time electoral official, but the responsibility of BLO adds an additional dimension to his profile as he is rendering a responsible civic duty. He is just like a friend, philosopher and guide of the local people in matters relating to the roll. Each BLO shall have one/two polling station area under his/her jurisdiction.

4.11 TRANSPARENCY

Transparency is the key for an effective and efficient election management for transparency adds to the credibility of the election. It is endeavour of the Commission that the election management should be transparent and there should not be any scope for complaint of partiality on the part of any official involved in the election management. The Commission takes very serious view about lack of neutrality on the part of any election official. Hence, Political parties

and candidates are informed of the Commission's instructions issued in this behalf from time to time.

5. DELIMITATION AND EXTENT OF CONSTITUENCIES

It is very important that you should know the exact extent of the constituency from which you are contesting or intend to contest the election. The extents of Parliamentary and Assembly Constituencies in all States (except Arunachal Pradesh, Assam, Jammu & Kashmir, Jharkhand, Manipur and Nagaland) have been re-determined by the Delimitation Commission which was set up under the Delimitation Act, 2002. As your constituency may be one of them, you may check this from the Parliamentary and Assembly Constituencies Order, 2008. You should also know the nature of your constituency, i.e., whether it is a general constituency or a reserved constituency. Consult the up-to-date corrected copy of the Delimitation of Parliamentary and Assembly Constituencies Order. The copies of updated Orders will be available for inspection with the District Election Officer, Returning Officer and Electoral Registration Officer of your constituency.

6 PHOTO ELECTORAL ROLLS (PER) AND ELECTORS' PHOTO IDENTITY CARDS (EPIC)

6.1 Elections to the House of the People and to the Legislative Assembly of every State are held on the basis of adult suffrage. Every person who is a citizen of India and who is not less than 18 years of age on the qualifying date (i.e., the 1st January of the year in which the electoral roll has been prepared or revised and finally published) and who is not otherwise disqualified under the Constitution of India or any law made by the appropriate legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, is entitled to be registered as a voter at these elections (Article 326). There are certain Constitutional and statutory qualifications and disqualifications. The conditions for registration in an electoral roll are laid down in the Representation of the People Act, 1950. The relevant provisions on this behalf are reproduced in Appendix - I.

6.2 Section 15 of the Representation of the People Act, 1950 lays down that for every assembly constituency, there shall be an electoral roll which shall be prepared in accordance with the provisions of that Act under the superintendence, direction and control of the Election Commission. In all States and Union Territories, the electoral roll for a Parliamentary constituency shall consist of the electoral rolls for all the Assembly constituencies comprised within that Parliamentary constituency. In the State of Jammu and Kashmir and Union Territories not having a Legislative Assembly (viz. Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep), separate electoral rolls are prepared for Parliamentary constituencies in the same manner as the electoral rolls are prepared for Assembly constituencies in other States and Union Territories.

- 6.3 For Jammu & Kashmir, the electoral rolls for assembly constituencies are prepared in accordance with Jammu & Kashmir Representation of the People Act, 1957 and the rules made there under. Only state-subjects as defined under the constitution of Jammu and Kashmir are entitled to be included therein.
- 6.4 Greater emphasis is being laid on the clean electoral roll. Consequent upon introduction of Booth Level Officer system, the identification and removal of names of the dead voters and the shifted voters has become more accurate and this has helped the election machinery in ensuring the fidelity of the electoral rolls.
- 6.4.1 In order to enhance the participation by the recognised political parties in roll revision, the Commission has also desired from the recognized political parties that they may appoint one Booth Level Agent (BLA) for roll revision on the pattern of appointment of Polling Agents during polling (and Counting Agents during counting) to complement the BLO.
- 6.4.2 The issue of distribution of EPICs to electors has contributed a lot in avoiding bogus voting. This work of EPICs was started from 1994. All the EPICs issued were assigned a unique number and the same was printed on these EPICs. The EPIC number is incorporated in the Electoral Rolls. To prevent impersonation, the photograph of electors has now been printed in the electoral roll itself so as to achieve the purpose of identification of electors at the polling stations.
- 6.4.3 Further, with a view to prevent impersonation on the day of poll, the Commission has prepared Photo Electoral Rolls (PER) which are now available in all States and Union Territories.
- 6.4.4 The Photo Electoral Roll contains the photographs of the electors in addition to all the information presently incorporated in the existing rolls. This simplifies the process of verification of elector's identity at the polling station on the day of poll.
- 6.4.5 The EPIC is used for identification of electors at the polling stations. However, if the photograph of the elector is available in the electoral roll, he/she can be identified by means of the photographs on the electoral rolls. In the case of those electors, whose identity cannot be established even by means of the photograph in the electoral rolls or whose photograph is not available in the electoral roll, the identity is established by means of any of the alternative documents prescribed by the Commission, specific orders for which are issued at the time of election.
- 6.4.6 An elector who produces an electors photo identity card, which has been issued by the Electoral Registration Officer of another assembly constituency, such card is also 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. But in such cases, it is ensured that the elector does not vote at more than one place by thoroughly checking the left hand forefinger of the elector to see

that there is no indelible ink mark thereon, and by applying the indelible ink on the left forefinger properly while allowing him to vote.

7. CANDIDATE MUST BE AN ELECTOR

One of the basic qualifications for candidature at an election to Parliament or the Legislature of a State is that the person concerned should be an elector. In the next chapter, you will find detailed discussion regarding various qualifications and disqualifications for candidature at elections. However, it is necessary to note here that as a candidate, you must first ensure that your name has been included in the current electoral roll on the basis of which the election will be held. Under the law, the electoral roll of the constituency would have been revised and finally published, well before the election programme is announced. Even after the electoral roll for a constituency has been finally published, a person whose name has not been included in the roll, has a right to apply for the inclusion of his name in the electoral roll if he is qualified for such inclusion. The procedure for such inclusion is provided for in section 23 of the Representation of the People Act, 1950 and rule 26 of the Registration of Electors Rules, 1960. Under the rule 26, an application in duplicate for inclusion of name will have to be made to the Electoral Registration Officer of the constituency concerned in Form 6. No fee is charged for such application. After observing the procedure laid down in the Registration of Electors Rules, 1960 the Electoral Registration Officer may direct the name of the applicant to be included in the electoral roll if he is satisfied that the applicant is entitled to be registered in the electoral roll.

8. INCLUSION OF NAME IN ELECTORAL ROLL BEFORE LAST DATE FOR MAKING NOMINATIONS

In this connection, it is necessary for you to note that no such inclusion is permissible after the last date for making nominations for an election in the constituency and before the completion of such election. Under rule 26 of the Registration of Electors Rules, 1960, any inclusion of name can be ordered only after seven days from the date on which the application for inclusion is exhibited in the office of the Electoral Registration Officer for inviting objections to such application. No inclusion is actually possible unless the application for inclusion is made well before the notification calling the election is issued.

9. CORRECTION OF ENTRIES IN ELECTORAL ROLL

A person may also apply under section 22 of the Representation of the People Act, 1950 for the correction of entries in the electoral roll. Application for such correction is also to be made to the Electoral Registration Officer of the constituency. Here again, no order for correction of the electoral roll can be made after the last date for making nominations for an election in the constituency and before the completion of that election. The provisions relating to the above matters and the procedure for the inclusion of names and correction of entries in an electoral roll after the final publication are contained in sections 22 and 23 of the Representation of the People Act, 1950, and rules 26 and 27 of the Registration of Electors Rules, 1960. These provisions are reproduced in Appendix-II.

CHAPTER II

QUALIFICATION AND DISQUALIFICATIONS

1. In order to contest, you must possess certain qualifications and at the same time you must not suffer from certain disqualifications. These qualifications and disqualifications are laid down both in the Constitution and the election statutes.

2. QUALIFICATIONS FOR ELECTION TO THE LOK SABHA

If you want to contest an election to the Lok Sabha (House of the People) from a parliamentary constituency, you must possess each of the following qualifications:

- (1) You must be a citizen of India [Article 84(a) of the Constitution];
- (2) You must make and subscribe before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution [Article 84(a) of the Constitution and Form III/A in the Third Schedule];
- (3) You must not be less than twenty-five years of age on the date of scrutiny of nominations [Article 84(b) of the Constitution read with section 36(2) of the Representation of the People Act, 1951];
- (4) (a) If you are a candidate for a seat reserved for the Scheduled Castes in any state, you must be a member of any of the Scheduled Castes whether of that State or of any other State, and in addition you must be an elector for any parliamentary constituency;
- (b) if you are a candidate for a seat reserved for the Scheduled Tribes in any State, (other than those in the autonomous districts of Assam), then you must be a member of any of the Scheduled Tribes, whether of that State, or of any other State (excluding the tribal areas of Assam) and in addition you must be an elector for any parliamentary constituency.
- (c) if you are a candidate for a seat reserved for the Scheduled Tribes in the autonomous districts of Assam, you must be a member of any of these Scheduled Tribes and in addition you must be an elector for the parliamentary constituency in which such seat is reserved or for any other parliamentary constituency comprising any such autonomous district;
- (d) if you are a candidate for the seat reserved for the Scheduled Tribes in the Union Territory of Lakshadweep, then you must be a member of any of those Scheduled Tribes, and in addition you must be an elector for the parliamentary constituency of that Union Territory;

N.B.- In case you are a candidate under this category, you must carefully note the words in *italic* letters.(e) if you are a candidate for the seat allotted to the State of Sikkim, you must be an elector for the parliamentary constituency for Sikkim;

(f) if you are a candidate for a general seat, that is to say, for a seat not reserved for the Scheduled Castes or Scheduled Tribes as mentioned in the preceding sub-clauses, then you must be an elector for any parliamentary constituency (vide section 4 of the Representation of the People Act, 1951).

3. QUALIFICATIONS FOR ELECTION TO A LEGISLATIVE ASSEMBLY

If you want to stand as candidate for election to the Vidhan Sabha (Legislative Assembly) of a State (other than the State of Jammu and Kashmir) or of a Union Territory (including the National Capital Territory of Delhi), you must possess each of the following qualifications:

(1) You must be citizen of India [Article 173(a) of the Constitution, section 4(a) of the Govt. of Union Territories Act, 1963 and section 4 (a) of the Govt. of National Capital Territory of Delhi Act, 1991];

(2) You must make and subscribe before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution or, as the case may be in the First Schedule to the Government of Union Territories Act, 1963 or the Schedule to the Government of National Capital Territory of Delhi Act, 1991 [Article 173 (a) and Form VII/A in the Third Schedule to the Constitution, Section 4(a) and Form 1 in the First Schedule to the Government of Union Territories Act, 1963 and section 4(a) and Form 1 in the Schedule to the Government of National Capital Territory of Delhi Act, 1991];

(3) in the third place, you must not be less than twenty five years of age on the date of scrutiny of nominations [Article 173(b) of the Constitution, section 4(b) of the Government of Union Territories Act, 1963 and section 4(b) of the Government of National Capital Territory of Delhi Act, 1991 read with section 36(2) (a) of the Representation of the People Act, 1951];

(4) (a) if you are a candidate for a seat in the Legislative Assembly of a State or Union Territory reserved for the Scheduled Castes or for the Scheduled Tribes of that State, or that Union Territory, then you must be a member of any of those Castes or, as the case may be, of those Tribes, and in addition you must also be an elector for any Assembly Constituency in that State or that Union Territory;

(b) if you are a candidate for a seat reserved for the Scheduled Tribes of an autonomous district of Assam, then you must be member of a Scheduled Tribe of any autonomous district and in addition you must be an elector for the Assembly Constituency in which such seat or any other seat is reserved for that district;

(c) if you are a candidate for a seat reserved for Sikkimese of Bhutia Lepcha origin in the Legislative Assembly of Sikkim, then you must be a person either of Bhutia or Lepcha origin, and in addition you must also be an elector for any assembly constituency in that State;

(d) if you are a candidate for the seat reserved for the Sanghas in the Legislative Assembly of Sikkim, then you must be an elector *for the* Sangha Constituency in that State;

(e) if you are a candidate for a general seat, that is to say, for a seat not reserved as aforesaid, then you must be an elector for any constituency in the State or Union Territory concerned.

4. All the relevant provisions of the Constitution and the law, referred to Above, are reproduced in Appendix - III
5. The above are the various qualifications, which you must possess if you want to stand as a candidate for election to Lok Sabha or a Vidhan Sabha. You must be very careful about this. You are advised to take special care in respect of the following two matters.

6. CORRECTION OF NAME, ETC., IN ELECTORAL ROLL

In the first place, you must see that your name has been correctly registered and there is no mismatch of photo in the electoral roll. If there is any mistake in the spelling or in the description of your name or your father's /mother's/husband's name or in your address or in any other respect (including your age & sex) or mismatch of photo, you must take immediate steps to get the mistake corrected. If you do not get the mistake rectified in time, then at the time of scrutiny of nomination papers, other contestants may raise objections, which may even go against you. To be on the safe side, you may even consult your lawyer.

7. OATH OR AFFIRMATION BY CANDIDATES

- 7.1 In the second place, you must not forget to make and subscribe the oath or affirmation to which a reference has already been made. The Election Commission has authorized a number of persons before whom the oath or affirmation can be made and subscribed. Relevant notifications of the Election Commission are reproduced in Appendix - IV.
- 7.2 For any particular election, the authorized persons are principally the Returning Officer and the Assistant Returning Officers for the constituency. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. And in the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the Medical Superintendent in charge of the hospital or the medical practitioner attending on him is similarly authorised. In the case of a candidate who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in the country where the candidate happens to be, or before any person authorised by

such diplomatic or consular representative. Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or the Assistant Returning Officer, the oath or affirmation may be made and subscribed before any other person specially nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorised all stipendiary Presidency Magistrates, all Stipendiary Magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judge as officers before anyone of whom, the candidate can make and subscribe the oath or affirmation.

7.3 Nomination by overseas elector

An overseas elector who is entitled to be registered in the roll under Section 20A of the Representation of People Act, 1950 shall be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located and has to submit his claim application. The claim application in Form 6A shall be submitted either in person directly to the ERO of the constituency concerned or sent by post to the ERO along with self-attested copy of the requisite documents as mentioned in Form 6A. Enrolment in the electoral roll would also confer on an overseas elector the right to contest elections, subject to the fulfilment of the other requirements of the law. One of the essential qualifications prescribed under the law is that the candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf. The RO and ARO are among the persons so authorized for this purpose. In the case of a candidate who is outside India, the oath can be made before the diplomatic or consular representative of India in the country where the candidate happens to be. An overseas elector may approach the authorized person in the Indian Mission of the country concerned for making the oath or affirmation.

- (i) If an overseas elector who may file nomination papers is in India at the time of filling nomination, he may make the oath or affirmation before the RO/ARO. If a candidate who is an overseas elector appears before the RO/ARO to make the oath, the RO/ARO concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars in the passport of the person. Thus, such person will necessarily have to produce his/her original passport for verification by the RO/ARO at the time of making the oath or affirmation. At the time of voting also, the identity of the overseas electors has to be verified by checking the particulars in their passports.

7.4 IN ORDER TO MAKE AND SUBSCRIBE A VALID OATH OR AFFIRMATION, THE FOLLOWING POINTS MUST BE CAREFULLY BORNE IN MIND:

(i) The oath or affirmation should be made and subscribed before the date fixed by the Election Commission for scrutiny of nomination papers at that election. In the case of Pashupati Nath Singh versus Harihar Prasad Singh (1968) 2SCR 812-AIR 1968 SC 1064, the Supreme Court has placed two limitations in the matter of making and subscribing the oath or solemn affirmation. In the first place, the Court has held that words "having been nominated" in the form of the oath or affirmation in the Third Schedule to the Constitution of India clearly show that the oath or affirmation cannot be taken or made by a candidate, before he has

been nominated as a candidate. That means, according to this finding of the court, that having regard to the relevant provisions contained in sections 30, 31, 32 and 33 of the Representation of the People Act, 1951 the oath or solemn affirmation can be made and subscribed by a candidate only after his nomination papers has been delivered under section 33 to the Returning Officer. In the second place, the Court has held that the expression “on the date fixed for scrutiny” in section 36(2) (a) of the Representation of the People Act, 1951 means on the whole of the day on which the scrutiny of nomination has to take place. In other words, the qualification according to this finding of the court must exist at the earliest moment on the day of scrutiny. This means that the oath or solemn affirmation must have been made before the commencement of the day of scrutiny of nominations. Such oath or affirmation cannot be made by you at any time on the date of scrutiny before the Returning Officer takes up nomination papers for such scrutiny. The Supreme Court has confirmed this view in the subsequent case of Khader Khan Hussain Khan and others versus S. Nijalingappa (1970) I SCA 548. You are, therefore, well advised to take the oath immediately after presenting your nomination papers and in any case not later than the day previous to the date of scrutiny.

(ii) The oath or affirmation is to be made in person before the authorised officer.

(iii) It is not necessary that the oath or affirmation should be taken more than once even if you are nominated from more than one constituency at a general election. This view has been expressed by the Supreme Court in its judgement in the case of K.K. Khader Khan Hussain Khan and others versus S. Nijalingappa and another (1970) I SCA 548. The language of article 173(a) makes this clear; all that it requires is one oath or affirmation in accordance with the form set out in the Third Schedule to the Constitution so as to remove the disqualification from being a candidate for election. The article does not mention that the making of the oath or affirmation is to be preliminary to the validity of candidature in each constituency, and recognizes the fact that once the necessary qualification is obtained that qualification removes the bar laid down by that article. If you contest election from more than one constituency, it is desirable that you make and subscribe the oath in each constituency or you should have a satisfactory proof with you of having taken the oath at any of the places so as to avoid unnecessary objections at the time of scrutiny. The onus of proving that you had made and subscribed the oath or affirmation before some other competent authority rests on yourself. It is sufficient if you or your representative satisfies the Returning Officer at the time of scrutiny that you had earlier made and subscribed the oath or affirmation before an authorised officer for that particular election.

(iv) The oath or affirmation has first to be made and then signed, by you before the authorised person. It should be borne in mind that mere signing on the paper on which the form of oath is written out is not sufficient. You must make the oath before the authorised person. He will ask you to read out the oath and then to sign and give the date on the paper on which it is written. If you are illiterate or unable to read the form, the authorised person should read out the oath and ask you to repeat the same and thereafter take your thumb impression on the form.

The authorised person should endorse on the form that the oath or affirmation has been made and subscribed by you on that day and hour.

(v) The authorised person will forthwith give you a certificate to the effect that you have made and subscribed the oath before him on that day at a particular hour. If the certificate is not given to you, you can demand the same from him and get it.

(vi) If the authorised person is the superintendent or commandant of the prison or detention camp, he should issue forthwith to you a certified copy of the oath for producing it as evidence before the Returning Officer at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send an express telegram to the Returning Officer indicating the date and time at which you made and subscribed the oath or affirmation. He will also send the original of the oath or affirmation made and signed by you to the Returning Officer.

(vii) If the authorised person is a medical superintendent of a hospital or a medical practitioner or a diplomatic or consular representative of India in the country where you happen to be or the district judge or person belonging to the judicial service of State other than District Judge or Stipendiary Presidency Magistrate or Stipendiary Magistrate of the first class or any other person nominated by the Election Commission, as soon as you have made and subscribed the oath or affirmation, he should certify this fact on the form, keep a copy for his record and hand over the original to you. It will be your responsibility to see that the original oath or affirmation is produced before the Returning Officer at or before the time fixed for the scrutiny of nomination papers.

(viii) The forms for making oath or affirmation can be obtained from the Returning Officer or Assistant Returning Officer of the constituency.

(ix) You should be careful to keep with you sufficient evidence which you should be in a position to produce before the Returning Officer at the time of scrutiny about your making and subscribing the oath or affirmation: otherwise, you may be in difficulty if somebody challenges that you have not made and subscribed the requisite oath or affirmation and, therefore, you are not qualified to stand as a candidate.

II DISQUALIFICATIONS

8. DISQUALIFICATIONS FOR ELECTION TO HOUSE OF THE PEOPLE (LOKSABHA)

If you want to stand as a candidate for election to the House of the People (Lok Sabha) from a Parliamentary Constituency, you must not suffer from any of the following disqualifications, Constitutional and Statutory:

a) *Constitutional Disqualifications*

(1) In the first place, you must not hold any office of profit under the Government of India or the Government of any State [Article 102(I) (a) of the Constitution]. To this general rule, there are some exceptions. The first exception is mentioned in Article 102(2) itself, according to which the office of a

Minister, either for the Union or for any State is not regarded as an office of profit under the Government of India or the Government of any State. The other exceptions are mentioned in the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959).

N.B. (1) For your convenience, this Act (10 of 1959) has been reproduced in the Manual of Election Law published by the Government of India in the Ministry of Law, Justice and Company Affairs.

(2) In the second place, you must not be a person of unsound mind and must not stand so declared by a competent court [Article 102 (1) (b) of the Constitution].

(3) In the third place, you must not be an un discharged insolvent [Article 102(1) (c) of the Constitution].

(5) In the fourth place, you will be disqualified if you are not a citizen of India or if you have voluntarily acquired the citizenship of a foreign State or if you are under any acknowledgment of allegiance or adherence to a foreign State. In simple words, you must not be an alien and a foreigner [Article 102(1) (d) of the Constitution].

(6) Lastly, you must not be disqualified by or under any law made by Parliament [Article 102 (1) (e) of the Constitution].

(b) Statutory Disqualifications

The law made by Parliament as envisaged in Article 102 (1) (e) of the Constitution mentioned above is the Representation of the People Act, 1951. In addition to the above constitutional disqualifications, the Representation of the People Act, 1951 has laid down a number of disqualifications for being chosen as, or for being, a member of Parliament. These disqualifications are mentioned in section 8, section 8-A, section 9, section 9-A, section 10 and section 10-A of the Representation of the People Act, 1951. These disqualifications may, therefore, be called statutory disqualifications to distinguish them from constitutional disqualifications described above. The total number of the statutory disqualifications is six.

(i) The first statutory disqualification is contained in section 8 of the Representation of the People Act, 1951. Under this section a person convicted of an offence punishable under:-

(a) Section 153A (offence of promotion of enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of under influence or impersonation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offences of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill will between classes or offence relating to such statement in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860) or

(b) The protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of “untouchability”, and for the enforcement of any disability arising there from; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973) ; or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities(Prevention) Act, 1987 (28 of 1987) or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6)of the religious institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper)of the Representation of the People Act, 1951; or

(j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act. 1991; or

(k) Section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971; or

(l) The Commission of Sati (Prevention) Act, 1987; or

(m) The Prevention of Corruption Act, 1988; or

(n) The Prevention of Terrorism Act, 2002, shall be disqualified for a period of six years from the date of such conviction, if the convicted person is sentenced to only fine. In case of imprisonment, the disqualification shall continue for a further period of six years since his release.

(ii) If a person has been convicted by a Court for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or any provision of the Dowry Prohibition Act, 1961, and sentenced to imprisonment for not less than six months, he shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of 6 years since his release from imprisonment. It may be noted that in case of conviction of a person for more than one offence, in a common trial and with the sentences of imprisonment to run consecutively, for the purposes of Section 8(3) of the Representation of the People Act, 1951, the period of sentences of imprisonment of each offence should be added and if the total length of time for which a person has been ordered to remain in prison consequent upon such conviction and sentences is two years or more, the convicted person shall be disqualified under the said Section 8(3) of the Representation of the People Act, 1951.

(iii) A person convicted by a Court in India for any offence other than those mentioned in (i) and (ii) above and sentenced to imprisonment for not less than two years is disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release from prison. This statutory disqualification under sub-section (1) to (3) of section 8 shall not, however, take effect under section 8 (4) in the case of a person who on the date of such conviction is a member of Parliament or the Legislature of a State, until a period of three months has elapsed from the date of conviction or if within that period of three months an appeal or application for revision is filed in respect to the conviction or sentence, until the appeal or application for revision is disposed of by the Court. However, it has to be noted that the protection under Sub-section (4) of Section 8 is applicable only in relation to the membership of the House in which the person concerned is a member at the time of conviction. In other words, the protection of Section 8(4) will not be available for contesting any future elections. This was clarified by the Supreme Court in C.A. No. 8213/2001 and C.A. No, 6691/2002 [K. Prabhakaran Vs. P. Jayarajan]The Commission has clarified that the disqualification under the said section would commence from the date of conviction, regardless of whether the person intending to be a candidate is out on bail or not (except, of course, those candidates who are covered under section 8 (4) of the said Act).

(iv) The second statutory disqualification is contained in section 8-A of the Representation of the People Act, 1951. It provides for disqualification for a corrupt practice at an election. A person found guilty of a corrupt practice at an election by a High Court in an election petition or by the Supreme Court in an election appeal may be disqualified for such period, not exceeding six years, as may be determined by the President in accordance with the opinion of the Election Commission.

(v) The third statutory disqualification is contained in section 9 of the Representation of the People Act, 1951. It provides for disqualification for dismissal for corruption or disloyalty to the State. A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal. A certificate, issued by the Election Commission to the effect that a person having held office under the Government of India or the Government of any State has or has not been dismissed for corruptions or for disloyalty to the State shall be conclusive proof of that fact. No certificate, however, shall be issued by the Election Commission to the effect that a person has been dismissed for corruption or disloyalty to the state without giving that person an opportunity of being heard.

(vi) The fourth statutory disqualification is contained in section 9-A of the Representation of the People Act, 1951. Under this section, a person is disqualified for being chosen as or for being a member of Parliament if, and for so as long as, there subsists a contract entered into by him in the course of his trade or business with the Government of India for the supply of goods to, or for the execution of any works undertaken by, that Government. If, however, you have entered into a contract with the Government of India in the course of your trade or business either for the supply of any goods to the Government or for the execution of any works undertaken by the Government and have fully performed

your part of contract, then the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

(vii) The fifth statutory disqualification is the holding of an office under a Government company. This is contained in section 10 of the Representation of the People Act, 1951. A person is disqualified for membership of Parliament if, and for so long as he is a managing agent, manager or secretary of any corporation or company in the capital of which the Government of India has not less than 25 percent share. A co-operative society, however, is excluded from the purview of this rule.

(viii) The last statutory disqualification is contained in section 10-A of the Representation of the People Act, 1951. It is a disqualification for failure to lodge account of election expenses within the time and in the manner required by and under the Representation of the People Act, 1951. It is hoped that if you had stood as a candidate on any previous occasion you did not incur any such disqualification on that occasion. If you have been disqualified for failure to lodge account of election expenses within the time and in the manner required by and under the Representation of the People Act, 1951 then, as the period of disqualification is three years from the date of the order of the Election Commission disqualifying you, you may see whether the period of three years has elapsed or not. These are all the disqualifications constitutional and statutory from which you must not suffer if you want to stand as a candidate for election to the House of the People (Lok Sabha).

9. DISQUALIFICATIONS FOR ELECTION TO LEGISLATIVE ASSEMBLY (VIDHAN SABHA)

If you want to contest for election to the Legislative Assembly of a State (other than the State of Jammu and Kashmir) or of a Union Territory from an assembly constituency, you must not suffer from any of the following disqualifications, constitutional and statutory:

- (a) Constitutional Disqualifications for Membership of the Legislative Assembly of a State (other than Jammu and Kashmir and the Legislative Assembly of a Union Territory). These are contained in Article 191 of the Constitution of India.
 - (1) In the first place, you must not hold any office of profit under the Government of India or the Government of any State other than an office declared by the Legislature of the State by law not to disqualify its holder. The various State Legislatures have made laws declaring different offices of profit which will not disqualify a holder of any such office for being chosen as and for being a member of the Legislative Assembly of a State.
 - (2) In the second place, you must not be of unsound mind and must not stand so declared by a competent court.
 - (3) In the third place, you must not be an undischarged insolvent.
 - (4) In the fourth place, you will be disqualified if you are not a citizen of India or you have voluntarily acquired the citizenship of a foreign State or if you are under any acknowledgement of allegiance or adherence to a foreign State. In short, you must not be an alien and a foreigner.

(5) And lastly, you must not be disqualified by or under any law made by Parliament.

(b) Constitutional Disqualifications for Membership of the Legislative Assembly of a Union Territory (other than the National Capital Territory of Delhi), are contained in section 14 of the Government of Union Territories Act, 1963.

(i) You must not hold any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislative Assembly of the Union Territory not to disqualify its holder. The Pondicherry Legislative Assembly has passed the Pondicherry members of the Legislative Assembly (Prevention of Disqualification) Act, 1994. That Act should be studied carefully, if you are a candidate for election of that Assembly.

(ii) You must not suffer from any of the disqualifications for being chosen as or for being a member of either House of Parliament as laid down in the provisions of sub-clause (b), sub-clause (c), or sub-clause (d) of Article 102(1) of the Constitution of India mentioned in para above, or any law made in pursuance of that Article. From the expression "any law made in pursuance of that Article" used in section 14(1) (b), it seems safer to assume that the Parliament (Prevention of Disqualification) Act, 1959 may apply if you want to stand as a candidate for election to the Legislative Assembly of Union Territory because in addition to the relevant provision relating to disqualifications contained in the Representation of the People Act, 1951 to which reference will be made just now the Parliament (Prevention of Disqualification) Act, 1959 has also been made in pursuance of article 102. In this view of the matter you should consider carefully whether you should resign any office of profit in so far as it is an office of profit under the Government, if falls at all within the prohibitive purview of clause (h) and clause (i) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959 before you file your nomination paper. In any case it will be safer for you to consult your lawyer in this matter so that after your election it may not be challenged.

(c) Statutory Disqualifications for Membership of the Legislative Assembly of a State (other than Jammu and Kashmir) or of a Union Territory (other than National Capital territory of Delhi).The statutory disqualifications for membership of the Legislative Assembly of a State or of a Union Territory are the same as the statutory disqualifications for membership of Parliament contained in section 8, section 8-A, section 9, section 9-A, section 10 and section 10-A of the Representation of the People Act, 1951, with this difference that the reference "to the appropriate government" in any of the section, such as section 9-A or section 10 shall mean, in relation to the disqualification for membership of the Legislative Assembly of a State, the Government of that State and shall, in relation to the disqualification for membership of the Legislative Assembly of a Union Territory, mean not only the Government of that Union Territory but it means, also the Central Government so that if you have any subsisting contract entered into by you in the course of your trade or business with the administrator of a Union territory you will be disqualified and if you have any such contract with the Central Government for the purpose of that Union territory, then also you will be disqualified. The same position will hold good in

relation to section 10 also of the Representation of the People Act, 1951. This view is taken in view of the definition of “State Government” given in the Representation of the People Act, 1950 which applies to the Representation of the People Act, 1951 also by virtue of section 2(1) (a) of the latter Act and section 55 of the Government of Union Territories Act, 1963. In a serious matter like election, the advice which the Commission gives you is that you should always play for safety and should not take any risk. In any case, it will be better for you to consult your lawyer on this point.

10. DISQUALIFICATIONS FOR MEMBERSHIP OF LEGISLATIVE ASSEMBLY OF THE NATIONAL CAPITAL TERRITORY OF DELHI

(i) For being chosen as, and for being, a member of the Legislative Assembly of the National Capital Territory of Delhi, a person must not be holding any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the National Capital Territory of Delhi or by any other Union Territory not to disqualify its holder. A person shall, however, not be deemed to hold any such office of profit by reason only that he is a Minister either for the Union or for a State or Union Territory section 15(1) (a) and section 15 (2) of the Government of National Capital Territory of Delhi Act, 1991.

(ii) A person shall also be disqualified if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of article 102(1) of the Constitution section 15(1) (b) and section 40(3) of the said Act.

(iii) In other words, the disqualifications for election to Parliament which have been discussed earlier in para above, will apply for election to the Legislative Assembly of the National Capital Territory of Delhi.

III. DISQUALIFICATIONS FOR MEMBERSHIP

11. CONSEQUENT ON DISQUALIFICATIONS FOR VOTING

11.1 In this connection you may refer to Section 11-A of the Representation of the People Act, 1951. The section provides for disqualifications for voting arising out of conviction and corrupt practice.

11.1.1 Any person convicted of an offence punishable under 171E or 171F of the Indian Penal Code or under section 125 or section 135 or clause (a) of subsection(2) of section 136 of the Representation of the People Act, 1951 shall be disqualified for voting at any election. The period of such disqualification for voting is six years from the date of conviction.

11.1.2 In the case of a person found guilty of a corrupt practice by an Order under Section 99 of the Representation of the People Act, 1951, he will be disqualified for voting for the same period as determined by the President under sub-section (1) of section 8-A for disqualification for standing for election.

11.1.3 If a person is, for the time being, disqualified to vote under the provisions of any law relating to corrupt practice or other offences in connection with elections, then he becomes disqualified for registration in an electoral roll and the name of any person who becomes so disqualified after registration as required to be forthwith struck off the electoral roll. These provisions are contained in section 16 of the Representation of the People Act, 1950. And one of the qualifications for contesting an election is that you must be an elector for the appropriate constituency (see Section 4 and section 5 of the Representation of the People Act, 1951). But if you are disqualified to vote, then you cannot be an elector and, therefore, because of the disqualification for voting, you are not qualified to vote for election either from a parliamentary constituency or from an assembly constituency. All the important points relating to qualifications and disqualifications have been mentioned and you should carefully read the provisions mentioned above because a perusal of this handbook will help you to understand the provisions of the Constitution and the law.

CHAPTER III

NOMINATIONS AND ALLOTMENT OF SYMBOLS

- 1 You have perhaps found that you possess all the requisite qualifications for standing as a candidate and for being elected as a member of the House of the People (Lok Sabha) or as the case may be, of the Legislative Assembly (Vidhan Sabha) and do not suffer from any of the disqualifications for such membership and, therefore, you want to stand as a candidate for an election to the Lok Sabha or Vidhan Sabha. You can stand as a candidate either at a general election which is necessary for constituting a new Lok Sabha or a new Vidhan Sabha or you may stand as a candidate at a bye-election which will be held for the purpose of filling any casual vacancy.
- 1.2 However, you cannot be nominated as a candidate for an election:- (a) in the case of general election to the House of the People (whether or not held simultaneously from all Parliamentary constituencies), from more than two Parliamentary constituencies; (b) in the case of general election to the Legislative Assembly of a State (whether or not held simultaneously from all Assembly constituencies), from more than two Assembly constituencies in the State; (c) in the case of bye-elections to the House of the People from two or more Parliamentary constituencies which are held simultaneously, from more than two such Parliamentary constituencies; (d) in the case of bye-elections to the Legislative Assembly of a State from two or more Assembly constituencies which are held simultaneously, from more than two such Assembly constituencies. Explanation:- Two or more bye-elections shall be deemed to be held simultaneously where the notifications calling such bye-elections are issued by the Election Commission under Section 149 or 150 ofon the same date.
- 1.3 If a candidate violates this prohibition and files nomination papers for election from more than two constituencies of the same class, his nomination papers in the third, fourth and all such subsequent constituencies shall be rejected by the Returning Officers concerned for non-compliance with the provisions of s 33(7) of the 1951 Act.
2. The steps for a general election are set in motion by the issue of one or more notifications (called in common parlance as writ notifications) by the President of India in the case of House of the People (Lok Sabha) and by the Governor of the State in the case of general election to the Legislative Assembly of that State. In the case of all bye-elections, such notifications are issued by the Election Commission.
3. As soon as the notifications, that is, the writs for a general election or a bye-election are issued as aforesaid, the Election Commission by notification in the Official Gazette fixes the time-table of the election under section 30 of the Representation of the People Act, 1951. This notification fixing the time-table is issued on the same

date on which the writs for the general election or bye election are issued. The notification fixing the time table under section 30 is published in the gazette of India in the case of an election to the House of the People (Lok Sabha) and in the Official gazette of the State in the case of an election to the Legislative Assembly (Vidhan Sabha) of the State concerned.

This notification fixing the time table appoints

- (a) the last date for making nominations which shall be the seventh day after that date of publication of the notification or writ calling the election, or if the seventh day is a public holiday, the next succeeding day which is not a public holiday; (Thus suppose the notification or writ for the election is issued on the 1st of March, then the last date for making nominations will be the 8th of March (that is the seventh day), that being the seventh day after the publication of the notification or writ calling the election. But if the 8th of March is a public holiday, then the last date for making nominations will be the 9th of March. If the 9th March is also a public holiday, then the last date of making nominations will be the 10th of March, if again the 10th of March is a public holiday, then the 11th March and so on);
- (b) the date for scrutiny of nominations which shall be the day immediately following the last date for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday (thus if the last date for making nominations is the 8th of March, then the date for scrutiny of nominations will be 9th of March on the assumption that the 9th of March is not a public holiday);
- (c) the last date for the withdrawal of candidatures which shall be the second day after the date for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday (thus suppose the date for scrutiny is the 9th of March, then the last date for the withdrawal of candidatures will be the 11th of March on the assumption that the 11th of March is not a public holiday); and
- (d) the date on which a poll shall, if necessary, be taken which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures. Thus if the last date for withdrawal of candidatures is the 11th of March, then the poll cannot be held before the 25th of March because the date of the poll cannot be earlier than the fourteenth day after the last date for the withdrawal of candidatures. The poll can be taken on more than one day also in a constituency. In such case, the first date of poll cannot be earlier than the 25th March in the above example.

- 4.1 You will thus notice that neither the last date for making nominations nor the date for scrutiny of nominations and nor the last date for the withdrawal of candidatures can be a day which is a public holiday. But this prohibition is not applicable to the date of poll. There is no bar to the holding of a poll on a public holiday. On the contrary, unless there be any objection on religious, customary or other grounds from any section of the people it may be better to take the poll on a Sunday or any other public holiday because the voter then gets an opportunity to appear in large number at the polling station. Note : 'Public holiday' mentioned above means the public holiday declared as such under section 25 of the Negotiable Instruments Act, 1881 and not any other holiday.
- 4.2 On the issue of the notification by the Election Commission fixing the timetable of election under section 30 of the Representation of the People Act, 1951, a public notice of the intended election is issued by the Returning Officer under section 31 of the Representation of the People Act, 1951. By this public notice, the Returning Officer invites nominations of candidates for the election and specifies the place at which nomination papers are to be delivered. This public notice under section 31 is in Form 1 [given below](#). Generally, the public notice in Form 1 is published on the notice board of the Returning Officer and at such other places as he considers necessary for giving wide publicity to the notice including the offices of Gram Panchayat, Panchayat Samitis, etc. [FORM I \(Form I to be inserted\)](#)
- 4.3 **Period of Nomination :**
It has already been mentioned above that only eight days (including the day on which the notification is issued) are available for the making of nominations.
- 4.4. **Form of Nomination Paper:**
The nomination paper must be in the prescribed form. For election to the House of the People (Lok Sabha), the nomination paper must be in Form 2-A. For election to a Legislative Assembly (Vidhan Sabha), the nomination paper must be in Form 2-B (Those Forms are reproduced in Appendix - V and VI). Printed copies of the form of nomination paper can be purchased from the Returning Officer at a very nominal price. If the officially printed forms are not available or cannot be obtained you may use a privately printed, type-written, cyclostyled form; but you must take care to see that the form used by you exactly corresponds to the appropriate form as appended to the Conduct of Elections Rules, 1961. You are again cautioned that you must be very particular about every entry in the nomination form.
- 4.4.1 Separate Bank Account to be opened by each candidate for election expenditure-
In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the returning

officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.

- 4.4.2 The bank Account can be opened either in the name of the candidate or in the joint name with his election agent for the purpose of election expenditure. The bank account should not be opened in the joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate.
- 4.4.3 The bank account can be opened anywhere in the state. The accounts can be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.
- 4.5 **YOU MUST READ CAREFULLY THE FOLLOWING POINTS IN RELATION TO YOUR NOMINATION**
- (1) **QUALIFICATIONS AND DISQUALIFICATIONS:** You must possess all the requisite qualifications and must not suffer from any of the disqualifications. You have been given elaborate guidance in this direction in the earlier chapter.
- (2) **NOMINATION PAPER:**
As there cannot be any oral nomination under the law, your nomination must be in writing and must be in one of the appropriate forms - Form 2-A (for House of the People or Lok Sabha), Form 2-B (for Legislative Assembly or Vidhan Sabha).
- (3) **INFORMATION ABOUT CONVICTIONS IF ANY:**
- 4.5.3.1 "You should make a declaration in your nomination paper that you are qualified and not disqualified for being chosen at the election. Among other disqualifications mentioned in Articles 102(1) and 191(1) of the Constitution and Chapter III of Part II of the Representation of the People Act, 1951, section 8 of the said Act lays down the disqualification on conviction for offence specified there
- 4.5.3.2 **FILING OF AFFIDAVIT**
- (a) Along with the nomination paper, you are required to file an affidavit in Form 26 (**Annexure VI B**). The affidavit should be sworn before a Magistrate of the First Class or before a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned. The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the state law of the state concerned.

- (b) While supplying forms of nomination papers the Returning officer will attach to nomination form a copy of Form 26 (**Annexure VI B**) appended to the Conduct of Election Rules, 1961. No column of the affidavit should be left blank or filled by just tick/dash marking. If the information asked for in a column is Nil or not applicable to you then you should write 'Nil' or 'Not applicable' in that column [The Hon'ble supreme Court has held that in the affidavits filed by candidate along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, RO has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the RO shall give a reminder to the candidate to furnish information against blank columns. The Hon'ble Court has further held that if there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the RO at the time of scrutiny of nomination papers.]
- (c) Item 5 of Part A and Part B of the revised Form 26 (Appendix VIA and VIB) relates to information regarding criminal antecedents to be furnished by the candidates. In item (5)(ii) of the Part A & Part B of Form-26 the details of all pending cases in which cognizance has been taken by the Court, irrespective of the quantum of punishment or framing of charges will have to be disclosed by the candidate.
- (d) Copies of the affidavits will be displayed in the premises of a public place within the constituency freely accessible to the general public. Displaying copies on the Returning officer's notice board will be done in all cases, even if the office is outside the boundary of the constituency.

(e) Up loading Affidavits filed by candidates in the web site:

The affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents will be put up on the web site soon after the candidates files the same and within 24 hours in any event . Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.

(f) Up loading counter Affidavits in the web site :

As per the directions in the Commission's order No. 3/ER/2003/JS-II, dated 27-03-2003, the affidavits filed by candidates were to be disseminated by displaying copies thereof on the notice board of the Returning Officer and by making copies available freely to those seeking the same. In the said order, it was also directed that if anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn affidavit, such counter affidavit shall also be disseminated along with the affidavit of the candidate concerned in the same manner, i.e. by displaying copy on the notice board and furnishing copies to others

on demand. The Commission has decided that, all counter affidavits (duly notarized) filed by any person against the statements in the affidavit filed by the candidate shall also be uploaded on the website along with the affidavit concerned. Such uploading should also be done within 24 hours of filing of the same.

(g) Publishing information on government dues:

The information furnished by the contesting candidates in relation to the Government dues to the five departments mentioned in item(8)(ii) &(iii)of the affidavit will be published by the Returning Officers concerned in atleast two newspapers having local circulation ,one of which should be a vernacular newspaper.This should be published by the Returning Officer within two days after preparing the list of contesting candidates. A format in which the Returning Officers may publish the information is given at **Appendix VIC**. If there is more than one constituency in a District, the District Election Officer will publish the above information in a consolidated form in respect of all constituencies(constituency-wise)in that district, by suitably modifying the above- referred format. When the information on Govt dues is published in the Newspaper, there will be a note added therein mentioning the places where the other details viz.(criminal background, assets, liabilities and education qualification of all the contesting candidates can be found. The note will also mention that the affidavit can be viewed on the website of the CEO and path to the website will also be mentioned.

(4) CANDIDATE'S NAME IN THE NOMINATION PAPER:

You should give your name in the nomination paper as it is entered in the electoral roll. However, if you consider that your name is incorrectly spelt or is otherwise incorrectly shown in the electoral roll, you should give your correct name in the nomination paper. The Returning Officer will overlook such mistake in the electoral roll. In such a case it would be advisable for you to submit also an application to the Returning Officer stating the above fact about the mistake of your name in the electoral roll along with your nomination paper.

(5) THE DATE ON WHICH THE NOMINATION PAPER IN THE APPROPRIATE FORM SHOULD BE FILED:

The nomination paper in the appropriate Form may be filed as soon as may be after the notification fixing the time table of election under section 30 is published in the Official gazette or any day thereafter including the last date for making nomination. N.B.: But no nomination paper can be filed on any such date if it is public holiday. About this, detailed explanation has already been given.

5. TIME FOR FILING NOMINATION:

Nomination paper can be filed only between 11 O'clock in the forenoon and 3 O' clock in the afternoon on any of the above mentioned days.

6. **BY WHOM A NOMINATION PAPER CAN BE PRESENTED:**

Your nomination paper may be presented either by you personally or by any of your proposers and by no one else. You may note this very particularly. Wherever possible, it is advisable that you should personally present the nomination paper so that no unforeseen hitch or difficulty may arise and endanger your candidature. You or your proposer cannot send the nomination paper by post.

7. **TO WHOM A NOMINATION PAPER SHOULD BE PRESENTED:**

Your nomination paper must be delivered to the Returning Officer of the constituency or to such Assistant Returning Officer as is authorized by the Returning Officer in this behalf. This authorized Assistant Returning Officer is specified in the public notice of election issued under section 31 in Form 1 appended to the Conduct of Elections Rules, 1961. **8(A) WHERE A NOMINATION PAPER SHOULD BE DELIVERED:** The nomination paper must be delivered at the place specified in Form-I aforesaid and at no other place. The nomination paper cannot be delivered at the residence of the officer specified or outside the place mentioned in the notice in Form - 1. If it is delivered at any other place, it will be rejected.

8 **(B) RESTRICTION ON NUMBER OF VEHICLES AND PEOPLE AT THE TIME OF FILING NOMINATIONS:**

Large number of vehicles and people accompanying some of the candidates at the time of filing nominations were causing serious concern about general order in the Offices of the Returning Officers. Keeping this in view, the maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs of ROs/AROs Office has been restricted to three and the maximum number of persons that will be allowed to enter the Office of ROs/AROs at the time of filing nomination has been limited to five (including the candidate

8.1 A police officer not below the rank of a Deputy Superintendent of Police with adequate support personnel will be appointed as a nodal Officer for not more than two constituencies provided the headquarters of both the Returning Officers are stationed in a single office building, to ensure strict adherence to the instructions on restricting the number of vehicles and persons accompanying the candidates. If the offices of Returning Officers are situated in different compounds or if there are more than two Returning officers whose headquarters are in a single office building, the Commissioner of Police or SP will make suitable arrangements to ensure strict adherence to the instructions.

9(A) **BY WHOM YOUR NOMINATION PAPER SHOULD BE SIGNED:**

If you look at the Form of nomination paper, you will find that it must bear the signature of your proposer(s) as well as your own signature. The signature of your proposer(s) and your own signature must be in the proper places shown in the

Form of nomination paper for such signature. Be careful not to put your signature in the space indicated for the signature of the proposers or to put the signature of the proposers in the space indicated for the signature of the candidate. Always remember that a nomination paper is a very important document and meticulous care should be taken to fill it as accurately as possible. A proposer can sign more than one nomination paper of the same candidate or of different candidates.

9(B). NUMBER OF PROPOSERS:

Under the amended section 33 of the Representation of the People Act, 1951, the nomination of a candidate at the election to the House of the People or a State Legislative Assembly shall be required to be subscribed by- (i) One elector of the constituency as proposer, if the candidate has been set up either by a recognised National party or by a recognised State party in the State or States in which it is recognised as a State party (see Part-I of the revised Forms 2A and 2B). (ii) Ten (10) electors of the constituency as proposers, if the candidate has been set up by a registered un

recognised political party or if he is an independent candidate (see Part-II of the revised Forms 2A and 2B).

9(C). If a State party recognised in one State is granted concession for using its reserved 'Symbol' under para 10 of the Election Symbols (Reservation and Allotment) Order, 1968, in another State in which it is not so recognised, the nomination of candidate(s) set up by that party in such other State will also be required to be subscribed by ten (10) electors of the constituency as proposers.

10. YOUR PROPOSER MUST BE AN ELECTOR OF THE CONSTITUENCY

10.1 It has already been pointed out that if you are a candidate for election to the House of the People (Lok Sabha) your name must appear in the electoral roll of any parliamentary constituency in the country. You need not be an elector of the parliamentary constituency from which you are seeking election. Similarly if you seek election to a state Legislative Assembly from an assembly constituency you must be an elector for any assembly constituency within the State and it is not necessary that you should be an elector for the assembly constituency from which you are seeking election. (This general rule is, however, subject to certain exceptions mentioned in sections 4, 5 and 5(a) of the Representation of the People Act, 1951, in the case of certain seats reserved in the autonomous districts of Assam, in the State of Sikkim and in the Union Territory of Lakshadweep. These provisions have already been explained in the previous chapter. If you are a candidate from any such constituency take care to see that you fulfil those additional requirements). But this is not so in the case of your proposer(s). Your proposer(s) must be an elector for the parliamentary constituency or for the assembly constituency from which you are seeking election. Make sure that the

name of your proposer(s) is registered in the electoral roll of the constituency from which you are seeking election. If his name is not there, then another person whose name appears in the electoral roll should be your proposer and sign your nomination paper as proposer. If you want a person whose name does not appear in the electoral roll of the constituency from which you are seeking election to be your proposer, then before filing your nomination paper you must take steps to get his name included in the electoral roll if that is possible at that stage. About inclusion of names in electoral rolls mention has already been made in the previous chapter. You should note particularly that no direction for the inclusion of a name in the electoral roll of a constituency can be given after the last date for making nominations.

10.2 You are, therefore, advised to go thoroughly to the photo electoral roll of the constituency in which you intend to contest the election to check the detailed particulars of the electors who may be your proposer(s) whether the same are in order and there is no mis-match of photograph of such electors in the photo electoral roll.

11. **WHAT YOU SHOULD DO IF YOU OR YOUR PROPOSER ARE BOTH UNABLE TO SIGN THEIR NAMES:** Under the law [vide rule 2(2) of the Conduct of Elections Rules, 1961] if your proposer or you are unable to sign, then your proposer or you shall be deemed to have signed the nomination paper if your proposer or you have placed a mark on the nomination paper in the presence of the Returning Officer or the Assistant Returning Officer or such other officer as may be authorized in this behalf by the Election Commission and the Returning Officer or the Assistant Returning Officer or such other officer, on being satisfied as to the identity of your proposer or your identity, has attested the mark as being the mark of your proposer or of yours. [also para. 1 of chapter XIX]

12. DECLARATIONS TO BE MADE BY YOU IN THE NOMINATION PAPER

12.1 While assenting to your nomination made by your proposer you are required to make a declaration in the nomination paper itself.

(a) Firstly, as to your age, it has already been pointed out that for election to the House of the People (Lok Sabha) or a State Legislative Assembly (Vidhan Sabha) you must not be less than twenty five years of age. You should give your correct age in the nomination paper. If you find that your age is not correctly mentioned in the electoral roll, you should give only your present age in the nomination paper and not the wrong age as shown in the electoral roll; N.B. If your age is near the legal minimum, that is to say, if you are just twenty five years of age or a little more than that and there is an apprehension that an objection may be raised by a rival candidate regarding your age, arm yourself with sufficient proof of your age.

- (b) Secondly, as to your political party, in case you are set up by any political party; N.B. But declaration as to your being set up by a political party will not arise if you stand as an independent candidate.
 - (c) Thirdly, as to the choice of the three symbols in order of your preference. About symbols, more will be said hereafter;
 - (d) Fourthly, as to the correct spelling of your name and the name of your father/mother/husband as given in the nomination paper;
 - (e) Fifthly, as to the fact that you are qualified and not also disqualified for being chosen to fill the seat for which you are contesting the election, and (f) Sixthly, as to the fact that you have not been, and shall not be nominated as a candidate at the present general election/bye-elections being held simultaneously to the House of the People or Legislative Assembly of a State from more than two Parliamentary/Assembly constituencies, as the case may be.
- 12.2. Apart from the declaration in respect of the matters mentioned above, you are to make a further declaration in the nomination paper if you stand as a candidate for election from a constituency reserved for the Scheduled Castes or Scheduled Tribes. If you belong to a Scheduled Caste or a Scheduled Tribe, you should make a declaration to that effect in your nomination paper even if you contest an election from a general constituency as this will entitle you to the concessional amount of security deposit even in that general constituency. Be very particular in making the declaration as accurately as possible. It is not necessary to furnish, along with the nomination paper, any certificate (original or otherwise) in proof of the fact that you belong to a Scheduled Caste or Scheduled Tribe.
13. **WHAT YOU SHOULD DO IF THE PERIOD OF DISQUALIFICATION FOR DISMISSAL FOR CORRUPTION OR DISLOYALTY HAS NOT ELAPSED :**
If you, having held any office under the Government of India or under the Government of a State, have been dismissed and the period of disqualification, referred to in section 9 of The Representation of the People Act, 1951 namely, the period of five years since the dismissal has not elapsed, then you shall not be deemed to be duly nominated as a candidate unless your nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that you have not been dismissed for corruption or disloyalty to the State.
14. **PRODUCTION OF COPY OF ELECTORAL ROLL IF YOU ARE AN ELECTOR OF A DIFFERENT CONSTITUENCY:** If your name has been registered as an elector in the electoral roll of a constituency different from the constituency from which you stand as a candidate, then you must file along with your nomination paper either a copy of the entire electoral roll of the former constituency or, if that is not possible, a copy of the relevant part of that electoral roll (relevant part means the

part of the electoral roll in which your name appears) or, if even that is not possible, then a certified copy of the relevant entries relating to your name in such roll. If for any reason it is not possible to file any of these documents along with your nomination paper, then you must produce any of these documents before the Returning Officer at the time of the scrutiny of nomination; otherwise your nomination paper will be rejected.

15. HOW MANY NOMINATION PAPERS CAN BE FILED BY YOU FOR STANDING AS A CANDIDATE FROM THE SAME CONSTITUENCY:

You can file as many as four nomination papers for standing as a candidate in the same constituency; in other words, you cannot file more than four nomination papers in respect of the same constituency.

16.1 Security deposits and when such deposits should be made The law requires that a candidate at an election must make the prescribed security deposit. The failure to make the deposit will invalidate your nomination. If you want to stand as a candidate for election from a parliamentary constituency, the sum required to be deposited by you is Twenty five thousand rupees (Rs 25000/-). But a concession is given to a candidate who is member of a Scheduled Caste or a Scheduled Tribe. If a person who is member of a Scheduled Caste or Scheduled Tribe wants to stand as a candidate from a parliamentary constituency, he will have to make a deposit of twelve thousand five hundred rupees (Rs 12500/-);If you are a candidate from an assembly constituency, you are to make a deposit of Rupees ten thousand (Rs 10000/-)and if you are a member of a Scheduled Caste or Scheduled Tribe you shall have to make a deposit of five thousand rupees (Rs 5000/-). Please note that a Scheduled Caste or a Scheduled Tribe Candidate need deposit only the lesser amount even if he contests the election for a seat not reserved for Scheduled Castes or Scheduled Tribes, i.e., a general seat.

16.2 It has already been pointed out that from the same constituency you can file as many as four nomination papers but in such a case you shall not have to make four different deposits. It will be enough if you make only one deposit in respect of the first nomination paper. In the case of other nomination papers no deposit is necessary. You are only to attach to the first nomination paper that you file, the original treasury receipt or challan for the deposit. A true copy of the original receipt or challan for the deposit may be attached to every subsequent nomination paper, which may be filed by you. Always retain the official duplicate of the treasury receipt of challan, which you receive from the Reserve Bank of India or the government treasury with you for your future reference and use.

16.3. You should note particularly that the deposit may be made in two ways. Either the amount may be deposited with the Returning Officer in cash at the time of filing your nomination paper or you deposit the amount in the Reserve Bank of India or in a Government treasury. You must do so before you file your nomination paper with the Returning Officer and you must, as already pointed out, attach the treasury receipt or challan which you will receive in duplicate from the Reserve

Bank of India or the Govt. treasury to your nomination paper. If you do not deposit the amount in cash with the Returning Officer at the time of filing your nomination paper or if you do not attach to your nomination paper the treasury receipt or challan, then your nomination paper will be rejected.

- 16.4 The deposit should be made under the following Head of Account for election to Parliament : “8443-Civil Deposits-121-deposits in connection with elections-2-Deposits made by candidates for Parliament” The deposit should be made under the following Head of account for deposits made by candidates for State Legislatures: “8443-Civil Deposits-121-deposits in connection with elections-1-Deposits made by candidates for State/Union Territories Legislatures”.

17 ELECTION SYMBOLS

- 17.1 On looking at the form of the nomination paper you will find that you are to make a choice, in order of preference, of three symbols out of a specified list of symbols. The Conduct of Elections Rules, 1961 require the Election Commission to specify by notification in the Gazette of India and the Official gazette of each State the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.
- 17.2 These rules also require that if you have filed more nomination papers than one then the declaration as to symbols made in the nomination paper first filed, and no other declaration as to symbols, shall be taken into consideration at the time of allotment of symbols by the Returning Officer to the contesting candidates even if the nomination paper which has been first filed has been rejected by the Returning Officer. In other words, even if your first nomination paper is rejected but your second or third or fourth nomination paper is accepted by the Returning Officer as valid even then the choice of symbols made by you in your first nomination paper will be taken into consideration at the time of allotment of symbols.
- 17.3 These rules also require that after the time of withdrawal of candidatures is over and there are more candidates in the field than one whose nominations have been found to be valid, then the Returning Officer shall immediately after the expiry of the time of withdrawal prepare the list of contesting candidates and allot, subject to any direction issued by the Election Commission, a different symbol to each contesting candidate in conformity, as far as practicable, with his choice as shown in the nomination paper first filed.
- 17.4. In pursuance of these rules, the Election Commission issued on 31st August, 1968 an Order providing for specification, reservation, choice and allotment of symbols at elections in parliamentary and assembly constituencies in all States (other than assembly constituencies in the State of Jammu and Kashmir) and Union territories, and for the recognition of political parties in relation thereto and for matters connected therewith. This order is called the Election Symbols (Reservation and

Allotment) Order, 1968 (An updated copy is appended at Appendix – VII). From this order you will find that:-

- (a) In the first place, there are two categories of symbols, namely, (i) reserved symbols, and (ii) free symbols.
- (b) In the second place, a reserved symbol means a symbol reserved for a recognised political party and a free symbol is a symbol other than a reserved symbol.
- (c) In the third place, free symbols and reserved symbols vary from State to State.
- (d) In the fourth place, there are three category of political parties, namely, (i) Recognised National Parties (which are recognised in all States and Union Territories) (ii) Recognised State Parties (which are recognised only in the specified States or Union Territories) (iii) Registered-unrecognized parties. N.B.- The Election Commission issues a consolidated notification from time to time specifying the list of recognised National and State parties and the symbols respectively reserved for them, the list of registered unrecognized parties and lists of free symbols for each State and Union Territory. You should consult the latest notification as amended up to date, before making a declaration in your nomination paper as to the name of the party which has set you up at the election and in regard to the symbol or symbols which you have chosen in the order of your preference. The above said notification will be available for reference purposes with the Returning Officer and also with the Chief Electoral Officer of the State.
- (e) In the fifth place, a candidate set up by a State party in which it is so recognised shall choose in his nomination paper and shall be allotted by the Returning Officer only the reserved symbol of that party and no other symbol. This means that if you have been set up by a State Party, then, in your nomination paper, you can choose only the symbol reserved for that party and no other symbol. This also implies that from any constituency only one candidate can be set up by a State Party.
- (f) In the sixth place, a candidate set up by a National Party from any constituency in any State or Union territory shall choose and shall be allotted the symbol reserved for that National Party.
- (g) In the seventh place, a reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved for a candidate set up by a State Party in the State in which it is a State Party, even if no candidate has been set up by such National or State party in that Constituency.

- (h) In the eighth place, if a political party, which is recognised as a State Party in some State or States, sets up a candidate at an election in a constituency in any other State, in which it is not a recognised State Party, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of symbols for such other State, on the fulfilment of each of the following conditions, namely:-
- (a) that an application is made to the Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
 - (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c) and (d) of paragraph 13 of the Election Symbols (Reservation and Allotment Order) 1968, in respect of such candidate; and
 - (c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment; Provided that nothing contained above shall apply to a candidate set up by State Party at an election in any constituency in a State in which that party is not a State party and where the same symbol is already reserved for some other State Party in that State;
- (i) In the ninth place, where elections are held simultaneously in a parliamentary constituency and in the assembly constituencies comprised in such parliamentary constituency, then- (i) If a symbol has been exclusively allotted under paragraph (h) to a candidate set up by a State Party in another State at the election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said component assembly constituencies unless such candidate is a candidate set up by that political party; and (ii) If a symbol has been exclusively allotted under paragraph (h) to a candidate set up by the said party at any election in any of the said component assembly constituencies that symbol shall not be allotted to any candidate at the election in the said parliamentary constituency unless such candidate is a candidate set up by that political party.
- (j) In the tenth place, any association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of the Representation of the People Act, 1951 may apply to the Election Commission for registration as a political party by furnishing such

information as is required under section 29A of that Act and the Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992 issued by the Commission on 23.3.92. The Commission may on the satisfaction of the said requirements register it as a political party. The party so registered under section 29A of the Representation of the People Act, 1951 shall be deemed to be a registered political party for the purposes of the election symbols (Reservation and Allotment) Order, 1968 such registered party may then be a recognised National or State Party or a registered unrecognised party depending upon the poll performance at a general election.

- (k) In the eleventh place, candidates not set up by a National or State Party, i.e., candidates set up by registered unrecognised political parties and independent candidates can make a choice of symbols in their nomination papers only out of the free symbols shown against the State from where they are seeking election and no other symbol. Where any free symbol has been chosen by only one candidate at such election, the Returning Officer shall allot that symbol to that candidate and to no one else. 17.5 Where the same free symbol has been chosen by several candidates at such election, then—
- (a) If of those several candidates, only one is a candidate set up by a registered-unrecognised political party and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidate set up such unrecognised political party and to no one else and if of those several candidates, two or more are set up by different unrecognised political parties and the rest are independent candidates, the Returning Officer shall decide by lot to which of the two or more candidates set up by the different unrecognised political parties that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else;
 - (b) If two or more such candidates set up by such different unrecognised political parties, only one is, or was immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the Returning Officer shall allot that free symbol to that candidate and to no one else;
 - (c) If of those several candidates, no one is set up by any unrecognised political party but all are independent candidates and one of the independent candidates is, or was immediately before such election a sitting member of the House of the People, or as the case may be, of the Legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, the Returning

Officer shall allot that free symbol to that candidate and to no one else; and (d) if of those several candidates, being all independent candidates, no one is or was a sitting member as aforesaid, the Returning Officer shall decide by lot to which of those independent candidates that free symbol shall be allotted and allot the free symbol to the candidate on whom the lot falls and to no one else;

17.6 From the form of nomination paper, you will find that if you are a party candidate, you are required to make a declaration to that effect in the nomination paper itself. Now, you may be set up by a recognised party, that is to say, a National Party or State Party, or you may be set up by a registered unrecognised party, that is to say, by a party for which no symbol has been reserved at all. The order of the Commission lays down clearly that you shall be deemed to be set up by a particular party if, and only if; the conditions mentioned below are fulfilled:

(a) In the first place, you must have made a declaration to that effect in your nomination paper, that is to say, in your declaration in the nomination paper you shall have to say that you are a candidate set up by such and such party.

(b) In the second place, a notice in writing in the form prescribed by the Commission (which is commonly known now as Form 'B' Appendix - VII) to the above effect by the party which has set you up as a candidate must be delivered to the Returning Officer of the constituency and the Chief Electoral Officer of the State before 3 p.m. on the last date for making nominations and

(c) In the third place, the said notice in Form B must be signed by the president, secretary or other office bearer of the party who is authorised by the party to send such notices and whose specimen signatures have been communicated by the party in the Form prescribed by the Commission which is commonly known now as Form 'A' (Appendix - VII) to the said Returning Officer and also to the Chief Electoral Officer of the State by 3 p.m. on the last date for making nominations.

17.7. If any of these three conditions is not fulfilled strictly in the manner and within the time prescribed then you shall not be deemed to be set up by the party. Therefore, be very particular about these three conditions.

17.8 You are well-advised to submit the said Forms 'A' and 'B' (duly signed in ink) to the Returning Officer along with your nomination paper itself to avoid any last minute complication. Any Form A or B not signed in ink or received by fax will be rejected

by the Returning Officer. 17.9 It must also be noted by you that the Symbols order does not recognise electoral alliances which are sometimes entered into by political parties. Therefore, a symbol reserved for a National or State Party shall not be allotted to any candidate other than the candidate set up by such National or State Party itself. 17.10 Political parties are, however, permitted to either cancel the authorisation in Form B given in favour of one candidate or change such authorisation by substituting the name of their candidates subject to following conditions, namely:- (1) Subsequent authorisation cancelling or substituting the earlier authorisation in Form B is received by the Chief Electoral Officer and the Returning Officer of the constituency concerned not later than 3.00 p.m. on the last date for making nominations. (2) Such subsequent authorisation in Form B is signed by the same authorised office bearer and is unambiguous and clearly shows that it either cancels or substitutes the earlier authorisation, as the case may be; (3) The Returning Officer is satisfied about the genuineness of subsequent authorisation; and (4) The candidate in whose favour subsequent authorisation has been given has already made a declaration in his nomination paper that he has been set up by the said political party.

18.1 **PRELIMINARY SCRUTINY:** On the presentation of a nomination paper, the Returning Officer will satisfy himself that the name and the electoral roll number of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls. 18.2 The returning officer will Check whether the affidavit in Form 26 (Annexure-VIA and VIB) is duly filled up and attached along with the nomination paper. If not attached the returning officer will bring it to your notice this requirement through the check list given below

In respect of each candidate, the RO will maintain in duplicate, the check list of the documents/requirements to be fulfilled by the candidates. The check list comprises of 7 documents as given below:-

Original/ duplicate _____ (Original to be kept with nomination paper and _____ Duplicate to be handed over to candidate)

Check List of documents in connection with filing of nomination

Name of constituency 1 Name of the candidate Date and time of filing nomination paper Sl. No. of nomination paper

Sl No	<u>Documents</u>	<u>Whether filed (write yes/no) (If there is any defect/short coming in</u>
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		<u>the documents, the same should be specified)</u>
<u>1</u>	(a) <u>Affidavit in Form 26 Whether all columns are filled up If not,which are blank column(s)(please specify). Whether the affidavit is sworn before an oath Commissioner or Magistrate of First Class or before a notary Public.</u>	
<u>2</u>	<u>Certified extract of electoral roll (when candidate is an elector of a different constituency)</u>	
<u>3</u>	<u>Forms A and B (applicable in the case of candidates set up by political parties.)</u>	
<u>4</u>	<u>Copy of caste certificate(if the candidate claims to belong to SC/ST)</u>	
<u>5</u>	<u>Security deposit (whether made)</u>	
<u>6</u>	<u>Oath/affirmation (whether taken)</u>	
<u>7</u>	<u>Bank Account (Whether Name of bank and Account Number furnished)</u>	

The following documents which have not been filed should be filed as indicated below:

(a) _____ should be filed latest by _____.

Above mentioned columns in the Affidavit in Form 26 have been left blank .You must submit a fresh affidavit with columns duly filled up before the commencement of scrutiny

of nominations ,failing which the nomination paper will be liable to be rejected. (c)
should be filed latest by
Received.....

(Signature of candidate) Signature of RO/ARO

(Signature)

Date &time : Place: 2

N.B. 1. The Affidavit in Form 26 and Forms A& B have to be filed latest by 3.00 P.M. on the last date of filing nominations. 2. The nomination paper will be rejected if a candidate fails to fill the blanks in Form 26 even after reminder by RO by the hour fixed for scrutiny of nomination paper. 3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny. 4. Certified extract of electoral roll can be filed up to the time of scrutiny. 5. Security deposit should be made either before filing of nomination paper or at the time of filing of nomination paper. 6.If the columns in the affidavit are blank and incomplete the candidate should file an affidavit complete in all respects instead of filing an affidavit in respect of only the blank columns and the second affidavit which would be the complete one will be disseminated through the web site.

18.3 Both the copies of the checklist with all requirements indicated there in shall be signed by the RO as well as the candidate. The duplicate copy of the check list will be handed over to the candidate/proposer who files nomination paper, while retaining the original with the nomination paper filed by the candidate

18.4 If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued by the returning officer, clearly mentioning the date and time at which it is filed.

19. MISTAKES, PRINTING ERRORS, ETC., IN ELECTORAL ROLL OR IN NOMINATION PAPER

The law says that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place mentioned either in the electoral roll or in the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of the candidate or his proposer or any other person in the electoral roll or in the nomination paper shall affect the full operation of the electoral roll or the nomination paper. The law also requires the Returning Officer to permit any such misnomer, inaccurate description or error to be corrected or to overlook, where necessary, such misnomer, inaccurate description or error in the electoral roll or the nomination paper. Still you are well-advised to take particular care that no such misnomer or inaccurate description or clerical, technical or printing error in regard to your name or the name of your proposer or any other person or in regard to any place remains in the electoral roll or in the nomination

paper. You are well-advised to look into the electoral rolls in which your name and the name of your proposer appear well in advance before the writ for election is issued because it is presumed that you must have decided well in time to stand as a candidate. And if after looking into the electoral roll well in advance of the issue of the writ for election you find that there is any misnomer, inaccurate description or any error in the electoral roll either in relation to you or your proposer or any other person (e.g. your father's name) or mis-match of photo or any other matter, then you must take immediate steps for the correction of the error, etc. under section 22 and for the inclusion of your name and or the name of your proposer, etc., under section 23 of the Representation of the People Act, 1950.

20. RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY AND ALLOTMENT OF SYMBOLS.

- 20.1 You will find from the form of nomination paper that a part of it requires the Returning Officer or the Assistant Returning Officer before whom it is filed to fill in and sign a certificate of delivery. While filing the nomination paper make sure that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed enters in your presence its serial number and properly fills in and signs the form of certificate of delivery of nomination paper.
- 20.2 You will also find from the nomination paper that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed, is required to hand over to you or your proposer presenting the nomination paper a receipt for the same which also contains a written notice of the date, time and place fixed for the scrutiny of nomination papers. Do not forget or overlook to obtain the receipt for nomination paper containing also the notice of the time, date and place fixed for the scrutiny. All these are statutory requirements contained in section 35 of the Representation of the People Act, 1951. Therefore do see that the certificate of delivery in the form given on the nomination paper is duly made in your presence by the Returning Officer or the Assistant Returning Officer to whom you have delivered the nomination paper and do not hesitate to ask from him for the receipt of nomination paper which he is bound to give to you or your proposer before leaving the place where the nomination paper is filed.
- 20.3 The Commission has directed that Returning Officer should also give you along with the above notice about the scrutiny of nominations, another notice about the date, time and place of allotment of symbol to contesting candidates. You should take that notice so that you may be present at the time of allotment of symbols, if your name is included in the list of contesting candidates.

21. EXAMINATION OF THE NOTICES OF NOMINATIONS

The Returning Officer under section 35 is required to cause to be fixed in some conspicuous place in his office a notice of the nominations received by him on each of the dates fixed for making of nominations. This notice is in Form 3-A appended to the Conduct of Elections Rules, 1961. You are well advised to study and examine the notices of the nominations in respect of the various candidates who have filed such nomination papers, affixed by the Returning Officer or the Assistant Returning Officer in some conspicuous place of his office under the law as aforesaid to find out if there is any defect in the nomination papers of your rival candidates. If you find such defects, then you may take objection, if you like, against any of your rival candidates at the time of scrutiny of nominations.

CHAPTER IV SCRUTINY OF NOMINATIONS

1. You have filed the nomination paper and other candidates would have also done so. The next stage in the election process is the scrutiny of nomination papers by the Returning Officer. The Returning Officer is required by law to hold the scrutiny of all nomination papers received by him on the date fixed for scrutiny in the election time table issued under section 30 of the Representation of the People Act, 1951.
2. The scrutiny of nomination papers takes place on the day immediately following the last date for filing nominations. Thus, if today is the last date for filing nominations then tomorrow will be the date for scrutiny of nominations. But if tomorrow is a public holiday then the scrutiny of nominations will take place day after tomorrow provided it again is not a public holiday. In other words, scrutiny of nomination papers cannot be held as pointed out already on a public holiday.
3. **BY WHOM SCRUTINY OF NOMINATION PAPERS IS HELD:**
The scrutiny of nomination papers can be held only by the Returning Officer. This function cannot be delegated by the Returning Officer even to an Assistant Returning Officer. There is only one exception, that is to say, an Assistant Returning Officer may be authorized by the Returning Officer to hold the scrutiny of nominations if, and only if, the Returning Officer is unavoidably prevented from performing the function relating to the scrutiny of nominations (see the proviso to section 22 (2) of the Representation of the People Act, 1951)].
4. **WHO MAY ATTEND SCRUTINY OF NOMINATIONS:**
According to law only four persons in the case of each candidate may attend the place of scrutiny. These four persons are:
 - (1) the candidate himself,
 - (2) the candidate's election agent,
 - (3) one proposer of the candidate and
 - (4) one other person authorized in writing by the candidate. Even if you have filed the maximum number of nomination papers from the same constituency, namely, four nomination papers and there are different proposers, even then only one proposer can be present at the scrutiny. Thus only four persons for each candidate can be present, and if there are, say, for example, ten candidates who have filed nomination papers from a particular constituency then in all forty persons can be present at the scrutiny. It will be better for you if the fourth person to be authorized by you in writing at the time of scrutiny is a lawyer conversant with election law, so that he may adequately protect your interests at the time of scrutiny. It will also be to your interest if you yourself can be present at the scrutiny.

5. **REASONABLE FACILITIES FOR EXAMINATION OF NOMINATION PAPERS:**

The four persons (including yourself) who can be present on your behalf at the time of scrutiny have a right to have all reasonable facilities for examining the nomination papers of all the candidates which are taken up for scrutiny by the Returning Officer. This is a valuable right for you and the three other persons, who may be present along with you, namely, your election agent, one of your proposers and the person authorized by you.

6. **OBJECTIONS WHICH MAY BE RAISED**

You should not raise any flimsy or technical objections in regard to any nomination paper. Similarly you or the person representing you should oppose any objection raised against your nomination on flimsy or technical ground. Section 36(4) of the Representation of the People act, 1951 clearly lays down that the Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character. Rule 4 of the Conduct of Elections Rules 1961 lays down that the failure to complete or defect in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character. Therefore, if any of your opposing candidates raises any objection regarding a defect, which is not of a substantial character, you or any of the persons who may be present on your behalf may oppose it. It has already been pointed out that on the presentation of a nomination paper the Returning Officer will satisfy himself that the names and the electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls. The Returning Officer may not therefore reject your nomination paper on the ground of any misnomer or any inaccurate description or clerical or technical or printing error in regard to your name or the name of your proposer or any other person or in regard to any place mentioned in the electoral roll or nomination paper, etc., provided that such description in regard to any name and place is such as to be commonly understood. If at the time of scrutiny any objection is raised regarding such misnomer or inaccurate description etc., you may draw immediate attention to the proviso to section 33(4) of the Representation of the People act, 1951.

7. In one word, when any objection is raised against your nomination paper you should try to impress upon the Returning Officer that he should not reject the nomination paper on any flimsy or technical ground. If he is satisfied as to the identity of the candidate and of the proposer then he should not reject the nomination paper only on ground of any technical defect or inaccurate description in the name of candidate or the proposer or the inaccurate description of any place.

8. Tell the Returning Officer that if he rejects any nomination paper on any such technical unsubstantial or flimsy ground then that may be regarded as an improper rejection of a nomination paper which may have the effect of voiding the entire election thus involving a huge waste of public money, public time and public energy.

9. Omission of age of the candidate in the nomination paper is a defect of a substantial character Remember that the omission to specify your age in the nomination paper is a defect of a substantial character and is sure to lead to the rejection of your nomination paper.

9.1 . Non Sc/St persons contesting election from reserved constituencies

In order to prevent non-SC/ST persons contesting election from reserved constituencies, the Returning Officers at the time of scrutiny of nominations should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be. Wherever in doubt, the Returning Officer must insist on production of SC/ST certificate issued by competent authorities. Where, however, the certificate produced by the candidate is also challenged, the Returning Officer need not go into that question, except where it is alleged that the certificate produced is forged or is not issued by competent authority. In the case of any allegation/suspicion about the genuineness of the certificate, the Returning Officer should get the position cross-checked with the authority which purportedly issued the SC/ST certificate in question, before deciding the validity of the nomination paper of the candidate concerned. If on such cross-checking/verification, the Returning Officer is satisfied that the certificate in question is not genuine, he should not only reject the nomination of the candidate concerned, but should also initiate criminal proceeding against the candidate for adducing forged documentary evidence before him.

10. **GROUND FOR REJECTION OF NOMINATION PAPER**

Remember that the Returning Officer will be justified in rejecting your nomination paper on any one of the following grounds namely :

(a) If you are clearly not qualified to be a member of the House of the People or of State Legislative Assembly, or

(b) If you are clearly disqualified in law to be such member; or

(c) If you have not taken the oath or affirmation as required by the Constitution; or

(d) If your nomination paper has not been delivered in time; or

(e) If your nomination paper has been delivered to the Returning Officer or to an authorized Assistant Returning Officer by a person other than yourself or your proposer; or

(f) If your nomination paper has not been delivered at the place specified in the public notice issued by the Returning Officer; or

(g) If your nomination paper has been delivered to a person other than the Returning Officer or any of his authorized Assistant Returning Officer; or

(h) If your nomination paper is not substantially in the prescribed form;
Or

(i) If your nomination paper has not been subscribed by the required number of proposers or has not been signed either by you or by your proposer(s) or by both in the places meant for such signatures in the nomination paper; or

(j) If the proper security deposit has not been made by you in accordance with the law already explained; or

(k) If your signature or the signature(s) of your proposer(s) on the nomination paper is/are not genuine; or

(l) If you do not belong to that class of persons for whom the seat in your constituency is reserved, e.g. if you do not belong to Scheduled Caste and you file nomination paper to contest a seat reserved for the Scheduled Castes; or

(m) If the proposer is not an elector of the constituency or is not eligible to be proposer.

(n) If you fail to make declaration that, you have not been, and shall not be nominated as a candidate at the present general election/bye-elections being held simultaneously, to the House of the People or Legislative Assembly of a State, from more than two Parliamentary/Assembly constituencies, as the case may be.

(o) If you fail to furnish along with your nomination papers the two affidavits in the prescribed formats, given in Appendix VI-A & VI -B.(p) If you fail to specify your age in the nomination paper.

11. If your nomination paper is rejected for any reason you must get a certified copy of the order of the Returning Officer containing reasons for such rejection. According to the Commission's instruction, you are entitled to get a copy immediately after the Returning Officer has passed an order rejecting your nomination paper for which you need not pay any fee or charges.
12. You may apply for time to rebut any objection, if you find that any objection has been raised against your nomination as a candidate and to rebut that objection you require some time you may immediately apply to Returning Officer for time. In such a case the Returning Officer may allow adjournment up to two days because the law says that if the candidate wants time to rebut any objection then he "may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny." Thus if today has been the date fixed for scrutiny, then the Returning Officer has the power to grant you time till day after tomorrow.

13. **OATH OR AFFIRMATION BY THE CANDIDATE :**

In this connection, your attention may again be drawn to the Supreme Court decision in the case of Pashupati Nath Singh vs. HariHar Prasad Singh (AIR1968 SC 1064). According to that decision, the oath or affirmation by a candidate must be made after he has been nominated and before the date fixed for scrutiny. The detailed instructions in this regard have already been given in Chapter-II.

14. **REJECTION OF ONE NOMINATION PAPER NOT TO AFFECT YOUR NOMINATION IF ANY OTHER NOMINATION PAPER IS FOUND VALID :**

It has already been mentioned that from the same constituency you can file as many as four nomination papers. If any of these four nomination papers is found to be valid, then that itself will be enough for your valid nomination even though the other three are rejected. It is, therefore, advisable for you to file maximum number of nomination papers, namely, four.

15. **DOCUMENTS AND OTHER MATERIALS WITH WHICH YOU SHOULD BE PRESENT AT THE TIME OF SCRUTINY To:**

meet possible objections against your nomination, take with you to the place of scrutiny the following documents, namely:

- (a) A copy of the current electoral roll or a copy of the relevant part of the electoral roll or a certified copy of the entry in that electoral roll bearing your name the name of your proposer;
- (b) Satisfactory evidence regarding your age;
- (c) Where deposit has been made in cash, the receipt given to you by Returning Officer or an authorized Assistant Returning Officer and, where deposit has been made in a Government treasury or in the Reserve Bank of India, the duplicate copy of the treasury receipt or challan;
- (d) The receipt for nomination paper and notice of scrutiny which was handed over to you by the Returning Officer or the authorized Assistant Returning Officer on your presenting the nomination paper; and
- (e) A copy of the affidavit filed by you in prescribed format regarding particulars of conviction; and
- (f) Any other evidence or material, which may be necessary to repeal and rebut any objection which has been or may be raised against your nomination.

16. **LIST OF VALIDLY NOMINATED CANDIDATES**

Immediately after all the nomination papers have been scrutinized, the Returning Officer will prepare a list of candidates whose nominations have been found valid. The names of the candidates will be shown in this list as they appear in the nomination papers. If however, a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may at any time before the list of contesting candidates is prepared, furnish in writing to the Returning Officer the proper form and spelling of his name. The Returning Officer on being satisfied as to

the genuineness of the request shall make the necessary correction in the list of validly nominated candidates and adopt that form and spelling in the list of contesting candidates.

17. **DO'S AND DON'T'S FOR GUIDANCE OF CANDIDATES:**

The election law of our country is quite comprehensive and the procedure quite elaborate. It is upon their due observance that the purity of the elections depends. Some of the Do's/Don'ts are suggested for your guidance in Appendix-VIII-A It should be noted that these are not exhaustive but are only illustrative.

18. **CODE OF CONDUCT - DO'S AND DON'T'S FOR GUIDANCE OF POLITICAL PARTIES AND CANDIDATES:**

Apart from the Model Code of Conduct (Appendix -XIII), the Commission has recently issued another set of Code of Conduct - Do's and Don'ts for guidance of political parties and candidates to be observed from the announcement of an election and until the completion of the process of election. A copy these Code of Conduct - Do's and Don'ts is also given in Appendix-VIII-B. It is your responsibility to ensure that neither you nor the political party which has set you up, your agents, workers, supporters and sympathizers indulge in any acts of commission or omission which may amount to violation of the said Code of these Do's and Don'ts.

CHAPTER V

WITHDRAWAL OF CANDIDATURES

1. WITHDRAWAL OF CANDIDATURE

If your nomination paper is accepted, you become a validly nominated candidate. But even then, you may like to withdraw from the contest for several reasons. Such reasons may be personal or political. It is neither necessary nor possible to go into them. You may kindly note that the withdrawal of your candidature can be done only after the scrutiny of nominations is over and not at any stage before.

2. NOTICE OF WITHDRAWAL

If you have decided to withdraw your candidature even after your nomination paper has stood the test of scrutiny by the Returning Officer, then you must do so by a notice in writing and such notice shall be in form 5 appended to the Conduct of Elections Rules, 1961 (Appendix-IX). You will fill in this form very carefully and after you have signed, it must be delivered to the Returning Officer not later than 3 p.m. on the last date fixed under section 30 (C) for the withdrawal of candidatures by you in person or by any of your proposers or your election agent (duly appointed by you in the manner explained in Chapter-VI Such proposer or election agent presenting your notice of withdrawal should be authorized by you in this behalf in writing; otherwise, such notice will not be accepted by the Returning Officer. The notice of withdrawal should not, in any case, be sent by post.

3. REQUIREMENTS FOR VALID WITHDRAWAL

The points to be noted in this connection are repeated for your convenience;

- (a) the notice of withdrawal shall be in the prescribed form (Form 5);
- (b) it must be signed by you only and by no one else on your behalf;
- (c) it must be delivered to the Returning Officer not later than 3'O clock *in the afternoon* on the last date for withdrawal of candidatures; and
- (d) such delivery must be made either by you in person or by one of your proposers who signed your nomination paper as proposer or by your duly appointed election agent, but if it is delivered by your proposer or your election agent then such proposer or election agent must be authorized by your in writing in this behalf.

4. NOTICE OF WITHDRAWAL TO BE FINAL

You must also note very carefully that once you have given a notice of withdrawal of your candidature to Returning Officer, it becomes final under section 37 (2) of the Representation of the People Act, 1951 and you will not be allowed under any circumstances to cancel the notice. Therefore be very careful and circumspect before the notice of withdrawal is actually delivered to the Returning Officer.

5. But if you have decided to withdraw from the contest you have to take a particular care that all the conditions mentioned above are fulfilled. Otherwise, the withdrawal of your candidature will not be regarded as withdrawal in the eye of law and your

name will be included by the Returning Officer in the list of contesting candidates prepared by him under section 38 of the Representation of the People Act, 1951 with the result that even if you do not actually contest, you cannot get a refund of the money which you deposited along with your nomination paper and you will be required to file your account of election expenses. But if the notice of withdrawal is a good and valid one and accepted by the Returning Officer, then you will be entitled to get back the money you deposited along with your nomination paper and you need not file your account of election expenses.

6. RECEIPT OF NOTICE OF WITHDRAWAL

After the notice of withdrawal has been delivered by you or on your behalf by your proposer or election agent as authorized by you in writing, please wait there for some time to have the receipt for the notice of withdrawal. This receipt will be handed over to you by the Returning Officer. Do not leave the Office of the Returning Officer without getting this receipt because this receipt will help you in getting back your deposit money.

7. In this connection it may be pointed out that any corrupt withdrawal of candidature is a corrupt practice under the election law. In this connection your attention is drawn to section 123 (1) of the Representation of the People act, 1951.

8. **LIST OF CONTESTING CANDIDATES :** If you decided to contest the election and do not withdraw your candidature, you will be regarded as a contesting candidate. Immediately after 3 p.m. on the last date for the withdrawal of candidatures, the Returning Officer will proceed to allot different symbols to each contesting candidate in the manner explained in detail in paragraph 17 of Chapter-III. The Returning Officer will then draw a list of the contesting candidates, in form 7A which will show the names of contesting candidates, their addresses as given in the nomination papers and the symbols allotted to them. The Returning Officer will give a copy of such list to each contesting candidate or his election agent and will also cause a copy thereof to be published in a conspicuous place in his office. The list will also be published in the Gazette of India in the case of a parliamentary election, and in the State gazette concerned in the case of an assembly election.

9. ARRANGEMENT OF NAMES IN THE LIST OF CONTESTING CANDIDATES

9.1 As per the amended section 38 of the Representation of the People Act, 1951 and revised Form 4 (List of validly nominated candidates) and Form 7A (List of contesting candidates), names of candidates in the said lists are required to be arranged under three categories, i.e.

- (i) candidates of recognised National parties and State political parties in the State concerned,
- (ii) candidates of registered unrecognized political parties and

(iii) other (independent) candidates. Therefore, names of candidates will be arranged in the said lists and also on the ballot papers in the said order under these categories. It may be noted that names will be arranged alphabetically in each of the abovementioned three categories separately. (However, the headings of the abovementioned three categories as given in the revised Form 7A shall not appear on the ballot papers). The serial numbering will however be continuous for all three categories.

9.2 The Returning Officer will determine the arrangement of the names of candidates in alphabetical order in each of the three categories in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of name irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of a candidate shall be ignored for the aforesaid purpose. Thus in the case of a candidate giving his name as “T.K. Reddy”, the place of that candidate according to alphabetical order shall be determined with reference to the letter “R” and not “T”. However, if two candidates in the same category have the same names but different initials, for example P.S. Reddy and T.K. Reddy then the two names will be arranged inter-se with reference to the first letter of the initials. Further, if two or more such candidates have the same names but different surnames, then their names shall be arranged inter-se in alphabetical order with reference to the surnames.

9.3 Rules 22(3) and 30(3) of the Conduct of Elections Rules, 1961 provide that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In such cases, the arrangement of names of those candidates if falling under the same category in the list of validly nominated candidates and contesting candidates and in the ballot paper will be with reference to the distinguishing names of the candidates.

9.4 There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title shall on no account be taken into consideration, in the arrangement of names in alphabetical order in the list of validly nominated candidates or contesting candidates and in ballot paper.

9.5 The Returning Officer will arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of the language as specified or first specified in the third column of Directions No.3/4/2008/J.S.II, dated 16th September, 2008 and No. 3/4/2008/JS-II/SDR dated 6th February, 2009 (Appendix-XXXVII).

10. ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES

10.1 After the finalization of the list of contesting candidates, the Returning Officer will issue an identity card to each contesting candidates in the form given below: CANDIDATE'S IDENTITY CARD Shri.....is a contesting candidate for election of thefrom the constituency [and is set up by theparty. Photograph

Place.....Date.....Signature of the Candidate Attested

by.....(Returning Officer)N.B. If the candidate is set up by a State party or a National Party or a registered unrecognized party registered with the Commission, the Returning Officer will enter the name of the party, otherwise the bracketed portion in the form will be scored out.

10.2 The Commission has decided that in all elections, the identity cards issued to contesting candidates shall bear their photographs. For this purpose, you should furnish two copies of your recent photographs to Returning Officer as soon as after the list of contesting candidates is finalized on the last date for withdrawal of candidatures. The identity cards will be prepared in duplicate so that the duplicate copy is kept as office copy for the purposes of record by the Returning Officer one copy of the same duly attested will be supplied to you.

10.3 The Commission has decided that Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself will serve the purpose of such identity card. You should, therefore, affix the photographs also of your election agent on the right top portion of both the copies of his appointment letter in Form 8. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of your in para 10.2

10.4 You should not fail to collect your identity card from the Returning Officer and you should always keep it with you. During the election campaign, on the day of the poll and on the date of counting, there will arise various occasions, on which your identification as a candidate will be necessary and this identity card will readily establish your identity as a candidate.

Para 10.5 Supply of copy of list of polling stations to candidates
Each contesting candidate at an election shall be supplied, free of cost, with three copies of the list of polling stations for that constituency, immediately after the last date for withdrawal of candidatures. Copies should also be made available for sale at the price fixed and may be freely sold to all persons who demand copies.

CHAPTER – VI

ELECTION AGENTS

1. As a candidate, you may appoint any person other than yourself to be your election agent. It is not however incumbent on you to appoint an election agent. Such appointment may, if you so desire, be made at any time you like after you have been nominated as a candidate or not at all. Every such appointment has to be made by a formal communication in form 8 (Appendix -X) in duplicate by you and forwarded to the Returning Officer. The Returning Officer will retain one copy thereof and return the second copy to the election agent after affixing thereon his signature in token of his approval of the appointment.
- 2.1 Any person who is for the time being disqualified under the Constitution or under the Representation of the People Act, 1951 for being a member of either House of Parliament or either House of the Legislature of a state or for voting at election shall so long as the disqualification subsists, also be disqualified for being an election agent at any election.
- 2.2 FURTHER, THE COMMISSION HAS INSTRUCTED THAT THE MINISTERS OF THE UNION OR STATES AND MPs, MLAs, MLCs AND ANY OTHER PERSON PROVIDED WITH SECURITY COVER BY THE STATE SHALL NOT BE APPOINTED AS ELECTION AGENTS (AND ALSO AS POLLING AND COUNTING AGENTS) AS THE SECURITY PERSONNEL ACCOMPANYING THEM CANNOT BE PERMITTED TO ENTER POLLING STATION AND COUNTING CENTRE, NOR CAN THEIR SECURITY BE JEOPARDISED IN THE ABSENCE OF THEIR SECURITY PERSONNEL. *NO PERSON WITH SECURITY COVER CAN BE ALLOWED TO SURRENDER THE SECURITY COVER TO ENABLE HIM TO BECOME AN ELECTION AGENT.*
3. You may revoke the appointment of your election agent in writing in form 9 (Appendix - XI) under your signature by lodging the revocation with the Returning Officer. It shall operate from the date on which it is lodged with the Returning Officer. In the event of such revocation or the death of an election agent, you may appoint another election agent in his place. You should give notice of such appointment in writing in Form 8 to the Returning Officer and state the facts therein.
4. An election agent may perform such functions in connection with your election as are authorized by the Representation of the People Act, 1951 and the rules made there under. In particular, you or your election agent must keep a full day to day account of your election expenses incurred on each item duly supported by vouchers which should be lodged along with the account of election expenses. It is also pointed out that any corrupt practice (mentioned in section 123 of the R.P. Act,

1951) committed by your election agent will be regarded in law as having been committed by you and that will vitiate your election. Therefore, take proper care in selecting your election agent. Ask your election agent to carefully go through the provisions of section 123 of the act regarding corrupt practices. You are responsible for the actions done by him on your behalf.

Para 4.1 Appointment of Additional Election agent Every candidate is permitted to appoint an additional election agent for assisting the candidate in various expenditure matters. The prohibitions indicated in 2.1 and 2.2 would apply to the appointment of the additional election agent also. This additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties, the election agent is authorized to perform on behalf of the candidate, can be performed only by the Election agent.

5. The Commission has decided that Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself will serve the purpose of such identity card. You should affix the photographs also of your election agent on the right top portion of both the copies of his appointment letter in Form 8. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of yours in Para 10.2 of Chapter -V.

CHAPTER-VII

CAMPAIGN PERIOD

1 INTRODUCTORY

- 1.1 The election law provides for an interval of not less than thirteen clear days between the last dates fixed for the withdrawal of candidatures and the poll. This period should be properly utilized for canvassing and educating the voters and for training the large number of workers and agents that you will have to employ.
- 1.2 As you are a contesting candidate in a constituency where voting machines are going to be used for conducting the poll, you should utilize this period fully for educating the voters as to how they have to record their votes by means of these machines. Similarly, the persons proposed to be appointed by you as your polling and counting agents should also be asked to thoroughly acquaint themselves with the voting and counting procedure to be followed while using these machines. For their guidance, the Commission has brought out separate handbooks for them which they should study carefully.

2. CORRUPT PRACTICES AND ELECTORAL OFFENCES

- 2.1 While undertaking your electioneering campaign, you should ensure that the highest standard of morality and purity are maintained, as that would in turn ensure free and fair election. The most potent cause which tends to mar the smooth conduct of an election and disturb the atmosphere of friendly contest that should prevail during the elections, is the violation of the statutory provisions of election law relating to corrupt practices and electoral offences. The election law has enumerated various corrupt practices and electoral offences in sections 123 to 136 of the Representation of the People Act, 1951 and chapter IX-A of IPC. For your convenience, the above-mentioned provisions are reproduced in Appendix -XII. The commission of any such corrupt practices and offences by your agents and workers may vitiate your election. You should, therefore keep in check your overenthusiastic agents and workers from indulging in any objectionable activities. Even a single proved instance of corrupt practice may be enough to unseat you, if you are successful in the election.
- 2.2 In particular, do not permit, on your behalf:
 - (i) Any bribery or undue influence by way of coercion or intimidation of voters or otherwise or impersonation;
 - (ii) Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport (this is also a criminal offence);N.B. Even your party cannot arrange for such conveyance.

(iii) Any act to promote or attempt to promote on grounds of religion, caste, community or language, feeling of enmity or hatred between different classes of citizens of India is a corrupt practice and which may render your election void and entail disqualification for membership and which is also an electoral offence punishable with imprisonment for a term which may extend to three years, or with fine or both;

(iv) Any assistance from any government servant to help your prospects in the election, except that a government servant may, if he so desires, cast his vote for you ;N.B. Such assistance on the part of a Government servant is a corrupt practice as well as an offence. If you instigate him to do so, you will be liable criminally for abetment. Provided that where any person in the service of the Government and belonging to any of the specified classes in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities, or does any other act or thing, for or in relation to any candidate, or his election agent, or any other person, acting with the consent of the candidate, or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(v) your election expenses to exceed the legal maximum;

(vi) any removal of ballot paper or voting machine from the polling station or tampering with the ballot boxes or voting machines by use of force or otherwise (these are criminal offences);

(vii) any appeal by you or by your agent or any other person with your consent or with the consent of your election agent to vote or refrain from voting for any person on grounds of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of or appeal to National Symbols such as National flag or the National emblem which is a corrupt practice under the law. (However, no symbol allotted to a candidate shall be deemed to be a religious symbol or a National symbol);

(viii) the publication of any statement of fact which is false in relation to the personal character or conduct of any candidate;

(ix) booth capturing as defined in section 135A of the Representation of the People Act, 1951. Booth capturing is both a corrupt practice and an electoral offence punishable with imprisonment of not less than six months and up to two years and with fine.

3. MODEL CODE OF CONDUCT FOR GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

3.1 Apart from the abovementioned corrupt practices and electoral offences, the election campaigns may take different forms, which may create feelings of bitterness, irritation, confrontation and resentment among the various political parties and candidates and vitiate the atmosphere. For maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth election, the Commission

has devised a Model Code of Conduct for the guidance of political parties and candidates.

- 3.2 The model code of conduct comes into operation from the day the Commission announces the programme for election in your constituency. The code is reproduced in Appendix -XIII.
- 3.3 If this code is scrupulously followed by political parties and contesting candidates and also by their workers, there will be hardly any cause for ill-will or friction among them and the election can be conducted by the Officers charged with the task smoothly and fairly. These officers would thus require your co-operation in this noble task.

4. COMMITTEES FOR OBSERVANCE OF MODEL CODE OF CONDUCT

- 4.1 For the due observance of the above said Model Code of Conduct, the Commission has instructed that there should be standing committee in each district under the chairmanship of the head of the district administration i.e., Deputy Commissioner, District Magistrate, etc., and besides the senior police Officers of the district, the representatives of all National and State parties functioning in the district should be associated with such committees.
- 4.2 The Commission has also instructed that in addition to the aforesaid district Committees there should be constituted a similar committee in each constituency. This committee will function under the Returning Officer and will consist of all contesting candidates or their authorized representatives, beside the senior police officers. The committee will meet quite frequently, if possible from day to day. It will act as a watchdog to see that the Model Code of Conduct is followed. Any instances of violation of such code, which have come to your notice, should be reported by you to the committee for such remedial or punitive action as is considered necessary.

5. PROCESSIONS AND MEETINGS

- 5.1 You or your party should obtain well in time the required permission from the proper authority for the holding of a meeting at any public or private place. The Commission has issued instruction that all public maidens, meeting halls, etc. should be made available to all candidates equally and no undue favour or preference should be shown in this regard to the candidates of any particular political party. Temples, mosques, churches or other places of worship should not be used as forum for such meeting or for any election propaganda. Similarly, permission should also be obtained for conducting processions. The application should be made in time to enable the local police authorities to make necessary traffic and security arrangements. Taking out processions on the same roads or routes on which some other candidate is also taking out a procession on the same day should be avoided. Pictorial representations should be sober and moderate and of real educative value

to voters. A high standard of decency and decorum should be maintained while making speeches or raising slogans.5.2 No Loudspeakers should be used for any such meetings or processions or for general propaganda without prior written permission of the authorities concerned and beyond the hours fixed by the Commission in this behalf.

- 5.2.1 A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purposes, shall not be used at night between 10.00 p.m. and 6.00 a.m.
- 5.3 No Loudspeaker fitted on vehicles of any kind or in any other manner whatsoever should be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area.
- 5.4 **There is no restriction of number of vehicles which you may use for election campaign. However, no vehicle can be used without obtaining valid permission:** You should submit the details of all such vehicles that you may be using in the election campaign before the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences and should obtain permits in respect of such vehicles. Any further deployment of additional vehicles by you can take place only after you or your election agent have submitted details of such additional vehicles and obtain permits such additional vehicles well before the actual deployment. While submitting the details of the vehicles that are being deployed for election campaign the details of the areas in which such vehicles would operate, should also be furnished. **Expenditure incurred on all such vehicles which are used for election campaign shall be booked against the election expenditure of the candidate.**
- 5.5 Any vehicle which has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for you and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.
- 5.6 External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.
- 5.7 You should ensure that vehicles for the campaign purpose ply only with the prior approval of the Returning Officers and must display the permit issued in original (not photocopy) prominently on the windscreen. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.

- 5.8 You should intimate to District Administration 3 days prior to landing of Helicopter and persons travelling therein and obtain prior permission for the landing of such Helicopter.

for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections. Statement showing the details of wall-writings / posters / hoardings / banners, etc. Displayed by Shri / Smt. / Ms. _____, contesting candidate in _____ Parliamentary Constituency / Assembly Constituency Name of the Village / Town / Locality _____ S.No. Name and address of the owner of the private property from whom written permission has been obtained Details of **6(A)**

DEFACEMENT OF PUBLIC OR PRIVATE PROPERTY:

Many of the State/Union territories have laws to prevent the defacement of property, which term includes any building, structure, hut, wall, tree, fence, post, pole or any other erection. Defacement includes impairing or interfering with the appearance of beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever. The offence is cognizable and punishable with imprisonment or with or with both. You must ensure that you or your agents, etc. do not violate the provisions of this law and/on the general law relating to defacement of private or public property. The Election Commission of India issued, from time to time, instructions on defacement of Public and Private Properties. You should familiarize of the local law on defacement of properties and also following instructions of the Commission in the matter-

(i) DEFACEMENT OF PUBLIC PLACES:

(a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cut-outs, hoardings, banners flags etc. shall be permitted on any Government premise(including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

(b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premise) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(c) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political

parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

(ii) DEFACEMENT OF PRIVATE PLACES

- (a) In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.
- (b) If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law on the subject of prevention of defacement of property.
- (c) Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the following Performa. The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidates expenditure. The contesting candidate shall furnish such information village/locality/town wise ,to the Returning Officer, or the authorized officer within 3days of obtaining the requisite permission Wall -Writing or Hoardings or Banners or Poster(Size of wall writing/hoarding / banner /poster shall be indicated Expenditure incurred or likely to be incurred on the wall writing/ hoarding /banner / posters, etc.(Rs.)Total

(d) Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags ,cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount often rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

(iii) DEFACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES:

- (a) In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises.
- (b) If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under

the provisions of the general law for causing will full damage to the property of others).

(iv) DEFACEMENT OF VEHICLES:

(a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules there under and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.

(b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.

(c) External modification of vehicles including fitting of Loud speaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

(v) OTHER CAMPAIGN RELATED ITEMS: Subject to accounting for the expenditure, the following may be permitted:-

(a) In processions and rallies etc., flags, banners, cut outs etc. Can be carried subject to local laws and prohibitory orders in force;

(b) In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. By party/candidate is not permitted. (c) Educational institutions including their grounds {whether Govt aided, private or Govt.} shall not be used for political campaigns and rallies.

6(B) OPERATION OF TEMPORARY CAMPAIGN OFFICE: For the purpose of local campaign, you will be allowed set up and operate temporary campaign office subject to the following conditions:-

(a) No such office will be opened by way of any encroachment either of public or private property.

(b) No such offices will be opened in any religious places or campus of such religious places.

(c) No such offices will be opened contiguous to any educational institution/hospital.

(d) No Such offices will be opened within 200 meters of an existing polling station.

(e) Such offices can display only one party flag and banner with party symbols/photographs.

(f) The size of the banner used in such offices should not exceed '4 feet X8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc.; then the lower size prescribed by local law shall prevail.

7. VULNERABILITY MAPPING - PREVENTION OF INTIMIDATION TO THE VOTERS OF VULNERABLE SECTIONS OF ELECTORATE:

7.1 The threat and intimidation to the voters particularly, the voters from vulnerable sections of the society in some parts of the country has been a cause of concern. With a view to meet this challenge, the Election Commission has introduced the system of 'Vulnerability Mapping'. A free and fair election can be conducted only in a conducive atmosphere from the law and order point of view. Hence, it becomes imperative to keep track of the law and order situation during the run up to the election and on the poll day. Taking due cognizance of the role being played by the muscle power in the elections and taking into account of certain prevailing socio economic realities of the electoral politics, the Election Commission has issued the following instructions to curb the menace of threat and intimidation at elections by identifying the locations within a polling station area vulnerable for such threat and intimidation.

7.2 An exercise to identify the villages/ hamlets/habitats and segments of electorate vulnerable to any threat, intimidation or interference with the free exercise of electoral right shall be taken up polling station wise. The sector officers for their respective polling stations shall do this exercise by visiting the catchment area of the polling stations. The local *Thana* officer (SHO) and local civil authorities such as BDO / Tehsildar shall also be consulted and their inputs taken into account before finalizing the list. They should identify the source of such threat/ intimidation and identify the names of persons who are likely to spearhead such offence of undue influence. While doing this exercise they shall take into account the past incidents, and current apprehensions.

7.3 They shall identify some point of contact within the habitat/ community vulnerable for such undue influence so that information related to such developments can be tracked constantly.

7.4 The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency ,polling station wise the following format."Format for Collection of Information on Vulnerable Hamlets District:_____ Constituency: _____Polling Station no. and Name Names of hamlets covered by the P.S. Name of Hamlets identified as

vulnerable Name of persons identified as probable source of trouble Remarks(Type of Threat, e.g. caste domination ,communal tension, criminal gangs etc)1 2 3 4 5“

- 7.5 The DEO and SP shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for the free and fair poll.
- 7.6 The DEO/ RO shall interact with the candidates and representatives of political parties to gather regular feedback. The District Intelligence shall give regular feedback on the subject to the DEO through SP.
- 7.7 Upon the arrival of the Observers the DEO/ RO shall hand over the details of the polling station wise vulnerability mapping for the relevant Assembly Constituency. The Observer will also visit such locations and interact with the voters and constantly monitor the developments.
- 7.8 The District Election Officer and Superintendent of Police of the District should hold a joint review on the subject and finalize a focused action plan to deal with the potential threats and intimidation points identified. The action plan may include, inter-alia, binding the identified trouble mongers under appropriate sections of the law, preventive detention if required, forcing their appearance in local police stations at reasonable intervals to ensure their good behavior, placement of police pickets, regular confidence building visits etc. It has to be ensured that all such measures are undertaken in absolutely non-partisan manner without fear or favour towards any particular party.
- 7.9 The Zonal/ and sector arrangements to monitor the events on the poll day shall take such pre-identified vulnerable locations into account for effective tracking. If the normal sector route map does not cover the vulnerable locations special arrangements shall be made for this purpose. The Sector officers shall make regular visits to those villages and hamlets in advance and collect information and keep the senior officers informed.
- 7.10 Where there is a cluster of such vulnerable pockets, the DEO shall arrange for dedicated police teams/squads and locate them at convenient locations in the vicinity, to be pressed into service for action on the day of poll without any loss of time. It should invariably form part of the district security plan.
- 7.11 On the day of poll, the sector officers shall give special attention to verify whether voters from the vulnerable habitats/ communities are turning up for voting or not. In case, they find (it can be gauged from the marked copy of the electoral roll where voters who have voted are ticked) that some section of voters is conspicuously absent, then they should inform the Returning Officer about this immediately. The Returning Officer and DEO shall dispatch the dedicated squad specifically meant for

this purpose, to ascertain, by a visit to the area/hamlet, that there is no hindrance – overt or covert – in movement of that section of voters. They should closely monitor the developments and initiate effective interventions. After the closing hours on the poll day, the sector officers shall submit a special report, polling station wise, in writing to the Returning Officers indicating as to whether voters from the vulnerable habitats were able to vote or not.

- 7.12 At the time of dispatch of the polling parties at the Dispatch Centers, the Retruning Officer should brief the Presiding Officer concerned about the vulnerable locations within the Polling Station area. In the electoral roll the Section within the Part should also be marked for proper monitoring. The Presiding officers shall submit a report indicating abnormally low percentage of voter turnout if any within any section/sections, particularly, with reference to the vulnerable locations.
- 7.13 During the poll, the Observers and other senior officers while visiting the polling station shall pay a special attention to this problem and find out whether any undue influence, intimidation/ obstruction is being caused.
- 7.14 The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary police pickets shall be established to ensure free access to all voters to cast their votes without fear.
- 7.15 The Commanders/Assistant Commanders of the CPMF shall be given a list of such vulnerable locations. Wherever CPMF arrives in advance for area domination, special attention shall be given for such locations. On the day of poll the Commanders/Assistant Commanders shall make it a point to visit such vulnerable pockets as a confidence building measure. In case they come across any obstruction they shall take note of that and immediately inform any of the electoral officials such as RO/DEO/SP/Observer/Sector Officer and keep a note of the time of their intimidation.
- 7.16 If any complaint is received or information gathered from any sources about obstruction/threat to any voter/voters the same shall be enquired into by the local administration without any delay.
- 7.17 The Returning Officer shall take the inputs on mass scale intimidation/threat/obstruction if any into consideration while submitting their report after the poll.
- 7.18 The Observers shall give their full attention to this issue and verify at every stage (before poll/on poll day) and submit reports to the Commission from time to time. A special mention shall be made about this in their final report. Apart from this they should make an intelligent reading of the Form 17A and the marked copy of the electoral roll used in the polling stations at the time of Form 17A scrutiny, ordered if any, by the Commission after the poll.

- 7.19 The accountability of various police and civil officials for vulnerability mapping and follow up at every stage shall be clearly defined with reference to each polling station/constituency. Severe disciplinary action will be initiated in case of dereliction of duty on the part of any police/civil officials in this matter.
- 7.20. The election Commission has issued detailed instructions on vulnerability mapping as per letter Number 464/Instructions/EPS/2011 dated 5.3.2011
- 7.21. The Commission has considered the issue of providing full protection and opportunity to electors of vulnerable areas and locations. The Commission has directed that on the day(s) of poll, the Sector Magistrates and the mobile state forces should visit at least twice such villages/hamlets/dwelling areas which are identified as vulnerable areas and where there are reports of possible intimidation of the voters. The Sector Magistrates and mobile state forces during their visit to these areas will ensure that wherever required, adequate security cover is provided to such vulnerable voters.
- 7.22. Security and law and order .Sensitivity The exercise of 'Security and Law & Order-Sensitivity Analysis' is to be carried in every district of the state under the leadership of the District Election Officer. The DEO should take all needed support for this analysis from the police and other officers, including the Returning Officers and Sector Officers/ Sector Magistrates.

8. PROHIBITION OF PUBLIC MEETINGS AND PROCESSIONS DURING 48HOURS IMMEDIATELY BEFORE THE CLOSE OF THE POLL:

- 8.1 The law provides that no person shall –
 - (a) Convene, hold, attend, join or address any public meeting or procession in connection with an election; or
 - (b) Display to the public any election matter by means of cinematograph, television or other similar apparatus; or
 - (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public there to, In any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- 8.2 Any person who contravenes the above provisions shall be punishable with imprisonment for a term, which may extend to two years or with fine, or with both.
- 8.3 The expression "election matter" means any matter intended or calculated to influence or affect the result of an election.8.4 You should keep these provisions in view while holding public meetings, or taking on any processions, etc.

10. DISTURBANCE IN THE PUBLIC MEETINGS:

If any supporter of a rival candidate or any one opposed to you or your party creates disturbance in any of your election meetings, the chairman of the meeting may request any police officer who may be present to ascertain the name and address of the person who disturbs the meeting. The police will take action to prosecute the offender under section 127 of the Representation of the People Act, 1951 which has been reproduced at Appendix -XII. The offence under section 127 is cognizable. Similarly, your workers, agents and supporters should also be told not to disturb public meeting of rival candidates.

11. STRICT OBSERVANCE OF CODE OF CONDUCT - DO'S AND DONT'S FOR OBSERVANCE OF POLITICAL PARTIES AND CANDIDATES:

As already mentioned in Chapter - IV, the Commission has given two sets of Do's and Don'ts for guidance of political parties and candidates for ensuring free, fair and peaceful elections (vide Appendices - VIIIA and VIIIB). Ensure that not only you but the political party, if any, which has set you up, your agents, workers, supporters and sympathizers also observe those Do's and Don'ts strictly from the time the elections are announced and till their completion.

12. RESTRICTIONS ON PRINTING AND PUBLISHING OF ELECTION PAMPHLETS

11.1 Your attention is also invited to section 127-A of the Representation of the People Act, 1951 which imposes restrictions on the printing and publishing of election pamphlets and posters. This section provides that-

(a) Every election pamphlet, hand-bill, placard or poster, which is printed or multi graphed by any process (except copying by hand), must bear on the front the name and address of the printer and the name and address of the publishers:

(c) the printer of any such document must obtain from the intending publisher a declaration (in duplicate) regarding his identity signed by him and attested by two persons to whom he is personally known (Annexure-A of Appendix -XIV).

(c) As soon as the document is printed the printer must send one copy of the declaration and one copy of the document to the Chief Electoral Officer, if the document is printed at the capital of the State, and to the District Magistrate of the district in which it is printed in any other case;

(d) Contravention of any of the provisions of the section is punishable with imprisonment up to six months or fine up to two thousand rupees or with both;

(e) These restrictions however do not apply to any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

11.2 In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law the Commission has issued detailed order on 2.9.94 (Appendix - XIV). The order mainly provides as follows:-

(a) The printer should send four copies of the printed material, instead of one as mentioned in sub-para (c) above and one copy of the declaration of the publisher to the chief electoral Officer/District Magistrate within 3 days of its printing, the failure of which should be treated as a violation of the above provisions.

(b) The printer should furnish along with the declaration and copies of the printed material, full particulars regarding number of copies of the pamphlets, etc., printed and the price charged for such job in the proforma prescribed by the Commission, duly signed and authenticated by such printer. A copy of the proforma prescribed for the purpose is reproduced in Annexure-B of Appendix -XIV.

(c) The District Magistrates shall exhibit at some conspicuous place in their office all the election posters, pamphlets, etc., received by them from the printing press so that the candidates and other interested persons may be able to check in respect of which documents the requirements of law have been complied with so as to enable them to bring to the notice of the authorities concerned the cases of other election posters, pamphlets etc., in respect of which the above requirement of law have been violated.

(d) The Chief Electoral Officers shall also do like-wise in respect of such documents received by them.

(e) The District Magistrates and other authorities charged with the detection and investigation of offences have been instructed that they should initiate prompt action and investigation, if any case of publication of election poster, pamphlet, etc. in violation of the above mentioned provisions of section 127-A of the Representation of the People Act, 1951 either comes, or is brought, to their notice. In all such cases, prosecutions should be launched against the offenders expeditiously.

11.3 In recent times, the Election Commission of India has observed the trend that the advertisements are brought out in print media, especially news papers, for and against particular political parties and candidates, some surrogate and some under the name of some organization during the election period. In order that there is

strict observance of and compliance with, the requirement of the provisions of Section 127-A of Representation of People Act, 1951, the Commission has issued following orders –

(a) In the case of advertisements, the source of which is traceable, the following action shall be taken: -

(i) if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s);

(ii) if the advertisement is not with the authority from the candidate, then action shall be taken for prosecution of the publisher for violation of Section 171 H of IPC-(incurring expenditure in advertisement without written authority from the candidate(s)concerned).

(b) If the identity of the publisher is not indicated in the advertisement, then the District Election Officer/Returning Officer shall contact and get the information from the Newspaper concerned, and shall take appropriate action, as above.

11.4 You must see that all the above requirements of law and the Commission' s directives are invariably complied with in respect of the election pamphlets and posters printed and published by you or on your behalf. This is essential for ensuring healthy election campaigns and maintaining purity of elections. Also, don't hesitate to report to the authorities concerned any instances, which come to your notice or knowledge about the publication of any election posters or pamphlets in contravention of the above provisions of law.

13. PROHIBITION OF MISUSE OF SHORT MESSAGE SERVICES (SMSs):

In recent times, the Election Commission of India has also observed a trend of transmitting certain objectionable messages on Short Message Services(SMSs) by some persons to vested interests during the elections by violating the provisions of election law, model code of conduct and its directions/instructions issued in this behalf. By the aforesaid acts, the atmosphere for free, fair and peaceful elections process gets vitiating. The Election Commission of India has issued the following directions in the matter:-

(i) For objectionable SMSs, which are violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf, the Police Authorities shall advertise special mobile numbers on which the receiver of such SMS can forward the said SMS (along with the number of the sender of the objectionable SMS). The Police Authorities shall initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation of the

People Act 1951, the Conduct of Election Rules, 1961, instructions/directions issued there under by the Commission and any other law applicable in the case.

(ii) Bulk SMS(es) transmitted during the campaign period as an alternative electioneering, as and when noticed by Returning Officer or District Election Officer will be brought to the notice of Chief Electoral Officer, who in turn, will find out the cost involved from the Service Provider and apportion it to the candidate or candidates concerned as the case may be.

(iii) There shall be prohibition of transmitting bulk SMSs of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll.

14. RESTRICTIONS ON PRESENCE OF POLITICAL FUNCTIONARIES IN A CONSTITUENCY AFTER THE CAMPAIGN PERIOD ARE OVER:

Your attention is also invited to Section 126 of the Representation of the People Act, 1951, which imposes restrictions for campaigning during the period of 48 hours ending for the close of poll. Hence, the Commission has issued instructions that after the campaign period is over, the district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. However, the said restriction is not insisted upon during the general elections to Lok Sabha/State Legislative Assembly only in respect of the office bearer of Political Party who is in-charge of the State. Such office bearer of the political party shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable in case of all other office bearers in all elections.

14. UNOFFICIAL IDENTITY SLIPS

14.1 The political parties/candidates may issue unofficial identity slips containing the following information to the voters-

(i) the name and serial number of the voter in the electoral roll;

(ii) the number of the part of the electoral roll;

(iii) the serial number and name of the polling station; and

(iv) date of poll.

14.2 The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or the election symbol of the candidate or his party. The slips should not also contain any slogans or any exhortation to vote

for a party or for a candidate since these slips if carried by the voters to the polling stations would amount to canvassing within the polling station, which is not permissible. The circulation of any slips within 100 meters of the polling station would also amount to canvassing which is not permissible under the law. Two samples of identity slips are given below for your guidance: Samples of unofficial identity slips issued to voters for political parties for bye election in Perundurai Assembly Constituency in Tamil Nadu State:- Perundurai Polling station School Assembly Constituency Part No. 14 Voter's No. 1653 Name Father's/Husband's name..... Address: Date of Poll:..... Serial No.: 2284 House No.: 19 Name: 64 Father's Name:..... Women-25 Age:..... Date of Poll: Women22

15. **POLLING REHEARSALS:** You may arrange for your polling agent to attend polling rehearsals in their respective areas so that they may get familiar with the polling procedure and the operation of voting machines.
16. **EDUCATING THE ELECTORS ABOUT THE VOTING PROCEDURE:**
 - 16.1 Your workers should educate the electors about the voting procedure and, in particular, the manner of recording of votes by means of voting machines. The electors should be advised to use the voting machines and to give their signatures or thumb impressions without any fear. They should be informed that this will not in any way violate the secrecy of their vote or disclose their identity, as the packets of registers of voters containing the signatures/thumb impressions of electors will be sealed, immediately after the close of the poll, with the seals of the Presiding Officers and polling agents of the candidates and such sealed packets shall not thereafter be opened or inspected by any person except under the order of a competent court.
 - 16.2 Your workers should also familiarize the electors about the other details of voting procedure followed at the polling station. The elector should be informed that after an elector's name is located in the electoral roll and his identity established, his left forefinger will be marked with indelible ink. The Commission has now changed the manner of application of indelible ink on the elector's finger. Now the indelible ink will be applied on voter's left hand forefinger as a line from the top end of the nail to the bottom of the first joint of the left forefinger as shown in the diagram below:- He will then be required to give his signature or thumb impression on the register of voters. If he puts his thumb impression on the register, he should clean his thumb with the help of a piece of wet cloth or rag provided on the table of the polling officer. This will be necessary to avoid any possible smudge on the voting machine. The electors must be informed about the new manner of marking of the left hand

forefinger, so that they may not raise any objection to it at the polling station. The Polling Officer in charge of the control unit of the voting machine will then allow the elector to record his vote on ballot unit kept in the screened voting compartment on the basis of this voter's slip. For this purpose, the polling officer will press the Ballot button on the control unit which will activate the ballot unit to record the vote. The elector will record his vote by simply pressing the 'Candidate' button on the ballot unit against the name and symbol of the candidate of his choice. On pressing the said button, the voter will see a red lamp glowing against the name and symbol of the candidate whose button he has pressed and will also hear a beep sound emitting from the control unit. These audio and visual indications are confirmation of the fact that his vote has been duly recorded for the candidate of his choice.

17. DUMMY BALLOT PAPER

You may print dummy ballot papers using your own name and symbol and indicating the place where it would appear on the actual ballot paper, which will be displayed on the ballot unit. The dummy ballot paper should not, however, contain the actual names and symbols of the other contesting candidates in the constituency. They can be printed on any colour other than pink and white, such as, brown, yellow or grey. You must make sure that dummy ballot papers do not resemble the genuine ballot papers in size and colour.

18. DUMMY BALLOT UNITS

18.1 There is also no objection to your preparing dummy ballot units for the purpose of educating the voters. The dummy ballot units may be made of wooden, plastic or ply board boxes, half the size of the official ballot units and may be painted brown, yellow or grey. These dummy ballot units may have provision for showing your serial no., name and symbol as in dummy ballot paper. It may also have a battery operated button and a lamp which may burn on the button being pressed.

18.2 PRINTED SAMPLE OF EVM AT POLLING STATION:

In order to explain to the illiterate voters about how to use the EVM, the Commission has issued the following instructions –

a). A printed sample of EVM ballot unit pasted on a cardboard (real size) will be supplied to all the presiding officers. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in

color so that 'blue button' 'green light' and 'red light' etc are clearly represented.

b). Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.

c). The Presiding Officer or other polling staff shall not frequent the voting Compartment as that may give scope for complaints.

d). In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU) but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

19. SYMBOL

For the convenience of the voters, you may print copies of your symbol and distribute them, but the voters cannot carry with them the paper containing the symbol to the polling station.

20. LIST OF DEAD, ABSENTEE, SHIFTED AND DUPLICATE VOTERS

20.1 In recent time, the Election Commission of India has noticed that on the day of poll, some time persons come to the polling station to vote in the name of voters who are dead or shifted to other places. In the course of canvassing for votes on your behalf, your workers and agents may find that some of the voters whose names appear in the electoral roll are dead, that some voters may have more or less permanently left the locality. Your workers may be asked to prepare a list of such dead, absentee or shifted and duplicate voters for each polling station separately. If possible get a list of such voters agreed to by all the contesting candidates and arrange to deliver the agreed list to the Returning Officer at least 7 days before the first day of the poll in the constituency. Even if the list cannot be agreed to by all the contesting candidates, get as many of them to agree as possible, or, failing even that, supply the Returning Officer with your own list.

20.1(a) In order to prevent impersonation at the time of poll, the Commission has issued the following directions A list of ASD voters should be prepared polling station wise and it should be ensured that each presiding officer should be provided with a separate list of Absentee, Shifted and Duplicate electors(ASD List) On the day of poll in order to cast vote, the elector, who is in such list, shall have to produce EPIC for his identification or any one of the alternative photo documents, if any permitted by the commission. The presiding officer shall verify the identification document personally and the details properly registered by the polling officer concerned in the register of voters in Form 17A Thumb impression of such electors shall also be obtained in addition to signature against the column of "signature/thumb impression" of Register of voters (Form 17A). The thumb impression shall be in addition to the signature even in the case of an elector who is literate and can sign. Presiding Officer shall maintain a record of such cases and give a certificate at the end of the poll (to be kept with Form 17A for scrutiny) that so many electors from the list of absentee and shifted electors were allowed to vote after proper scrutiny. Wherever possible, such electors may be photographed and records kept.

(b) Micro Observers, who are present, should ensure that the instructions with regard to Absentee, Shifted and Duplicate electors are meticulously followed. The presiding Officer shall be briefed specially about the procedures to be followed in polling stations for electors who are in the list of Absentee, Shifted and Duplicate electors The Election commission has directed that identification of overseas electors at the time of casting of votes at polling station shall be done only on the basis of original passports produced by them. 20.1(b) The voters slip collected from the voters should be tagged serially and after the completion of the poll the same should be kept in a separate envelope provided for the purpose

20.2 The list should be correctly prepared. Care should be taken that the name of no real voter is included therein. It will cause annoyance if any real voter is wrongly included in the list of dead, absentee or shifted and duplicate voters and his right to vote is questioned at the polling station.

20.3 Hand over to your polling agent for each polling station a copy of the list of such dead, absentee or shifted and duplicate bogus voters for that polling station so that he may watch for any person coming to vote in the name of any such voter on the polling day and may draw the attention of the Presiding Officer to the fact. 20.4 By following the above instructions diligently, you will not only help yourself but also assist the election authorities materially in preventing bogus voting.

21. DEATH OF A CANDIDATE BEFORE POLL

- 21.1 The law (Section 52 of R.P. Act, 1951), which earlier provided for countermanding of election on the death of any candidate has recently undergone a significant change by the Representation of the People(Amendment) Act, 1996. As per the amended Section 52 only in the event of death of a candidate set up by a recognised political party in the following circumstances the poll shall be adjourned:-
- (a) The said candidate dies at any time after 11.00 a.m. on the last date for making nomination and his nomination is found valid on scrutiny under section 36; or
 - (b) his nomination has been found valid on scrutiny under section 36 and he has not withdrawn his candidature under section 37, and he dies, and in either case a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or
 - (c) he dies as a contesting candidate and a report of his death is received before the commencement of the poll.
- 21.2 The Returning Officer on being satisfied about the fact of the death of the candidate, will order the adjournment of the poll to a date to be notified later by the Election Commission.
- 21.3 In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll will be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by recognised political party only if all the requirements mentioned in para 13 of the Election Symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A; and 'B' by the time of the death of the candidate, the candidate shall not be deemed to have been set up by a recognised political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation by 3.00 p.m. of the day (as required under para 13 of the Symbols Order) cannot be accepted.
- 21.4 Another important point to note in this connection is that recognised political party, for the purpose of section 52 of Representation of the People Act, 1951, means a recognised National party or a party recognised as a State Party in the State concerned. A party recognised as a State Party in a particular State will be treated only as a registered un-recognised party in other State where it is not recognised as State Party, even if that party has been granted concession to use its symbol in other States. Therefore, poll will not be adjourned on the death of a candidate set up by such a party.
- 21.5 On receipt of the report from the Returning Officer about the death of the candidate set up by a recognised political party, the Election Commission will call upon the

concerned political party to nominate another candidate for the said election in place of the deceased candidate. The political party will have to make the nomination within seven days of the issue of notice to that effect by the Election Commission. Nomination of such candidate will also be done in the prescribed form (i.e., Form 2A or 2B, as the case may be) and he will also have to make a fresh security deposit. The nomination in the prescribed form should also be accompanied by the required intimation from the party in Form A and Form B prescribed under paragraph 13 of the Election Symbols(Reservation & Allotment) Order, 1968. All other requirements of law relating to nomination, scrutiny of nomination, withdrawal of candidature in respect of such candidate have also to be followed.

- 21.6 A person who had given a notice of withdrawal of his candidature under subsection(1) of section 37 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.
- 21.7 If the list of contesting candidates had already been published under section38, before the adjournment of poll the Returning Officer will prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.21.8 Further stages of the election will continue as per the revised schedule notified by the Commission.

CHAPTER – VIII
VIDEOGRAPHY OF CRITICAL EVENTS

1. In order to have a true, faithful and concurrent record of the violations of the election law and its standing instructions and to assess the impact of its corrective measures, the Election Commission has issued the following instructions.
 - 2.1 Returning Officer of each constituency shall make arrangements to record through videography of critical events during the process of electioneering, including but not restricted to the period of public campaign, the day of poll, the transport and receipt of polled ballot boxes and other materials, counting of votes and the declaration of results in an independent intelligent and purposeful manner.
 - 2.2 For this purpose, the Returning Officers may make use of video cameras and crew available with the Governmental or semi-Governmental agencies within their jurisdiction or hire local private professional Videographers.
 - 2.3 The Returning Officer shall, while programming the itinerary of the Video teams, take into account the number of electors, the size of the constituency, the number of sensitive polling stations, previous history of booth capturing and other malpractices, the general law and order situation, the likelihood of commission of corrupt practices and electoral offences and other related factors.
 - 2.4 On the basis of his assessment, the Returning Officer should decide the number of video teams needed. The Commission has not prescribed any maximum or minimum number of video teams for an assembly/parliamentary constituency and has left it to the discretion of the Returning Officers on a correct appreciation of the factors mentioned above.
 - 2.5 The Commission has issued the following instructions in the matter of selection of Videographers and their deployment:-
 - 3.1 The private videographers to be hired shall be screened thoroughly as to their professional competence, track record, financial viability and other related factors.
 - 3.2 The videographers should not belong to any political party and should not be known sympathizers or supporters or close relatives of any of the contesting candidates or any of the leaders of any political party or should not have been hired by any political party or contesting candidate.
 - 3.3 The Returning Officer is required to provide tea, snacks food etc. to the videographers and they shall not be left to fend for themselves while on duty. It shall be ensured

that the videographers DO NOT accept the hospitality of any contesting candidate or political party or their workers.

- 3.4 Video teams should be under the personal supervision and guidance of a senior election related officer.
- 3.5 As and when required the video teams may be asked to accompany the General/Election Expenditure Observers so that all critical events observed by them may also be videotaped.
- 3.6 The videographers shall be impressed that the principle behind the scheme is to record and videotape critical events only which are likely to vitiate the poll and not to just videotape all events in a routine manner in order to fill the cassette.
- 4 Following items should be considered for special watch and videography –• Meeting addressed/attended by Ministers, top national/State level leaders of recognized parties. • Riots or riotous situations or commotions brick batting, free-for-all etc. • Violent incidents, damaging of property, looting, arson, brandishing of arms etc. • Booth capturing. • Intimidation of voters. • Inducement / bribing of voters by distribution of items like saree, dhoti, blankets etc. • Canvassing within 100 meters of polling stations. • Vulgar display of expenditure like huge cut outs etc. • Movement and activities of candidates with doubtful / criminal records • Hypersensitive & sensitive polling stations • Important events such as nomination, scrutiny and withdrawal of candidatures • Preparation of EVMs by ROs • Closure of strong room after deposit of EVMs there in • Opening of strong rooms before taking out the EVMs for counting • Counting process Note: These are illustrative and not exhaustive. All video and digital photography should be done with date and time recording so that the real time and date can be verified
5. The video films thus prepared shall be viewed by the Returning Officer immediately to identify whether any of the organizers / speakers or other participants of the public meeting has committed any violations or infractions of statutory provisions and directions of the Commission or Model Code of Conduct relating to the conduct of elections.
6. In cases where the Returning Officer is himself competent, immediate corrective action including disciplinary action against all those found guilty shall be taken and the Commission informed of the same.
7. In cases of serious infringements, which the Returning Officer in his judgment decides to report to the Commission, a copy of the videotape concerned will be forwarded to the Commission by quickest means possible. The tapes will be carefully indexed and accompanied by a brief explanatory note of the infringement towards which the attention of the Commission is proposed to be invited. The

explanatory note shall invariably mention the broad details of the violations, the persons responsible for the same and the action recommended.

8. The video graphic clippings are required to be shown to one of the Observers available in the Constituency on a daily basis to enable him apprise the Commission of the situation prevailing in a particular constituency so that remedial measures, if any needed, can be taken promptly.
9. While seeking the clearance of the Commission for taking up of the counting of the votes and declaration of the results, the Returning Officer must include a categorical statement to the effect that all infringements observed in the video graphed events have been appropriately and completely disposed of.
- 10.1 In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other) the Commission directs that photography may now be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting. For such photography, arrangements will be made by the respective District Election Officer (DEO) in consultation with the Chief Electoral Officer
- 10.2 In particular cases where the Commission has specifically directed video/digital photography of voters in identified area/assembly segments/polling stations, care should be taken to ensure that faces of all electors coming to cast their vote but not having EPIC or other ECI approved photo identity card, is captured in same sequence as they are entered in form 17-A i.e. Register of Voters. The photograph of electors shall be taken immediately after an entry has been made in form 17-A.
- 10.3 Critical events in and around the polling station should also be captured on video/digital camera in such polling stations. For example, • Mock poll and sealing of EVM before commencement of polls • Positioning of voting compartment • Presence of polling agents • Voters waiting outside at the close of scheduled hour of poll and the last voter in queue • Visits of sector officers, observers and other electoral functionaries etc.
- 10.4 The District Election Officers will issue digital cameras to the trained officers selected for the purpose under proper receipt for covering the specified polling station. These officers will capture the photographs of electors as indicated above during the period of poll and at the end of poll shall issue a certificate that "I have captured photographs of all electors who voted at polling station number ___ on date ___ and total number of photographs in the camera are ___".
- 10.5 After completion of poll the officer who did the photography shall deposit the camera along with the above certificate at a separate counter to be erected for the purpose at collection center. These officers will be given proper duty passes to enable them to do photography inside the polling station. On receipt of such

cameras District Election Officer shall make arrangements for downloading the photographs and their comparison. The Returning Officers and Observers will use the results of photo matching while making their commendations for repoll. The downloaded data in respect of all polling stations will be kept by the DEOs in CDs for later use. The cameras will be cleared after downloading the photographs and their comparison for use in subsequent phases or elections as per the instructions issued by the Chief Electoral Officer in this respect.

- 10.6 The training of personnel who will be engaged in digital photography inside the polling stations shall be arranged by the Chief Electoral Officer. The Chief Electoral Officer/District Election Officers will make sure that enough batteries are available for operation of cameras in remote areas. All 2nd Polling Officers, all Presiding Officers, all AROs/ ROs/ DEOs/ Observers/ Candidates and political parties should be apprised of these arrangements.
- 11.1 Each and every video cassette produced in compliance with the orders of the Commission shall form a part of the record of the concerned election and stored as such with due precautions for its safety until it is weeded out with the prior written approval of the Commission and in the manner prescribed, as in the case of other records of the election.
- 11.2 All such video-cassettes will be in the custody of the District Election Officer concerned as in the case of all other election related records.
- 11.3 Each videotape shall be indexed with a uniform code number in the following standard formulation: State/District/AC/Date of recording/Gist of event videographed
- 11.4 The locking seal of cassettes will be kept in tact and not broken, so that copying of the contents of cassette on another cassette does become impossible, but shall be covered by a tape before consigning the cassette for storage with a view to preventing accidental erasing of contents, editing, manipulation, etc.
- 11.5 In pursuance of rule 93(2) read with section 76 of the Indian Evidence Act,1872, the Commission has issued the following directions.
 - 11.5.1 Inspection –
 - (a) Every application for inspection of a videocassette shall be made in writing and should contain the full particulars concerning the cassette of which inspection is required,
 - (b) an inspection of the cassette shall be allowed to any person applying for the same on payment of Rs. 25/- per hour of inspection or part thereof unless inspection is required to be made urgently in which case the fee shall be Rs. 50/-
 - (c) Inspection on an ordinary application shall be allowed on the date following the date on which the application is made or on a subsequent day and inspection on an urgent application shall be made on the same day.

11.5.2 Certified copy –

(a) Certified print of the video cassette shall be given to any person applying for the same on payment of Rs. 25/- as application fee and the actual cost of copying as may be locally applicable. The application should establish the right of the applicant for inspection or for supply of certified copies- (prints) and for that purpose should clearly disclose that the applicant has a direct and tangible interest in the videocassette and the nature of such interest.

(b) No fee shall be charged when inspection or certified copy (print) of a cassette is required for official purposes. To avoid removal of any footage of the cassette or damage or mutilation of the cassette, effective supervision by officials shall be ensured and simultaneous inspection by a large number of persons shall not be allowed.

11.6 The video cassettes will be made available for inspection in the office of the District Election Officer or Chief Electoral Officer as the case may be;

11.7 No guarantee for authenticity and veracity of the contents of the cassettes will be undertaken under any circumstances and these will be made available on 'as is' basis.

CHAPTER - IX

INTRODUCTION OF VOTING MACHINE SYSTEM IN PARLIAMENTARY AND ASSEMBLY ELECTIONS

1. INTRODUCTORY

1.1 Elections to the House of the People and the State Legislative Assemblies from parliamentary and assembly constituencies have hitherto been held under the traditional system of ballot papers and ballot boxes. The Election Commission has been trying to bring improvements in the election procedures taking advantage of the scientific and technological advancements. On a suggestion from the Commission, two Central Government Undertakings, namely, Electronics Corporation of India Limited (ECIL), Hyderabad and Bharat Electronics Limited (BEL), Bangalore have produced electronic voting machines. The electronic voting machine (thereinafter referred to as voting machine) so produced is a very versatile and reliable system for conduct of elections. The voting machine has been designed keeping in view the present system under which ballot papers and ballot boxes are used.

1.2 The Supreme Court observed in the case of *A.C. Jose Vs. Sivan Pillai and others* (AIR 1984 SC 921) that the use of voting machines at elections to the House of the People and State Legislative Assemblies required statutory sanction. Parliament has given the required statutory sanction by inserting Section 61A in the Representation of the People Act, 1951 by the Representation of People (Amendment) Act, 1988 (1 of 1989) w.e.f. 15.3.1989. That section is reproduced below:- “61A — Voting Machines At elections — Notwithstanding anything contained in this Act or the rules made there under, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Election Commission may, having regard to the circumstances of each case, specify. Explanation — For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made there under shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.”

1.3 The use of the voting machines also required consequential changes in the Conduct of Elections Rules, 1961 which make detailed provisions for conduct of poll at the polling stations and counting of votes. Necessary changes in the said Rules have been made by the Conduct of Elections (Amendment) Rules, 1992 promulgated w.e.f. 24.3.1992. By these amending Rules, a new Chapter II in Part IV containing rules 49A to 49X has been inserted after rule 49 making detailed provisions for the conduct of poll at the polling stations where electronic voting machines are used.

Further, a new rule 66A has been inserted after rule 66, making provisions for the counting of votes recorded by means of voting machines. By these amending Rules, new Forms 17A, 17B and 17C have also been inserted after Form 17 appended to the Conduct of Elections Rules, 1961.

2. **BRIEF INTRODUCTION TO VOTING MACHINE****2.1:** From 2004 onwards, all elections to the Lok Sabha and the State Legislative Assemblies are being held through the Electronic Voting Machines(EVMs). It is absolutely necessary for you to be thoroughly conversant with the operation of the voting machines. A voting machine consists of two units, namely,'Control Unit' and 'Ballot Unit. These two units are interconnected, when the voting machine is put in operation, by means of a 5 metre long cable, one end of which is permanently attached to the ballot unit. The free end is plugged into the control unit when the machine is put to use. Control Unit (Picture)Ballot Unit(picture)

2.1.a. **Printer for paper trail with drop box :** Election commission has ordered that a printer with drop box of such design ,as may be approved by the Election Commission may also be attached to a voting machine for printing a paper trail of vote ,in such constituency or constituencies or parts thereof as the Election commission may direct In the constituencies where the printer for paper trail is used under the provisions to Rule 49A of the conduct of Election Rules, the presiding officer should keep the printer along with the ballot unit in the voting compartment and shall be connected to the EVM in the manner as directed by Election Commission. For this purpose the voting compartment should be increased proportionally. In respect of such polling booths where printer for paper trail with drop box is used by pressing the balloting button, the electors shall be able to view the printed paper slip showing the serial number, name and the symbol of the candidate for whom he cast his vote before such paper slip gets cut and drop in the drop box through the transparent window of the printer

2.1.b.ELECTORS WHO DO NOT WISH TO VOTE TO A CANDIDATE (NOTA)

The electors who do not wish to vote for any of the candidate can exercise their right not to vote for any candidate without violation of the secrecy of their decision .A ballot panel with the words “None of the Above’ :NOTA” will be available after the panel containing the name and particulars of the last candidate on the ballot paper .

2.2 One ballot unit caters upto a maximum of fifteen candidates and the last panel for none of the above(NOTA). There is provision for display, on the ballot unit, of the ballot paper containing the particulars of the election, serial numbers and names of contesting candidates and the symbols respectively allotted to them. Against the name of each candidate and for NOTA, there is a button by pressing which the voter can record his vote. Alongside the said button, there is also a lamp for each panel which will glow red when the vote is recorded by pressing the said button.

2.3 Four ballot units linked together catering upto sixty three candidates and one panel for NOTA can be used with one control unit. On the top most portion of the control

unit, there is provision for displaying the various information and data recorded in the machine, like the number of contesting candidates, total number of votes polled, votes polled by each candidate, etc. This portion is called, for easy reference, Display Section of the Control Unit. Below the Display Section, there is a compartment for fixing the battery on which the machine runs. By the side of this compartment, there is another compartment in which there is a button for setting the machine for the number of candidates contesting the particular election and panel for NOTA. This button is called the 'Cand Set' button and the whole section of the control unit consisting of these two compartments is called the 'Cand Set Section'. Below the Cand Set Section is the 'Result Section' of the control unit. This Section contains 'Close' button used for closing the poll, two 'Result' buttons for ascertaining the result of two different polls and 'Clear' button for clearing the data recorded in the machine, when not required. In the bottom portion of the control unit, there are two buttons – one marked - 'Ballot' by pressing which the ballot unit becomes ready to record vote and the other marked 'Total' by pressing which total number of votes recorded upto that stage can be ascertained. Please note that the display indicates only the total votes and not candidate-wise tally. This section is known as the 'Ballot Section' of the control unit.

- 2.4 The machine uses a modern micro-computer and other large scale integration chips. It operates on a battery and can be used anywhere and under any conditions. It is tamper-proof, error-free and easy to operate. The two Units of the machine and printer for paper trial are supplied in separate carrying cases, which are easily portable. The polling information once recorded in the machine is retained in its memory even when the battery is removed.
- 2.5 The machine, especially ballot unit, is so designed as to keep intact all essential features of the present voting system and the only change is that the voter is required to press the blue button provided opposite the name and symbol of the candidate of his choice as against the use of arrow cross mark rubber stamp which is put on the ballot paper on or near the symbol of his choice. All the safeguards taken under the present system against the tamper ability of the ballot boxes and violation of secrecy of vote are fully maintained in the voting machine. The process of voting in the voting machine is very simple and quick and the experiments conducted in different parts of the country covering mountainous terrain, backward areas and tribal belts, etc., show that even illiterate voters had no difficulty in using the voting machine to record their votes. The polling personnel will also not find any difficulty in operating the machine as its mechanism and operation are quite simple. The pace of polling is far quicker and correspondingly the time taken for the entire operation of voter exercising his vote is comparatively much less. The counting of votes and declaration of result by using the voting machines will be an absolutely simple affair as there will be no doubts and disputes with regard to the validity or otherwise of any vote, and the result of the poll taken at a polling station will be available on the mere pressing of a button on the control unit.

- 2.6 The Electronics Corporation of India Limited and the Bharat Electronics Limited who have produced these machines have published separate Manuals explaining in full the details of operation of the machines produced by them. The Commission has classified the machines based on the year of production and these are as follows:-i. ECIL (New) Machines made in 1999 to 2005ii. ECIL(New improved) Machines made in 2007 and later iii BEL (New) Machines made in 1999 to 2005iv. BEL (New improved) Machines made in 2007 and later You should also find out as to which of the machines, that is to say, whether produced by Electronics Corporation of India Limited or Bharat Electronics Limited, are going to be used in your constituency.
- 2.7 Various operations on the ballot unit and the control unit and printer for paper trial with drop box to record the votes and count them are explained in more details in Chapters X, XV and XVI.

CHAPTER- X

PREPARATION FOR THE POLL COMMISSIONING OF ELECTRONIC VOTING MACHINES PRELIMINARY

1. While you are busy in your election campaign, the Returning Officer will be equally busy in making arrangements and preparations for the conduct of poll. The Returning Officer must have already procured the requisite number of voting machines for use in the constituency. Immediately after the list of contesting candidates is prepared, the Returning Officer will know the exact number of ballot units which he will have to supply to each polling station as one ballot unit can cater up to fifteen candidates only. He will make an immediate reassessment of the ballot units required for use in the constituency and obtain immediately the additional ballot units, if necessary, on such re assessment. He will keep sufficient number of machines in reserve stock to meet any unforeseen or emergent situation. Control Unit Picture Ballot Unit-picture
2. **CHEKING AND RANDAMIZATION PROTOCOL FOR DEPLOYMENT OF EVMs:**

In order to ensure higher level of transparency, the Commission has introduced a randomization protocol for the deployment of EVMs in various assembly constituencies/ assembly segments and has issued the following instructions in this behalf:-

2.1. STORAGE:

As a general policy, the Commission desires that all EVMs available within a district shall be stored at the district headquarters under the direct control of the District Election Officer. It may be possible that due to want of storage space the EVMs may be stored in a decentralized manner in different locations. Even in such cases, for the purpose of first level checking and randomization procedure proposed to be introduced through this instruction, all EVMs available in the district shall be brought to the district headquarters under proper escort.

2.2.FIRST LEVEL CHECKING

- a. The first level checking as prescribed in the earlier instructions shall from now onwards be carried out only by the BEL/ECIL engineers, as the case may

be, only at the district head quarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name of such officer to the CEO. The first level checking will be done by following the existing instructions and procedures.

b. For the purpose of tracking various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed sticker) will be prepared and kept ready for use. A sample model of such label is given below.

PROFORMA OF LABEL (STICKER) Name of the State/UT: Name of the election: District Name: Control Unit No. District Running Srl. No .Current ID First Level Check CU Randomization 1DateRep.BEL/ ECIL Rep. D.E.O Date Rep D.E.O/ R.O Randomization 2 Polling Station No. R.O./ARO.Date Deployment Status

2.3. NUMBERING OF EVMs:

As soon as the first level check is over the sticker will be pasted on the backside of the CU and the checking- engineer will put his signature indicating the date in the relevant slot provided in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the control unit(CU) will be also indicated in the relevant slot in the sticker; besides, a running serial number will also be allotted to the CU and will be indicated in the relevant slot. Simultaneously, the representative of DEO duly authorized for this purpose will also put his signature in the relevant space. After this, CU shall be stored with due precaution and care. In case of any CU found to be defective during checking, such CUs shall be isolated and kept separately for follow up action for rectification of defect. The above procedure will also be applicable for the Balloting Units and printer for paper trial with drop box which will be verified, signed and numbered in the above manner.

2.4. DATABASE:

A database of the CUs , BUs and printer for paper trial verified and certified will be prepared separately and kept in readiness for randomization. The data base structure will contain details of CUs BUs and printer for paper trial indicating the machine number (original number given by the manufacturer as inscribed on a metallic plate at the backside of the CU/BU as the case may be.) The CUs/ BUs/ printer for paper trial so verified shall be kept under proper lock and key.

2.5. SCHEDULE FOR RANDOMIZATION OF EVMs The DEO:

will fix up a schedule, which should in any case be fixed before the start of training of polling personnel, for randomization of CUs/ BUs/ printer for paper trial for distribution to ACs in the presence of the representatives of recognized political

parties. The randomization will be done in such a way that the CUs/BUs/ printer for paper trial are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. Again, the surplus CUs/BUs/printer for paper trial shall also be randomly grouped and distributed AC wise for the purpose of training (for the training of the polling staff as well as for the purpose of voter awareness). A sticker of different color shall be affixed at the front side of the CUs/ BUs/ printer for paper trial set aside for training purpose clearly indicating“.....**(Name of State/UT along with year): Training CU/ BU /printer for paper trial**”. While randomizing the CUs/ BUs/ printer for paper trial the DEO shall take the number of polling stations in each constituency into account.

2.6. **ALLOCATION OF ID After AC:** wise grouping of CUs/ BUs/ **printer for paper trials** is done in the above manner, a ‘current ID’ shall be assigned to each of CU/ BU/ **printer for paper trial** in the relevant slot provided in the sticker. The ‘current ID’ would mean ‘the AC no followed by a new running serial number for that AC’. For example if AC No 56 is allotted 280 CUs ,BUs and printer with drop box the current ID for the CUs would be from ‘56/CU/001’ to ‘56/CU/280’.Similarly the current ID for BU would read ‘56/BU/001 to 56/BU/280’.280’and that of printer with drop box would read 56/PD/001to 56/PD/280.

2.7. **DISTRIBUTION OF LIST & EVMs TO RETURNING OFFICER:**

a. The randomized list of CUs, BUs and printer with drop box allotted to each AC for use at polling stations as well as the training EVMs shall be prepared separately and signed by the DEOs representative and the R.O and that list shall be handed over to all representatives of the recognized political parties. Even if a representative is not available at the time of randomization the list shall still be sent to the party office and a receipt obtained .b. Thereafter, the R.O of the constituency, shall take charge of the CUs/BUs/ printer with drop box randomly allotted to his constituency. The CUs/BUs printer with drop boxes meant for use at the election shall be separately taken to R.O’s strong room under proper escort and will be guarded. The training EVMs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room, the representatives of political parties can remain present and they can also affix their seal on the lock.

2.8 **PREPARATION OF EVMs**

a. On the day fixed for preparing the CUs/BUs/ printer with drop boxes for use in the election, the R.O will ensure that the preparation of CUs/BUs/ printer with drop boxes is done invariably in the presence of the candidate or his agent or authorized representative and in the presence of observer as per the existing instructions. Now, the R.O will do the second randomization of the CUs/ BUs/ printer with drop boxes to allot the CU/ BU/ printer with drop boxes to specific polling stations. After that he will write the PS No to which the CU/BU/ printer with drop box has been randomly allotted in the slot

provided for it in the adhesive label. The remaining CUs/BUs/ printer with drop boxes (not allotted to any specific PS) shall be kept as 'Reserve' for use if needed. Such CUs/BUs/ printer with drop boxes shall be marked as 'R' – meaning 'Reserve' in the slot meant for PS No.

b. At this stage, the CU and BU printer with drop box randomly earmarked PS wise as above shall be identified by matching the PS no and kept together. Any candidate/ agent present at the preparation hall may choose to get the CU/BU printer with drop box again checked by the master trainers/technical personnel if available through a 'mock poll cum result verification' in order to satisfy himself about the functioning of the EVM. The R.O should also, as a proactive measure, do a random verification of at least 10% of such CU-BU printer with drop box to test the working status of the EVMs.

c. Then a Polling Station wise list indicating the Current ID and machine number of the CU/BU printer with drop box allotted to each PS will be prepared and signed by the R.O. The R.O will also prepare a separate list of CUs/BUs printer with drop box marked as 'R' indicating the current ID and machine number. Both the above lists will be signed by R.O and copies shared with the candidates/ agents/ representatives and their signature shall be obtained as the token of receipt.

d. As per the existing instructions three types of address tags – one for use on CU one for use on BU and another one for use on printer with drop box have been prescribed. The tag shall also contain the current ID no (as mentioned in the sticker read para 7 above). The address tag attached to reserve CU/ BU printer with drop box shall indicate the 'Reserve' status of the unit. The tagging of address tag shall also be done at this stage itself – in the presence of candidates/agents/ observer. All the CUs/ BUs printer with drop boxes allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room.

2.9. DISPERSAL OF EVMs FOR ACTUAL POLL:

a. When the EVMs are taken out of the strong room for dispatch the usual precaution of informing the date and time of opening of strong room in writing to the candidates/ agents shall be followed.

b. At the time of dispatch the Presiding Officers shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS no indicated on the sticker compared with PS no mentioned in the address tag before accepting the EVM. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

c. The candidates may be advised to share the current ID and machine number of the EVM (CU/ BU/printer with drop box) allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a

position to inspect the EVM for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers shall be advised to display the sticker containing the machine number and current ID etc., to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the presiding officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; numbers of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary(refer: Chapter XXVIII, Para 1 of Handbook for Presiding Officers- At elections where electronic voting machines are used, 2004).The presiding officer shall also mention the number of printer with drop box/ printer with drop boxes used; serial numbers of printer with drop box/ printer with drop boxes used. This instruction shall be scrupulously followed.

2.10. REPLACEMENT OF EVMs DURING POLL:

In case of replacement of CU or BU or printer with drop box due to any reason at any polling station the sector officer or any authorized officer who effects such replacement shall prepare a special report indicating the machine number and current ID of the existing CU/BU/printer with drop box and new CU /BU/ printer with drop box separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU printer with drop box and the time of such replacement, votes polled in the replaced machine at that point of time and leave one copy of the special report with the Presiding Officer while retaining a copy to be handed over to the R.O..

2.11. **RECEPTION OF EVMs AFTER POLL:** The machines shall be escorted back after the poll is over to the reception centres under proper escort. After all formalities are completed, the EVMs shall be kept in strong room and the room sealed in the presence of the candidates/their agents and observer.

2.12. **REPOLL:** a. In case of re poll, the EVM required for re poll shall be drawn from the reserve list and the CU/BU/printer with drop box number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU/ BU/printer with drop box clearly mentions it to be the EVM for use in the re poll indicating the date and PS no..b. After repoll, for the storage of the re polled EVM, the strong room shall be re-opened in the presence of the candidates/ their agents and observer. This repoll EVM should be placed together with the old EVM which was used earlier in the original poll. A tag '**Not to be counted**' shall be put prominently on the old EVM and another tag '**Repoll EVM- to be counted**' shall be put on the new repoll EVM. RO shall put signature on both the tags.

2.13. **COMMUNICATION TO POLITICAL PARTIES/ CANDIDATES:** The political parties/candidates should be advised in writing to properly train their counting agents and that they should bring (for tallying purpose) their copies of Form 17-C which shows the machine numbers used at the polling station and was handed over

to them at the close of the polling by the presiding officer. Besides, the candidates have also been given a consolidated list of polling station wise list of CUs used during the polls (Read Para 12 above). This along with the additional information given by RO in writing to the candidates regarding the machine numbers of CUs used as replacement and the CUs used during repoll will give a complete picture of the all the EVMs used at polling stations. In order to further facilitate, additionally, the RO shall paste the EVM deployment account indicating the CU numbers of EVM used polling station wise in the relevant counting hall itself for everyone to see.

2.14. VIDEOGRAPHY OF THE EVENTS: All the stages enumerated above shall invariably be fully covered with videography and records kept properly.

3. NOTICE TO THE CANDIDATES ABOUT DATE AND TIME OF PREPARATION OF VOTING MACHINES

3.1 The District Election Officer/ Returning Officer will at least one week before the date on which the preparation of the voting machines is to be taken up, give notice of the same in writing to recognized Political Parties/ each candidate or his election agent intimating him the place or places where the machines will be so prepared and the date and time at which such preparation will commence. He will also intimate the number of representatives that every recognized Political Party / candidate will be permitted to bring with him at the aforesaid place or places. This will again depend on the number of machines to be prepared for use.

3.2 If for any reason, none of the candidates or their agents is present on the date and time given in the notice sent to them, the Returning Officer has instruction not to postpone the operation of preparing the voting machines. He will go ahead even if no candidate or agent is present. However, announcements shall be made from the public address system fitted in the building before starting the preparation.

3.3 When the candidates and their agents are present, the District Election Officer/Returning Officer shall explain to them the procedure to be followed by him for preparing the voting machines. He will allow them to inspect the control units ballot units/printer with drop box during the process of their preparation.

4. **PREPARATION OF THE BALLOT UNIT:** Each ballot unit has to be prepared at the Returning Officer's level by:-

- (a) Inserting and fixing ballot paper in the space meant for the purpose;
- (b) Masking the candidates buttons which are not required to be used ,depending on the number of contesting candidates;
- (c) Setting the slide switch at the appropriate position i.e., 1, 2, 3 or 4, as the case may be, according to the number of such units which are to be used depending upon the number of contesting candidates and the sequence in which each unit is to be used; and
- (d) Sealing the unit.

5. **FIXING THE BALLOT PAPER**

- 5.1 On every ballot unit, a printed ballot paper shall be displayed in the space specially provided for the purpose under a transparent acrylic sheet (ballot paper screen). The ballot paper shall contain the serial number of each candidate, his name and the election symbol allotted to him as per the list of contesting candidates. Where the number of contesting candidates exceeds fifteen the ballot paper shall be printed on more sheets than one as each ballot unit will cater upto fifteen candidates only. Where the number of candidates exceeds fifteen but is equal to or less than thirty one, the ballot paper shall be printed on two sheets – the first sheet containing the names, etc., of candidates from Sl. Nos. 1 to 15 and the second sheet containing the names, etc., of candidates from Sl. Nos.16 onwards. Likewise, where the number of candidates exceeds thirty one and is upto forty seven, the third sheet will contain the names, etc., of candidates from Sl. Nos.32 onwards and upto 47, and where the number of candidates exceeds forty seven, the fourth sheet will contain the names etc., of candidates from Sl. Nos. 48 onwards. In such cases, each sheet of the ballot paper will be displayed on a separate ballot units.
- 5.2 Every ballot paper shall have a serial number and sheet number where printed on more than one sheet. The sheet number will be indicated as $\frac{1}{2}$, if it is the first sheet and two sheets are used, $\frac{3}{4}$, if it is the third sheet and four sheets are used and so on. Before it is inserted and fixed on a ballot unit, it shall be either signed on its back by the Returning Officer or stamped on its back with a rubber stamp bearing the facsimile signature of the Returning Officer.
- 5.3 For fixing the ballot paper under the ballot paper screen, first the top cover of the ballot unit has to be opened. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the cover up. The top cover and the lower portion of the ballot unit will then open like a book. Thereafter, the ballot paper screen, which is hinged to the top cover on the extreme left side will be opened. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards the ballot paper screen will become free for opening on the upper side of the top cover. After so opening the ballot paper screen, the ballot paper will be placed in the space provided for the purpose on the upper side of the top cover of the ballot unit. The ballot paper will be properly aligned so that each candidate's name and his symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are in line with the corresponding grooves on the ballot units.
- 5.4 After ballot paper has been firmly fixed and the ballot paper screen has been closed and pressed-fit on the upper side of the top cover, the screen will be sealed on the inner side of the top cover, by passing a thread through the two holes on the screen specially provided for the purpose on the inner side. The two ends of the thread will be placed on an address tag and the Returning Officer will put his seal on the thread and the address tag. The address tag will contain the following particulars:-"Election

to the From Constituency Serial No. of ballot unitDate of poll.....”This address tag may be hanging loosely and may drop on the candidate’s button while closing the top cover. Hence it will be pasted to the upper cover with cello-tape.

6. MASKING OF CANDIDATES' BUTTONS, WHICH ARE NOT TO BE USED:

On the ballot unit, only those candidates' buttons should be visible which are to be used by voters. In other wards, the number of candidates' buttons, which should be visible will be equal to the number of contesting candidates and one panel for NOTA. For example, if the number of candidates is nine, only the ten buttons from the top (i.e., 1 to 10) should be visible and the remaining six buttons (i.e., 11 to 16) should be masked. The masking of the unwanted buttons will be done by moving the white masking tabs on to the candidates' button, when the ballot unit is still open like a book as explained above. The unmasked buttons will look blue and masked buttons will look white. Masking and unmasking of Candidates' buttons (picture)

7. SETTING OF SLIDE SWITCH:

7.1 Inside the ballot unit, on the top right side, there is a slide switch, which has four positions 1, 2, 3 and 4. The positioning of this slide switch determines the serial order in which a particular ballot unit is to be linked with the control unit and kept inside the voting compartment for use at a polling station.

7.2 Where the number of contesting candidates is upto fifteen only one ballot unit will be used. In such case, the slide switch shall be set to the position marked '1'. Where the number of contesting candidates is more than fifteen and upto thirty one, two ballot units will be used. In the first ballot unit, the ballot paper containing the names of candidates at serial nos. 1 to 15 will be fixed, and its slide switch shall be set to the position marked '1' and in the second ballot unit where the ballot paper containing the names of candidates from 16 onwards is fixed its slide switch shall be set to the position marked '2'.

7.3 Likewise, if three ballot units are to be used in a constituency where the number of contesting candidates exceeds 31 and is upto 47, the slide switch will be set to the position marked '3' in the third ballot unit. Similarly, if the fourth ballot unit is also to be used in case the number of contesting candidates exceeds 47, then the slide switch will be set to the position marked '4' in the last ballot unit. Position “1” in Position “2” in Position “3” in Position “4” in (pictures) Ballot Unit No.1 Ballot Unit No.2 Ballot Unit No.3 Ballot Unit No.4 Any wrong setting of a slide switch will render the whole voting machine non functional. (After setting the slide switch to the correct position and before sealing the ballot unit, the Returning Officer has to ensure that the slide switch is held in position with the help of transparent cello tape.

8. SEALING OF THE BALLOT UNIT

8.1 After the ballot paper has been inserted, fixed and sealed under the ballot paper screen, the candidates' buttons which are not required for use have been masked and the slide switch has been set to the required position and held tight in place with the help of transparent cello tape, the ballot unit will be closed by bringing the top cover back to its original position. The ballot unit will then be sealed by the Returning Officer with his own seal, by passing two threads, one through the three holes at the top and the other through the three holes at the bottom specifically provided for the purpose, and attaching an address tag containing the following particulars:-"Election to the fromConstituency Ballot Unit No.Serial No. and name of polling station where usedDate of poll"

Sealing of the ballot unit (picture)

8.2 The candidates or their agents will be allowed, if they so desire to affix their seals on these address tags, in addition to the Returning Officers' seal.8.3 After the ballot unit has been so prepared and sealed, it will be kept back in its carrying case. An address tag containing the above particulars will be attached to the handle of the carrying case.

9. **INTER-LINKING OF BALLOT UNITS AND CONTROL UNIT**

9.1 Where the number of contesting candidates exceeds fifteen, ballot units more than one, depending upon the actual number of contesting candidates, will be used. All such ballot units to be used at a polling station are to be interlinked and only the first ballot unit will be linked with the control unit.

9.2 The ballot units shall be so inter-linked that the second ballot unit, i.e., the ballot unit in which the slide switch is set at position 2, is linked with the first ballot unit in which the slide switch is set at position 1. Where three ballot units are to be used, the third ballot unit will be linked with the Second ballot unit and the second with the first, and where all the four ballot units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.

9.3 For linking one ballot unit with another, there is a socket provided in a compartment at the back in the middle of the ballot unit. The connector of the interconnecting cable of the second ballot unit will be plugged into the above mentioned socket of the first ballot unit. Likewise, the connector of the third ballot unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit. Socket for linking one Ballot Unit with the (picture) other Ballot Unit at the Back of Ballot Unit

9.4 As mentioned above, the first ballot unit alone will be plugged into the control unit. The socket for plugging the interconnecting cable of the ballot unit into the control unit is provided in the rear compartment of the control unit.

- 9.5 That rear compartment in the control unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies the power both to the control unit as well as to all the ballot units when linked to the control unit in the manner described above. Power Switch on the back of the Control Unit(*picture*)
- 9.6 Any wrong linking of the ballot units will render the machine non-functional and on pressing any button on the control unit the letters 'LE' indicating linking error will appear on the display panel of the control unit. The linking error can be set right by re-interlinking the ballot units in the proper sequential order.

10. PREPARATION OF CONTROL UNIT

Like the ballot unit, some preparations are also to be made in the control unit of the voting machine at the Returning Officer's level. These preparations are:-

- (1) Installation of the battery;
- (2) Setting the number of contesting candidates and panel for NOTA; and
- (3) Sealing that section of the Control unit which is called 'Candidate Set Section' and which contains the battery and the button to set the number of candidates.

11. **BATTERY INSTALLATION:** The Electronic Voting Machine operates on a special battery, which is supplied by the manufacturing company. A new battery will be used when ever a machine is used at any election. There is provision for installation of the battery in compartment on the top left side in the 'Candidate Set Section' of the control unit. **Battery Installation (picture)**

12. SETTING THE NUMBER OF CONTESTING CANDIDATES

- 12.1 A control unit of the voting machine can cater up to sixty three candidates. Therefore, at every election where the voting machine is used, the control unit has to be set according to the number of contesting candidates at that election and after the panel containing the name and particulars of the last candidate on the ballot paper ,there shall be a panel below the said last panel with the words "None of the Above (NOTA)written therein, for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. These words shall be written in the same language or languages as used in the case of names of candidates. The size of the panel shall be the same as in the case of the candidates at that election. For setting the number of contesting candidates, the following operations shall be performed:-(i) The number of contesting candidates can be set in the control unit only by linking this unit with the ballot unit or with all the ballot units where more than one ballot units are to be used.(ii) After the control unit and the ballot unit(s) have been linked, the 'Power' switch will be put to 'ON' position so that both the units get the necessary power to make them operational.(iii) The button marked 'Cand Set' in the 'Candidate Set Section' of the control unit will then be pressed. Thereupon, the two-digit Display Panel on the left side of the Display Section of the control unit will flash the letters 'Cd' and the four digit Display Panel

on the right side will flash.(iv) 12.(iv)- When the letters 'Cd' start flashing on the Display Panels on the control unit, the Candidate's button against the last button NOTA in the ballot unit(s) will be pressed. For example, if there are nine contesting candidates and the machine is to be set for nine candidates and NOTA, the last button pertaining to NOTA on the ballot unit will be pressed. If the number of contesting candidates is more than 16, say, 23 the the button no24 pertaining to NOTA in the second ballot unit will be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'Cd' and instead the full Panel will display the number of candidates for which the machine has been so set, like Cd 9' or, as the case may be 'Cd 24.

12.2 If by mistake, a wrong button on the ballot unit has been pressed which will set either less or more number of contesting candidates, such wrong setting can be corrected by pressing the 'Cand Set' button again. The machine will again flash the letters 'Cd ' and the correct button on the ballot unit can be pressed so as to set the correct number of contesting candidates.

12.3 The number of contesting candidates can be set in any number of Control Units by using only one ballot unit or one set of ballot units (where more than one ballot units are to be used depending upon the number of contesting candidates). Note- The above operation will be applicable in the case of BEL make of Electronic Voting Machine. In the case of ECIL make of Electronic Voting Machine, the operation will start with the pressing of the 'CLEAR' button and then pressing the 'Cand Set' button.

13. **CLEARING THE MACHINE**

13.1 After the number of contesting candidates and panel for NOTA has been set in the control unit in the manner described above, all the data recorded in the machine relating to a previous election, if any, will have to be cleared. For this purpose, the button marked 'Clear' in the Result section of the control unit will be pressed. On the 'Clear' button being pressed, all the counts in the machine shall be automatically set to ZERO and the display panels on the control unit will start displaying that the number of votes recorded in the machine for each contesting candidate is '0' (ZERO).

13.2 After the control unit has been set according to the number of contesting candidates at the election and the previous data cleared, the power will be switched off and the control unit and the ballot unit(s) will be delinked by removing the inter-connecting cable from the control unit.

14. **SEALING THE 'CANDIDATE SET SECTION'**

14.1 After the battery has been installed in the 'Candidate Set Section' and the control unit has been set according to the number of contesting candidates, the compartment on the right side containing the 'Cand Set' button will be closed by bringing down inner door and sealing it after passing a twine thread through the holes of the inner door and the compartment, tying a knot and sealing the knot with

molten sealing wax stick. Then the 'Candidate Set Section' will be closed and sealed so that nobody can have access to the battery and the 'Cand Set' button in the 'Candidate Set Section' thereafter.

- 14.2 The 'Candidate Set Section' will be closed by replacing the cover and pressing it tight. It will be sealed by passing a thread through the two holes provided for the purpose on the left side giving a tight knot to the thread and placing the two ends of the thread on an address tag which will be sealed with the Returning Officer's seal. The address tag will contain the following particulars:-Election to theFrom Constituency Control Unit No.Serial No. and name of polling station where usedDate of PollSealing the 'Candidate Set Section' (picture)
- 14.3 The candidates and their agents shall be allowed to put their seals, if they so desire, on the address tag along with the seal of the Returning Officer. The Control unit will then be put in its carrying case, which will now be ready for transportation to the polling station. On the handle of the carrying case of control unit also, an address tag will be attached containing the above particulars.

14.4- PREPARATION OF PRINTER FOR PAPER TRIAL AND DROP BOX:

- (i) ***Election commission has ordered that a printer with drop box of such design ,as may be approved by the Election Commission may also be attached to a voting machine for printing a paper trial of vote ,in such constituency or constituencies or parts thereof as the Election commission may direct*** When the printer for paper trial is used ,the printer has to be fixed as per the number of candidates in the following manner Load the Sno ,names of candidate and symbols allotted to them and column for “none of the above (NOTA) “as given on the balloting units Load paper in the printer Seal the printer

15. RANDOM CHECKING OF VOTING MACHINE

- 15.1 Though each and every voting machine has already been fully tested, the Returning Officer will again get 5% of the machines to be used at the election, subject to a minimum of 10 machines, tested and checked at random for their 100% error free performance after the machines have been prepared in the manner described in the foregoing paragraphs. For this purpose, he may ask the candidates and their agents present to choose the machines, which maybe tested for such random check.
- 15.2 For conducting the above random test and check, the Returning Officer will hold a mock poll on those machines by casting a few votes at random for each of the contesting candidates. Detailed instructions as to how the machines should be operated upon for holding the mock poll.

15.3 After the conduct of the mock poll, the machines will be cleared of the data recorded at the mock poll and all counts will again be put to ZERO in all in the machines used for the mock poll.

16. **SAFE PRESERVATION OF PREPARED VOTING MACHINES**

16.1 All the voting machines which have been prepared for use at the election, including the reserve machines, will be kept and preserved in safe custody in a strong room under double lock which will be sealed with the seal of the Returning Officer. The candidates and their agents will also be permitted to put their seals on the lock, if they so desire.

16.2 The strong room will be opened only on the appointed date and time when the machines are to be supplied to polling parties before they leave for their polling stations. All contesting candidates or their election agents will be given prior notice in writing of such date and time of opening of the strong room. A proper log book will be maintained giving details of such closing and opening of the strong room.

16.3 If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, the returning officer will send for the candidate or their authorized representative and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it was opened is over. Details of such opening and closing should also be accurately and fully reflected in the above mentioned log book and the entire process videographed.

16.4 The strong room should be kept fully guarded at all times under the charge of a senior police officer not below the rank of Deputy Superintendent of Police. Wherever possible, the central police forces should be used for such guard duty.

17. **MAINTENANCE OF RECORDS OF VOTING MACHINES**

The Returning Officer will maintain complete record of all the control units ballot units and printer for paper trial with drop box used at the election. That record will show clearly the number of control unit ,ballot unit(s) and printer for paper trial with drop box used at each polling station along with the serial numbers of each such unit. The record will also show the number of control units , ballot units and printer for paper trial with drop box along with their serial numbers, which have been prepared for use and kept in reserve. If any of such control units or ballot units or printer for paper trial with drop box is put to use, a complete record as to where each such unit was used will be properly maintained which will also show the reasons for which the use of such reserve unit became necessary. EVMs used for training and demonstration purposes are not used for taking poll on the poll day.

18. SUPPLY OF VOTING MACHINES TO POLLING PARTIES

- 18.1 The voting machines will be supplied only to the Presiding Officers or in their unavoidable absence, to the first polling officers of the polling stations against a proper receipt to be obtained from each Presiding Officer in a register to be kept separately for the purpose.
- 18.2 That register will have further provision for keeping proper account of the machines received back from the Presiding Officers.
- 18.3 The reserve machines will be kept at a central place or places in the constituency on the day of poll so that the same may be supplied with least possible delay to any polling station where an emergent need arises for replacement of any control unit or ballot unit(s) or printer for paper trial with drop box(s). These machines will be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by the Returning Officer.

CHAPTER-XI
POSTAL BALLOT PAPERS

1. The Election Commission of India has noticed that due to lack of awareness about availability of facility of voting by Postal Ballot Papers under the law among the government employees etc., deployed for election duty and also due to delay in dispatching and further postal delays in delivering the postal ballot to the eligible voters (Appendix - XXXVI) and in receiving the ballots back from them, the postal ballot system is not functioning as effectively as it should be. To ensure that awareness is spread over among the Govt. employees etc. in this regard and also there is no delay in dispatching and further postal delays in delivering the postal ballot to the eligible voters and in receiving the Postal ballot papers back from them, the Election Commission has issued the following guidelines:-

2. Service Voters

- 2.1 Service voters (other than those who have opted for proxy voting) are eligible to receive postal ballot.
- 2.2 As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidatures is over, postal ballot papers for all Assembly Constituencies in the District will be printed at the level of D.E.Os under proper security cover and under direct supervision of a responsible officer. As soon as the postal ballot papers are ready, the postal ballot papers for the service electors will be centrally dispatched from the District Head Quarters itself. For this purpose, each Returning Officer shall depute a team of officers including an ARO with details of Service Electors to whom postal ballot papers are to be dispatched along with envelopes and other forms and papers already prepared for this purpose on the basis of the last part of the electoral roll and the stamp containing facsimile signature of the R.O. They will perform the work of dispatch of postal ballots to the service voters and their wives enrolled in the last part from the central location and all statutory formalities for dispatch of postal ballot papers will necessarily have to be followed while sending the postal ballots.
- 2.3 The District Electoral Officer will appoint a suitable officer as the nodal officer to supervise the entire process of dispatching postal ballots to service electors. The

DEO will co-ordinate with the senior officials of the Postal Department and shall ensure that a team of postal department officials receives covers containing the postal ballot papers and they in turn will ensure that the ballots are sent to the right address without any delay. The details of postal ballots sent AC wise shall be maintained in the form of a register giving the details and the signature of the postal authorities shall be obtained in the register.

- 2.4 One of the Observers available in the district headquarters shall personally monitor the entire process of dispatch and send a detailed report to the Commission as soon as the dispatch of postal ballots meant for service voters is completed. The process indicated above shall be video graphed.
- 2.5 When the Returning Officers start receiving the polled postal ballot papers from the service voters he shall give a daily report to the observer concerned indicating the number of such polled ballots received every day and also indicating the cumulative figure.
3. **Polling Officials** (Additional instructions issued as per ECI No 52/2012/SDR dated 16.10.2012 and 13.8.2013 to be incorporated)
 - 3.1 The data base on the government staff to be used as polling personnel shall contain the AC No and Name, Part No and Serial No details of each official where he or she is registered as an elector. This information can be collected through the sponsoring authorities of such staff or through any other method convenient to the DEO. Enough scope shall be provided to the government staff/ sponsoring authorities to locate such electoral registration details through various measures such as helpline, availability of electoral roll data in pdf format in various government offices etc., The order of appointment sent to the polling personnel asking them to attend the training shall contain AC/Part/Serial No detail of each staff.
 - 3.2 All the polling officials shall, without exception, be provided Form 12 for applying for postal ballot paper along with their appointment letter. They should be asked to submit duly filled Form 12 on the first day of training. Adequate number of Form 12 shall also be kept at the training venue so that any polling personnel who are in need of Form 12 can access it. It should be clarified to the appointed polling officials that in view of the fact that the postal ballot paper will be issued to them personally at the training venue itself they need not mention any address in Form 12 for sending the ballot papers for that would be in fructuous. At the training center, there will be a separate arrangement to receive the Form 12 from the persons drafted for polling duty. At the time of submitting Form 12, the person concerned along with his appointment letter shall also produce the EPIC issued to him or a copy of any ID

including service ID if any issued to him. The applications (Form 12) received from the polling officials shall be processed immediately by the concerned Returning Officer/Assistant Returning Officer before the second round of training. Hence, it is imperative that the second round of training is held after the postal ballot papers are printed and ready for issue.

- 3.3 On the day of second round of training, there shall be separate and proper arrangements for issuing the postal ballot to the persons concerned. As the trainees on election duty may belong to different ACs it becomes imperative that all R.Os/A.R.Os along with their staff will remain present
- 3.4 At the training venue for the above purpose. The cover containing the postal ballot paper should be handed over to the respective polling officials only after verifying their identification through EPIC or any other photo ID as well as appointment order. Simultaneously, entry (PB) shall be made using red ink in the marked copy of the electoral roll which shall be used in the polling station by the presiding officer on the poll day. The record of issuance of PBs should be separately maintained in Format given in the Hand Book for Returning Officer with one more column indicating place of posting (in which Assembly Constituency the person is serving). Concerned RO/ARO should sign the above Register. Once a PB is issued to a polling personnel called for training he shall after that cast his vote only through postal ballot even if he is exempted from election duty subsequently or kept on reserve.
- 3.5 Considering the postal delays and inconvenience caused to the electors in dispatching the PB the Commission has decided to encourage the system in which the voters on receiving the PB from R.O/A.R.O record their vote on the PB paper then and there. Necessary arrangements for attestation of Form 13A and collection of polled postal ballots shall be made in the form of a '**postal ballot facilitation center.**' The polling officials should be advised to cast their vote on postal ballot paper and to drop the polled ballot paper personally in a sealed box to be kept there for the purpose under direct supervision of the concerned Returning Officer / Assistant Returning Officer. ECI observers will be present and supervise the entire process. The whole process shall be recorded in videos.
- 3.6 The D.E.O / SP / SDM shall personally inspect the training venue cum postal ballot facilitation center in advance in order to ensure adequate security measures are in place. As the electors will be casting their vote at the training venue, proper arrangements shall be ensured to restrict entry to the venue only to the appointed polling staff and other authorized government servants and no other person (subject to para 3.7 below). When the voters mark the ballot to indicate their vote the secrecy of ballot shall be enforced without compromise.

- 3.7 The contesting candidates should be informed in advance, about the postal ballot voting in the facilitation centre. If any authorized representatives of a contesting candidate remain present at the facilitation center, proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register.
- 3.8 The above system of issuing PB and enabling the polling personnel to mark their vote at the facilitation center shall be equally applicable to other civil staff to be engaged in election duty on the poll day such as micro observers, sector or zonal officers, liaison officers of observers and so on.
- 3.9 If any election duty staff is not able to vote at the facilitation centre, he may send the postal ballot later through registered post or may drop it in the drop box kept for the purpose in the ROs office.
- 3.10 It should be noted that all instructions in Form 13D shall be followed by the election duty staff voting through postal ballot, whether at the facilitation centre or otherwise. Therefore, the requirements of the law, such as duly filling , signing and getting attestation in the declaration in Form-13A, putting the marked ballot papers in the envelope in Form 13B, and sending the declaration and the envelope containing the marked postal ballot in the envelope in Form 13C should be explained to them. It should be made clear that the declaration in Form 13A should not be put inside the envelope in Form 13B, which is meant only for the marked ballot paper.
4. **Police & Security personnel** :(Additional instructions issued as per ECI No 52/2012/SDR dated 13.8.2013 to be incorporated)
- 4.1 It is relevant to note that *among* the police personnel, only those who will be engaged in election related duties on the day of poll shall only be eligible for obtaining PB. Hence, it becomes imperative to obtain the list of such police personnel well in advance. District wise nodal officers shall be identified by the SPs for preparing data of such police personnel. The data shall indicate the names of each such police personnel, service ID no, details of AC No, Part No, serial no etc. Similar nodal officers shall be identified for State Armed Police Forces, Battalion HQ wise. While preparing such list, care shall be taken to ensure that names of police personnel who are not connected with the election related duties and names of such persons who will be in a position to exercise their voting right by going to their respective polling stations as a general voter are not included in the list. SPs shall take proper care about this aspect and the list of such persons shall be ultimately submitted by the SP to the DEO concerned and, on being accepted by the DEO, that list will become an approved list of police personnel on election duty. Such lists will have to be submitted about seven days before the date of poll to enable the ROs to complete all formalities including making the necessary entries in the marked copy of the electoral roll.

- 4.2 As the police personnel are posted in various locations and bringing all of them to one or two locations in the district on the same day will not be feasible, it has been decided to enable the police personnel to exercise their voting right by issuing their PB using postal services and receiving back the same by Post or through drop box kept in the office of R.O For this purpose, an efficient coordination shall be ensured between the election authorities and postal authorities. Unlike in the past, it has been decided to send the PB by Registered Post and the police personnel will also send their marked PB through registered post and the postal charges will be paid by the addressee i.e the Returning Officer, and necessary arrangement in this regard shall be worked out for the whole state by the CEO in coordination with the senior postal authorities. In order to cut down the delay in this process, identification of police personnel who would be on election related duty and who will not be able to go to their polling station and their AC No/ Part No/ Serial No details, making Form 12 available to them easily, receipt of duly filled in Form 12 from them etc shall be efficiently ensured in advance through a network of nodal officer arrangements.
- 4.3 The initial task of the nodal officer is to arrange to disburse blank applications in Form 12 for issue of postal ballot papers to the *police* personnel to be deployed on election duty. Along with Form 12, a guideline for filling up the said Form shall also be given to the relevant electors. The electors shall be informed that while filling up the Form 12, in the space provided for indicating the address for the dispatch of postal ballot, they should invariably mention only the full postal address of their present place of posting. In addition to this, they should also mention the address where they are registered as an elector in the vacant space available in the Form. The elector shall mention the serial no and part no as well as the name of the constituency where he is registered as an elector. In case he is not in a position to mention the serial no., Part no., etc he shall mention the complete address where he is registered as elector stated above, so that attempt will be made to locate his name and fill up the details. The said Nodal Officers shall also arrange to collect duly filled Form 12 from the security personnel without any delay
- 4.4 All the applications received in Form 12 shall be sorted out district wise, as there is possibility of a *police* personnel registered in one district having been posted in another district. Hence, these Form 12 applications shall be sorted AC wise/ district wise. The 12 applications pertaining to the ACs within the same district shall be dealt with at the district HQrs itself without physically sending the same to the R.O's HQrs located outside the district HQrs. For this purpose an authorized A.R.O of each AC shall come to the district HQrs and dispatch the PB to the respective voter (police personnel) on election duty by Registered Post with A.D, while simultaneously marking 'PB' in red ink in the marked copy of the relevant Part and maintaining a register indicating such names with serial number, Part wise. Postal authorities may be clearly instructed that the PB sent by Registered Post shall be handed over only to the person concerned and not to any other person under any circumstance.
- 4.5 While dealing with the Form 12 applications pertaining to the home district in the above manner, the nodal officer shall also without any delay make a district wise

parcel for other districts containing AC wise envelopes having Form 12 applications and send the respective parcels to the other districts, through special messengers. The special messenger shall meet the said nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such envelopes from various districts the nodal officer shall take the follow up action in the same manner in which he dealtwith the Form 12 applications received from his home district as mentioned earlier.

- 4.6 The elector on receiving the postal ballot paper will mark his vote and send the same to the Returning Officer by Registered Post or he may put the marked postal ballot in the 'drop-box' kept in the office of the Returning Officer. The voter while recording his vote and returning the postal ballot has to follow the instructions contained in Form 13D, including signing the declaration in Form 13A, placing the marked ballot paper in Form 13B envelope, and returning both Forms 13A and 13B in the envelope in Form13C.

5 Drivers, Cleaners and Helpers: (Additional instructions issued as per ECI No 52/2012/SDR dated 13.8.2013 to be incorporated)

The system of receiving applications for the issue of postal ballot papers to the voters on election duty (other than the polling personnel or security personnel) like drivers, cleaners and helpers, who will be performing duties in

connection with the election, needs to be streamlined and closely tracked .There has to be a time limit up to which the dully-filled in Form 12 can be received from such voters. For this purpose, the D.E.O shall make an advance plan to assess the requirements for vehicles to be requisitioned. At the time of requisitioning the vehicles, all relevant details about the drivers and cleaners shall be collected in a proforma to be approved for this purpose by the C.E.O and to be followed uniformly through out the state. The Returning officer shall prepare a document indicating the details of such persons and give a copy to the observer. The C.E.O shall fix up a time table for appointment of such drivers and cleaners and fix up a clear deadline up to which the applications for postal ballot papers can be received from them. It shall be made clear to such electors that the address to be mentioned in Form12 for dispatch of postal ballot shall be the address at which he is registered as an elector and not any other address. The postal ballot papers will be issued to them by the R.O only by registered post with A/D. In case, any such voter instead of opting to receive his PB by post chooses to collect the PB personally, he may do so within the deadline to be specified by R.O (CEO shall ensure uniformity in this matter throughout the state). After that the elector may follow the procedure contained in Form 13D and exercise his voting right within stipulated time.

- 6 For the benefit of those voters who may belong to any of the category of voters to whom PB has been issued, each R.O shall have a special box placed in his office with secured lock duly sealed, so that any such voters can come and drop their marked PB in the sealed cover in Form 13C(provided to each voter along with PB).

Necessary arrangements for attestation of Form13A of such persons who wish to record their votes after collecting their postal ballot personally shall be made.

- 7 Apart from marking 'PB' against the name of each and every elector in whose favor postal ballot had been issued in the relevant part of the electoral roll, an **additional information sheet** (AIS) polling station wise shall be prepared indicating the serial number, name, relation name, age and sex of such electors. This part wise additional information sheet shall be signed by R.O or by an authorized ARO and a copy of such information sheet shall be handed over to the presiding officer of the relevant polling station at the time of dispatch of the polling party. Apart from one ink-signed copy, adequate number of photo-copies of the AIS shall also be handed over to the presiding officer. On the poll day, before starting the mock poll in the presence of the polling agents, the presiding officers shall verify the marked copy of the electoral roll in comparison with the additional information sheet on 'PB' voters and confirm whether the entry 'PB' has been made against each and every name that is mentioned in the additional information sheet. No elector whose name has been marked as 'PB' can be permitted to vote in person at the polling station under any circumstances.

CHAPTER XII POLLING PERSONNEL

1. The duties discharged by the polling personnel are vital in the conduct of elections. Therefore, sufficient care is needed to draft and deploy such personnel in the interest of free and fair elections and accordingly, the Election Commission has laid down the following guidelines for formation of polling parties:-
 - 1.1 A District Election Officer-wise database, of all eligible poll personnel shall be maintained in electronic format, which can facilitate computerized randomization. All relevant particulars like Name, Sex, Place (constituency) of residence, work place, Home Constituency, Designation, Office and Department/Institutions should be entered.
 - 1.2 The database shall contain, distinctly and separately, the State Govt. employees including Public Sector Undertakings, teachers etc. who can be employed as polling personnel.
 - 1.3 Similarly the data base shall distinctly and separately contain all Central Govt. employees including PSU, Bank, etc.
 - 1.4 Separate database shall be prepared of Retired Government of India and State Government officials as well as of Members of NCC & NSS [and reputed NGOs, if & as approved by the Commission]. They shall be used in specified manner only with express prior approval of the Commission.
 - 1.5 Unless otherwise advised, the polling parties shall be formed out of the State Govt. employees. The Central Govt. employees including PSUs and Banks, etc. shall be utilized for selecting suitable persons as Micro Observers.
 - 1.6 Presiding Officers and Polling Officers shall be classified on the basis of scale of pay and their post and rank. As far as practicable, Gazetted Officers will be deployed as Presiding Officers and failing that officials who are working in supervisory capacity only should be deployed as Presiding Officers. The Presiding Officer should be of higher scale/grade in comparison to other Polling Officers of that formation.

- 1.7 In view of the recent instructions regarding issue of postal ballot papers, Assembly Constituency No., Part No., Sl. No. of each and every official shall be indicated. In case, he is not a voter, in the process of continuous updation he should be enrolled in the electoral roll of Assembly Constituency concerned and Elector Photo Identity Card issued. Similarly, the personnel meant for being appointed as Micro observers should invariably be enrolled as voter and Elector Photo Identity Card issued. Therefore, persons put on polling duties should invariably be voters. Further, no person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.
 - 1.8 In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to in still confidence in the mind of Political Parties and candidates about free and fair elections, proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party should be ensured. Two officials of the same serial group/category should not be put together. Further, two members of the polling party should not be from the same department (in case of schoolteachers, they should not be from the same school).
 - 1.9 Polling personnel database should include personnel both from the State Government departments as well as the Central government offices. Central Government employees should be utilized for micro observer duties to be decided by Observers. Polling personnel to be posted within the district unless specifically directed otherwise.
2. Following procedure should be adopted for formation of polling parties:-
- 2.1 Database & software should be prepared and developed by the CEO and distributed among DEOs. District Election Officers should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant information should be entered into an electronic database of the computerized randomization application software approved by the CEO for that state.
 - 2.2 From this full database of officers, a list of 120% of the required number of polling persons should be generated (including reserve) randomly, using the software. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. It should be noted that this randomized list is DEO-wise and not at any other level like subdivision, tehsil, block, assembly constituency etc. This is only to identify and select the officials that would be given training for poll duties as presiding and polling officers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the polling personnel are likely to be deployed will be known. All that the polling personnel will know at this stage is whether he (or she) is a presiding officer or a polling officer and the venue and time of trainings.

2.3 The second stage of randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage actual polling parties shall be formed on random basis using the randomization software.

The Observer must be present at this stage. At this stage though the actual polling station will not be known, however, the Assembly Constituency and the team composition may be known. This randomization should not take place before 6 or 7 days from the day of poll. For the purpose of serving the appointment letters, the DEO can use the services of the sponsoring departments/ authority and/or organize a training programme of poll personnel in team formation on that date when final briefing can be given and appointment letters issued to them. It will also facilitate Postal Ballot.

2.4 The third stage of randomization exercise shall take place at the time of dispersal of polling parties when the allocation of polling stations to the polling parties will be done. This third stage randomization for final allocation of Polling Stations to each Polling Party should also be done in the presence of Observers. The actual polling station allotted to individual polling personnel is to be disclosed just before the polling party actually leaves the dispersal centre.

2.5 The District Election Officer shall furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of the State/UT a certificate to the following effect immediately after the polling parties have been formed for an election:-“Certified that:-

(I) The polling parties have been formed by a proper mix of officials drawn from different offices and departments, in presence of Observers and

(II) The officers have been drawn from the State Government departments as well as from the State Public Undertaking etc. as far as practicable.

(III) For the purpose of making polling parties complete data base of all eligible employees in the district has been used.”

2.6 The entire randomization exercise except the first stage must invariably be done in the presence of the Observers sent to the constituency. If, by any chance, the forming of the polling parties through randomization (second stage) has been done in the absence of the Observers, then the 2nd stage randomization exercise should be done afresh in the presence of Observers and compliance report should be submitted in this regard.

2.7 Women polling officials The female polling personnel should not be put on duty on the basis of computer randomization process. They should be put on duty by manually randomization by the observers in the neighbouring polling stations so that they can go to the polling stations in the morning of the poll day itself.

2.8 composition of polling party

in the event of shortage of polling staff in any particular District/constituency, then in such places , the Polling party may consist of a presiding Officer and two polling officers as against the three polling officers which is the standard form. In that case,

the duty of the First Polling Officer will also include to application of indelible ink on the finger of the voter, after identification of the voter. The second Polling officer will be the custodian of the 'CU' also in such cases, in addition to his normal duties of making the entries in Form 17 A (register of Voters) and taking the signature/Thumb impression of electors therein. It is clarified that in such cases where only two polling officers are used , it is not necessary to prepare the voters slip serial numbers. Instead , the second polling officer will activate the 'CU' and then send the voters inside the voting compartment exactly in the same sequence in which they sign in the Register of Voters(Form 17A). There will be no need to prepare the voters slip at the polling station in such cases. Further in the cases where number of polling officers are restricted to two, the contesting **candidate should be informed in writing in advance about this. The duties to be performed by the two polling officers should be explained to the candidates.**

CHAPTER - XIII OBSERVERS

1. The Election Commission of India appoints senior and experienced administrative service officers as its Observers to assist in the conduct of free and fair polls. They also oversee the efficient and effective management of the electoral process at the field level and provide direct inputs to it from the field as an interface with the election machinery, the candidates, political parties, and electors to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all the concerned.

2. STATUTORY POWERS OF OBSERVERS :

Your attention is invited to Section 20B of Representation of People Act, 1951 which reads as follows: -

(1) The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the results of the poll at that polling station or place cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 6. The observers are also to oversee/monitor the expenditure incurred by the candidates and to ensure that Commission's guidelines regarding maintenance of day-to-day accounts of election expenditure by the candidates are strictly enforced and are also required to scrutinize the register of accounts maintained by the candidates.

2 MICRO OBSERVERS:

Now, the Election Commission of India has also introduced the system of appointment of Micro Observers at the polling station level who work directly under the control and supervision of Observer of the Commission. The Micro Observers are deployed at polling stations on the basis of various factors which contribute to vulnerability to voters like domination of one social group over other, in accessibility of the area, EPIC non-availability, previous history of violence etc. .In case the poll is vitiated in any way, he will bring the matter to the notice of the Observer immediately. He will also observe as to whether the poll procedure is properly being followed by the polling

officials/polling agents and prepare a report at the end of the poll and submit the same to the Observer at the collection centre.

Para 4. SECTOR OFFICERS:

The Election commission of India has introduced the system of appointment of sector officers for every 10-12 polling stations for election management from the day of announcement of schedule of election till the completion of poll process. They will be designated as Zonal magistrates 7 days before the poll day and will have powers of special executive magistrate and will be accompanied by police officer. The main tasks and responsibilities of sector officers are given below

.Pre-poll responsibility-

(i)As certaining the approach and accessibility to polling stations

(ii)As certaining infrastructure at polling stations–water, shade,ramps,toilet, telephone etc.,and physical status of building.

(iii)Ensuring that wide publicity is given to new polling station

(iv) To collect phone no., ascertain mobile connectivity at Polling station.

(v) To ascertain whether Party Offices exist within200 meters periphery of Polling station

(vi)He shall keep an eye and report on movement of unauthorized campaign vehicles, defacement of property, unauthorized campaigning, misuse of public buildings/Govt.Vehicles/Govt servants and all possible violation of Model code of conduct.

(vii) EVM demonstration to the voters in catchments and introduction of 'NOTA' option to be explained to the voters;

(viii) Give specific information about EPI Ccoverage programme.

- (ix) Inform voters about helplines and locations of their Polling stations.
- (x) Inform voters to check their names and entries in PER through BLO
- (xi) Frequent visits for confidence building measures and fine tuning the vulnerability mapping;
- (xii) Vulnerability Mapping
- (xiii) Identification of villages, hamlets and segments of voters vulnerable to threat and intimidation.
- (xiv) Identification and report to returning officer about persons who make it vulnerable
- (xv) Ensuring free access of voters for voting.
- (xvi) Contact points within the vulnerable community with their telephone Numbers.

2. Poll-every responsibility

- (i) Ensure that the polling teams and all material have reached their Polling stations
- (ii) Ensure that force has arrived at Polling stations according to the plan.
- (iii) Clarify any last minute doubt on EVM operation or the polling process, amongst the poll personnel
- (iv) Give OK report to control room

3 Pollday responsibility

- (i) To ascertain the mock poll status before commencement of poll—Remedial action to sort out problem, if any.
- (ii) Frequent visit and attention on the Polling station where the mock poll had to be conducted in the absence of agents.
- (iii) Report commencement of polls.
- (iv) To ensure that Forces deployed at Polling stations are in position
- (v) Replacements of EVMs where required (Sector officer to have spare EVMs);

- (vi) Track and report the presence/absence of polling agents
- (vi) To assist polling team inside polling station with procedures,
- (viii) To maintain the purity of poll process and check all aspects of polling during their visits to Polling stations.
- (ix) Mock poll status to be reported within 30 minutes to Returning officer.
- (x) Check voting pattern- any segment/section conspicuous by its absence? Inform Returning officer for remedial measures
- (xi) Report voting percentage from time to time to RO as instructed.
- (xii) Handling of poll day complaints.
- (xiii) Check the sealing of EVMs and preparation of papers by polling parties.
- (xiv) Escort EVMs with the polling team to receipt centre.
- (xv) Replacement of polling personnel from reserve parties
- (xvi) At the end of poll he will ensure that: presiding officer's diary is filled up properly, EVMs are properly sealed, Copies of 17C are given to polling agents, Register of 17A is properly filled up and Format XV for Presiding officers' additional report to be submitted to Observer is filled up properly. After poll the sector officer shall submit a report on polling to the returning officer.

CHAPTER – XIV
SECURITY ARRANGEMENTS AT POLLING STATIONS

1. During elections the Commission deploys Central Police Forces for the smooth conduct of elections. The Local State Police (including all its variants) and Central Paramilitary Forces at the time of elections stand deputed to the Election Commission of India and they come under its superintendence and control for all purposes. The Commission conducts election with the help of all these organs.

I(i). The Commission has directed to take a number of measures over and above the purview of normal law and order arrangements, for augmenting the measures taken for peaceful, free and fair poll. These measures include the deployment of Central Police Forces during the process of elections to assist the State law and Order machinery in prevention of pre-poll, poll and post-poll violence and inspire confidence in the impartiality of election machinery among the common electorate, regulation of vehicular traffic, regulation and ban on the sale of liquor in close proximity with the dates of poll and counting, seizure of illicit arms including review of licensed arms carrying of weapons on person on the poll day etc.

I(ii) . Senior division members of the NCC may be used in their uniform for maintenance of discipline and order in the conduct of poll at the polling stations.

2. On the 11th January, 2005 the Hon'ble Supreme Court in its judgement in Civil Appeal No.9228 of 2003 gave certain suggestions/directions in the matter of conduct of free and fair election relating to posting of Central Paramilitary Force personnel.
3. The Commission took the matter into consideration and issued following detailed instructions on the subject to obviate any discretion and ensure uniformity:-“The CPF personnel, as per the existing practice, are deployed as static force outside the polling stations. In pursuance to the directions given by the Hon'ble Supreme Court in its order no.9228 of 2003(Janak Singh Vs. Ram Das Rai and others) dated 11.01.2005, the Commission has directed that in the polling stations with CPF coverage, one CPF Jawan from the CPF party posted at the polling station will be stationed at the entrance of the polling station so that he can keep a watch on the proceedings that are going on inside the polling station, particularly, to ensure that no unauthorized person enters inside the polling station and/or no irregularity is committed either by the polling staff or outsiders in the poll process. However, it should be ensured that this CPF personnel is not located inside the polling station. The CPF Jawan posted at the entrance of the polling stations shall keep a watch specifically on the following: -

(i) No unauthorized person is present inside the polling station at any time during the poll.

- (ii) The polling party or the polling agents do not attempt to cast or cast any vote or votes when no voter is present inside the polling booth.
- (ii) No Presiding Officer/polling officer accompanies any voter to the voting compartment.
 - (iv) No polling agent or polling officer threatens any voter or makes any gesture to threaten them.
 - (v) No arms are carried inside the polling station.
 - (vi) No rigging takes place.

If the CPF Jawan posted at the entrance of the polling station discovers violation of the election process as above or observes something unusual going on inside the polling station, he shall not interfere in the poll process but report the same to the officer in-charge of the CPF party at polling station or to the observer. The officer in-charge of CPF party will in turn bring it to the notice of the Returning Officer and also Observer immediately in writing for further necessary action. In the buildings which have more than one polling station and where only half a section of the CPF personnel is deployed, the CPF Jawan selected for duty at the entrance of the polling station may be asked to oscillate from one polling station to other and look at what is going inside these polling stations and report to the officer in charge of the CPF part or to the observer, if any irregularity is observed by him. Returning Officer/Observer will report cases from where adverse reports are received from the CPF parties for further instructions of the Commission. The CPF Jawans shall be posted at the entrance of only those polling stations, where CPF is deployed. The CPF Jawan posted at the entrance of the polling station shall not verify the identity of electors coming into the polling stations to cast their votes as such verification is the duty of the polling personnel." The CPF Jawans should not be positioned inside the polling station.

4. The Commission further elaborated its directions with reference to the role of CPF and State Police in the conduct of polls as under:- "Wherever the CPF arrives in advance for area domination, it shall take out flag marches, point patrolling and other confidence building activities. On the poll-eve (day prior to the poll) the CPF shall take position in and control of the respective polling stations. On the day of the poll, the CPFs shall be primarily responsible for protecting the polling stations and regulating the entry inside the polling stations. One jawan of the CPF party shall be deployed at the door of the polling station (either in static or oscillating mode) in order to observe the proceedings that are going on inside the polling station, as per the directions of Hon'ble Supreme Court. Besides, the Coy. Commanders of CPFs will also move in their respective polling station areas as an area domination force and confidence building measure in the catchment area of polling stations. In a polling station, in case CPF has not reached the polling station due to any reason, the poll shall not commence. The Local State Police shall remain responsible for maintenance of the general law and order in the catchment area of the polling stations, as well as the inside and outside of the polling premises (as different from polling stations). In the polling stations covered by CPF, whenever, the Local State Police gets deployed inside the polling premises, they shall station themselves at a

reasonable distance from the polling station and the queue of electors. It is advised that one or two unarmed Local State Police persons/Home Guards be posted at each polling premises so that if required, reinforcement could be called for. In any case, Local State Police shall not replace the CPF at the polling stations and no senior officer of the local state police, with or without contingent shall position himself at the polling station and exercise any supervision and control over the CPF at the polling station. The Local State Police, however, in exceptional circumstances can get deployed at polling stations, only if enough CPF is not available, and that too under specific instructions of the Commission through its observer. Responsibility of maintenance of law and order shall rest solely with the local State Police. The Commission has instructed that hamlets/habitations within a polling station area that are vulnerable to threat, intimidation and undue influence shall be identified and all necessary confidence building and preventive measures shall be taken in advance. The Local State Police shall attach utmost importance to this task and shall also ensure that there is no hindrance to voters of such pockets in exercising their franchise on the day of poll. After the poll is completed, the polled EVMs and the Presiding Officers shall be escorted by a contingent of CPF to the Reception Center. Details in this regard shall be worked out by the DEO and SP in consultation with Observer in advance. The CPF shall also be responsible for guarding the Strong Room where the polled EVMs are stored and kept till the day of counting.”

CHAPTER XV

POLLING DAY

1. INTRODUCTORY

Poll is the most important event in the election process. It is through the poll that the electors express their choice of the candidate to represent them in Parliament or State Legislature.

2. DECLARATION OF HOLIDAY ON POLLING DAYS

The election law provides that every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the House of the People or Legislative Assembly of a State, shall, on the day of poll, be granted a holiday. No deduction or abatement of wages of any such person shall be made on account of such paid holiday.

3(A) PROHIBITION OF CANVASSING

The election law prohibits canvassing in or near polling stations on polling day. No person shall commit any of the following acts within a polling station or in any public or private place within a distance of 100 meters of a polling station, namely:

- (a) canvassing for votes;
- (b) soliciting the vote for any elector.
- (c) persuading any elector not to vote for any particular candidates;
- (d) persuading any elector not to vote at the election;
- (e) exhibiting any notice or sign (other than an official notice) relating to the election;
- (f) using or operating within or at the entrance of the polling station or in any public or private place in its neighbourhood any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; and
- (g) shouting or otherwise acting in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood. N.B.- The distance from which a loudspeaker, etc, is used is immaterial. The offence will be committed even if it is used from a distance of more than 100 meters if it causes annoyance to any person visiting the polling station for the poll or interference with the work of officers and other person on duty at the polling station.

3(B) PROHIBITION OF GOING ARMED TO OR NEAR A POLLING STATION

our attention is invited to Section 132B of Representation of People Act, 1951 whose underlying intention is to ensure that, except those expressly permitted by that Section, no one else carries any arms or indulges in show of arms in polling stations or in their vicinity. Hence, the Election Commission has issued the instructions that no person, be he a recipient of any form of security from any quarter, should enter into any polling station or go within its neighbourhood, accompanied by such security personnel. However, in respect of SPG protectee who happens to be a candidate, the CPT with arms will follow the protectee to the door of the polling booth and thereafter only one PSO with concealed fire arm will accompany the protectee inside and position himself in such a manner as to be able to provide the requisite cover to the PR should it become essential, without otherwise interfering with the proceedings in any manner.

4. CANDIDATE'S ELECTION BOOTHS

According to the instructions issued by the Commission, no election booths of the candidates should be allowed to be set up near the polling station on the day of poll, as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters, confrontation among various party workers and law and order problems. However, the candidates may provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect from the sun/rain. No crowd should be allowed to collect around such tables.

5. PREVENTION OF VOTERS FROM VOTING

It is cognizable offence to detain any voters in a camp or any other place whether with or without his consent or obstruct his way to polling station or to prevent him from voting in any manner. If you receive information that any person is so detained or obstructed or prevented you should report the matter to the Presiding Officer, or to the nearest police station or to the Returning Officer, who will take effective action to enable the person who are wrongly detained or obstructed or prevented to exercise their franchise even if the detention or obstruction is done in a private place.

6. ILLEGAL HIRING OR VEHICLES FOR THE CONVEYANCE OF VOTERS

Do not allow anyone on your behalf to provide conveyance for voters on the polling day. It is both a corrupt practice and an electoral offence. If you find any other candidate or his agents, supporters or workers providing such conveyance for voters you should make a complaint in this regard then and there and take action to prosecute the offender, under section 133 of the Representation of the People Act, 1951. If you do not do so and merely send a complaint to the election authorities, much valuable evidence against the offenders would be lost. You may also use this as ground for filling an election petition against the offending candidate in due course as free conveyance of voters from or to polling station is also a corrupt practice. Your

polling agent can also make a written complaint in this regard to the Presiding Officer who will forward the same to the Magistrate concerned who has jurisdiction to deal with such cases. You may also ask the Presiding Officer to record his remarks on the complaint from his own observations.

7. REGULATION OF TRAFFIC ON THE DAY OF POLL

7.1 In order to check the corrupt practice and electoral offence of providing free conveyance for voters on the day of the poll, the Commission has devised a scheme. The main guidelines of the scheme are as under:

- (1)** The objective is that the polling areas should be cordoned off from all vehicular traffic on the polling day in order to prevent the voters from being carried to and from polling booths in contravention of the election law.
- (2)** Public transport vehicles like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters.
- (3)** Private cars, taxis carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, restaurants will, however, be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters. The traffic of these vehicles will be so diverted as to effectively control their misuse.
- (4)** The plying of lorries, trucks will also be similarly regulated.
- (5)** The district magistrate, Regional Transport Authorities etc., will be instructed to enforce effectively and fully the regulation, both in letter and spirit, and a certificate shall be obtained from the concerned authorities.
- (6)** The political parties and contesting candidates and amongst them, their agents and workers shall be warned that any contravention of the regulation would receive serious notice and may provide sufficient materials for challenging the election in an election petition and also invite penal action under the law.

(7.2) For an election to the House of the People, each contesting candidate will be entitled to:

- (a) One vehicle for his own use in respect of the entire constituency.
- (b) One vehicle for use of his election agent for entire constituency.
- (c) In addition, one vehicle for use of his workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(7.3) For an election to the State Legislative Assembly, each contesting candidate will be entitled to:

(a) One vehicle for his own use

(b) One vehicle for use of his election agent

(c) In addition, one vehicle for use of his workers or party workers. Note

(i): The candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxies, auto rickshaw, rickshaws and two wheelers. In these vehicles not more than five persons including drivers shall be allowed to move on the day of poll.

(ii) On the day of poll, if the candidate is absent from the constituency, no other person will be allowed to use the vehicle allotted for his use.

(8) The permits printed in bold letters with the legend "Election Permit" with the super inscription of the seal and signature of the authority issuing the permit shall be displayed prominently on the windscreen of the vehicle.

(7.4) You should follow the above guidelines of the Commission's scheme meticulously and should obtain permits for the vehicles to be used by you and your party workers on the day of the poll well in advance.

8. REMOVAL OF BALLOT PAPERS ON VOTING MACHINE FROM POLLING STATION TO BE AN OFFENCE.

If you or your agents honestly suspect that any voter is illegally taking any ballot paper or a voting machine out of polling station or unauthorisely or fraudulently tampering with the same, draw the attention of the Presiding Officer to the matter immediately for necessary action on his part.

9. REMOVAL OF DISORDERLY PERSONS

Any person, who misconducts himself or fails to obey lawful directions of the Presiding Officer during the poll, may be removed from the polling station under his order by any police officer or other persons authorised by him.

10. POLLING AGENTS

10.1 It will be physically impossible for you or your election agent to be present during poll at every polling station in your constituency. Someone should, therefore, be present to watch your interests at every polling station. The law permits you to appoint a polling agent and two relief agents at each polling station. They are all known as polling agents. It is, however, not obligatory on your part to appoint polling agents to any or all the polling stations yourself. Your election agent may also make any of these appointments on your behalf. However, only one of three polling agents for a polling station is

entitled to be present at a time inside the polling station. They can relieve one another from time to time. FURTHER, THE COMMISSION HAS INSTRUCTED THAT THE MINISTERS OF THE UNION OR STATES AND MPs, MLAs, MLCs AND ANY OTHER PERSON PROVIDED WITH SECURITY COVER BY THE STATE SHALL NOT BE APPOINTED AS POLLING AGENTS AS THE SECURITY PERSONNEL ACCOMPANYING THEM CANNOT BE PERMITTED TO ENTER POLLING STATION, NOR CAN THEIR SECURITY BE JEOPARDISED IN THE ABSENCE OF THEIR SECURITY PERSONNEL. *NO PERSON WITH SECURITY COVER CAN BE ALLOWED TO SURRENDER THE SECURITY COVER TO ENABLE HIM TO BECOME A POLLING AGENT.*

- 10.2** The appointment of polling agents is made in writing in Form 10 (Appendix- XVI). **The polling agents who are appointed by you, shall be ordinarily resident and shall be voters in the same polling station or in the alternate from the neighbouring polling station falling in the same constituency. Such polling agents must have Electors' Photo Identity Cards or any other recognized identification device issued by the Govt or any Govt agency which bears his/her identity** If any person who is a registered elector in the polling area and proposed to be appointed as polling agent by you but does not have Elector's Photo Identity Card, in that case, you or your election agent may make a written request to the Returning Officer who shall make necessary arrangement for issue of Elector's Photo Identity Card to such elector. All polling agents shall display their Identity Card prominently on. You are not required to send a copy of the appointment order to the Returning Officer. The polling agent should produce the appointment order in original at the polling station so that the Presiding Officer may admit him into the polling station. A polling agent should sign the letter of appointment in Form 10 in token of his agreement to act as your polling agent. It is advisable that his signature is placed in your presence or in the presence of your election agent, if the latter makes the appointment, the polling agent will also have to sign again in the presence of the Presiding Officer at the polling station. He should be asked to sign before the Presiding Officer in the same manner as he signed before you or your election agent so that there will no discrepancy in his signature. This will help in his identity being readily accepted.
- 10.3** To enable the Presiding officer of a polling station to verify the signature of the candidate or his election agent as given in appointment letter in Form 10, your specimen signature or that of your election agent shall be obtained by the Returning Officer on the format (Appendix - XVII) and copies thereof insufficient number shall be supplied to each Presiding Officer, Observers of the Commission, Zonal Magistrate and Sector Magistrate etc., in the constituency. If you have not appointed any election agent, then in the column meant for the signature of the election agent the words "No Election agent appointed" shall be recorded in the said Format. You are at liberty to revoke the appointment of an election agent and to appoint another person in his place. If such a change in the appointment is made at the last moment when the Presiding Officer has already been supplied with the copy of the Format (Appendix XVII) containing the specimen signatures as originally furnished by you, then it shall be your responsibility to supply a copy of Form 9 revoking the appointment of the election

agent and to supply a copy of Form 8 appointing the new election agent to the Presiding Officer.

- 10.4 You or your Election agent may revoke the appointment of any of your polling agents in writing in Form 11 (Appendix - XVIII) and lodge the revocation order with the Presiding Officer of the polling station. If a polling agent happens to die before the poll, you or your election agent should inform the Presiding Officer. In the case of revocation or death, you or your election agent may appoint another polling agent by a fresh letter of appointment in Form 10 in the same manner as before, but in such a case, state in the letter the facts leading to such appointment.

11.1 WHEN POLLING AGENT SHOULD REACH THE POLLING STATION

The polling agent should reach the polling station at least one hour before the commencement of the poll. This will enable him to be present when the Presiding Officer prepares the Voting Machines for taking the poll and goes through the other preliminary/arrangements before the commencement of the poll. If any part of these preliminaries has already been gone through, the proceedings will not be commenced de-novo to accommodate any late comer. Each polling agent will be supplied by the Presiding Officer with a pass on the authority of which the polling agent can go in and out of the polling station as may be necessary.

11.2 TRACKING PRESENCE OF POLLING AGENTS AT THE POLLINGSTATIONS AND MANDATORY CONDUCT OF MOCK POLL ANDCERTIFICATION.

- 11.2.1 You are, therefore, advised to ensure that your polling agents reach the polling stations well in advance before the commencement of poll so that the pre-poll formalities such as issue of entry pass to the agents, conduct of mock poll etc., are done in time

- 11.2.3 The Presiding Officers shall conduct mock poll as explained in para 21.2 in the presence of the polling agents and prepare and sign the mock poll certificate in the prescribed format as given below. **Mock Poll Certificate** This is certified that I Presiding Officer at the Polling Station No -----of ----- Assembly Constituency (or the -----Assembly segment under ----- Parliamentary Constituency)conducted the mock poll at ---AM today, the poll day i.e. --- following the instructions issued by the Election Commission of India. A total of ---- - votes were polled in the mock poll and after the mock poll I have carefully cleared the memory and the total votes polled showed '0' after clearing the memory. A. At the time of mock poll the following of polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures. B. At the time of mock poll the agent of only than one contesting candidate was present. After waiting for ten more minutes I conducted the mock poll along with other polling staff at ----- I have mentioned the name of the agent present at the time of mock poll including the name of the candidate whom he represented.(In case, no agent was present it shall be mentioned " No Polling agent was present at the time of mock poll)Name of the agent Name of the Candidate Signature of the agent Date Time Name & Signature of the Presiding Officer

- 11.2.4** The Presiding Officers shall mention the names of the agents and the candidates they represent and obtain their signatures for the purpose of record.
- 11.2.5** Mock poll shall be conducted normally at least 30 minutes before the commencement of actual poll. In case where even two agents of different candidates are not present, the Presiding Officer may choose to wait 10 more minutes and if the agents are not turning up even after that the Presiding Officer may conduct the mock poll for verifying the working condition of the EVM and mention about that in his certificate suitably.
- 11.2.6** The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30minutes. Non-confirmation of mock poll could be indicative of some problem on the part of presiding officer or the EVM and hence the Returning Officer shall make immediate intervention to sort out the problem.
- 11.2.7** The polling stations not having the presence of rival candidates of recognized parties and where the mock poll had to be conducted in the absence of agents shall merit focused attention of the election machinery. Interventions such as deployment of reserve micro-observers, deployment of video cameras, frequent visits by sector officers and other senior officers could be made.
- 11.2.8** After the completion of poll on the basis of mock poll certifications received from the Presiding Officers, the Returning Officer shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The observers shall also pay their attention to this aspect.

12. DUTIES OF POLLING AGENT

- 12.1** The main duty of your polling agent is to see that your interests are safeguarded at the polling station, for which he has been appointed as your polling agent. His other duties are-
- (a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who try to impersonate voters;
 - (b) to help in having the Voting Machines properly secured and sealed according to the rules before and after the poll;
 - (c) to take a copy of the account of votes recorded and paper seal account in Form 17-C from the Presiding Officer after the close of the poll; and
 - (d) to see that the documents relating to the poll are also secured and sealed properly as required by law.
- 12.2** The Commission has brought out a separate "Handbook for polling Agents "which you may purchase in sufficient numbers for distribution among the polling agents, if considered necessary. These are available with the Chief Electoral Officer of your State/Union Territory.

13.1 THINGS TO BE BROUGHT BY POLLING AGENT

The polling agent should provide himself with the following items which he comes to the polling station:-

- (a) his letter of appointment;
- (b) a copy of the electoral roll for the polling station;
- (c) a list of the names of the dead absentee or shifted and duplicate voters included in the list;
- (d) a small brass seal, which he can use for putting his seal on the carrying case(s) of the ballot units(s) before they are transported to the counting/collection center.; and(e) pen, paper and pencil.

13.2 WEARING OF BADGES, ETC., INSIDE POLLING STATION

13.2.1 No person is allowed within the polling station or within 100 metres thereof to wear badges, emblems, etc., bearing the names of candidates or political leaders and/or their symbols or pictorial representation thereof, as it may amount to campaigning for a contesting candidate.

13.2.2 The polling agents may, however, display on their person a badge showing the name of the candidate whose agents they are for the purpose of their immediate identification.

14. ARRANGEMENT AT POLLING STATIONS

Outside each polling station there will be displayed prominently a notice specifying the polling area, the electors who are entitled to vote at the polling station and the list of the contesting candidates.

14.1- It should be ensured that the BLO appointed for ' Help Desk' duty at each polling station by DEO is provided with sufficient separate seating arrangements outside of Polling station at a place convenient for the voters and so as to provide necessary assistance to the electors. It is recommended to arrange their seats very close to the main entrance of the polling station as far as possible so as to catch the attention of the electors on their arrival at polling station. A display board as "HELP DESK- Booth Level Officer ,PS No....." should be displayed near his seat .

15. ADMISSION TO POLLING STATIONS

Apart from the electors, only the following persons can be admitted into the polling station by the Presiding Officer:

- (a) Polling Officers;
- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorized by the Election Commission;
- (d) public servants on duty in connection with the election; N.B: The expression "public servants on election duty" would not include police officers (unless called for by the Presiding Officer for maintenance of law and order in the polling station or any other purpose), Ministers, Ministers of State and Deputy Ministers of the Union or the State/Union Territories.
- (e) Observers appointed by the Commission;
- (f) a child in arms accompanying an elector;
- (g) a person accompanying a blind or an infirm voter who cannot move without help;
- and(h) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll. NB: No security personnel accompanying, if any, an elector, candidate or his election agent or polling agent shall be allowed to enter in the 100meter perimeter of

polling stations described as the “Polling Station Neighbourhood” and within the polling booth.

16. SEATING OF POLLING AGENTS

- 16.1** The Presiding Officer will make arrangements to provide seats to the polling agents at such polling station in such a way that the polling agents are seated inside the polling stations so that they may see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.
- 16.2** According to the latest instructions of the Commission, the seating arrangement at the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely,
- (i) candidates of recognised national parties,
 - (ii) candidates of recognised state parties,
 - (iii) candidates of recognised state parties who have been permitted to use their reserved symbols in the constituency,
 - (iv) candidates of registered unrecognized parties, and
 - (v) independent candidates.

17. PRELIMINARIES BEFORE THE COMMENCEMENT OF POLL

About one hour before the time fixed for the commencement of poll, the Presiding Officer will start going through the preliminary preparations for the conduct of poll. The Presiding Officer will—

- (a) demonstrate to the polling agents and other persons present that the voting machine to be used for the poll is clear and no vote is already recorded therein;
- (b) conduct a mock poll to satisfy the polling agents that the voting machine is functioning properly;
- (c) clear the machine again after the conduct of mock poll;
- (d) fix green paper seal in frame provided for fixing the green paper seal on the inner door of the door of the inner compartment of Result Section of the Control Unit;
- (e) close the inner door of the Result Section of the Control Unit with thread and seal it with special Tag;
- (f) close the outer cover of that (Result) Section of the Control Unit with thread and seal it with Address Tag for Control Unit;
- (g) Secure and seal the Result Section from outside with Strip Seal;
- (h) demonstrate to the polling agents and other persons present that the marked copy of the electoral roll (copy of the electoral roll to be used for marking the names of electors who are allowed to vote) does not contain any remarks other than those made for issuing postal ballot papers and election duty certificates; and
- (i) demonstrate to the polling agents and other persons present that the Register of Voters (Form 17A) does not already contain any entry in respect of any elector.

18. PREPARATIONS ON THE VOTING MACHINE BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF POLL

Before a voting machine is put in actual use at the polling station some preparations, in addition to the preparations made at the Returning Officer's level as explained in Chapter - X, are necessary. The Presiding Officer shall start the preparations about an hour before the time fixed for the commencement of the poll. If any polling agent is not present, the preparations by the Presiding Officer will not be postponed so as to wait the arrival of the polling agent. Nor will he start the preparations again if any polling agent turns up late.

19. Preparations on the ballot unit

- 19.1** The ballot unit is already duly prepared in all respects at the Returning Officer's level and no further preparation of this unit is required at the polling station on the day of poll, except that its interconnecting cable has to be plugged into the control unit or in the other ballot units as explained below.
- 19.2** Where more ballot units than one are to be used at a polling station, these ballot units have to be inter-connected in the correct sequential order. In such a case, only the first ballot unit will be connected with the control unit. The polling agents may satisfy themselves that the Presiding Officer has correctly linked the control unit with the ballot units. If there is any defect in such inter-linking, it will immediately become known as the display panels in the control unit will flash the letters 'LE', i.e. linking error.
- 19.3** The Polling Agents should also check that –
- (i) the ballot paper is properly fixed in the ballot display panel under the ballot paper screen; and
 - (ii) the two seals put by the Returning Officer at the top and bottom portion on the right hand side of the ballot unit are intact.

20. PREPARATION ON THE CONTROL UNIT

- 20.1** The polling agents will first be allowed to check the seal put by the Returning Officer on the 'Candidate Set Section' on the left side of the control unit is intact. This seal has been put by the Returning Officer after the setting of the number of candidates in the control unit according to the number of the contesting candidates in the concerned parliamentary/assembly constituency.
- 20.2** The following preparations will then be made by the Presiding Officer on the control unit:-
- (i) Interlinking the control unit with the ballot unit or the first ballot unit where more ballot units than one are used;
 - (ii) switching the power switch to 'ON' position;
 - (iii) closing the rear compartment after performing the functions at (i) and (ii) above;
 - (iv) conducting the mock poll (as explained in para 21.2);
 - (v) clearing the machine after the mock poll and setting all counts to ZERO (as explained in para 21.2.2(h));
 - (vi) Switching the Power switch to 'OFF' position; N.B: The expression "public servants on election duty" would not include police officers (unless called for by the Presiding Officer for maintenance of law and order in the polling station or any other purpose), Ministers, Ministers of State and Deputy Ministers of the Union or the State/Union Territories.

(viii) closing and sealing the inner door of the Result Compartment by fixing the special tag (as explained in paras 24.1 to 24.4.) and

(ix) closing and sealing the outer cover of the Result Section with Address Tag and Strip Seal (as explained in paras 24.5 to 26)20.3 When the 'Power' switch in the control unit is put to 'ON' position, there will be a 'beep' sound and the 'ON' lamp on the display section of the control unit will glow green.

20.4 The Presiding Officer will then close the rear compartment. To keep it firmly closed, a thick thread may be run through the two holes provided for the purpose and the ends of the thread may be tied into a knot. You should note that the rear compartment is not to be sealed as it will require to be opened again after the close of poll for switching 'OFF' the power and disconnecting the ballot unit

20.5 Printer for paper trial with drop box Election commission has ordered that a printer with drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for **printing a paper trial of vote, in such constituency or constituencies or parts thereof** as the Election Commission may direct. In the constituencies where the printer for paper trail is used under the provisions to Rule 49A of the conduct of Election Rules, the presiding officer should keep the printer along with the ballot unit in the voting compartment and shall be connected to the EVM in the manner as directed by Election Commission. For this purpose the voting compartment should be increased proportionally.

21. DEMONSTRATION OF "CLEARING" VOTING MACHINE

21.1 Before commencing the poll, the Presiding Officer has to satisfy not only himself but all the polling agents present that the voting machine is in perfect working order and that no votes have already been recorded in the machine. For such satisfaction, he shall first show to all present that all counts have been set to ZERO by pressing the 'Clear' button. The 'Clear' button is provided in the right most compartment in the Result Section of the control unit. This compartment is covered by an inner door and an outer cover. The inner door covers the compartments containing 'Clear' button, 'Result I' button and 'Result II' button, and the outer cover is provided above the inner door and covers also the compartment containing the 'Close' button. For reaching the 'Clear' button, he will first open the outer cover by pressing slightly inwards the latch provided on the left side. Thereafter, the inner door can be opened by inserting the thumb and a finger through the two apertures above the 'Result I' and 'Result II' buttons and then pressing the latches inside simultaneously slightly inwards. In no case, this inner door should be forced open without releasing the latches in the manner described above as otherwise this most vital compartment will get damaged. When the 'Clear' button is pressed, the Display Panels on the control unit will start displaying the following information sequentially:—(if the machine is set for 8 candidates and option for NOTA.) (every indication is followed by a beep sound) Note: If on pressing 'Clear' button, the Display Panels do not display the information as indicated above, it means that some of the earlier operations needed for clearing the machine have not been performed. To clear the machine, the Presiding Officer should ensure that ballot units and control unit have been properly linked. He should then press 'Close' button and thereafter press 'Result I' button. Now when he presses the 'Clear' button, the Display Panels will start displaying the information as indicated above. The display of the above information on the Display Panels shall satisfy the polling agents present at the polling station that no votes are

already recorded in the machine and where the printer for paper trial is used that the drop box of the printer is empty

21.2 MOCK POLL

- 21.2.1 After demonstrating as above that no votes are already recorded in the machine, the Presiding Officer will hold a mock poll by votes recorded for each candidate, if any candidate is not represented by polling agent, Presiding Officer shall count couple of votes for such candidate. Then the result shown in the machine should be tallied.
- 21.2.2 For that purpose, the following operation shall be performed:-
- (a) Press the 'Ballot' button on the ballot section of the control unit. On pressing the 'Ballot' button, 'Busy' lamp in the display section will glow red. Simultaneously, the 'Ready' lamp on the Ballot Unit will also start glowing green.
 - (b) Ask any polling agent to press, according to his choice, any of the candidate's blue buttons on the Ballot Unit. Ensure that each of the blue (unmasked) buttons is pressed at least once, so that each button left unmasked is tested and found functioning properly.
 - (c) On the candidate's button being so pressed, the 'Ready' lamp on the Ballot Unit will go off and the candidate's lamp near the button will start glowing red. Also, a beep sound will be heard emitting out from the control unit. After a few seconds, the red light in the candidate's lamp, red light in the 'Busy' lamp and the beep sound will go off. This will be the indication that the vote for the candidate, whose blue button has been pressed, has been recorded in the control unit and the machine is now ready to receive the next vote.
 - (d) Repeat the process explained in the preceding paras (a), (b) and (c) for recording one or more votes for each of the remaining candidates. Keep a careful account of the votes so recorded in respect of each candidate.
 - (e) When the votes are being so recorded, press the 'Total' button on the ballot section of the control unit to verify at any time that the total votes recorded in the machine tally with the number of votes which have been polled up to that stage. Note: 'Total' button should be pressed only after the vote has been recorded for any candidate and the 'Busy' lamp in the Display Section is off.
 - (f) At the end of the mock poll, press the 'Close' button in the result section. On the 'Close' button being so pressed, the display panels in the display section will show the following information sequentially Note: Subject to availability of time, there is no objection to permit the recording of more votes at mock poll. It is not necessary that the number of votes recorded for each candidate should be the same.
 - (g) Now press the button marked 'Result I' in the Result Section. On that button being pressed, the Display Panels will start show the results.
 - (l) Next, press the 'Clear' button to clear the account of votes recorded during the mock voting. On pressing the 'Clear' button, all counts in the Display Panel will show ZERO.

22. FIXING GREEN PAPER SEAL IN THE CONTROL UNIT

- 22.1 In order to maintain the secrecy of ballot, in the conventional system of voting where ballot papers and ballot boxes were used the ballot boxes are sealed and secured by fixing a green paper seal specially got printed by the Commission. Once the green paper seal was fixed in a ballot box and the lid of the box was closed, the box could not be

- opened and the ballot papers contained therein could not be tampered with or taken out for counting unless the green paper seal is torn. Similar safeguard has been provided in the voting machine so that once the poll commences, nobody should be able to tamper with the voting machine. To achieve and ensure this, provision has been made for fixing the same green paper seal which is used for securing a ballot box, in the control unit of the voting machine.
- 22.2 There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the result section of the control unit. Before the green paper seal is fixed in the frame provided for the purpose on the inner side of the door of the inner compartment of the result section of the control unit, you should affix your signature in full immediately below the serial number of the paper seal on the white surface of the paper seal. It shall also be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signatures. The Presiding Officer should verify that the signatures of the polling agents on the paper seal tally with their signatures on their letters of appointment.
- 22.3 There is provision of two frames In the case of voting machines manufactured by Bharat Electronics Limited, Bangalore, allowing arrangement for fixing two paper seals and accordingly two paper seals are to be used in the control units of the voting machines manufactured by that company, where as in the case of voting machines manufactured by Electronics Corporation of India Limited, Hyderabad, there is only one frame providing arrangement for fixing only one green paper seal. *(In the upgraded model of the Electronic Voting Machine, whether manufactured by BEL, Bangalore or ECIL, Hyderabad, only one paper seal is used as in the pre-upgraded model of the ECIL machine.)*
- 22.4 The seal should be so fixed that its green surface is seen through the aperture from outside. When the green paper seal is fixed on the control unit of the voting machine.
- 22.5 It should be ensured that no damaged paper seal is used in any case and if any paper seal gets damaged in the process of fixing, it should be replaced then and there before the door of the inner compartment is closed.
- 22.6 After fixing the paper seal, the door of the inner compartment will be closed by pressing it fit. It will be closed in such a manner that the two open ends of the paper seal project outwards from the sides of the inner compartment. Before the green paper seal is fixed in the frame provided for the purpose, the Presiding Officer and polling agents present shall affix their signatures in full immediately below the serial number of the paper seal on the white surface of the paper seal. It shall also be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signature. The candidates or their polling agents are allowed to note down the Sl. No. Of paper Seals so supplied for use and actually used.
- 22.7 After the green paper seal has been signed by the Presiding Officer and you and fixed and secured, the door of the inner compartment over the "Clear" button and "Result" buttons will be pressed fit and closed in such a manner that the two open ends of the paper seal continue projecting outwards from the sides of the inner door. Then this inner door will be sealed with a Special Tag. For this the Presiding Officer will pass the high quality twine thread specially supplied for this purpose by the Returning Officer through the two holes provided in the inner door and through the hole provided in the Special Tag. CLOSING AND SEALING OF RESULT SECTION OF CONTROL

23. SPECIAL TAG

23.1 The sizes of Special Tag to be used in the Electronic Voting Machines of the two makes are different as under:-

(a) For ECIL machine: 7 cms. x 5.5 cms.

(b) For BEL machine: 7.5 cms. x 5.5 cms. Its thickness is equal to the thickness of a postcard. There is a hole on the right corner on top of front side with a metal ring, so as to make it easy to pass a thread through it, for sealing. Further, on the right hand side below the hole there is a groove cut on the special tag just enough to fit with the doorknob of result compartment. There is also an opening in the middle of the special tag, so that when the tag is fixed in the "CLOSE" button compartment of the result section, the "CLOSE" button is visible so that the 'Close' button can be reached to operate without disturbing the tag.

23.2 CONTROL UNIT NUMBER

Before the Special Tag is used, the Presiding Officer shall write the serial number of the Control Unit on the Special Tag.

23.3 SIGNATURE

23.3.1 After writing the serial number of the Control Unit on the Special Tag, the Presiding Officer shall put his signature on the BACK SIDE of the Special Tag. He will also ask the candidates/polling agents present in the polling station before the commencement of the poll to put their signatures on the back, if they so desire. He will also read out the pre-printed serial number on the Special Tag and ask the candidates/polling agents present to note down that serial number.

23.3.2 The special tag is used to seal the inner compartment over the 'Clear' and 'Result' buttons after the process of signing the green paper seal by Presiding Officer and contesting candidates/polling agents and fixing and securing it in the frame(s) provided for fixing the paper seal on the inner side of the door of the inner compartment of the result section of the control unit is over. The door of the inner compartment over the "Clear" button and "Result" buttons should be pressed fit and closed in such a manner that the two open ends of the paper seal continue projecting outwards from the sides of the inner door. Then this inner door should be sealed with the special tag. For this, Presiding Officer should pass the high quality twine thread specially supplied for this purpose by the Returning Officer through the two holes provided in the inner door and through the hole provided in the special tag.

23.3.3 It should be ensured by Presiding Officer that spoiled or torn special tag is not used in any case. If, by any chance, the special tag is spoiled or torn, he should use another one. For this purpose, like "Green Paper Seals", the Returning Officer supplies to Presiding Officer with 3 or 4 'Special Tags'.

23.3.4 After doing all this, the Presiding Officer will tie the thread into a knot and seal the thread on the Special Tag with sealing wax. Thereafter without breaking the seal, he will adjust the Special Tag in the compartment of "CLOSE" button ensuring that the "CLOSE" button protrudes through the hole cut in the middle of the special Tag for the purpose. Closing the inner door with thread Sealing the inner door with Special Tag BEL Machine BEL Machine Closing the inner door with thread ECIL Machine Sealing the inner door with Special Tag ECIL Machine CLOSING AND SEALING OF OUTER COVER OF RESULT SECTION

23.4 After the inner compartment of Result Section of the control unit has been closed and sealed, the outer cover of the Result Section will be pressed fit for closing that Section.

Before pressing that outer cover, the Presiding Officer will ensure that the two open ends of the paper seal project outwards from the either sides of the outer cover.

- 23.5** After the outer cover of Result Section has been closed, the Presiding Officer will seal that cover by
- (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover,
 - (ii) tying thread into a knot
 - (iii) attaching a label (address tag) similar to the one which is attached to the 'Cand Set Section' at the Returning Officer's level and
 - (iv) sealing the thread on the Address Tag with wax and his seal. The candidates or their polling agents shall also be permitted to affix their seals, if they so desire, on the outer cover.
- 23.6** The address tag will contain the following particulars: "Election to thefromconstituency Control unit No.....Sl. No. and Name of Polling Station.....Date of Poll....."
- 23.7** The Returning Officer will provide sufficient number of blank printed address tags as part of polling materials. The Presiding Officer will carefully fill the particulars in the address tag. The serial number of each control unit is inscribed on its bottom portion.
- 23.8** The candidates or their Polling Agents present will also be permitted to affix their seals, if they so desire, on the outer cover address tag along with the seal of the Presiding Officer.
- 23.9** By so closing and sealing the inner compartment and the outer cover, the whole Result Section gets sealed and secured and the votes which will be recorded by the Control Unit cannot be tampered with.

24. STRIP SEAL

- 24.1** To further improve the sealing arrangements for Electronic Voting Machines, the Election Commission of India has approved a system of printing an additional outer seal for sealing the "Result Section" of the Control Unit completely with an Outer Paper Strip Seal (hereafter referred to as "Strip Seal) so that this portion of the Control Unit cannot be opened once the polling has started and till the counting is taken up. This will ensure that from the time the first vote is cast in the machine at the polling station and till it is brought to the counting table, no person could have opened the Result Section without damaging the Strip Seal.
- 24.2** The Commission, therefore, directed that at every polling station where the election is held with the use of EVM, the Control Unit shall be secured and sealed with the Strip Seal as detailed below from outside completely with the Strip Seal so that this section cannot be opened without damaging the Strip Seal. The Strip Seal shall be positioned on the outer door of "Result Section" just below the rubber cap covering the "CLOSE" button in such a way that the covering the "CLOSE" button is not covered by the Strip Seal. (This will allow the rubber cap to be removed for pressing the 'CLOSE" button in case of emergent situation such as booth capturing.)
- STRIP SEAL – PHYSICAL FEATURES**

(i) Strip Seal is a paper seal with a measurement of 23.5" (twenty-three point five inches) in length and 1" (one inch) in width. The length of the strip is such that it can easily be wrapped round the breadth of the Control Unit to provide an extra outer seal of the Control Unit before the commencement of the poll and after the other standard seals have been affixed in the Control Unit.

- (ii) Each Strip Seal has a Unique Identity Number.
 - (iii) These Strip Seals will be supplied by a firm duly approved by the Commission, and the Chief Electoral Officers will centrally procure them for each State.
 - (iv) At both the ends of the Strip Seal, there are FOUR (4) pre-gummed portions. Of these three are about one square inch area (identified by letter 'A', 'B' & 'C') and one is about two square inch area (identified by letter 'D'). Each gummed portion is covered by a strip of wax paper.
 - (v) The Strip Seal has an inner side and an outer side. On the inner side of the strip, at one end there are two adjacent pre-gummed portions marked by letter 'A' & 'B'. At the other end of the inner side of the strip, there is about 2" (two inches) pre-gummed portion marked 'D'. On the outer side of the strip, there is only one pre-gummed portion marked 'C'. A drawing of the Strip Seal showing the outer side and inner side is given below. The dark portions are the gummed portions on inner side and outer side of the strip. DRAWING OF STRIP SEAL(Pre-gummed portions are shown in dark shade)
- COMPLETE METHOD OF SEALING CONTROL UNIT INCLUDING USE OF STRIP SEAL**

24.4. For the sake of easy understanding, the complete sequential order of the steps to be taken by the Presiding Officer at the polling station until and including fixing the Strip Seal are given below:

- (i) Before the commencement of the actual poll, the Presiding Officer conducts mock poll.
- (ii) After conducting mock poll and showing the result, the Presiding Officer shall clear the Control Unit of the data relating to mock poll by operating "Clear" button.
- (iii) After clearing the data he shall insert the Green Paper Seal (two seals in the case of BEL machines and only one in case of ECIL machine) to cover the windows of the inner door of the Result Section. While inserting the Green Paper Seals, he shall take care to ensure that the Green portion of the seal is visible through the windows of the inner door after it is closed.
- (iv) After inserting the Green Paper Seals, the inner door above the result buttons will be closed.
- (v) Then the inner door of the result section will be sealed off with the special tag.
- (vi) After fixing the Special Tag, the Presiding Officer will close the outer door of the Result Section ensuring that the loose ends of the Green Paper Seal(s) protrude out from both the sides of the closed outer door[See Photo-1 (BEL Machine) / Photo-2 (ECIL Machine)].
- (vii) Then the Presiding Officer shall seal the outer door with thread and address tag.(viii) Next he shall proceed to fix the Strip Seal around the Control Unit to seal the Result Section from outside completely so that this section cannot be opened without damaging the Strip Seal after the poll commences.
- (ix) Before the strip seal is fixed to seal the result section from outside Presiding Officer should affix his signature in full immediately below the serial number of the paper seal. It shall be got signed by such of the contesting candidates or their polling agents as are present and are desirous of affixing their signatures. He should verify that the signatures of the polling agents on the Strip Seal tally with their signatures on their letters of appointment.
- (x) He will position the Strip Seal just below the "CLOSE" button. The detailed procedure to fix the Strip Seals is given below. There is as light difference in the method of fixing the Strip Seal for BEL make machines and ECIL make machines. The Presiding Officer will

follow the instructions below depending on the make of the EVM available in your State.

25. METHOD OF SEALING BEL MAKE MACHINES WITH STRIP SEAL:

Step-1: The Presiding Officer will keep the Strip Seal with the pre-gummed portion 'A' positioned near the base of the Green Paper Seal protruding from the inner end of the door. He will then remove the wax paper covering 'A' and press the inner layer of the Green Paper Seal over the gummed portion 'A'. He will also keep the outer layer of the Green Paper Seal over the inner layer protruding from the lower portion of the outer door.

Step-2: He will then remove the wax paper over the pre-gummed portion 'B' and press this pre-gummed portion 'B' over the outer layer of Green Paper Seal layer protruding from the lower portion of the outer door..After pasting 'B' over the Green Paper Seal, the pre-gummed portion 'C' will come to the top position.

Step-3: The Presiding Officer will then remove the wax paper over the pre-gummed portion 'C' and press both the ends of Green Paper Seal protruding from the upper portion of the outer door so that the inner layer of that Green Paper Seal is firmly gummed to 'C'.

Step-4: He will then take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the rubber cap covering the "CLOSE" Button and bring the other end of the Strip Seal from right side of the Control Unit on top of the Outer Door where the pre-gummed portions 'A', 'B' and 'C' have been pasted.

Step-5: Thereafter the Presiding Officer will remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the outer layer of the Green Paper Seal protruding from the top portion of the door. The pre-gummed portion 'D' spills over the Strip Seal below the "CLOSE" Button. He will then press this spilled-over portion of 'D' firmly over the Strip Seal. By the above process all the four loose ends of the Green Paper Seals protruding from both sides of the door get firmly pasted and held by the Strip Seal. At the same time, the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal. AFTER FIXING THE STRIP SEAL PUT THE POWER SWITH ON THE CU. After sealing the Control Unit with the Strip Seal, the Presiding Officer shall take care that the seal is not damaged or tampered with during the poll and this seal shall NOT be removed during or after the poll in the polling station .At the end of the poll at prescribed hour, the Presiding Officer shall remove the rubber cap covering "CLOSE" Button without disturbing the Strip Seal and press the "Close" Button to close the poll and replace the rubber cap. After completing other formalities at the end of the poll, the Presiding Officer shall carefully pack the Control Unit in its carrying case and seal the carrying case with address tag. This sealed carrying case shall be delivered to the Strong Room (Collection Centre).On the day of the counting, the Control Unit with the Strip Seal intact shall be allowed to be examined by the candidates/counting agents present at the Counting Table. Only thereafter, the seal shall be removed taking care that the Green Paper Seals are not damaged. After examining the Green Paper Seals protruding outside, the thread seal on the outer door of the Control Unit shall be opened. IMPORTANT PRECAUTIONS:

(i) The Strip Seal shall be positioned to cover the portion below the rubber cap covering the "CLOSE" Button cap on the outer door of the Result Section. While fixing this strip, the Presiding Officer will ensure that the rubber cap covering the "CLOSE" button is left clear and not covered even partially by this strip so that there is no difficulty in removing the rubber cap and operating to that button when required.

- (ii) The Strip Seal shall be fixed taut and shall not be loose.
- (iii) DAMANGED STRIPS HAVE NOT TO BE USED IN ANYCIRCUMSTANCES.
- (iv) Each polling station will be supplied with four (4) Strip Seals like Green Paper Seals.
- (v) Presiding Officers shall account for each Strip Seal supplied to the polling station for the conduct of poll in the Presiding Officer's Diary.
- (vi) Presiding Officer should return every Strip Seal that is not used(including the strips (or pieces thereof) damaged accidentally to the Returning Officers who will be held responsible if any Strip Seal is found in the hands of any unauthorized person at any time.
- (vii) The Chief Electoral Officer and the District Election Officers shall keep a record of the serial numbers of the Strip Seals supplied to each Returning Officer. Similarly, each Returning Officer shall keep a record of the Strip Seals supplied to each polling station.
- (viii) The Commission will issue samples of Strip Seals to your State for the purpose of demonstration as well as training. These sample strips also shall be kept in safe custody. After using the Strips Seals for training or demonstration, as the case may be, the used Strips seals should be destroyed by shredding them. METHOD OF SEALING ECIL MAKES MACHINES WITH STRIP SEAL :In ECIL machine only one Green Paper Seal is used. Therefore, the loose ends of the same Green Paper Seal protrude from either ends of the outer door over Result Section. (In the upgraded model of the voting machine also, whether manufactured by BEL or ECIL only one green paper seal is used).Following are the steps to seal ECIL MAKE MACHINES (and also the upgraded model of the voting machine) with Strip Seal:-
 - Step 1: The Presiding Officer first double fold the inner end of the Green Paper Seal in the middle ensuring that the green portion of the seal remains outside
 - Step 2: He will keep the Strip Seal with the pre-gummed portion 'A' positioned near the base of the inner fold of the Green Paper Seal protruding from the inner side of the outer door of the Result Section. He will then remove the wax paper over 'A' and press the inner fold (green side) of the Green Paper Seal over this gummed portion and paste.
 - Step 3: The Presiding Officer will then remove the wax paper over the pre-gummed portion 'B' and press this gummed portion over the outer fold of the Green Paper Seal.
 - Step 4: After pasting 'B' over the Green Paper Seal the pre-gummed portion 'C' will come to the top position. The Presiding Officer will remove the wax paper over 'C', press the Green Paper Seal protruding from the top portion of outer door so that the Green Paper Seal is firmly pasted over 'C' (Now the white side of green paper seal will come on top and will be visible from outside).
 - Step 5: He will then take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the rubber cap covering "CLOSE" Button and bring the other end of the Strip Seal from right side of the Control Unit on top of the outer door where the pre-gummed portions 'A', 'B' and 'C' have been pasted.
 - Step 6 : He will remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the Green Paper Seal protruding from the top portion of the door. The pre-gummed portion 'D' spills over the Strip Seal below the "CLOSE" Button. The Presiding Officer will press this spilled over portion of 'D' firmly over the Strip Seal. By the above process, both the loose ends of the Green Paper Seal protruding from both the sides of the outer door get firmly pasted and held by the Strip Seal. At the same time the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal.

Election Commission of India introduced the upgraded model of the Electronic Voting Machine and used it for the first time in the General Election to the Legislative Assembly of Manipur held in 2007. The appearance and features of the voting machines manufactured by both BEL, Bangalore and ECIL, Hyderabad are more or less the same except for a few additional features/modifications. Additional features -(a) Numeric in Braille signage (1 to 16) has been provided on the Ballot Unit (BU) top cover on the right of the blue button for each contesting candidate for the convenience of the visually challenged (blind) persons. Modifications –

(a) In the Display Panel, there is only one window now instead of two windows in the existing model.

(b) The Display Panel now displays the data on two rows of total twenty four characters (twelve characters in each row).

(c) The hood of the connector attached to the interconnecting cable, one end of which is permanently fixed to the Ballot Unit, has now been provided with different coloured spring clips on both sides - one BLACK and the other RED. One side of female socket in the rear compartment of the Control Unit is in RED colour for easy identification at the time of insertion of the connector into the female socket. The RED spring clip has to match with the RED side of the socket and the BLACK spring clip has to match with the BLACK side of the socket.

(d) The 'RESULT I' button in the Result Section has been replaced with a new 'RESULT' button.

(e) The 'RESULT II' button in the Result Section has been removed and in its place a new button 'PRINT' has been provided. The upgraded model of the voting machine has been provided with the facility to print the result data. A special gadget is to be attached at data interface connector at the rear side of the Control Unit for printing. When the 'PRINT' button is pressed, the Control Unit displays 'PRINTING'. For printing result data, the result has to be seen at least once.

(f) The inner cover of the Result Section covering the 'RESULT' and 'PRINT' buttons has been provided with a single window for inserting green paper seal like in the existing model of ECIL make of the machine. Therefore, only one green paper seal will be used in the upgraded model of the voting machine for sealing the voting machine with green paper seal.

(g) The sequence of the buttons on the Control Unit to be pressed has also now been made same as in the ECIL make of the voting machine. The sequence is 'Clear' – 'Cand. Set' – 'Clear' – 'Ballot' – 'Close' – 'Result'. After the 'Cand. Set' button one can press the 'Ballot' button also directly. Pressing of any button out of proper sequence will display the message 'INVALID' on the Display Panel. Various types of display which appear on this display panel.

26. ACCOUNT OF PAPER SEALS

26.1 The Presiding Officer will keep a correct account of the paper seals supplied to him and actually used by him for sealing and securing the control unit. Such account shall be maintained by him in the form specifically prescribed for the purpose vide Item 9 of Part 1 of Form 17C appended to the Conduct of Election Rules, 1961

26.2 The said accounts shall be prepared by the Presiding Officer in Form 17C and an attested copy thereof shall be furnished by him to every polling agent present at the polling station.

27. VOTING MACHINE READY FOR ACTUAL POLL

- 27.1** The voting machine is now ready in all respects for use for actual poll.
- 27.2** Before commencing the poll, the Presiding Officer should place the ballot unit(s) inside the voting compartment. As already instructed, the voting compartment should be located at sufficient distance from Presiding Officer's table where the control unit shall be kept and operated. The interconnecting cable between the ballot unit and the control unit has a length of approximately five metres. Therefore, the voting compartment should be reasonably distanced. Also, the cable should be so routed that it does not obstruct the movement for voters inside the polling station and they have not to tread or trip over it, but the entire length of the cable should be visible and under no circumstances be concealed under the cloth or under the table. While placing the EVM in the Voting Compartment, it must be ensured without fail that secrecy of voting is not violated.

28 MAINTENANCE OF SECRECY OF VOTING

- 28.1** Every polling agent is required by section 128 of the Representation of the People Act, 1951 to maintain and aid in maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. Any person contravening the above provisions of law is punishable with imprisonment for a term which may extend to 3 months or with fine or with both.
- 28.2** Before commencing the poll, the Presiding Officer will bring to the notice of all present the provisions of aforesaid section 128 regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

29. DECLARATION BY THE PRESIDING OFFICER BEFORE THE COMMENCEMENT OF POLL

After the Presiding Officer has gone through the preliminaries, as stated above he will make a declaration in the prescribed form (Appendix - XIX) Part I to the effect that he has completed those preliminaries. He will read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and will also obtain thereon the signatures of such of the polling agents as are present and willing to affix the same. The polling agents should sign that declaration as it would satisfy all that the poll had commenced in free and fair manner. If any polling agent refuses to sign that declaration the Presiding Officer will make a note of his name in the paragraph provided for that purpose in the form of said declaration.

30. COMMENCEMENT OF POLL

- 30.1** The poll will be commenced at the stroke of the hour fixed for the purpose. By that time the preliminaries would have been completed by the Presiding Officer. If for any unforeseen reasons the preliminaries are not over, the Presiding Officer may admit about

three or four voters at the hour fixed for the commencement of the poll and let the Polling Officers deal with them so as to enable them to go through the process of voting.

30.2 In any event, the Presiding Officer cannot extend the appointed closing time, except for allowing such of the voters to vote who have already reached the polling station before the appointed closing time and taken their place in the queue for voting. For this purpose the Presiding Officer should distribute slips duly signed by him to the electors, who were present at the polling station at the hour appointed for the close of poll starting from the tail of the queue towards the head

31. ENTRY OF VOTERS INTO POLLING STATION

31.1 Normally there will be separate queues for men and women voters. The persons who arrange the queues will allow 3 or 4 voters into the polling station at a time as the Presiding Officer may direct. Other voters waiting to come in will be made to stand in queue outside. Men and women voters will be admitted into the polling station in alternate batches. The Presiding Officer may, however, give precedence, if he thinks fit, to infirm voters and women voters with babies in arms over others. The polling agents should not object to it. *In view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for entry of one male voter.*

1(a) *Senior citizens(those who have attained the age of 60 or more)and physically challenged electors shall be given priority for entering the polling station, without having to wait in the queue for other electors and all necessary assistance as may be required should be provided to them at the polling station. For this purpose, if necessary, arrangements should be made for such persons to form a separate queue.*

31.1(b) *VOTERS SLIP voter slip The election Commission as per instruction No 464/INST/2011/EPS dt 18.2.2011 and 13.3.2011 and 14.6.2013 has directed that the Voters Slips including photograph of voters ,where available in the photo roll, be distributed to all enrolled voters by District Administration. The Commission has also reiterated that the Voters slip is an approved document for identification and the authenticated voters slip is allowed as one of the identity documents .The sample format of Voters Slip issued in Ir dt 14.6.2013 is appended*

Election to the HOUSE OF People/Legislative Assembly of

Voters	SlipNo	and	Name	of
PC/AC.....	.....		.....	Part
No.....	.....		.....	Name.....
.....	.....		.....	Sex.....
.....	.....	Fathers/Mothers/Husband's	.....	Name.....
No.....	.....	.....	.....	EPIC
Name.....	.....	.....	.....	Voter Polling station No and
Time.....	.....	.....	.....	Poll date, Day and
				Note



1. This Voters slip is an approved document for identification Note
2. This authenticated voters slip is allowed as one of the identity documents Note.
3. If this Voter Slip does not have a photograph or it has wrong particulars or photograph, the voter can still be allowed to vote based on alternate identity documents permitted by Election Commission of India Date: Signature and Stamp of Retuning Officer/BLO e) The voter's slip issued by ERO's through BLO's itself is a sufficient proof of identity. If any doubt persist ,the presiding officer can sought the assistance of concerned BLO who will be available at the counter outside the polling station

31.2 FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS

Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of a crowd of voters lining up outside the polling station. However, no one including the publicity officials of the State Government shall be allowed inside a polling station without a letter of authority from the Election Commission. In no circumstances, will any photograph either still or video be allowed to be taken of a voter recording his vote.

- 32.1 METHOD OF RECORDING OF VOTES BY VOTING MACHINES** The electors, who have been issued with their EPICs, are required to produce these cards to exercise their franchise when they come to polling station for voting. The Commission, however, have been issuing a specific order at the time of elections for production of certain alternative documents for those electors who have not been issued their EPICs, for establishing their identity. After the procedural requirements relating to identification of an elector, application of indelible ink on his left forefinger and obtaining his signature/thumb impression on the Register of Voters (as explained in detail in the succeeding paragraphs) have been completed and the elector allowed to record his vote in the voting machine, the Presiding Officer/Polling Officer in charge of the Control Unit of the voting machine shall press the 'Ballot' button on the control unit. This would make the ballot unit(s) ready for recording the vote of the elector. When the 'Ballot' button is pressed, the lamp marked 'Busy' on the Control Unit will glow red. Simultaneously, the lamp marked 'Ready' on each ballot unit kept in the voting compartment will start glowing green.
- 32.2** For recording his vote, the elector will press the button (called the candidate's button) provided against the name and symbol of the candidate of his choice on the ballot unit. (For each candidate, a separate button is provided against his name and symbol). When the candidate's button is pressed by the elector, the 'Ready' lamp will go off and the candidate's lamp provided near his button on the ballot unit will start glowing red. Also, a 'beep' sound will be heard by all present, emitting out from the control unit. After a few second, the red light in the candidate's lamp on the ballot unit, the red light in the Busy lamp on the Control Unit and the beep sound will go off. These visual and audio signs will be the indication that the vote for the candidate whose button has been pressed by the voter has been recorded in the Control Unit. The ballot unit will then get automatically locked and the next vote can be recorded only when the 'Ballot' button on the Control Unit is again pressed by the Presiding Officer/Polling Officer in-charge for allowing the next voter to record his vote.
- 32.3** If any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.

33.1 VOTING PROCEDURE AT THE POLLING STATION

Briefly the voting procedure is as follows:-When an elector enters a polling station he will proceed direct to the first Polling Officer who will be in-charge of the identification of electors and of the marked copy of the electoral roll. After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left forefinger will be marked with indelible ink. The second polling officer will do this. The second polling officer will also be in-charge of the Register of Voters (Form 17A). That polling officer will note down the electoral roll number of the elector in column 2 of that Register after noting down his serial number as per Register in Column 1 thereof. He will then obtain the signature of thumb impression of the elector in column 3 of the said Register against the entry relating to him. The second Polling Officer will also prepare a voter's slip for the elector in the following form:-

"Voter's slip Sl. No. of elector as per column 1 of Register of voters.....Sl. No. of elector in the marked copy of electoral rollInitials of Polling Officer"

- 33.2** The elector will then go with this voter's slip to the Presiding Officer or the third Polling Officer whoever is in-charge of the control unit of the voting machine. The Presiding Officer/Third Polling Officer will inspect the indelible ink mark on elector's left forefinger and allow him to record his vote in the voting machine on the basis of the aforesaid voter's slip. The procedure for recording the vote by means of the voting machine has been explained in the preceding paragraph.
- 33.3** The electors will be allowed to record their votes in the voting machine exactly in the same order in which they have been registered in the Register of Voters. If for any unavoidable reason, it has not been possible to strictly maintain the above order in respect of any electors, the Presiding Officer shall indicate the exact serial numbers at which the affected electors have recorded their votes, in the remark column of the register of voters
- 33.4** The checking of the left forefinger of the voter before he leaves the polling station, in order to ensure that there is a clear indelible ink mark may be trusted by the Presiding Officer to some other member of his party. If he finds that such mark is not clearly visible or the indelible ink has been wiped off, he shall again mark the voter's left forefinger with indelible ink.

33 A CHALLENGE TO THE IDENTITY OF A VOTER

As stated above, one of the main duties of the polling agent is to help the Presiding Officer to detect and prevent impersonation of voters. The polling agent is therefore, entitled to challenge the identity of a person who comes as a voter if he has personal knowledge that the person claiming to be that voter is not the same person. The polling agents should not, however, make indiscriminate challenges as this would hamper the smooth process of the poll leading to delay in which case some voters, including the supporters of his own candidate, might get tired and leave the queue without voting.

34. LIST OF DEAD, ABSENT AND ALLEGEDLY SUSPICIOUS VOTERS

It is expected that a polling agent will have with him a copy of the electoral roll and also a list of the names of the dead, absent and allegedly suspicious voters which might have been prepared by the candidate or his party. A copy of this list should be supplied to the Presiding Officer also. If any person claims to be a voter whose name is mentioned in that list, the polling agent should draw the Presiding Officers attention to that fact. This will not amount to a formal challenge. The Presiding Officer will check that person's identity.

35. FORMAL CHALLENGE TO VOTER'S IDENTITY

- 35.1** If the Presiding Officer disregards the list, the polling agent may formally challenge the identity of the person provided he is satisfied that the person concerned is impersonating a voter.
- 35.2** Even if the name of a voter is not mentioned in the above list of dead, absent or allegedly suspicious voters, but a polling agent has personal knowledge that the person claiming to be the voter is not the real voter, the polling agent may formally challenge that person's identity.
- 35.3** Every person whose name is entered in the electoral roll is entitled to vote at the election and a person claiming to be a voter and giving out the name and other details correctly is normally presumed to be that voter. Therefore, the polling agents are advised to challenge the identity of a voter only when they are sure about their identity of the person challenged.

36. CHALLENGE FEE

The Presiding Officer will not entertain any challenge by a polling agent, until the challenger pays him Rs.2/- (Rupees two only) in cash. After the amount has been paid, the Presiding Officer will furnish a receipt therefore to the challenger in the form prescribed by the Election Commission.

37. SUMMARY INQUIRY INTO A CHALLENGE

- 37.1** When the identity of an elector is formally challenged by a polling agent, the Presiding Officer will warn the person challenged about the penalty for impersonation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of challenged votes (Appendix - XX) and ask him to sign or affix his thumb impression thereon. If the person challenged refuses to do so, the Presiding Officer will not allow him to vote.
- 37.2** After the Presiding Officer has completed the entries in the list of challenged votes and obtained the signature or thumb impression of the person challenged in the relevant column in the said list, he will ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, the Presiding Officer will disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a prima facie case that the person challenged is not the voter in question, the Presiding Officer will call upon the latter to produce evidence to rebut the challenge, i.e., to prove that he is the voter he claims to be. In the course of the inquiry the Presiding Officer is free to ascertain the true facts by putting to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer him on oath. He may also take evidence of any person whom he thinks to be helpful in his inquiry like the village officer, the neighbours of the voter in question or any other person present. While taking such evidence he may administer oath to the person challenged or any other person offering to give evidence.
- 37.3** After the completion of the inquiry, if the Presiding Officer considers that the challenge has not been established, he should allow the person challenged to vote. Where, however, he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting. In that case the Presiding Officer has also been instructed to hand over the person concerned to the police man on duty together with a complaint addressed to the SHO of Police Station in the jurisdiction of which the polling station falls for prosecution of the person concerned for committing the offence of impersonation.

38. RETURN OF FORFEITURE OF CHALLENGE FEE

- 38.1** After the inquiry is over and the challenge is established, the Presiding Officer will return the challenge fee of Rs.2/- to the challenger after taking his receipt in the appropriate column (column 10) in the list of challenged votes, referred to above (Appendix - XX) and on the counterfoil of the relevant receipt in the receipt book.
- 38.2** Where, however, the Presiding Officer is of the opinion that the challenge was frivolous or was not made in good faith, he will forfeit the challenge fee to Government and will not return it to the challenger.

39. CLERICAL AND PRINTING ERRORS IN THE ELECTORAL ROLLS TO BE OVERLOOKED

The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date, for example, the age of the voter. The polling agent should overlook mere clerical or printing errors in any entry relation to a voter and should not raise objection about such voter, if he is otherwise satisfied about the identity of that voter. When the electoral roll has been prepared in more than one language and the name of a person has not been included in the marked copy of the electoral roll, the Presiding Officer has been instructed to allow such voter to vote if his name appears in the version of the electoral roll in the other language. You should advise your polling agents not to raise any objection in respect of such an elector.

40. ELIGIBILITY OF VOTER NOT TO BE QUESTIONED

Every person whose name is entered in the marked copy of the electoral roll is entitled to vote at the election. So long as there is no doubt the identity of such person, no question can be raised by a polling agent at the polling station before the Presiding Officer about the eligibility of such a person to be registered as a voter.

41. PRECAUTIONS AGAINST VOTING BY UNDER AGE VOTERS

- 41.1** As stated above, the eligibility of a person to be a voter whose name is included in the electoral roll cannot be questioned or enquired into by the Presiding Officer at the polling station. However, if the Presiding Officer is prima facie satisfied about the identity of a voter and also about the fact of inclusion of his name in the electoral roll, but considers such person to be below the minimum voting age, has been instructed by the Commission to obtain a declaration in a prescribed form from such an elector about his age. Before obtaining the declaration from such elector the Presiding Officer will inform him of the penal provisions in section 31 of the Representation of the People Act, 1950 for making a false declaration relating to the inclusion of his name in electoral roll.
- 41.2** The polling agents may bring to the notice of the Presiding Officer such cases of voters whose names are included in the electoral roll but who seem to be much below the voting age so that the Presiding Officer may taken action in respect of such voters as mentioned above.
- 41.3** Application of indelible Ink - Under Rule 37(1), the left forefinger of every elector, about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall be marked with indelible ink in the manner as explained in para 15.2 of Chapter VII. This will be done by the Second Polling Officer, who is also in-charge of the Register of Voters.
- 41.4** The application of indelible ink is a vital safeguard against personation and to ensure that the same voter does not vote more than once. If any elector refuses to allow his left forefinger to be inspected or marked with indelible ink or he has already such a mark on his left forefinger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote.

41.5 Under the instructions of the Commission, the left forefinger of the voter should be marked with indelible ink soon after his identity is verified by the First Polling Officer and before his signature or thumb impression is obtained on the Register of voters by the Second Polling Officer. The underlying purpose of this instruction is that there should be a sufficient time gap for the indelible ink to dry and leave a proper indelible mark on the voter's forefinger before he leaves the polling station. The Commission has also instructed that his forefinger should again be checked before he leaves the polling station in order to verify that there is a clear indelible ink mark on the finger. If the voter has wiped off the ink or there is no proper ink mark visible, his left forefinger should again be marked with indelible ink. The group 'D' official who is normally attached to a polling party as attendant can be given this duty of checking the voter's left forefinger before his exit from the polling station.

42. VOTING THROUGH PROXY CLASSIFIED SERVICE VOTERS: PROXY VOTING

42.1 As an alternative option to postal ballot, service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act applies, have been provided with the facility to opt to vote either through proxy or through postal ballot papers. Such service voters, who opt to vote through proxy, have been categorized as "Classified Service Voters" (CSVs). The CSVs are required to appoint a person who is resident of the area covered by the constituency concerned, as his proxy. The proxy should be of at least 18 years of age and shall not be disqualified for registration as an elector. The appointment will be made in Form 13F. An appointment once made will be valid for all future elections so long as the person making the appointment continues to be a service voter or till the appointment is revoked or the proxy dies. The CSV has the option to revoke the appointment and appoint a new proxy on the death of the earlier proxy or for other reasons. Such revocation of appointment is to be done in the newly inserted Form 13G.

42.2 On receipt of intimation of appointment of proxy by a CSV, the Returning Officer will mark the letters 'CSV' against the name of the service voter in the last part of the electoral roll to indicate that the elector has appointed a proxy to cast vote on his behalf. For using the facility of proxy voting at the next earliest election, intimation of appointment of proxy should reach the Returning Officer by the last date for making nomination at that election. The Returning Officer will also maintain a separate list of CSVs and their proxies with their complete addresses in the form and manner specified by the Commission. After the last date for making nominations, the Returning Officer will prepare polling station-wise sub-lists of all CSVs and their proxies. The format prescribed by the Commission for maintaining polling station-wise sub-list is enclosed as Annexure VII. These sub-lists will be added at the end of the part of the electoral roll pertaining to the polling station concerned and the part of the electoral roll along with the sub-list will be the marked copy of the electoral roll for that polling station.

42.3 The proxy will record the vote on behalf of the CSVs at the polling station to which the CSV is assigned, in the same manner as any other elector assigned to that polling station. It may be noted that in the case of proxy, marking of the indelible ink under rule 37 will be done on the middle finger of the left hand of the proxy. The proxy will be entitled to vote on behalf of the CSV in addition to the vote that he may cast in his own name if he is a registered elector in the Constituency, at the polling station to which he has been normally assigned.

42.4 A CSV who has appointed a proxy will not be issued a postal ballot paper.

43. VOTING BY BLIND OR INFIRM VOTERS

43.1 If the Presiding Officer is satisfied that owing to blindness or any physical infirmity a voter is unable to recognize the symbols on the ballot paper affixed on the ballot unit of the voting machines or to record his vote on it without assistance, he will permit the voter to take with him an adult companion of not less than 18 years into the voting compartment for recording the vote on his behalf and in accordance with his wishes. But the illiteracy of voter is not a sufficient cause for giving him assistance of a companion to record vote on his behalf. Numeric in Braille signage (1 to 16) has been provided on the Ballot Unit (BU) top cover on the right of the blue button for each contesting candidate for the convenience of the visually challenged (blind) persons.

43.2 A candidate, his election agent or polling agent (provided he is not less than 18 years of age) can also act as such companion to a blind or infirm voters. But he can act as such companion of only one elector on that day. The person acting as such companion is required to make a declaration in a prescribed form to the effect that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as a companion of any other elector at any polling station on that day. **43.3** None of the polling staff shall act as a companion to the blind elector to record vote on his behalf under any circumstances.

44. TENDERED VOTES

It may happen that a person representing himself to be a particular elector comes forward to vote after some other person has already voted as such elector. In that case if the Presiding Officer is satisfied about the identity of such persons to be the real voter after necessary questioning, he will permit him to vote by means of a tendered ballot papers, but not by means of the voting machine. For that purpose the Presiding Officer will make necessary entry in the list of tendered votes (form 17B appended to the Conduct of Elections Rules, 1961) and obtain the signature or thumb impression of the voter therein. The voter will be supplied with a ballot paper which shall be similar to the ballot paper affixed on the ballot unit of the voting machine and the words 'Tendered Ballot Paper' will be stamped or written on its back. The elector will record his vote on the tendered ballot paper by placing a mark by means of the arrow cross mark rubber stamp which is used for marking ballot papers under the traditional marking system of voting. Such tendered ballot paper, after it is marked by the voter in the voting compartment and folded, shall be placed by the Presiding Officer separately in a cover specially kept for the purpose.

45. ELECTORS DECIDING NOT TO VOTE

45.1. If an elector, after his electoral roll number has been duly entered in the Register of Voters (Form 17A) and he has put his signature/thumb impression on that register, decides not to record his vote, he shall not be forced or compelled to record his vote. A remark to the effect that he has decided not to record his vote – “Refused to Vote” - shall be made in the remarks column against the entry relating to him in the Register of Voters by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark under rule 49-O. It shall not be necessary to make any change in the serial number of the elector or of any succeeding elector, in column 1 of the Register of voters.

45.2 If the “Ballot” button on the control unit has been pressed to release voting on the ballot unit by a voter and he refuses to vote, either the Presiding Officer/third Polling Officer, whoever is in-charge of the control unit, should direct the next voter straightaway to proceed to the voting compartment to record his vote or put the ‘Power’ switch in the rear compartment of the control unit to ‘OFF’ position, then to ‘ON’ position, press the ‘Ballot’ button and direct the next voter to proceed to the voting compartment to record his vote. If the “Ballot” button on the control unit has been pressed to release voting on

the ballot unit and the last voter refuses to vote, the Presiding Officer/third Polling Officer, whoever is in-charge of the control unit shall put the 'Power' switch in the rear compartment of the control unit to 'OFF' position and disconnect the ballot unit(s) from the control unit. After disconnecting the ballot unit(s) from the control unit the 'Power' switch should again be put 'ON'. Now the 'Busy' lamp will go off and the 'Close' button will become functional to close the poll.

45.3 ELECTORS WHO DO NOT WISH TO VOTE TO A CANDIDATE

The electors who do not wish to vote for any of the candidate can exercise their right not to vote for any candidate without violation of the secrecy of their decision .A ballot panel with the words "None of the Above- NOTA" written therein is available to cast the vote

46. VIOLATION OF SECRECY OF VOTING

Every elector, who has been allowed to record his vote, is required to maintain secrecy of voting within the polling station and to observe the prescribed voting procedure. If any elector refuses, after warning given to him by the Presiding Officer to maintain the secrecy of voting and observe the voting procedure, he will not be allowed to vote by the Presiding Officer or by a polling officer under his direction. The voter's slip issued to such elector shall be taken back from him. The Presiding Officer will make a remark to that effect – "Not allowed to vote – Voting procedure violated" in the Register of Voters under his signature. It shall however not be necessary to make any change in the serial number of that elector or of any succeeding electors in column 1 of that Register.

47. RESTRICTIONS ON PRESIDING (AND OTHER) OFFICER TO GO NEAR THE VOTING COMPARTMENT

47.1 Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the ballot unit kept in the screened voting compartment is not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with the ballot unit or has remained inside the voting compartment for unduly long period. The Presiding Officer has a right under rule 49-Q to enter the voting compartment in such cases and to take such steps as may be considered necessary by him to ensure that the ballot unit is not tampered or interfered with in any way and that the poll progresses smoothly and orderly.

47.2 In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

48. VOTING BY PERSONS PRESENT AT CLOSING HOUR

The Presiding Officer will close the polling station at the hour fixed in that behalf and will not thereafter admit any elector into the polling station. But all electors present at the polling station before it is closed will be allowed to cast their votes, even if for that purpose the polling is to be continued beyond the specified closing hour. For the above purpose, the Presiding Officer will distribute to all voters, who are standing in the queue and waiting to vote at the specified closing hour, slips signed by him in full and serially numbered from S.No.1 onwards. He will not thereafter allow any person to join the queue and for ensuring this he will start distribution of the above slips to such voters from the tail and of the queue and proceeding backward toward its head.

49. CLOSE OF POLL

49.1 The Presiding Officer shall press the "Close" button on the control unit to close the poll after the last voter has recorded his vote, so that no further recording of votes in the machine is possible. The Presiding Officer shall disconnect the ballot unit(s) from the control unit. When the close button is pressed, display panels on the control unit will show the total number of votes recorded in the voting machine till the end of the poll (but not the candidate wise tally). The voting machine will not accept any further votes now.49.2 The total number of votes recorded in the machine shall be immediately noted by the Presiding Officer in the "Account of votes recorded" in Form 17C.

50. FURNISHING OF COPY OF ACCOUNT OF VOTES RECORDED (FORM17C) BY THE PRESIDING OFFICER

Rule 49S of the Conduct of Election Rules, 1961 provides that the Presiding Officer should at the close of the poll prepare an account of votes recorded in the voting machine in the prescribed Form 17C. A sample Form 17C is given in Appendix -XXI. He is also required by the above rule to furnish to every polling agent present at the close of the poll an attested copy of the account after obtaining a receipt therefore from the Polling Agent. The Polling Agents should, therefore ensure that they receive a copy of the said account from the Presiding Officer as such account will be greatly needed by their candidates at the time of the counting of votes. Every polling agent who receive a copy of the said account from the Presiding Officer should affix his signature on the form of declaration (Appendix —XIX Part – III) prescribed by the Commission which the Presiding Officer has to make at the close of the poll. If any polling agent refuses to accept a copy of the above account the Presiding Officer will note down the name of such polling agent in the above-mentioned declaration.

51. SEALING OF THE VOTING MACHINE AFTER THE CLOSE OF POLL

- 51.1 After the poll has been closed and the account of votes recorded in the voting machine [and printer for paper trial](#) has been prepared in Form 17C and copies thereof furnished to the polling agents present, the voting machine [and printer for paper trial and drop box](#) shall be sealed and secured by the Presiding Officer for transportation to the counting/collection centre.
- 51.2 For sealing and securing the voting machine, the ballot unit(s) the control Unit [and printer for paper trial and drop box](#) will be disconnected and the power switch in the control unit put to 'OFF' position. The ballot unit(s) the control unit [and printer for paper trial and drop box](#) will be put back in their respective carrying cases. The carrying cases will then be sealed on both sides of the carrying cases with the Presiding Officer's seal on an address tag showing the particulars of the election and the polling station.
- 51.3 The candidates or their polling agents as are present and desirous of putting their seals on the carrying cases shall be allowed to do so.
- 51.4 The names of the candidates/polling agents who have affixed their seals on the carrying cases of the ballot unit(s) control unit [and printer for paper trial and drop box](#) will be noted by the Presiding Officer in the declaration, which he makes at the close of the poll vide Part IV of Appendix – XIX.
- 51.5 [The printer for paper trial and drop box shall also be sealed in the manner provided above. The packet of the printed paper slips \(Rule 57C\)shall also be sealed in a separate cover.](#)

52. SEALING OF ELECTION PAPERS-AFFIXATION OF SEALS THEREON BY POLLING AGENTS

- 52.1 After the close of poll the Presiding Officer will also seal all the election papers in separate packets in accordance with the rules and instructions of the Election

Commission. The polling agents present at polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packet containing the following documents -

- (i) the marked copy of the electoral roll;
- (ii) Register of Voters;
- (iii) Voter's slip'
- (iv) the tendered ballot papers and the list of tendered votes in Form 178;
- (v) the unused tendered ballot papers;
- (vi) the list of challenged votes;
- (vii) the unused and damaged paper seals, if any;
- (viii) appointment letters of polling agents; and
- (ix) any other papers that the Returning Officer has directed to be kept in a sealed packet.

52.2 The polling agents are advised in the interest of their candidates to affix their seals on the above packets of election papers.

53. TRANSMISSION OF VOTING MACHINE AND ELECTION PAPERS TO THE COLLECTION/STORAGE CENTRE

53.1 After the voting machine, [printer for paper trial and drop box](#) and all election papers have been sealed and secured by the Presiding Officer, he will deliver them or cause them to be delivered at the collection/storage centre. ACCOMPANYING VEHICLES CARRYING VOTING MACHINES

53.2 The polling agents are permitted to accompany the vehicle in which the voting machine and election papers are carried to the collection/storage centre. But they will have to make their own transport arrangements and will not be permitted to travel in the vehicle carrying the voting machine and election papers.

54. ARRANGEMENTS AT RECEPTION CENTRE FOR COLLECTION OF EVMs AND OTHER MATERIALS

54.1 CUSTODY OF VOTING MACHINES AND [PRINTER FOR PAPER TRIAL AND DROP BOX](#)

After the completion of poll in a constituency the voting machines [printer for paper trial and drop box](#) will be taken to the place of storage and kept in safe custody under proper guard till they are taken to the counting place. You will be informed in advance by the Returning Officer about the programme and route of the collection parties that will be sent by him for the collection of the polled voting machines [and printer for paper trial and drop box](#) from the polling stations and for bringing them to place of storage. If you want, you may ask your agents to accompany those collection parties. You will, however, have to make your own arrangement for their transport as they would not be allowed to travel in the official vehicle. If you like you may also post an agent to keep watch at the place where the voting machines [printer and drop box](#) are kept, and the agent will be allowed to affix his seal on the doors and windows of the building in which the machines are stored in addition to the seal that may be affixed by the Returning Officer. In case you yourself or your election agent himself is not putting up such seals, you should give full particulars of the agent who would put such seals, to enable the verification of his identity. After all the voting machines [printer and drop box](#) have been received and stored and the room has been locked, no one will be allowed to go in until the morning of the day fixed for counting. If during the interval, the room is to be opened for some reason, the Returning Officer will inform the candidates and open the room in their presence and immediately after the purpose for which the room is opened has been served, the candidate or their representatives will again be allowed to seal the doors and windows. A log book will also be maintained in order that a full record is

available of persons entering the room, the purpose of the visit, time of entry, time of exit etc.

54.2 SETTING UP OF SPECIAL COUNTER FOR RECEIVING EVMs AND OTHER DOCUMENTS FROM SPECIFIC POLLING STATIONS ABOUT WHICH COMPLAINTS RECEIVED.

A separate special counter will be set up for receiving EVMs and other documents from the specific polling stations about which complaints had been received from political parties/candidates during the course of polling; polling stations in which significant events such as violent incidents, heated arguments with the polling personnel, clash between polling agents, break down of EVMs reported and where the EVM replacement had taken place etc. During the course of polling, the Returning Officer will maintain a separate register to identify such polling stations and even before the arrival of the polling party at the reception centre a hoarding or a notice board indicating number and details of the polling stations that would be handled at the special counter should be put up. This would be helpful in deciding about repoll, if any necessary.

55. ADJOURNED POLL

55.1 If there is a riot or open violence at the polling station or a natural calamity like severe storm, heavy snowfall or the like or some other sufficient cause, the Presiding Officer will adjourn the poll under the provisions of sub-section(1) of section 57. A passing shower of rain or strong wind would not be sufficient cause for adjournment of poll. The Commission has, however, decided that an adjourned poll may be ordered at all those polling stations where polling fails to start for two hours. The adjourned poll will be held on a date and at the time and place to be fixed by the Returning Officer with the prior approval of the Election Commission. The counting of the votes in the **constituency will not commence until the adjourned poll has been completed.**

55.2 Where the poll has been adjourned at a polling station the adjourned poll will recommence from the stage at which it was left immediately before the adjournment. i.e., only those electors, who had not already voted before the poll was adjourned, will be permitted to vote at the adjourned poll. The Presiding Officer of the polling station, at which such adjourned poll is taken, will be provided with the sealed packets containing

- (i) the marked copy of the electoral roll, and
- (ii) Register of Voters received earlier from the presiding officer of the polling station **concerned at which the poll was adjourned, and also a new voting machine.**

55.3 Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and Register of Voters will be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy for the electoral roll and Register of voters will be used for adjourned poll.

55.4 The provisions of rules 28 and 49-A to 49V will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

56. Fresh poll

56.1 If any voting machine used at a polling station—
(i) has been unlawfully taken away by unauthorised person; or
(ii) has been accidentally or intentionally destroyed or lost or damaged or tampered with and the Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason; or

(iii) any error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station; The Returning Officer will report the facts of the Election Commission and the Chief Electoral Officer of the State.

56.2 After considering all the material circumstances the commission will, if necessary

(i) declare the poll at that polling station to be void; and

(ii) formally fix the date and hours for fresh poll and notify it.

56.3 On receiving intimation from the Commission, the Returning Officer will inform the contesting candidates or their election agent of the date, time and place fixed for the fresh poll and affix a notice or his notice board notifying the date and hours so fixed. Also he would announce by beat of drum or otherwise in the polling area concerned the place, the date and hours so fixed.

56.4 The fresh poll will be taken in the same manner as is prescribed for the original poll.**56.5** There is no legal bar against the counting of votes in respect of the rest of the constituency. The Returning Officer will not, however declare the result of the election until the fresh poll has been completed and the vote recorded in such fresh poll counted and incorporated in the result sheet.

57. FRESH POLL OR COUNTERMANDING OF ELECTION IN CASE OF BOOTH CAPTURING

57.1 Under section 58A, if booth capturing (as defined in section 135A) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission. On receipt of that report from the Returning Officer, the Election Commission shall, after taking all material circumstances into account, either

(i) declare the poll at that polling station to be void and direct; fresh poll to be taken on a date to be appointed by it, or

(ii) countermand the election if it is satisfied that in view of the large number of polling station involved in booth capturing the result of the election is likely to be affected.

57.2 If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.

57.3 If the election is countermanded by the Commission on account of booth capturing, all proceedings for that election will commence anew and a fresh notification calling for the election will be issued in due course.

58. FRESH POLL, IF AFTER SCRUTINY OF REGISTER OF VOTERS (FORM 17-A) AND OTHER DOCUMENTS FOUND THAT POLL HAVE BEEN VITIATED AT ANY POLLING STATION

58.1 In order to check bogus voting, the Election Commission keeps a tab on the polling percentage. Reports on polling percentage of all polling stations are collected by it through the Chief Electoral Officer/Returning Observer after the polling is over. Wherever it is found that the votes polled at a polling station is unusually high which cannot be apparently explained, the Commission, if needed, may order the election authorities to scrutinize various documents like Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Forms 17A and 17C etc. in respect of those polling stations where the polling has crossed a specific percentage.**58.2**

In such cases, the Returning Officers and the concerned Observers shall scrutinize Forms 17A and such other documents, in respect of all those polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll of each phase. The Returning Officers and Observers shall check Forms 17A for similarities of signatures/thumb impressions, the manner in which votes have been cast (continuous serial nos.), cross check the entries in Form 17A vis-à-vis Form 17C, the marked copy of the electoral roll and the remarks column in Form 17A.**58.3** The procedure for receipt,

scrutiny, verification and storage of forms 17A and 17C etc. is given below-**RECEIPT AND STORAGE-**

(i) The existing instructions stipulate that attested copies of Form 17 C (Accounts of Votes Recorded) will be handed over by the Presiding Officer to each of the polling agents present at the time of close of poll, even without their asking for it, and two copies of Form 17C will be sent to the Returning Officer. Of the two copies of Form 17C received from each polling station, one copy is to be kept along with the EVM and other copy is to be kept separately along with other election papers.

(ii) At the collection centre, a separate counter shall be opened to receive the materials of those polling stations with polling percentage more than the percentage prescribed by the Commission for a particular election, after the end of poll. The Presiding Officers of polling stations where polling percentage has been more than the said percentage shall be instructed to approach this counter for handing over the EVMs and other materials.

(iii) The EVMs of all polling stations, irrespective of polling percentage, along with one copy of Form 17C (Account of Votes), shall be kept in the strong room as is the existing practice.

(iv) As per the existing practice, the other election papers received from the polling stations are to be kept in a separate strong room (other than the strong room in which the EVMs are kept). For the sake of convenience in taking out the Forms 17A and the other documents for scrutiny in respect of polling stations where polling has been more than the prescribed percentage, it will be ideal if a separate room can be identified for storing the election papers of such polling stations. If a separate suitable room is not available, these documents may be kept in the same room in which election papers in respect of other polling stations are kept. In such cases election papers relating to polling stations where polling percentage has been more than the percentage prescribed by the Commission after the end of poll may be kept in a clearly demarcated place so that there is no confusion at the time of taking out the documents in respect of these polling stations for scrutiny. **SCRUTINY**

(v) Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up at 9A.M. on the day following the day of poll. However, if by that time, a substantial number of polling parties, say 10% are yet to return, the scrutiny may be deferred till such time polling parties return. The scrutiny shall be done by the Returning Officer and the Observer at a place/room identified in advance, preferably near the strong room itself. Adequate security arrangement shall be made for such place. **All contesting candidates shall be given advance notice, in writing (under proper acknowledgement),** about the scrutiny of Forms 17A, 17C and other documents and material indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate may be present **to watch repeat only to watch the proceedings** of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by anyone at the time of scrutiny. However, the discussion between the Observer and Returning Officer and their observation on the scrutiny of the record shall be kept confidential. The candidate, his election agent or

authorized representative of the candidate shall not be allowed to keep cellular phones during this activity.

(vi) During the process of scrutiny the candidates / their election agents or their authorized representatives may watch the proceedings from a **safe distance so that they can get a clear view of the proceedings** but, are not able to handle the election papers / material or interfere with the proceedings. There shall be proper barricading to ensure this, and the candidates or their representatives shall not be allowed to cross the barricade under any circumstance.

(vii) Proper log-books shall be maintained for recording the time and purpose of opening and closing the storage room where election records are kept. The room shall be opened in the presence of Observer(s) and the candidates /their election agents/representatives at the time fixed for the purpose. But, if any candidate/election agent/representative chooses not to attend these proceedings, despite written notice having been served, the proceedings shall be conducted at the appointed hour and not delayed/adjourned merely because of his absence. If they report late when proceedings are going on, they may be allowed in to watch the proceedings onward only.

(viii) After taking out copies of Forms 17C and the packets containing Forms 17A and marked copies of electoral roll in respect of such polling stations (where polling has been more than the percentage as prescribed by the Commission after the end of poll) for scrutiny, the strong room shall be duly closed and sealed after making entry in the log-book and obtaining the signatures of all candidates or their representatives as may be present. **POST - SCRUTINY PROCEDURE**

(ix) After scrutiny, the Forms 17A, 17C and marked copies of electoral roll for each polling station, other documents and material shall be re-sealed with the seal of the Returning Officer. The candidates or their election agents/representatives present, may also be allowed to affix their seal or signature thereon, if they so desire. These sealed envelopes shall then be kept back in the strong room from which they were taken out. This shall also be done in the presence of the candidates or their election agents/representatives. The room shall then be sealed with the seal of the Returning Officer. The candidates or their representatives may also affix their seals/signatures thereon if they so desire.

(x) After scrutiny of Forms 17A, 17C and other documents and material, the Returning Officer and Observer shall make necessary recommendations to the Commission for repoll, wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.

(xi) Normal requirement of scrutinizing the Presiding Officers' diaries, visit sheet, diaries maintained by Patrolling/Sector/Zonal Magistrates, complaint registers maintained at the District Control room, statements of images shall be followed strictly, for all polling stations irrespective of poll percentage, and the facts revealed on the scrutiny of these documents will be taken into account for forming opinion for recommending re-poll.

58.4 If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll.

58.5 The fresh poll will be taken in the same manner as is prescribed for the original poll.

CHAPTER XVI

COUNTING OF VOTES

1. INTRODUCTORY

- 1.1 Counting of votes is the last major step towards the culmination of the election process. It is on the correct and proper counting of votes that the true choice of the electorate finds expression and it is on the basis of such ascertainment of their true choice that their chosen representative is declared elected. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.
- 1.2 Under the law, counting of votes is to be done by, or under the supervision and direction of, the Returning Officer of the constituency in the presence of the candidates and their agents. The law authorizes the Assistant Returning Officer also to undertake the counting of votes. The counting of votes may be simultaneously done at places more than one and at tables more than one at the same place. As the candidate or his election agent cannot be expected to be physically present at each of such counting places and tables, the law permits you to appoint your counting agents who may be present at each of the said counting places and counting tables and watch your interests.

2 In order to ensure higher level of transparency in the counting process, the Commission has issued the following instructions :-APPOINTMENT AND RANDOMIZATION OF COUNTING OFFICIALS

- 2.1. The posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Center on the day of the counting.
- 2.2. The District Election Officers shall issue photo-identity cards to all counting staff. After the Randomization, explained in the following paragraphs is over, the reserve staff would be seated separately in an enclosure within the counting centre campus.
- 2.3. The District Election Officer must keep a pool of well trained officials (including the reserved pool) available for counting purposes. The counting officials be directed to reach the counting center at 6 am on the date of counting. As already mentioned in Para 1 above, these officials would not be allotted the Assembly Constituency or the Table number in advance.
- 2.4. The Observers and the District Election Officer would assemble at one place for carrying out the randomization at 5 am on the day of the counting. This place may be the NIC center, Counting Center or any other office where the process can be conveniently carried out. The list of trained officials would be provided by the District Election officer to the Observers. There would be two lists, one of Counting Supervisors and another of Counting Assistants and each counting official would be assigned a unique serial or code number which would be so labeled as to indicate clearly the category to which he belongs i.e. whether he is a Counting Supervisor or a Counting Assistant.
- 2.5. The randomization would be carried out either manually or by using a computer. For manual randomization, the senior most Observer present would randomly assign the Constituency and the table number to the counting officials by the draw of lots. This has to be done with the two lists mentioned above separately and independently so that for each of the tables the name of one Counting Supervisor and one Counting Assistant is generated. The District Election Officer would make all prior arrangements to ensure

quick and smooth conduct of this randomization process. This would include preparing chits of the unique serial numbers assigned to counting officials and the constituency/table numbers.

- 2.6. Alternatively, the District Election Officer may make arrangements for carrying out the abovementioned randomization with the aid of a computer in consultation with the Observers. However, before using a computer aided method the Observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.
- 2.7. The District Election Officers would ensure that Videography of the process of randomization is carried out for record.
- 2.8. To illustrate it by a practical example, let us assume a district has 10 Ac's, with 14 counting tables each. For this district 154(including 10% reserve)Counting Supervisors and 154 Counting Assistants would be required. These many officials would have been already trained and given codes while issuing the duty orders. On the date of counting at 5 am, these 154 codes each of Counting Supervisors and Counting Assistants, written on individual slips, would be kept in two separate boxes. The senior most Observer, in the presence of District Election Officer and all other Observers would start the randomization process for a particular assembly constituency by randomly picking up one slip each from the two boxes. The Counting Supervisor and the Counting Assistant so picked up on the first set of draws would be assigned table no 1 in that Constituency. This would continue in a similar way till each of the 14 tables are assigned one Counting Supervisor and one Counting Assistant. The same process would then be repeated for other Assembly Constituencies in a similar manner. The officials who are left at the end of this exercise would be treated as part of the reserved pool.
- 2.9. Once the randomization process is over, the Constituency wise posting lists, duly signed by the District Election Officer and the Observers would be brought to the Counting Center by the Observers and District Election Officer, in time, to be handed over to the respective Returning Officers and the control room staff by 6 a.m.
- 2.10. The counting officials on reaching the control room at the counting center would be provided the posting details and directed to reach the counting hall of the assigned Constituency at the respective table.
- 2.11. It must be ensured that the whole process of randomization is over by 6:00am so that the counting officials are able to reach their assigned position conveniently before the scheduled start of the counting process. **Reserved Pool**
- 2.12. The officials who have not been assigned any Constituency/table would form a reserved pool.
- 2.13. There would be no deployment of officials in shifts as the counting process would normally not take more than 6 to 8 hours. However, the District Election Officers would have the liberty of replacing officials in case such an exigency arises, but this replacement would also be done randomly from the pool of officials in reserve after consulting the Observer of the constituency concerned **Cross checking by the Observers at random**
- 2.14. As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round.
- 2.15. A system is now being introduced through the present instructions by which there would be a random checking by the Observers, in the manner indicated below, of the table wise results provided by the counting officials.

- 2.16. During the course of counting (for a round) the observer shall keep oscillating between counting tables and closely observe the counting process.
- 2.17. At the closure of each round, the Observer would randomly select any two EVM control units from amongst the Control units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through **random selection** to independently note down from the Control units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise result.
- 2.18. The District Election Officer/Returning Officers would ensure that there is a separate and sufficient space earmarked in the same counting hall for this random cross-checking so that the normal counting of vote for subsequent round continues without any hindrance.
- 2.19. The staff to assist the Observer for this cross checking would be randomly selected from the reserved pool. If required, after a few rounds, fresh staff from the reserved pool should replace this staff.
- 2.20. Only after being satisfied that the result displayed by the Control Unit and that shown in the round wise result sheet and Form 17C match would the Observer countersign the result sheet of the round. The Observers would ensure that this exercise is carried out in each round and the selection of the two control units is absolutely random.
- 2.21. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer as mentioned above, then:
 - (i) The result of that round for each table shall be re verified from the EVMs.
 - (ii) Such staff as is found to be wrongly noted the counting result would be taken off and replaced by another set of staff. Severe disciplinary action should then follow on the erring staff for their omissions and commissions.
 - (iii) The result provided by such staff (and table) in the preceding rounds would be checked again in presence of observer and corrected sheets prepared wherever necessary.
- 2.22. The counting officials as well as candidates and their counting agents would be informed about this provision of random cross checking to be carried out by the Observers. It would also be informed that any discrepancy found during this randomized cross checking would be viewed seriously by the Commission and could result in serious disciplinary action and prosecution of the responsible officials.
- 2.23. The Observers would continuously maintain their presence in the counting hall and periodically inspect the counting tables to ensure that counting is going on according to the instructions of the Commission in a transparent and systematic way.
- 2.24. The Observers, in their final report after the counting would specifically mention that the randomization of personnel and the random checking of Control Unit details was carried out as per the instructions of the Commission
- 2.25. Apart from one Counting Supervisor and one Counting Assistant for each counting Table, one additional staff would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./ Central Govt. PSU employee. This additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These additional counting staff would be provided with a pre-printed statement as given below on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the

contesting candidates as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.*PROFORMA FOR RECORDING OF VOTES BY ADDITIONAL COUNTING STAFF No. and Name of A.C. –Round No.-Table No.-C U Number: Polling Station Number: **Sl. No. Name of Candidate (Pre printed)No. of votes recorded** Date: Signature of Addl. Counting staff (With full name)* To be handed over to the Observer only.

2.26. The Observer/Returning Officer will cross check the figures noted in Part-II of Form 17C as submitted by the Counting staff with the additional statement submitted by the additional staff.

2.27. Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staff from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting center as above. The additional staff also will be provided a ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

3 ROLE OF OBSERVER

3.1 The Observer has the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the results of the poll at that polling station or place cannot be ascertained.

3.2 Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 66 of Representation of People Act, 1951

4. DATE, PLACE AND TIME OF COUNTING

4.1 The Returning Officer will give notice to you or to your election agent, at least one week before the date or the first of the dates fixed for the poll, of the place, date and time fixed for the counting of the votes, in the forms prescribed by the Commission for the purpose, vide Appendix – XXII or XXIIA as may be applicable. For a General Election throughout the country, the date for the counting of votes will generally be the date following the last of the dates of poll in the election. When a General Election is held in a single State/Union Territory, the date for the counting of votes will generally be the date following the last date of poll in that State/Union Territory. For a bye election, the date of counting of votes would normally be the day following the date or the last of the dates of poll or the second day in case where the constituency is far flung and it is physically impossible for the boxes or, as the case may be, the voting machines to reach the place fixed for counting by the day following the date of the poll.

4.2 If for any unavoidable reason the Returning Officer is unable to proceed with the counting at the place and at the time and on the date fixed and communicated to you, he will postpone the counting and fix another date and time and if necessary another

place for the counting of votes. You or your election agent will be given notice of every such change in writing.

5. COMMENCEMENT OF COUNTING

- 5.1** According to the instructions of the Commission, the Returning Officer is required to send certain comprehensive reports on the poll, which are statutory, to the Commission. Based on these reports the Commission decides as to whether repoll at a particular polling station/constituency has to be taken or not. In case there is no order from the Commission for repoll, the Returning officer will commence the counting without waiting for any clearance from the Commission.
- 5.2** Under the newly inserted section 20B of the Representation of the People Act.1951, the Observers appointed by the Election Commission to watch the conduct of elections shall have the powers to direct the Returning Officers to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or the ballot papers or the voting machines used at a polling station or place fixed for poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained. The election proceedings in such cases shall proceed further in accordance with such directions of the Commission as it may issue on the reports of the Observers and after taking all material circumstances into account.

6. COUNTING AT DIFFERENT PLACES

- 6.1** The counting for an entire Assembly Constituency will be done at one place and every effort will be made to complete the counting on the same day. For this purpose, the counting will commence early in the morning.
- 6.2** While the counting of votes for an Assembly Constituency will be done at one place, the counting of votes for election to the House of the People may be done in more than one place, i.e. in all the places fixed for the counting of votes of the Assembly Constituencies comprised within that Parliamentary Constituency.
- 6.3** If the votes for a Parliamentary Constituency are counted at more places than one, the Returning Officer will inform you or your election agent sufficiently in advance so that you may appoint a separate set of counting agents for each such place.
- 6.4** In the simultaneous elections to the Lok Sabha and the State Legislative Assembly, the counting of votes will be done simultaneously, assembly segment-wise. In such event, the candidates for parliamentary and the assembly elections will be permitted to appoint their counting agents separately.

7. PERSONS ALLOWED IN COUNTING HALL Only the following persons will be allowed inside the counting hall:-

- (i) counting supervisors and counting assistants;
- (ii) persons authorized by the Election Commission;
- (iii) public servants on duty in connection with the election;
- (iv) yourself, your election agent and counting agents. N.B.

(1) The 'public servants on duty' will not include the Police Officers, whether in uniform or without uniform (unless called for by the Returning Officer for maintenance of law and order or other duty), Ministers, State Ministers and Deputy Ministers of the Union and States and the Speaker/Chairman of the Lok Sabha/Rajya Sabha/State Legislative Assemblies/Legislative Councils.

(2) No security personnel accompanying, if any, a candidate or his election agent or counting agent shall be permitted to enter the Counting Campus and Counting Hall.

8. NUMBER OF COUNTING AGENTS THAT MAY BE APPOINTED

- 8.1** Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table. Under the instructions of the Election Commission, not more than fourteen tables in addition to one table for the Returning Officer can be provided for counting in one counting hall. The number of counting agents that may be appointed by a candidate may not ordinarily exceed fifteen, as the number of counting tables may also not ordinarily exceed fifteen, including the table of the Returning Officer.
- 8.2** The Commission may, however, by a general or special direction permit the Returning Officer to provide tables more than fifteen. In that event, you will also be permitted to appoint counting agents more than fifteen and equal to the number of counting tables provided by the Returning Officer.
- 8.3** As mentioned above, the Returning Officer will intimate in writing to each candidate or his election agent, at least one week before the date fixed for the poll, the place or places where the counting of votes will be done and date and time at which the counting will commence. He will also inform them sufficiently in advance about the number of counting tables that will be provided in the counting hall, so that they may appoint their counting agents accordingly.
- 8.4** The above mentioned limit in regard to the maximum number of counting agents will apply separately in respect of each counting place when counting is done at more places than one.

9. QUALIFICATION FOR COUNTING AGENTS

- 9.1** The law does not prescribe any specific qualifications for persons to be appointed as counting agents. However, the candidates are advised to appoint mature and major persons as their counting agents so that their interests are properly watched.
- 9.2** However, a Minister/M.P./MLA/MLC or any other person being covered by security cover, shall not be appointed as a counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the "Counting Campus" and within the Counting Hall. Also any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.
- 9.3** A Government servant also cannot act as counting agent of a candidate and if he so acts, he is punishable with imprisonment for a term, which may extend to 3 months or with five or with both.

10. APPOINTMENT OF COUNTING AGENTS

- 10.1** Appointment of a counting agent is to be made either by you yourself or your election agent. Such appointment is made in Form 18 appended to the Conduct of Elections Rules, 1961 (Appendix XXIII). The name and address of the counting agent will be filled in that form and you or your election agent will personally sign that form. The counting agent will also sign that form in token of his acceptance of the appointment. Two copies of such forms will be prepared and signed, in all cases. One copy of that form is to be forwarded by you/your election agent to the Returning Officer while the other copy is given to the counting agent for production before the Returning Officer.
- 10.2** You may appoint all your counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.

- 10.3 Your facsimile signature in the form of appointment is also accepted if there is no doubt about the signature.

11. TIME LIMIT FOR MAKING APPOINTMENT OF COUNTING AGENT

- 11.1 The Election Commission has directed that in all constituencies irrespective of the number of contesting candidates in the constituency, the candidates should submit the list of their counting agents with photographs of such agents to the Returning Officer latest by 1700 hours on the day three days before the date of counting. The Returning Officer will prepare identity cards for such agents and issue the same to the candidate.
- 11.2 The counting agent must produce those identity cards along with their letter of appointment when they come to attend the counting.
- 11.3 The letter of appointment along with the identity card of counting agent must be produced before the Returning Officer at least one hour before the time fixed for counting of votes. The Returning Officer will not accept any appointment letter which is received after the aforesaid time.

12. REVOCATION OF APPOINTMENT OF COUNTING AGENT

- 12.1 You or your election agent are authorized to revoke the appointment of accounting agent.
- 12.2 Such revocation of appointment is made in Form 19 appended to the Conduct of Elections Rules, 1961 (Appendix XXIV) and becomes operative from the time at which it is lodged with the Returning Officer. In such a case, you are authorized to appoint another counting agent in place of the one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced no appointment of fresh counting agent can be made.
- 12.3 Appointment of such fresh counting agent is to be made in the same manner as explained in para 8 above.

13. ADMISSION OF COUNTING AGENTS TO THE COUNTING HALL

- 13.1 On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign before the Returning Officer the declaration contained in his letter of appointment regarding maintenance of secrecy of voting. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.
- 13.2 The Returning Officer is empowered to subject any counting agent to search of his person before entry into the counting hall.

14. BADGES FOR COUNTING AGENTS

Each counting agent will be given a badge by the Returning Officer indicating whose agent he is and showing the serial number of the table at which he will watch the counting. He should keep sitting at the table allotted to him and will not be allowed to move about all over the hall. However, you, your election agent and in their absence, your polling agent at the Returning Officer's table will be allowed to go around all counting tables.

15. MAINTENANCE OF DISCIPLINE AND ORDER IN THE COUNTING HALL

- 15.1 Every one should cooperate with the Returning Officer in maintaining discipline and order inside the counting hall. They should not leave the counting hall without the permission of the Returning Officer. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send out of the counting hall any person who persists in disobeying his directions.

- 15.2 No counting agents and others will be allowed to go outside the counting hall during counting process. In other words, when once counting agents and others are inside the counting hall, they will ordinarily not be allowed to go outside until after the declaration of result.
- 15.3 All the reasonable facilities for drinking water, refreshment, toilet, etc., will be provided adjacent to the counting hall.
- 15.4 Counting Agents are not allowed to carry Mobile Phone in the Counting Center. Observers/Micro-observers, Counting Supervisor, Security Personnel will be allowed to carry the mobile phones but they will keep their mobile phones in silent mode.**

16. SMOKING IN COUNTING CAMPUS AND COUNTING HALL IS PROHIBITED.

Your attention is invited to Section - 4 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 Act (No. 34 of 2003) which prohibits smoking in any “public place”. Hence, the Election Commission directs that no person shall be allowed smoking in the Counting Campus and Counting Hall.

17. SEATING ARRANGEMENT FOR COUNTING AGENTS

- 17.1 The counting will be done on the table arranged in rows. The tables in each row will be serially numbered.
- 17.2 On each counting table the control unit of the voting machine will be kept at its centre. There will be a counting Supervisor and one counting Assistant seated on one side. The counting agents may be seated in front of the table facing the control unit so that they can watch all operations being carried out by the counting supervisor on the control unit.
- 17.3 On each counting table, the seating arrangement for the counting agents shall be made having regard to the following categories or priority, namely:-
 - (i) candidates of recognised National parties;
 - (ii) candidates of recognised State parties;
 - (iii) candidates of recognised State parties of other States who have been permitted to use their reserved symbols in the Constituency;
 - (iv) candidates of registered-unrecognised parties;
 - (v) independent candidates.

18. MANAGEMENT OF COUNTING HALLS AND SECURITY THEREOF

- 18.1 A counting Centre means a place where counting of votes will be done and may have one or more Counting Halls.
- 18.2 A counting Hall means a separate room walled on all sides and preferably with separate exit and entry facilities.
- 18.3 Where pre-constructed separate rooms are not available but large rooms are proposed to be divided for creating Halls, each part constitution a Hall will be separated by temporary partitions. These partitions will be of strong material, but preferably CGI sheets only. Where the owners of the Building have objections to dig holes on the floor, a suitable rigid frame, with CGI sheets fixed on two sides, may be used. The point to be ensured is that after the necessary portioning, each Hall is an independent room walled on all four sides. It should not only be not possible for persons to move out from a Hall without coming out of it, but it should be impossible to slip any materials from one Hall to other through the partitions. On both sides of the partitions, guards should be posted to ensure that these are not disturbed.

- 18.4 Each counting center will have a distinct number and within each Counting Centre each Hall will have a distinct number.
- 18.5 Each Hall, as defined earlier, will be used for counting for only one Assembly Segment at a given point of time. The counting of one assembly segment can be taken up in maximum of two Halls provided that in one hall the physical distribution of space does not allow placing of more than 8 tables (including the table of the RO/ARO). IN cases where the size of the electorate in an Assembly segment is unusually large a maximum of 15 tables each can be put in two Halls for that Assembly segment. All such cases will be personally scrutinized by the DEO and the observers after taking into account all relevant factors such as number of candidates, number of counting agents etc. BARRICADING OF COUNTING TABLES
- 18.6 In each counting hall, barricades will be provided for each counting table so that the voting machines are not handled by the counting agents. However, counting agents will be provided all reasonable facilities to see the whole counting process at the counting table. The Returning Officer will ensure that the barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the voting machines are not handled by unauthorized persons or tampered with in any manner in process of counting
- 18.7 In cases where two Halls are being used to count an Assembly segment the Polling Station numbers will and pre-allotted to the two Halls (each room being one separate Hall) in advance.
- 18.8 Assembly Segments must be pre-allotted to Halls and this allotment made known to all concerned in advance.
- 18.9 If the total number of Halls is less than the total number of Assembly Segments for a Parliamentary Constituency, the sequence of counting will be as per the ascending AC numbers. Thus, if there are seven such AC segments in a PC and only three Halls, then segments with the three lowest serial numbers will be taken up for counting in the three Halls available. As soon as counting is completed in respect of one Assembly Segment in a particular Hall and after necessary clearance of the Hall, counting for the next AC pre-allotted to the Hall will be taken up therein.
- 18.10 Under no circumstances, more than one AC segment will be taken up for counting simultaneously, inside one Hall, and, under no circumstances, Electronic Voting Machines (or Ballot Papers) of more than one AC segment will be physically available for counting purposes inside one Hall at any time.
- 18.11 The Commission has already prescribed limits for the number of counting tables, which can be placed inside a Hall. Important considerations for deciding on the number of counting tables would be the number of Polling Stations, size of the room, the number of counting agents, as per the number of candidates, and the total number of counting personnel proposed to be deployed and the security aspects.
- 18.12 The upper limit of 15 tables (including the Table of Returning Officer) in accounting HALL will not be increased under any circumstances. A lower actual limit may be fixed taking into account all relevant factors.
- 18.13 Observers of the Commission will undertake detailed inspection of counting centers during their visit and ensure that the counting Halls have been planned as per the above instructions and Assembly segments have been accordingly pre-allotted to each Hall. They should also obtain relevant drawings of each counting centres and keep it as a part of the record for their final report.

- 18.14 The Counting Halls, including partitions as planned, should be got ready at least three clear days, ahead of the date of counting. These rooms should be located in a manner that the smooth flow of polled EVMs and other papers to and from the strong room are not interrupted by the presence of non-officials and media persons.
- 18.15 Three tier cordoning system should be set up in all counting centers to prevent the entry of unauthorized persons inside the counting centers. No counting agent without proper identity card having the photograph, duly displayed on its person, shall be allowed to cross the first cordon of the counting centre. Similarly, the identity of all candidates, their election agents and of all the counting staff shall also be thoroughly verified with reference to their identity cards at the first cordon itself. A senior Magistrate shall be posted at the entrance to control crowd and regulate entry.
- 18.16 Before allowing the entry of the candidates, their agents and other officials whose identities have been established by means of identity card to the second cordon, proper frisking should be made by the security personnel. The frisking shall be done by State police force personnel only. Women shall be frisked only by women police personnel/women Home Guards. There should be no further frisking.
- 18.17 The holders of the authority letters, while covering the counting process, can and should be allowed to come out of the counting hall(s) if they so desire, during the counting. They should also be allowed to re-enter on the basis of the very same authority letters. All entry at all times however, is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting. Limited coverage of short duration by manageable audio/visual groups can be allowed and the groups, may be conducted by the official designated for this purpose by the officers in charge of counting.
- 18.18 No static (fixed) camera – still or video of the media is allowed inside any counting hall. No camera stand should thereof be allowed to be taken inside counting halls. Further, while taking audio visual coverage of the counting process with camera carried in hand or on shoulders, under no circumstances, the actual votes recorded on an individual ballot papers is to be photographed or covered by audio visual coverage. The exact location up to which the, still and video camera can move, should be indicated by the Returning Officer in advance marked by a line or a string for guidance of all concerned.
- 18.19 DEOs, and ROS will accordingly make detailed plans and ensure that the arrangements are in position well in time and at least 72 hours before start of counting. This will facilitate dry run of transmission of counting information and system checks by all concerned.
- 18.20 For ensuring accuracy of the result of counting, a round-wise statement shall be prepared by the Returning Officer in the prescribed proforma as given below. Both the Returning Officer and Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part II of Form 17 'C' (result of counting) pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed table-wise polling station-wise round-wise breakup of the votes as shown in the said proforma will be kept by the Observer in his folder. Proforma for tabulating Trends/Results Number & Name of Constituency _____ Round Number _____ Date _____ (table to be inserted) In addition, a computer will be installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Table wise, Polling station wise and Round wise. Even though computer tabulation will not substitute the manual tabulation being done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totalling will be helpful as a double check on the accuracy of manual tabulation.

- 18.21 Next Round of counting should only start after repeat after all tables of previous round have finished counting and their result sheets are accepted by AROs.
- 18.22 The Observer/Returning Officer will ensure that the results of table-wise – round wise counting of votes are immediately displayed prominently on a notice board inside the counting center and announced through public address system. After the counting is completed and the Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise breakup kept by him in his folder and allow the result to be declared only when the figures tally with each other.
- 18.23 The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers. 18.24 As soon as the result is declared, the data as contained in Form 21, which is handed over to the winning candidate, will be handed over to the Observer as prescribed by the Commission for immediate communication to the Commission.
- 18.25 It is important that soon after the counting is finished, the fully reconciled counting data is tabulated and checked thoroughly before the result is formally declared.
- 18.26 The Observers will ensure that the Final Result Sheet in form 20A is filled by the RO before he declares the result in Form 21 C and sends it to appropriate quarters. One copy each of the Forms 20 A, 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.
- 18.27 Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Before the Returning Officer declares result of an election, he/she shall obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself/herself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he/she shall issue an authorization to the concerned Returning Officer in the following format for declaration of result :-“_____ Observer (Code _____), For _____ Assembly Constituency after having satisfied myself about the fairness of counting of votes and complete accuracy of compilation of result in Form-20 hereby authorize the Returning Officer for _____ Assembly Constituency to declare the result.”Signature of the Observer _____ Name of the Observer _____ Code of the Observer _____ Assembly Constituency No. & Name _____”
- 18.28 No Returning Officer shall declare the result without receiving the authorization in the format as detailed in Para 36 above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of results.
- 18.29 It shall be the personal responsibility of the concerned District Election Officer to ensure that all the above mentioned instructions are strictly complied with and brought to the notice of all the Returning Officers, Observers, Candidates, Counting Agents etc sufficiently before the commencement of the Counting.

19. MAINTENANCE OF SECRECY

- 19.1 Every person inside the counting hall is required by law to maintain, and aid in maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. They should note that any person

contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the R.P. Act, 1951)

- 19.2 Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the above mentioned section 128 for the information of all present and for compliance on their part.

20. COUNTING TO BE CONTINUOUS

The counting of votes will, as far as practicable, be proceeded with continuously till it is over.

21. COUNTING OF POSTAL BALLOT PAPERS FIRST

- 21.1 On the counting day, the postal ballot counting will be taken up first and after a gap of 30 minutes, the EVM counting can also start. There should be a separate table and separate arrangement for the counting of postal ballots. Returning Officer will be responsible for counting of postal ballot paper at his table. One Assistant Returning Officer shall be dedicated to handle the postal ballot counting. The Observer and Returning Officer should closely monitor the progress made in postal ballot counting as well as EVM counting simultaneously. The candidates/their election agents shall be advised to nominate a separate counting agent and he may remain present near the table where the postal ballot counting taking place.**

- 21.2 Each postal ballot paper received from a voter will be contained in an inner cover in Form 13-B. This cover along with the declaration of the elector in Form 13-A will be contained in larger cover in Form 13-C addressed to the Returning Officer.

- 21.3 The Returning Officer will not open any cover in Form 13-C containing a postal ballot paper which he may have received late, that is, after the time fixed for the commencement of counting. He will make a suitable endorsement to that effect on the cover in Form 13-C. The votes contained in these covers will not be counted. He will make a packet of all such covers and seal the packet.

- 21.4 All covers in Form 13-C containing postal ballot papers which were received intime by the Returning Officer will be opened by him one after another. The declaration by the voter in Form 13-A will be found inside each cover (Form13-C). Before opening any of the inner covers (Form 13-B) containing the postal ballot papers proper, the Returning Officer will check the declaration(Form 13-A). He will reject a ballot paper without opening its inner cover(Form 13-B) in any of the following cases:

- (a) if the declaration in Form 13-A is not found in the cover in Form 13-C;
- (b) if the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective; N.B.: It may be noted that it is not necessary under the rules that the officer attesting the declaration should affix his seal and the objection should not, therefore, be raised on this ground if the identity of the attesting officer is otherwise known from the particulars about his designation, address, etc., furnished in the form.
- (c) if the serial number of the ballot paper appearing on the declaration is different from the serial number as endorsed on the inner cover in Form 13-B.

- 21.5 All such rejected covers in Form 13-B will be suitably endorsed by the Returning Officer, and will be replaced with the respective declaration in the larger covers in Form 13-C. All such larger covers will be kept in a separate packet which will be sealed by the Returning Officer and full particulars such as the name of the constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.

- 21.6 Thereafter, the Returning Officer will proceed to deal with the remaining covers in Form 13-B, i.e., other than those rejected as aforesaid. In order that there may be no risk of

the secrecy of the postal votes being violated, all the declaration in Form 13-A which are found by the Returning Officer on scrutiny to be in order will first be placed in a separate packet and sealed. Identifying particulars will be noted on the packet. It is necessary to put these declarations away in a sealed packet before any ballot papers proper are brought out of their covers in Form 13-B, as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

- 21.7 After the above procedure has been completed, the Returning Officer will proceed to open the covers in Form 13-B one after another and the postal ballot papers contained in them will be brought out. The Returning Officer will scrutinize every such ballot paper and decide its validity. A postal ballot paper will be rejected:-
- (a) if no vote is recorded thereon; or
 - (b) if votes are given on it in favour of more than one candidate; or
 - (c) if it is a spurious ballot paper; or
 - (d) if it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or
 - (e) if it is not returned in the cover sent along with it to the elector by the Returning Officer; or
 - (f) if the mark indicating the vote is made in such a way that it is doubtful to make out to candidate to whom the vote has been given; or
 - (g) if it bears any mark or writing by which the voter can be identified.
- 21.8 There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Again, a vote recorded on a postal ballot paper will not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once for the same candidate, if the intention that the vote should be for a particular candidate clearly appears from the way the paper is marked.
- 21.9 The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted, will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.
- 21.10 Thereafter all the valid postal ballot papers and all the rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer and the seals of such of the candidates, their election agents or counting agents (not exceeding two in respect of anyone candidate) as may desire to affix their seals thereon.
- 21.11 Under no circumstances, the results of all the rounds of the EVM counting should be announced before finalizing the postal ballot counting.**
- 21.12 In case, the victory is being decided only on account of postal ballot counting there should be a mandatory re-verification. In the presence of Observer and Returning Officer, all the postal ballot papers rejected as invalid as well as the votes counted in favour of each and every candidate shall be once again be verified and tallied. The observer and Returning Officer shall record the findings of the re-verification and satisfy themselves before finalizing the result.**

21.13 Whenever such re-verification/recounting is done, the entire proceeding should be video-graphed without compromising the secrecy of ballot and the videocassette/CD should be sealed in a separate envelope for future reference.

22. COUNTING OF VOTES POLLED AT POLLING STATIONS

22.1 While the postal ballot papers are being counted by the Returning Officer at his table, the counting of votes recorded at polling stations by means of voting machines will also be taken up by the Assistant Returning Officer(s) at the other tables provided in the counting hall. For that purpose, the control units of voting machines received from the polling stations will be distributed to the various counting tables, beginning with the control unit of voting machine of polling station No. 1 being distributed to table No. 1, the control unit of voting machine of polling station No.2 being distributed to table No.2 and so on. At each counting table, votes cast at one polling station shall be taken up at a time. Thus, the counting of votes of as many polling stations as there are then number of counting tables will be simultaneously taken up in the first round of counting. The counting will be done and completed in as many rounds as are necessary having regard to the number of counting tables and number of polling stations. The control units for the next round will not be brought on the counting tables, unless the counting of the previous round is over. In case of simultaneous elections the total number of counting tables should be divided into two groups of equal number of tables. The first group should be for Assembly election and the other group for the Parliamentary election. For example, if the total number of counting tables is 14 (fourteen), in the first round of counting, control unit for Assembly election used at polling stationNo.1 should be given to table number 1 and the control unit used for Lok Sabha election at polling station number 1 should be given to table number 8 ,i.e. the first table for the counting of votes for Lok Sabha election and control unit for Assembly election used at polling station number 2 should be given to table number 2 and the control unit used for Lok Sabha election at polling station number 2 should be given to table number 9, i.e., the second table for the counting of votes for Lok Sabha election and so on . You or your counting agent should keep an account of such distribution with you for your/his information. It is to be noted that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round, in respect of both assembly and parliamentary elections is completed and control units used in the polling stations covered by round completed are removed from the counting tables.

22.2 At the time counting, only the control unit of the voting machine is required for ascertaining the result of poll at the polling station at which the control unit has been used. The ballot unit is not required.

22.3 Along with the control unit used at a polling station, the relevant account of votes recorded in Form 17C pertaining to that polling station will also be supplied to the counting table.

22.4 At the closure of each round, the Observer would randomly select any two EVM control units from amongst the Control units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through random selection to independently note down from the Control units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise result.

- 22.5 Apart from one Counting Supervisor and one Counting Assistant for each counting Table, one additional staff would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./ Central Govt. PSU employee. This additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These additional counting staff would be provided with a pre-printed statement on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates and panel for NOTA as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.
- 22.6 Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staff from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting center as above. The additional staff also will be provided a ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

23. OPENING OF CARRYING CASES OF CONTROL UNITS

As each carrying case of control unit is brought to the counting table, the seals put thereon by the Presiding Officer at the polling station will be examined. Even if the seal of a carrying case is not intact in any case, the control unit kept therein could not have been tampered with, if the seals thereon and particularly the green paper seals on that unit are intact. The carrying case will then be opened and the control unit taken out and placed on counting table for the inspection and checking of seals thereon by the candidates or their agents present at the counting table.

24. CHECKING SEALS ON CONTROL UNITS

Before the votes recorded in any control unit of a voting machine are counted, the counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the paper seals and such other vital seals as may have been affixed on the carrying case and the control unit and to satisfy themselves that the seals are intact and control unit has not been tampered with. If any control unit is found to have been tampered with, the votes recorded in that machine shall not be counted and the matter shall be reported to the Commission for its directions.

25. CHECKING OF SEALS AND IDENTITY MARKS ON THE CONTROL UNIT

As each control unit is taken out of the carrying case, its serial number will be checked so as to ensure that it is the same control unit which was supplied for use at that polling station. Then, the seal on the 'Candidate Set Section' which is put by the Returning Officer before the supply of the machine to the polling station and the seal on the outer cover of Result Section which is put by the Presiding Officer at the polling station will be checked. Even if any of these seals is not intact the control unit could not have been tampered with, if the green paper seals put on the inner cover of the Result Section are intact.

26. COMPARISON OF THE SERIAL NUMBER OF THE PAPER SEAL

- 26.1 On opening the outer cover of the Result Section, the inner cover sealed with the seal of the Presiding Officer will be seen. Even if this seal is also not intact, the control unit could not have been tampered with if the green paper seal is intact and has not been

tampered with. In the inner cover of the Result Section, there will be a green paper seal (two green paper seals in the case of machines manufactured by Bharat Electronics Limited, Bangalore before 2006). The green paper seal will have been so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal will be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in item 9 of Part 1 of Form 17C. The counting agents present at the counting table will be allowed to compare such serial number of the paper seal and satisfy themselves that the paper seal is the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

- 26.2 If the serial number of the paper seal actually used in the control unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a clerical mistake or there would be a prima-facie suspicion that the voting machine has been tampered with. The Returning Officer will decide the question by checking the serial numbers of the unused paper seals returned by the Presiding Officer. If he finds it to be the case of clerical mistake, he will ignore the discrepancy.

27. CONTROL UNITS TO BE KEPT APART IF FOUND TAMPERED WITH

On the other hand, if the Returning Officer is satisfied that the voting machine has been tampered with, or is not the same which was supplied for use at that polling station, the machine will be kept apart and the votes recorded there in shall not be counted.. He will report the matter to the Commission for its directions. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found to have been tampered with. The Returning Officer will proceed with the counting in respect of the other polling stations.

ROLE OF OBSERVERS

27.1 The Observers nominated by the Election Commission and deployed in the concerned constituencies during the election process, have been provided special responsibility to oversee and supervise the counting process under the statutory provisions given under the Law. They have also been empowered to stop the counting process at any time before the declaration of result or may direct the Returning Officer/Assistant Returning Officer not to declare the result under different circumstances as envisaged in the law.

27.2 In cases where the Observer orders to stop the process of counting, a detailed report in the matter shall be furnished forthwith to the Commission by the Observer and Returning Officer concerned either jointly or separately for seeking appropriate orders of the Commission.

28. ASCERTAINING THE RESULT

- 28.1 After satisfying that the paper seal is intact and that the control unit is the same as was supplied at the polling station and that there is no tampering with the same, the votes recorded therein shall be counted. For this purpose, the following procedure will be followed by the counting supervisor:-
- (i) Power switch provided in the rear compartment of the control unit will be put to 'ON' position. The 'ON' lamp in the 'Display Section' of the control unit will then glow green.

(ii) The paper seal over the 'Result I' button provided beneath the upper aperture of the inner cover of Result Section will be pierced through.

(iii) The 'Result I' button will then be pressed.

(iv) At the 'Result I' button being so pressed, the total number of votes recorded for each candidate **and NOTA** at the polling station shall be displayed automatically in the Display Panels of the control unit. Supposing, there are **eight** contesting candidates and the total number of votes polled at the polling station is 758, the votes secured by each candidate will be displayed in the Display Panels in the following sequence :-cd 9to 75801 10902 5903 7704 26305 3806 207 5108 9409 65End(This is only an example)N.B. Result II Button is not used as for a simultaneous poll, a separate CU is used.

(v) The above result as displayed sequentially candidate-wise shall be noted by the counting supervisor in Part II - Result of Counting of Form17C.

28.2 If required, the 'Result I' button can be pressed again to enable the candidates and/or their agents to note down the above result.

28.3 After the result has been noted, the cover of Result Section will be closed and the control unit switched off.

Para28.4. Where the printer for paper trial is used, after the entries made in the result sheet are announced, any candidate or in his absence his election agent or any of his counting agents may apply in writing to the returning officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations. The returning officer may, based on the guide lines issued by the commission, decide the matter as provided in Rule 56 D. of the conduct of election Rules.

29. COMPLETION OF "PART II-RESULT OF COUNTING" OF FORM 17C

29.1 As the votes secured by each candidate are displayed on the Display Panels of the control unit, the counting supervisor shall, as mentioned above, record the number of such votes separately in respect of each candidate in 'Part II –Result of Counting' of Form 17C. He shall also note down in the said Part II of Form 17C whether the total number of votes as shown in that part tallies with the total number of votes shown against Item 5 of Part 1 of that Form or any discrepancy has been noticed between these two totals. After completing that Form in all respects, the counting supervisor shall sign it. He shall also get it signed by the candidates or their agents present at the counting table. A sample of Form 17C is given at Appendix - XXI.

29.2 After the counting supervisor has duly filled in Part II of Form 17C, signed it and got it signed by the candidates or their agents, he shall handover that Form to the Returning Officer. The Returning Officer shall countersign the form after satisfying himself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer shall be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form 20.

30. PREPARATION OF FINAL RESULT SHEET

30.1 The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 (Appendix - XV) shall make entries in that Form showing the votes polled by each candidate polling station-wise, strictly in accordance with the entries made in Part II – 'Result of Counting' of Form 17Cin respect of each polling station. The number of tendered votes polled, if any, at a polling station shall also be noted in the appropriate column in Form 20(Appendix - XV)against the polling station concerned.30.2 The entries

so made in Form 20 in respect of each polling station shall be announced so that the candidates and their agents may take note of the result of counting in respect of each polling station. Alternatively, the Returning Officer may cause the entries made in Form 20 to be written on a blackboard. This will enable the counting agent to proceed uninterruptedly with the counting of votes at other polling stations.

31. RECOUNT

- 31.1 Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. At the most, some candidates or their agents may not have noted down properly the result of voting at any particular polling station when the control unit displayed that information. If necessity arises for re-verification, the same can be done by pressing the 'Result I' button whereupon the result of voting at that polling station will again be displayed in the Display Panels of that control unit.
- 31.2 Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in rule 63 of the Conduct of Elections Rules, 1961 still apply in relation to all constituencies.
- 31.3 Accordingly, after the entire counting is over, the Returning Officer will announce the result giving the total number of votes polled by each candidate as recorded in the Final Result Sheet (Form 20). After the announcement is made, you, or in your absence your election agent or any of your counting agents, may apply in writing for a recount of recorded at all or any of polling stations stating the grounds on which he demands such recount. For this purpose, the Returning Officer will announce the exact hour and minute, upto which he will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He may allow the application in whole or in part if it is reasonable or he may reject it in to if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the votes over again. The postal ballot papers may also be recounted if a request is made for their recount and such a request is allowed by the Returning Officer. After such recount has been completed, the result sheet will be amended to the extent necessary and the amendments so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.
- 31.4 It should be noted that you or your election agent or any of your counting agents has no right to demand a recount after the Returning Officer has completed and signed the result sheet. Any demand for a recount of votes made after the result sheet has been completed and signed will be rejected.
- 31.5 If votes of a Parliamentary Constituency are counted at more places than one, then, according to rule 65 of the Conduct of Elections Rules, 1961, demand for recount of votes can be made only at the end of counting at the last place fixed for the purpose. Such last place would generally be the Headquarters of the Returning Officer where he would be collating and consolidating the results of the various Assembly segments comprised within that Parliamentary Constituency.

32. ADJOURNMENT OF COUNTING IN CASE OF FRESH POLL.

Before taking any of the steps mentioned in the foregoing para, the Returning Officer will wait for the direction of the Election Commission if he has made any report to it about any voting machine having been found tampered with as mentioned earlier in para 25 above. Where the Commission directs a fresh poll to be taken at the affected polling stations the

counting will be adjourned after the counting process in respect of all other polling stations has been completed. In such case all the voting machines and also all other papers relating to elections will be sealed by the Returning Officer. Every candidate or his agent, if he desires to place his seal on every voting machine and packet etc., in which the election papers are kept, will be allowed to do so. The counting so adjourned shall be recommenced after the fresh poll has been held, on such date and hour as the Returning Officer may fix in this behalf and completed in accordance with the procedure prescribed above.

33. RESEALING OF VOTING MACHINES AFTER COUNTING

- 33.1 After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in 'Part II – Result of Counting' of Form 17C and in the Final Result Sheet in Form 20, the control unit shall be resealed with the seal of the Returning Officer and the secret seal of the Commission.
- 33.2 The resealing will be done in such a manner that the result of voting recorded in the control unit is not cleared or obliterated and the unit retains the memory of such result.
- 33.3 The aforesaid resealing of control units shall be done in the following manner:-
- (i) The battery from the 'Candidate Set Section' of the control unit shall be removed. After the removal of the battery, the cover of the 'Candidate Set Section' shall be resealed.
(please see para48 chapterXV-page150)N.B. Removal of the battery is necessary so that it does not bloat with the passage of time and damage the machine. Removal of the battery will not, however, obliterate the result of voting recorded in the unit, as the unit will retain its memory even without the battery.
 - (ii) The outer cover of the Result Section shall be closed and resealed.
 - (iii) The control unit so resealed shall be kept back in its carrying case.
 - (iv) The carrying case shall be resealed.
 - (v) An address tag shall be firmly attached to the handle of the carrying case containing the particulars of the election, name of the constituency, the particulars of polling station where the control unit was used, serial number of the control unit, date of poll, and date of counting.
- 33.4 The candidates/their election agents or counting agents are also permitted to affix their seals on the voting machines, if they so desire. The candidates are advised in their interest to ensure that they affix their seals on these machines. It will satisfy their candidates that there is no possibility of the votes recorded therein being tampered with. Where, however, the candidate himself or his election agent has affixed such seal, the counting agents need not affix their separate seals.

34. EQUALITY OF VOTES

In case of tie, the result will be decided by lot. Example- If in a constituency A, B, C and D are the contesting candidates and the total number of votes they have secured is as follows-A - 12,703B - 17,567C - 17,567D - 16,394.A lot will be draw between B and C, who have each polled the highest number of votes (which are equal) and the person whose name is drawn will be deemed to have polled one additional vote. The Returning Officer will then complete and sign the result sheet.

35. DECLARATION OF RESULT OF ELECTION

- 35.1 After the counting is complete in all respects and the Returning Officer has completed and signed the Final Result Sheet, he will proceed to formally declare the result of election, if there is no direction of the Commission to the contrary. He will make the declaration of result in Form 21C in the case of general election, and in Form 21-D in the case of bye-election.

35.2 In case the Commission has issued any direction withholding the declaration of result in any Constituency until its further direction, any declaration of result by the Returning Officer in contravention of any such direction shall be null and void *ab initio*.³⁶.
CERTIFICATION OF ELECTION Soon after the declaration of result, the Returning Officer will grant to there turned (elected) candidate a certificate of election in Form 22 and obtain from him an acknowledgement of its receipt duly signed by him. In case he is not present at the time of declaration of result, he should immediately contact the Returning Officer and obtain the certificate of election. In this connection the Commission has decided that-

(1) the certificate of election, in respect of both Parliament and the State Legislatures, should be issued in English or in Hindi but it should be open to the elected candidate to sign the acknowledgement in any language he likes;

(2) where the elected candidate is not present at the counting nor visits the locality shortly thereafter, the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person. The acknowledgment shall be in the form shown below :

I.....acknowledge receipt of the certificate of election in Form 22 in respect of my election to.....from.....constituency, declared on.....Signature of the returned candidate Attested and forwarded to the secretary.....Returning Officer The acknowledgement is required by the authorities concerned for verifying the identity of the elected candidate at the time of his making and subscribing oath or affirmation before taking his seat in the House.

CHAPTER XVII

MULTIPLE ELECTIONS

1. ELECTION TO BOTH HOUSES OF PARLIAMENT

1.1 You cannot be a member of both Houses of Parliament [Article 101(1) of the Constitution] (Appendix – XXVI).

1.2 If you are elected to both Houses of Parliament, but have not taken your seat in either House, you should by notice in writing signed by you and delivered to the Secretary to the Election Commission within ten days from the date or the later of the dates of such election intimate in which of the House you wish to serve. Your seat in the other House will then become vacant.

1.3 If you fail to send such intimation within that time-limit, your seat in the Council of States will become vacant automatically.

1.4 Any such intimation given by you will be final and irrevocable. [Section 68 of the Representation of the People Act, 1951.] (Appendix – XXVII)

1.5 For this purpose, the date of your election to either House of Parliament will be the date, on which you were declared elected by the Returning Officer [Section 67-A of the Representation of the People Act, 1951.] Vacation of seats

(1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. Section 68 of the R.P. Act, 1951-68. Vacation of seats when elected to both Houses of Parliament. (1) Any person who is chosen a member of both the House of the People and the Council of States and who has not taken his seat in either House may by notice in writing signed by him and delivered to the secretary to the Election Commission within ten days from the date or the later of the dates on which he is so chosen intimate in which of the Houses he wishes to serve and thereupon his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period his seat in the Council of States shall at the expiration of that period become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

(4) For the purpose of this section and of section 69, the date on which a person is chosen to be a member of either House of parliament shall be in the case of an elected member the date of his election and in the case of a nominated member, the date of first publication in the Gazette of India of his nomination.

2. MEMBER OF THE HOUSE OF THE PEOPLE ELECTED TO THE COUNCIL OF STATES

If you are already a member of the House of the People and have taken your seat in that House, but are subsequently elected to the Council of States, your seat in the House of the People will become vacant on the date of your election to the Council of States, as defined in section 67-A of the Representation of the People Act, 1951. [Section 69

(1) of the Representation of the People Act, 1951.]

3. MEMBER OF THE COUNCIL OF STATES ELECTED TO THE HOUSE OF THE PEOPLE

If you are already a member of the Council of States and have taken your seat in that Council but are subsequently elected to the House of the People, your seat in the Council of States will become vacant of the date of your election to the House of the

People as defined in section 67-A of the Representation of the People Act, 1951.
[Section 69(2) of the Representation of the People Act, 1951.]

4. ELECTION TO MORE THAN ONE SEAT IN EITHER HOUSE OF PARLIAMENT OR IN THE HOUSE OR EITHER HOUSE OF A STATE LEGISLATURE

You may be elected to more than one seat in the House of the People or the Council of States or in the House or either House of the Legislature of a State. In such a case you have to resign all but one of such seats within fourteen days from the date of such election of where the dates of your election are different in respect of different seats, fourteen days from the last of those dates. Such resignation is to be intimated by you in writing and signed by you. The communication should be addressed to the Speaker or Chairman of the House concerned or if necessary to the deputy Speaker or the Deputy Chairman of the House or failing that to the Election Commission. If you fail to do so, all your seats will become vacant. [Section 70 of the Representation of the People Act, 1951 and rule 91 of the Conduct of Elections Rules, 1961](Appendix – XVIII).67-A. Date of election of candidate. ---For the purposes of this Act, the date on which a candidate is declared by the Returning Officer under the provisions of section 53 or section 66 to be elected to a House of Parliament or of the Legislature of a State shall be the date of election of that candidate.69. Vacation of seats by persons already members of one House on election to other House of Parliament

(1) If a person who is already a member of the House of the People and has taken his seat in such House is chosen a member of the Council of States his seat in the House of the People shall on the date on which he is so chosen become vacant.

(2) If a person who is already a member of the Council of States and has taken his seat in such Council is chosen a member of the House of the People his seat in the Council of State shall on the date on which he is so chosen become vacant.70. Election to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State.

(3) If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State then unless within the prescribed time he resigns all but one of the seats by writing under his hand address to the Speaker or Chairman, as the case may be or to such other authority or officer as may be prescribed all the seats shall become vacant. Election to more than one seat in either House of Parliament or in the House or either House of a State Legislature

(4) You may be elected to more than one seat in the House of the People or the Council of States or in the House or either House of the Legislature of a State. In such a case you have to resign all but one of such seats within fourteen days from the date of such election of where the dates of your election are different in respect of different seats, fourteen days from the last of those dates. Such resignation is to be intimated by you in writing and signed by you. The communication should be addressed to the Speaker or Chairman of the House concerned or if necessary to the deputy Speaker or the Deputy Chairman of the House or failing that to the Election Commission. If you fail to do so all your seats will become vacant. [Section 70 of the Representation of the People Act, 1951 and rule 91 of the Conduct of Elections Rules, 1961].

(5) ELECTION TO BOTH PARLIAMENT AND STATE LEGISLATURE

You cannot be a member both of Parliament and of a House of the Legislature of a State. If you have been elected both to Parliament and to the Legislature of a States, you should resign one of your seats within fourteen days from the date of publication in the Gazette of India or in the Official Gazette of the state, whichever is later, of the declaration that you have been so elected. If you fail to do so, your seat in Parliament will become vacant.[Article 101(2) of the Constitution and rule 2 of the prohibition of

simultaneous Membership Rules 1950 (Appendix – XXIX). Rule 91 of the Conduct of Elections Rules, 1961. Resignation of seats in case of election to more seats than one in a House.

(1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of State to which he has been elected shall be--

(a) fourteen days from the date of his election under section 67-A; or

(b) where the dates of his election are different in respect of different seats fourteen days from the last of those dates.

2. Such resignation shall be addressed -

(a) to the Speaker or the Chairman of the House concerned; or

(b) Where the office of the Speaker or Chairman is for the time being vacant or is or is deemed to be in abeyance to the Deputy Speaker or the Deputy Chairman of the House concerned; or

(c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is deemed to be in abeyance to the Election Commission.

3. Where the resignation has been addressed to the Election Commission under sub-rule

(2) the Election Commission shall, as soon as may be after the receipt of the resignation send a copy thereof to the Secretary of the House concerned. Article 101 (2) of the constitution--(2) No person shall be a member both of Parliament and of a House of the Legislature of a State and if a person is chosen a member both of Parliament and of a House of the Legislature of a State then at the expiration of such period as may be specified in rules made by the President that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Legislature of the State.

6. ELECTION TO BOTH HOUSES OF A STATE LEGISLATURE

You cannot be a member of both Houses of the Legislature of a State. If you are elected to both the Houses, you should immediately consult the Secretaries of the Houses in order to ascertain how you should vacate your seat in one House or the other. You will have to resign your seat in one of the Houses according to the provisions made in this behalf under Article 190(1) of the Constitution. The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State, specified in the First Schedule to the Constitution of India (herein after referred to as "the Constitution") shall become vacant unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of Publication in the Gazette of India or in the official Gazette of the State whichever is later of the declaration that he has been so chosen. Article 190 of the Constitution--Vacation of Seats.

(1) No person shall be a member of both House of the Legislature of a State and provision shall be made by the Legislature of a State by law for the vacation by a person who is chosen a member of both houses of his seat in one House or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States then at the expiration of such period as may be specified in rules made by the President that person's seat in the Legislature of all such States shall become vacant unless he has previously resigned his seat in the Legislatures of all but one of the States. The Prohibition of Simultaneous Membership Rules, 1950 published vide M/Law Notification No. F46/50-C dated 26.1.1950. This period shall be ten days from the later or as the case may be the latest of the dates of publication in the Official Gazettes of such States of the declarations that he has been so chosen.

CHAPTER XVIII

ACCOUNTS OF ELECTION EXPENSES

1. INTRODUCTORY

- 1.1 Under Section 77 of the Representation of the People Act, 1951, every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of result of the election, both dates inclusive.
- 1.2 Further, under section 78 of the said Act, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Election Officer in all states and Union Territories).
- 1.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses and filling of their returns of election expenses in the manner and within the time required by law, the Returning Officer has been instructed in Hand Book for Returning Officers to invite the attention of each candidate to the above provisions of law in writing. This is done by him by addressing a letter to each candidate as in Appendix - XXX as soon as he files his nomination paper.
- 1.4 From 1993 onwards, the Commission has been modifying the format in which the candidates are to file their accounts of election expenses. THE CURRENTFORMAT WAS CIRCULATED WITH THE COMMISSION'S LETTER NO.76/2003/J.S.-II, DATED 24.10.2003. COPY OF THE PRESCRIBED FORMATIS GIVEN AT Appendix XXXI-A1.5 A candidate is required to maintain the day to day account of election expenses in a register giving the details of the expenditure incurred/authorized by
 - (i) political party which has set him up, and
 - (ii) any other political party supporting him,
 - (iii) any other association/organization/body supporting him, and
 - (iv) any other individual supporting him. The standard format of the register for maintenance of day to day accounts and the format for furnishing abstract statement of details of expenditure by political parties, other associations, etc. are given at Appendix XXXI-A.
- 1.6 You should note that the law relating to expenditure incurred by a candidate in an election has been amended vide the "Election and Other Related Laws(Amendment) Act, 2003. As per the new Explanations 1 and 2 inserted under Section 77(1) only the expenses on account of travel of 'leaders' of political parties covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. For this purpose, the political parties are required to submit the list of their 'leaders' to the Election Commission and the Chief Electoral Officer within seven days from the date of notification of the election All other expenses – incurred/authorized by the political parties, other associations, body of persons, individuals – are required to be included in the account of the candidate. The Chief Electoral Officer and the Commission will communicate to you the names of such political leaders whose expenses on travel are to be excluded from the accounts of a candidate. You are not to entertain any such list directly from any political party.
- 1.7 When such a leader who happens to be a candidate himself travels in his constituency for election campaigning to promote his own election prospect, the expenses incurred in

- connection with the journey has to be treated as part of his election expenses and cannot be exempted from the election expenditure account of that person.
- 1.8 A political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1). In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1).
 - 1.9. The Commission has directed that as soon as a candidate files his nomination paper, a register in the standard proforma as given in Appendix XXXI-A shall be issued by the Returning Officer to the candidate or his duly authorised agent against a proper receipt thereof. Each register will be duly numbered and authenticated by the District Election Officer. The candidate shall maintain his day-to-day account of election expenses in that register itself and in no other document. That register containing his account shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law. The day-to-day account in the Register shall also be accompanied by the abstract statement showing the details of expenditure in the prescribed format.
 - 1.10 The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma in Appendix XXXI-B, which is also part of the model proforma given in Appendix XXXI-A mentioned above.
 - 1.11 A copy each of the said order dated 24th October 2003 is furnished by the Returning Officer to each candidate as soon as he files his nomination paper, along with the register, Parts I to VI of the model proforma for furnishing the abstract statement of election expenses and the form of the affidavit and the letter mentioned in para 1.3 above.
 - 1.12 You will be asked to acknowledge the receipt of the said letter and its enclosures including the abovementioned register then and there.
 - 1.13 All the acknowledgements obtained from the candidates will be sent by the Returning Officer to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures. Only contesting candidates to lodge accounts¹⁹⁰
 - 1.14 Though under Section 77 every candidate is required to keep an account of his election expenses as aforesaid, under section 78 it is only the contesting candidates who are required to lodge their accounts of election expenses.
 - 1.15 If a candidate contests election for more than one constituency, he is required to keep, and also lodge, a separate account of his election expenses in respect of each such constituency.

2. AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED

- 2.1 In every State and Union Territory, the account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested election lies.
- 2.2 As some of the assembly and parliamentary constituencies in some State extend over more than one district, the question may arise which District Election Officer should receive the accounts submitted by the candidates in such cases. It is clarified that the accounts of election expenses should be lodged with the District Election Officer of the District, who had provided the polling stations for the constituency. For the information of the candidates the name and designation of the District Election Officer concerned should be published locally indicating the names of constituencies in respect of which he would receive the accounts.

- 2.3 For the convenience of the contesting candidates, the District Election Officer should also issue a letter to all contesting candidates in every constituency within three days of the date of election of the returned candidate intimating the name designation and address of the District Election Officer with whom the account has to be lodged and also the last date before which the account should reach him. Election in more than one constituency
- 2.4 If a candidate contests election from more than one constituency he has to lodge a separate return of election expenses for every election, which he contests. The election for each constituency is a separate election.

3. MAINTENANCE OF ACCOUNT AND PARTICULARS TO BE ENTERED IN ACCOUNT

- 3.1 The account should contain the following particulars:-
- (a) the date on which the expenditure was incurred or authorized;
 - (b) the nature of the expenditure (as for example, travelling, postage or printing and so on);
 - (c) the amount of the expenditure, i.e.-
 - (i) the amount paid;
 - (ii) the amount outstanding;
 - (d) the date of payment;
 - (e) name and address of the payee;
 - (f) the serial number of vouchers in case of amount paid;
 - (g) the serial number of bills, if any, in case of amount outstanding;
 - (h) the name and address of the person to whom the amount outstanding is payable.
- N.B. The particulars mentioned in items (e) to (h) above need not be given in regard to any item of expenditure for which it is unnecessary to obtain voucher under paragraph 5.3.2 All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorized shall be obtained from day to day as the expenditure is incurred or authorized and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.

4. ACCOUNT TO BE MADE AVAILABLE BY CANDIDATE FOR INSPECTION AND DISPLAY

- 4.1 THE COMMISSION HAS DIRECTED THAT THE DAY-TO-DAY ACCOUNTS MAINTAINED BY A CANDIDATE IN THE AFORESAID REGISTER TOGETHER WITH THE SUPPORTING DOCUMENTS SHALL BE MADE AVAILABLE BY THE CANDIDATE FOR INSPECTION ON THREE OCCASIONS AT LEAST BETWEEN FINALIZATION OF CANDIDATURE AND THE DATE OF POLL TO THE RETURNING OFFICER, ELECTION OBSERVER APPOINTED BY THE COMMISSION OR ANY OTHER OFFICIAL APPOINTED FOR THIS PURPOSE. THE RETURNING OFFICERS SHALL PREPARE A SCHEDULE OF INSPECTION FOR THE CANDIDATES IN THE CONSTITUENCY AND GIVE AN ADVANCE INTIMATION TO THE CANDIDATES ABOUT THE DATES ON WHICH THEY ARE TO PRODUCE THE ACCOUNTS. THE FIRST DATE OF INSPECTION MAY BE ON OR AFTER THE THIRD DAY FROM THE DATE OF WITHDRAWAL OF CANDIDATURE AND THIRD AND LAST DATE MAY BE ON OR BEFORE DATE OF POLL. THERE SHALL BE A GAP OF ABOUT 4 DAYS BETWEEN EACH INSPECTION.
- 4.2 FAILURE ON THE PART OF A CANDIDATE TO PRODUCE THE REGISTER AND THE SUPPORTING DOCUMENTS FOR INSPECTION ON DEMAND SHALL BE TREATED AS MAJOR DEFAULT ON HIS PART AND HE WOULD BE PROCEEDED AGAINST UNDER SECTION 171-1 OF THE INDIAN PENAL CODE.

- 4.3 While inspecting the accounts of the candidates as per the schedule of inspection fixed, the Returning Officer will ensure that two photocopies of the relevant pages of the register are retained by the inspecting officer. One copy of the relevant pages will be displayed on Returning Officer's notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with him and furnished to the District Election Officer on conclusion of the poll process. In this exercise the Returning Officer shall ensure that the inspection does not become a source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.
- 4.4 The Commission has also directed that a copy of the day-to-day accounts retained by the Returning Officer may be provided to any person desiring a copy on payment of usual copying charges. He will make this known to the candidates and the general public for their information as soon as the process of nomination begins. Arrangements for scrutinizing accounts
- 4.5 To facilitate the scrutiny of accounts the Returning Officer will appoint adequate number of designated officers, who have some experience in handling accounts. The locations where these officers will be available should be made known to the candidates at the time they are handed the Register. He will ensure that the designated officers are available at their locations on the appointed days. The Election Observers will also scrutinize the accounts from time to time. Either they will visit the designated officers or call for the records from the designated officers at some central location. The Returning Officer will coordinate the interaction between the Election Observers and his designated officers and it will be ensured by him that all proper records are made available to the Election Observers and the designated officers furnish the requisite information to them.
- 4.6 It has been the experience in previous elections that the candidates do not disclose the correct value of the different items of expenditure. To preclude the chances of concealment of information it has been found useful to obtain and make available rates of standard items to the designated officers and the Election Observers in advance. The Commission has directed all District Election Officers to make available the rates of the under-mentioned items to all Election Observers immediately on their arrival in the constituency. The list of these items, not exhaustive but illustrative, are as follows:-
1. Hiring charges of Loudspeaker with amplifier and microphone
 2. Construction of podium / pandal (standard size to seat 4-5persons)
 3. Cloth Banner
 4. Cloth Flags
 5. Plastic Flags
 6. Hand Bills (cost to be calculated and print order ascertained from printer – refer 127A of R.P. Act, 1951)
 7. Posters
 8. Hoardings
 9. Cut outs (wooden)
 10. Cut outs (Cloth/Plastic)
 11. Video Cassettes
 12. Audio Cassettes
 13. Erection of gates
 14. Erection of arches
 15. Daily hiring charges of vehicles:
(i) Jeep / Tempo / Trucker, etc.

- (ii) Sumo / Qualis
 - (iii) Cars
 - (iv) Three-Wheelers
 - (v) Cycle-Rickshaw
 - 16. Hiring charges of hotel rooms / guest houses
 - 17. Charges of drivers' salary
 - 18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures
 - 19. Hiring charges of hoarding sites from municipal authorities
 - 20. Other items commonly used in a District (DEO to prepare a ratelist of such items)EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.
- 4.7 The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all , and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will also be intimated to the Returning Officer/District Election Officer of the Constituency/District to which the other candidates belong.
- 4.8 Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds, amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the "leader". These accounts will be duly verified by the Election Observer or the Designated Officer appointed for scrutiny of the accounts.4.9 The candidate/political party/organizer will deposit the estimated cost of barricades/rostrum in advance where the construction of the same are being done by the government agencies

5. MANNER OF LODGING THE ACCOUNT

- 5.1 The Register supplied by the Returning Officer to each candidate in which the candidate has kept his account of election expenses shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law.
- 5.2 Further, the candidate is also required to furnish the abstract statement in Parts I to VI of the proforma (Appendix XXXI-A) given to him by the Returning Officer along with the said register. No column in the register or in the abstract statement of the proforma is to be left blank. If no expenditure has been incurred or authorized on any item listed therein, a 'Nil' entry should be made in the appropriate column.
- 5.3 Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma (Appendix XXXI-A) mentioned above.
- 5.4 The account, which is filed should be a true and complete account kept by the candidate or his election agent and should be certified as such as by the candidate himself. A certificate by his election agent is not sufficient and, therefore, even if the account is

certified by the election agent, it should again be certified by the candidate himself.

VOUCHERS TO BE FILED WITH ACCOUNTS

5.5 Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such that it is not practicable to obtain voucher, e.g., postage, travel by railway and the likes. All vouchers should be serially numbered by the candidate or his election agent. **VOUCHERS TO BE SIGNED**

5.6 Each of the supporting vouchers lodged with the account shall be signed by the candidate or by the election agent, in full.

6. LAST DATE FOR FILING ACCOUNTS

The account should be lodged by the candidate within 30 days from the date of election of the returned candidate vide Section 78 of the Representation of the People Act, 1951.N.B.

(i) In computing the period of 30 days, the date on which the Returning Officer declared the returned candidate elected should be excluded.

(ii) If the 30th day so computed is a Sunday or other holiday and his office is closed on that day, the account of election expenses may be lodged on the next day on which his office opens. The account will be deemed to have been lodged in time in such a case.

7. MEANING OF DATE OF ELECTION

The "date of election" of a returned candidate is the date on which the Returning Officer declared him to have been elected whether it was a contested or an uncontested election.

8. ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT

As soon as the account of election expenses is filed by a candidate with the DEO, he should acknowledge its receipt in the proforma prescribed in Appendix XXXII. If the account is received by him through post, such acknowledgement should be sent by him forthwith by post. One copy of the acknowledgement should be kept by the DEO/Designated Official receiving the accounts along with the accounts.

9. NOTICE OF FILING ACCOUNTS

Within two days from the date on which the candidate lodges his account of election expenses, the DEO should affix a notice to his notice board specifying:-

- (i) the date on which the account has been lodged;
- (ii) the name of the candidate; and
- (iii) the time and place at which the account can be inspected.

10. INSPECTION AND COPIES

10.1 Any person can, on payment of a fee of rupee one, inspect the account lodged with the DEO by a candidate. According to rule 88, the Commission has fixed the fee of Rs.1 per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

10.2 If inspection of an account of election expenses has been applied for at anytime during the period that the account is with the Election Commission, the application should be kept pending until the account is received back from the Commission after which the inspection will be allowed to the applicant.

11. REPORT TO THE COMMISSION

11.1 Immediately after the last date for filing accounts of election expenses has expired, and in any case not later than the seventh day after such expiry date, the DEO shall report to the Commission under rule 89 of the Conduct of Elections Rules, 1961, in the Form in Appendix XXXIII.

- (i) the name of each candidate whose name was included in the list of contesting candidates;
- (ii) name of each contesting candidate who failed to lodge the account of election expenses in the manner specified by the Commission in terms of its instructions dated 24.10.2003.
- (iii) whether the candidate has lodged his account of election expenses in time and the date of filing the account and the dates on which the accounts were furnished by such candidates for periodical inspection during the course of the elections, and if not furnished, whether notices for non-compliance of the instructions of the Commission were issued to them and further follow-up action taken, if any.
- (iv) whether in his opinion the account has been lodged within the time and the manner required by the Act and the Rules and Commission's directions.

- 11.2 If any candidate has not submitted his account by the time the DEO sends his report, his name should also be included with the remarks that the account has not been lodged.
- 11.3 Whenever the DEO reports that an account lodged by a contesting candidate is not in the manner required by the act and the rules and the Commission's directions, he should, along with his report, forward to the Commission that account and the documents accompanying it. His report must include the discrepancies noticed by him/Returning Officers/Designated Officers in the accounts submitted every third day by the candidate with the actual expenditure noted/assessed by him/Returning Officer/Election Observer/Designated Officer and specifically mention the items of expenditure which in the opinion of District Election Officer/ Returning Officer /Observer, have been suppressed.
- 11.4 Further, the comments of the District Election Officer shall be given in his report to the Commission on the overall final accounts furnished by the candidates in terms of actual expenditure incurred by each candidate. In giving his final comments, the District Election Officer shall take into account the observations made by the Election Observers and any other candidate or by any other organizations or member of the general public on the daily accounts exhibited on the notice board of the Returning Officer. These shall be submitted as enclosures to the report that is submitted by the District Election Officer in the proforma (Annexure XXXIII) prescribed in para 11.1 above. In the 'Remarks' column pertaining to a candidate in the proforma, the enclosure number of the comments of the DEO pertaining to that candidate shall be mentioned.
- 11.5 The DEO is not required to send with his report those accounts which he considers to have been lodged in the manner required by the law, unless specifically asked for by the Commission in any case.

12. SEPARATE REPORT FOR EACH CONSTITUENCY

The DEO has to send a separate report in respect of each constituency. Each such report would cover all the contesting candidates in the constituency whether they have been elected or defeated at the poll.

13. ACCOUNTS FILED LATE

If a contesting candidate has lodged his account of election expenses after the DEO has sent his report to the Commission, the DEO is required to send a supplementary report in the same Form in respect of him. In every such case also, he will examine the account and record in column 7 any material defects which he may notice therein as elaborated in paras 11.3 and 11.4 above.

14. NATURE OF EXAMINATION

Since the return of election expenditure filed by a candidate has to reflect the "correct" account of "all" election expenses, the District Election Officer, before accepting the

account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report vide (Appendix XXXIII) to the Commission as required under Rule 89 of the Conduct of Elections Rules, 1961, certify to the Commission with reference to the documents filed before him and as verified by him through an appropriate enquiry, that the statement of account in the manner prescribed.

15. PUBLICATION OF REPORT

The DEO will publish a copy of every report sent to the Commission by affixing a copy thereof to your notice board.

16. COMMISSION'S DECISION ON REPORT

The Commission will consider the report and decide whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law. In such a case the Commission will call upon the candidate to show cause why he should not be disqualified.

17. DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES

- 17.1 In order to ensure that the notices issued by the Commission are served on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notice to the District Election Officer to cause the same delivered to the candidates concerned. Every effort would be made to by the DEO to effect the delivery of the notice to the candidate concerned within three days of receipt of the same from the Commission in his office.
- 17.2 The notice shall be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same.
- 17.3 If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same will be pasted on the wall/door of the residence of the candidate in the presence of two witnesses preferably of the locality. A note to this effect will be recorded on the spot and the signatures of the witnesses along with their addresses obtained thereon.

18. REPRESENTATION BY DEFAULTING CANDIDATE

Any contesting candidate who has been called upon to show cause may within twenty days of the receipt of such notice represent in writing to the Election Commission, and shall, at the same time, send to the DEO a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

19. SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER

- 19.1 The DEO would send his supplementary report along with the acknowledgement obtained from the candidate in token of his having received the Commission's notice to the Commission immediately, and in any case within one week, after the expiry of the period within which the candidate has been directed by the Commission to submit his representation with his account, if any.
- 19.2 The supplementary report would be sent even where the candidate has not filed any representation.

20. FINAL ORDER BY COMMISSION

If, after considering the representation submitted by the candidate and the comments made by the DEO and after such enquiry it thinks fit, the Election Commission is satisfied

that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified under Section 10-A of the Representation of the People Act, 1951 for a period of three years from the date of the order and cause the order to be published in the official gazette.

21. REMOVAL OF DISQUALIFICATION

Under Section 11 of the Representation of the People Act, 1951 the Election Commission may, for reasons to be recorded, remove any such disqualification or reduce the period thereof.

22. TIME LIMITS TO BE STRICTLY ADHERED

In the foregoing paragraphs, various time limits have been specified for submission of reports to the Commission, service of notice on the defaulting candidates, forwarding of their representation with your comments to the Commission, etc. All such time limits should be strictly adhered to failing which the Commission will take serious exception to any such lapses.

23. MAXIMUM ELECTION EXPENSES

23.1 Under sub-section (3) of the said section 77, the total of the expenditure of a candidate shall not exceed such amount as may be prescribed. Rule 90 of the Conduct of Election Rules, 1961 prescribes such limits for maximum election expenses in parliamentary and assembly constituencies in each State/Union Territory.

23.2 The existing limits [as on 24.10.2003 vide Ministry of Law & Justice,(Legislative Department) Notification No.H-11-19(6)/2003 dated 24th October,2003] are shown in the table below. The candidates must, however, check up whether there has been any revision in these limits subsequently:-Table Name of State Maximum limit of election or Union Territory expenses in any one of Parliamentary Assembly Constituency Constituency1 2 31 State

Name of State	Maximum limit of election expenses in any one of Parliamentary Assembly Constituency	Maximum limit of election expenses in any one of Union Territory Constituency
1. Andhra Pradesh ...	25,00,000	10,00,000
2. Arunachal Pradesh ...	17,00,000	6,00,000
3. Assam ...	25,00,000	10,00,000
4. Bihar ...	25,00,000	10,00,000
5. Goa ...	14,00,000	5,00,000
6. Gujarat ...	25,00,000	10,00,000
7. Haryana ...	25,00,000	10,00,000
8. Himachal Pradesh ...	25,00,000	7,00,000
9. Jammu & Kashmir ...	25,00,000	*5,00,000
10. Karnataka ...	25,00,000	10,00,000
11. Kerala ...	25,00,000	10,00,000
12. Madhya Pradesh ...	25,00,000	10,00,000
13. Maharashtra ...	25,00,000	10,00,000
14. Manipur ...	22,00,000	5,00,000
15. Meghalaya ...	22,00,000	5,00,000
16. Mizoram ...	20,00,000	5,00,000
17. Nagaland ...	25,00,000	5,00,000
18. Orissa ...	25,00,000	10,00,000
19. Punjab ...	25,00,000	10,00,000
20. Rajasthan ...	25,00,000	10,00,000
21. Sikkim ...	17,00,000	5,00,000
22. Tamil Nadu ...	25,00,000	10,00,000
23. Tripura ...	25,00,000	5,00,000
24. Uttar Pradesh ...	25,00,000	10,00,000
25. West Bengal ...	25,00,000	10,00,000
26. Chhattisgarh	25,00,000	10,00,000
27. Uttaranchal	25,00,000	7,00,000

28. Jharkhand 25,00,000 10,00,000
1. Andaman and Nicobar Islands ... 10,00,000 -
2. Chandigarh ... 8,00,000 -
3. Dadra and Nagar Haveli ... 6,00,000 -
4. National Capital Territory of Delhi ... 15,00,000 9,00,000
5. Daman & Diu ... 6,00,000 -
6. Lakshadweep ... 6,00,000 -
7. Pondicherry ... 12,00,000 5,00,000* Vide SRO No.185, dated 16.06.1998.

24. MEASURE TO CHECK CORRUPTING INFLUENCE OF MONEY POWER

- 24.1 The increasing role of money power in elections is too well known and is one of the maladies which sometimes reduces the process of election into a mere farce by placing some privileged candidates with financial resources in a distinctly advantageous position as compared to other candidates. The result of such an election cannot reflect the true choice of the people. The system also sometimes deprives qualified and able persons of the prerogative to represent masses.
- 24.2 It is commonly perceived that the above-quoted provisions of law have become utterly inadequate to check the corrupting influence of money power.
- 24.3 It is relevant to cite from a recent judgement of the Supreme Court in this context (Gadakh Yashwantrao Kankarrao Vs. E.V. alias Balasaheb Vikhe Patil & Others- AIR 1994 SC 678): "The existing law does not measure up to the existing realities. The ceiling on expenditure incurred or authorised by the candidate himself but the expenditure incurred by the party or anyone else in his election campaign is safely outside the net of legal function. The spirit of the provision suffers violation through the escape route. The prescription of ceiling on expenditure by a candidate is a mere eye-wash and no practical check on election expenses for which it was enacted to attain a meaningful democracy. This lacuna in the law is, however, for the Parliament to fill lest the impression is reinforced that its retention is deliberate for the convenience of everyone. If this be not feasible, it may be advisable to omit the provision to prevent the resort to indirect methods for its circumvention and subversion of the law, accepting without any qualm the role of money power in the elections. This provision has ceased to be even a fig leaf to hide the reality."
- 24.4 The Hon'ble Court has further expressed the fond wish in the above quoted judgement that the "duty of the top echelons of leadership at the State and national level of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll."
- 24.5 The Commission has recommended to the Government of India several amendments to the aforesaid provisions of law relating to election expenses to make them really effective and meaningful. The law has, however, not been amended on the lines recommended by the Commission so far.
- 24.6 In the meanwhile, the Commission has carefully considered ways and means to render the account of election expenditure submitted by the candidates as little incorrect and as close to the truth as possible, within the bounds of law as it stands at present.

25. APPOINTMENT OF ELECTION OBSERVERS

The Observers appointed by the Commission will closely watch whether the provisions of the model code of conduct are being followed and will also analyze the expenditure incurred by the individual candidate and report to the Commission instances of misuse of money power for manipulating the will of the electors. The Commission will also determine the magnitude of election expenditure in the light of the report of these observers.

26. NO EXEMPTION FROM FILING OF ACCOUNT FOR ANY CONTESTING CANDIDATE

Even if a contesting candidate has not taken the election contest seriously for any reason whatsoever and has incurred or authorised only some nominal amount on his security deposit, etc., he must lodge his account of election expenses. There is no exemption under the law for any contesting candidate from lodging the account of his election expenses. Only a candidate whose nomination paper has been rejected at the time of scrutiny of nominations or who has validly withdrawn his candidature and whose name was not included in the list of contesting candidates is not required by law to lodge an account of his election expenses.

27. RELEVANT LEGAL PROVISIONS

For convenience of reference, relevant provisions relation to account of election expenses contained in Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961 are reproduced in Appendix XXXIV.

CHAPTER – XIX

MISCELLANEOUS

1. SIGNING BY ILLITERATE PERSONS

Sub-rule (2) (a) of rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or a paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission. The Commission has accordingly specified every officer belonging to an administrative service not below the rank of a Sub Divisional Officer as an officer in whose presence such mark may be placed.

2. MANUSCRIPT, TYPE-WRITTEN, CYCLOSTYLED OR PRIVATELY PRINTED FORMS Rule

2(1) (g) defines "form". A form appended to the Conduct of Elections Rules, 1961 in respect of any election in a State includes a translation there of in any of the languages used for official purposes of that State. When you have to use a form which has been prescribed under the rules, you must adopt that form. If the State Government has printed the forms, you should get a copy of such printed form. If that is not available, you may use a privately printed, cyclostyled, typed or even manuscript form. That will be accepted. You should, however, be careful to ensure that the text of the prescribed form has been correctly copied and that there is no discrepancy whatsoever in the form used by you.

3. PRODUCTION AND INSPECTION OF ELECTION PAPERS

- 3.1 Rule 92 of the Conduct of Elections Rules, 1961 provides that it is the duty of the District Election Officer within whose jurisdiction the constituency falls (in the case of the Union Territory, the concerned Returning Officer) to keep in safe custody all papers relating to the election.
- 3.2 Under rule 93(1) of the said rules, the sealed voting machines, sealed packets of registers of voters, sealed packets of unused ballot papers with counterfoils attached thereto, used ballot papers (whether valid, tendered or rejected) the packets of counterfoils of used ballot papers, marked copies of the electoral roll, declarations made by the electors entitled to postal ballot and the attestations of their signature, shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the order of a competent Court.
- 3.3 The Commission has directed that the sealed packets of voters slips which will be issued to voters inside the polling station under the Commission's instructions shall also likewise be not open to public inspection, except under the order of a competent Court.
- 3.4 All other election papers can be inspected, and certified copies obtained by any person applying for it and paying requisite fee.

4. PRODUCTION AND INSPECTION OF OTHER ELECTION PAPERS

- 4.1 Sub-rule (2) of rule 93 of the Conduct of Elections Rules, 1961 provides that all papers relating to an election other than those referred to in sub-rule (1) thereof, shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

4.2 In pursuance of the said sub-rule read with section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions:

(1) Inspection

(a) Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection is required.

(b) An inspection of the documents shall be allowed to any person applying for the same on payment of a fee of Rs 1/- per hour of inspection or part thereof, unless inspection is required to be made urgently in which case fee shall be Rs 2/- per hour or fraction thereof.

(c) Inspection on an ordinary application shall be allowed on the day following the date on which the application is made or on a subsequent day and inspection on an urgent application shall be allowed on the same day.

(2) Certified copy- A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Office. The procedure to be followed in respect of an application shall be the same as for a similar application made in respect of a case dealt with by a Revenue Officer.

(3) The application should establish the right of the applicant for inspection or for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.

(4) No fee shall be charged when inspection or certified copy of a documents is required for official purpose.

5. SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS

5.1 You may get copies of result sheet in Form 20, if you so desire, on payment of fee as charged for supply of certified copies of other election records.

5.2 You may also obtain copies of election return in Form 21-E from the Returning Officer, District Election Officer, Chief Electoral Officer or Election Commission on a payment of Rs.2/- (Rupees two only) for each copy.

6. REFUND OF DEPOSIT Forms

for application for the convenience of candidates and Returning Officers: Forms of applications for refund of security deposits are given in Appendix XXXV. Every application for a refund should be made by you or by the person who made the deposit on your behalf in the forms as may be appropriate. When a person other than the candidate has made the deposit the candidate should verify the application. If the candidate has died, his legal representative may make the application for refund in the appropriate form.

7. RETURN WHEN TO BE MADE

If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit made by him or on his behalf will be returned as soon as practicable after the publication of the list of contesting candidates or after his death as the case may be. In all other cases, the deposit will be returned as soon as practicable after the result of the election is declared.

8. DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY

(i) It may be noted that if a candidate was a contesting candidate at General Election in more than one constituency for the same House of the Legislature, he cannot get a refund of more than one deposit made by him or on his behalf. The other deposits made by him or on his behalf will be forfeited to Government.

(ii) A candidate who has been duly nominated in an assembly constituency as also in a parliamentary constituency when General Elections are held simultaneously for the Assembly and the House of the People, is entitled to a refund of the deposits made in both such constituencies, if he is otherwise entitled to such refund, as the two elections are different.

9. CONDITIONS FOR REFUND

(i) If a contesting candidate dies before the commencement of the poll, the deposit will be returned as soon as practicable after his death, subject to preceding paragraph.

(ii) The Returning Officer will also order a refund, subject to preceding paragraph, in the case of every candidate.

(a) who was elected or

(b) who was defeated but secured more than one-sixth of the total number of valid votes polled in the constituency including the valid postal votes .N.B.

(i) The candidate must have polled more than one-sixth of the total valid votes polled in the constituency as a whole in order to be entitled to there fund.

(ii) If the candidate has polled exactly one-sixth of the number of valid votes polled, the deposit will not be refunded.

(iii) If the candidate was elected, the deposit will be refunded even if he did not poll more than one-sixth of the valid votes.

- 10.** If you are a candidate belonging to a Scheduled Caste or a Scheduled Tribe and contest an election from a general constituency, you are required to make a deposit of only Rs.5000/- instead of Rs.10,000/- in the case of an election from a parliamentary constituency and Rs.2,500/- instead of Rs.5,000/- in the case of an election from an assembly or council constituency under amended section 34 of the Representation of the People Act, 1951. If, by mistake or otherwise, you deposit the full amount of Rs.10,000/- or Rs.5,000/-, as the case may be, instead of what is actually required to be deposited as mentioned above, you are always entitled to get the refund of the excess amount actually deposited subject to your satisfying the Returning Officer that you are a member of a Scheduled Caste or a Scheduled Tribe.

11. BAR TO INTERFERENCE BY COURTS IN ELECTORAL MATTERS

11.1 For your convenience, relevant provisions relating to bar to interference by Courts in electoral matters contained in the Constitution of India are reproduced below:“329. Bar to interference by Courts in electoral matters Notwithstanding anything in this Constitution,

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any Court;

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.”

11.2 The Supreme Court has held in a catena of decisions that the term ‘election’ used in the above quoted Article 329

(b) of the Constitution connotes the entire electoral process commencing with the issue of the notification calling the election and culminating in the declaration of result of election (See N.P.Ponnuswami Vs. Returning Officer, Namakkal and others (AIR 1952 SC 64), Mohinder Singh Gill Vs. Chief Election Commissioner and others (AIR 1978SC 851). Lakshmi Charan Sen and others Vs. Union of India and others (AIR1985 SC 1233) Election

Commission Vs. Shivaji (AIR 1988 SC 61), etc. All Courts are peremptorily barred under Article 329 (b) of the Constitution to interfere with, or interdict, the electoral process at any intermediary stage.

11.3 All doubts and disputes relating to an election can be raised only in an election petition presented to the High Court of the State/Union Territory concerned after the election is over in accordance with the provisions of Part VI of the Representation of the People Act, 1951 and in no other manner.

11.4 **Child labour**

The commission has taken strong exception to use of child labour in various election activities and has directed that violation of children's right for any work connected with the election process will not be accepted by the commission and that necessary action will be taken.

CHAPTER XX

FREQUENTLY ASKED QUESTIONS (FAQs)

CONTESTING FOR ELECTIONS

[I] WHO CAN CONTEST ELECTIONS ?

Q 1. What is the minimum age for becoming a candidate for Lok Sabha (House of People) or Vidhan Sabha (Legislative Assembly) election?

Ans. Not less than Twenty Five Years of age on the date of scrutiny of nomination papers.(Refer : Article 84 (b) of Constitution of India and Article 173 (b) of the Constitution read with Sec. 36 (2) of the Representation of People Act, 1951.)

Q 2. I am not registered as a voter in any constituency. Can I contest election?

Ans. No You have to be registered as a voter in the current electoral roll to contest election. (Refer: Sec. 4 (d) and Section 5 (c) of Representation of People Act, 1951)

Q 3. I am registered as a voter in a particular State. Can I contest election for Lok Sabha (House of the People) from outside that State?

Ans. Yes You can contest election from any constituency in the Country, except autonomous Districts of Assam, Lakshadweep and Sikkim(Refer : Sec. 4 of the Representation of People Act, 1951)

Q 4. A person is a member of Schedule Caste in a particular State. Can he contest election from any other State for Lok Sabha (House of People)from a seat reserved for Scheduled Castes?

Ans. Yes He can contest election from any other State from a seat reserved for Scheduled Castes.(Refer : Sec. 4 of the Representation of People Act, 1951)

Q 5. A person is a member of Schedule Tribe in a particular State. Can he contest election from any other State for Lok Sabha (House of People)from a seat reserved for Scheduled Tribes?

Ans. Yes He can contest election from any other State from a seat reserved for Scheduled Tribes except Lakshadweep, other than those in autonomous Districts of Assam and excluding the tribal areas of Assam.(Refer: Sec. 4 of the Representation of People Act, 1951)

Q 6. A person is an elector in a particular State. Can he contest election for a seat in the Vidhan Sabha (Legislative Assembly) of any other State?

Ans. No(Refer: Sec. 5 of the Representation of People Act, 1951)

Q7. A person is registered as a voter in a particular State but he is a member of Schedule Caste of other State. Can he contest election from a seat reserved for Scheduled Castes for Vidhan Sabha (Legislative Assembly)in which he is an voter?

Ans. No(Refer: Sec. 5 of the Representation of People Act, 1951)

Q 8. A person is registered as a voter in a particular State but he is a member of Schedule Tribes of other State. Can he contest election from a seat reserved for Scheduled Tribes for Vidhan Sabha (Legislative Assembly)in which he is a voter?

Ans. No(Refer: Sec. 5 of the Representation of People Act, 1951)

Q9. A person is a member of Scheduled Castes or Scheduled Tribes community. Can he contest an election from a general constituency?

Ans. Yes(Refer: Sec. 4 & 5 of the Representation of People Act, 1951)

Q10. A person is convicted for some offence and is sentenced to imprisonment for 2 years. Can he contest elections?

Ans. No(Refer: Section 8 (3) of Representation of People Act, 1951)

Q 11 Supposing such person is on bail, pending disposal of his appeal, can he contest the election?

Ans. No Even if a person is on bail, after the conviction and his appeal is pending for disposal, he is disqualified from contesting an election as per Supreme Court's decision. But if his conviction is also stayed, then he can contest.

Q.12 Can a person confined in Jail vote in an election?

Ans. No Such person cannot vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.(Refer: Section 62(5) of the Representation of the People Act, 1951)

Q.13 Is a person subjected to preventive detention under any law entitled To vote in an election?

Ans Yes He is entitled to vote by Postal Ballot paper(Refer: Proviso to Section 62(5) of the Representation of the People Act, 1951and Rule 18 (a) (iv) of Conduct of Elections Rules 1961).

Q.14. Can an overseas elector contest the election

Ans. Yes An overseas elector whose name has been enrolled in the electoral roll has the right to contest elections, subject to the fulfillment of the other requirements of the law. One of the essential qualifications prescribed under the law is that the candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf.

[II] SECURITY DEPOSIT

Q 1. Every candidate is required to make security deposit. How much is the security deposit for Lok Sabha (House of People) election?

Ans. Rs. Twenty five thousand (Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

Q2. Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Lok Sabha (House of People) election?

Ans. Yes It is Rs..Ten thousand. (Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

Q 3. How much is the security deposit for a Vidhan Sabha (Legislative Assembly) election?

Ans. Rupees Ten thousand(Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Q4 Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Vidhan Sabha (Legislative Assembly) election?

Ans. Yes It is Rs. Five thousand(Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Q.5 If a person, who is a member of Scheduled Castes or Scheduled Tribes contests election from general seat, how much security deposit he is required to make to contest election for Lok Sabha (House of the People) / Vidhan Sabha (Legislative Assembly)?

Ans. Rs. Ten thousand for Lok Sabha / Rs. Five thousand for Vidhan Sabha. (Refer Section 34 (1) (a) (b) of Representation of People Act 1951)

Q 6. Which candidates lose the deposit?

Ans. A defeated candidate who fails to secure more than one-sixth of the valid votes polled in the constituency will lose his security deposit (Refer: section 158(4) of Representation of People Act. 1951.)

[III] NOMINATIONS

Q1. Suppose, I am a candidate of a recognised National or State party, how many proposers I require for my nomination?

Ans. Only one (Refer: Sec. 33 (1) of Representation of People Act, 1951)

Q 2. If I am an independent candidate or a candidate of registered unrecognized Political Party, how many proposers I require for nomination?

Ans. Ten (Refer: Proviso to Sec. 33(1) of Representation of People Act, 1951)

Q 3. Can a person contest election to Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly) from as many constituencies as he likes?

Ans. No A person cannot contest from more than two constituencies at a general election for Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly) (Refer: Section 33 (7) of Representation of People Act, 1951)

Q.4 Whether same restriction applies in relation to bye-elections to any House held simultaneously?

Ans. Yes You cannot contest more than two bye-elections to the same House, if called simultaneously by the Election Commission. (Refer: Section 33 (7) of Representation of People Act, 1951)

Q.5 How many nomination papers can be filed for standing as a candidate in the same Constituency?

Ans. Four(Refer: Proviso to section 33 (6) of Representation of People Act, 1951)

Q.6 Can I go to the Office of Returning Officer for filing a nomination with a procession ?

Ans. No The maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

Q.7 How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

Ans. The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer.(Refer: Sec. 36 (1) of Representation of People Act, 1951)

Q.8 If a candidate, to whose nomination paper an objection has been raised, applies for time to rebut such objection, can Returning Officer grant time for such candidate?

Ans. Yes The Returning Officer may adjourn the hearing of the objection till the next day or the day after that but not beyond 11.00 a.m. on that day. The hearing in any case should be completed by Returning Officer well before 3.00 p.m. on the day fixed for withdrawal of candidatures.

[IV] OATH OR AFFIRMATION

Q.1 Is it necessary for a candidate to make and subscribe an oath or affirmation before an officer authorized by the Election Commission?

Ans. Yes(Refer: Article 84 (a) or Article 173 (a) of the Constitution, Section 4(a) of Govt. of Union Territory Act, 1963 or section 4(a) Govt. of National Territory of Delhi Act, 1991)

Q.2 Who are authorized persons by the Election Commission before whom to make and subscribe an oath or affirmation?

Ans. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officer for the constituency. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of

the detention camp in which he is so confined or is under such detention is authorized to administer the oath. And in the case of a candidate confined to bed in a hospital or else where owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him is similarly authorized. If a candidate is outside India, Indian Ambassador or High Commissioner or diplomatic consular authorized by him can also administer oath/affirmation.

Q.3 When the oath or affirmation by the candidate is required to be made?

Ans. The candidate, in person, is required to make the oath or affirmation immediately after presenting his nomination papers and in any case not later than the day previous to the date of the scrutiny.

[V] ALLOTMENT OF ELECTION SYMBOLS

Q.1 Who allots the election symbols to contesting candidates?

Ans. Returning Officer [Refer: The Election Symbols (Reservation and Allotment) Order, 1968]

Q.2 How reserved election symbol is allotted to candidate of a recognized National or State Party?

Ans. For allotment of reserve symbol, the candidate has to declare in his nomination form that he has been setup by the concerned recognized party and has to submit prescribed declaration in Form B from the authorized office bearer of the party to the effect that he has been setup by that party. The declaration in Form B should be duly signed by the office bearer of the Party whose specimen signatures have been communicated in Form -A subject to condition that both the Forms have been delivered to Chief Electoral Officer of the State and Returning Officer before 3 P.M on the last date of making nominations. [Refer: Paras 8 and 13 the Election Symbols (Reservation and Allotment) Order, 1968.]

Q.3 Can a candidate deliver the declaration in Form A and Form B with facsimile signature or signature by means of rubber stamp etc. of the office bearer of the political party?

Ans. No Forms A & Form B must bear the signatures in ink of authorized office bearer of the political party. [Refer: Para 13 the Election Symbols (Reservation and Allotment) Order, 1968.]

Q.4 Can a candidate sponsored by a registered unrecognized political party or a candidate contesting as independent choose any one of the free symbols specified in the list of free symbols?

Ans. Yes For the purpose, such candidate may choose 3 free symbols from the list, in order of preference and mention the same in his nomination paper.[Refer: Para 12 of the Election Symbols (Reservation and Allotment) Order,1968.]

Q.5 Is it necessary for a candidate sponsored by registered unrecognized political party to submit the Forms A & Form B to the Chief Electoral Officer of the State and Returning Officer?

Ans. Yes[Refer: Para 13 of the Election Symbols (Reservation and Allotment) Order,1968.]

[VI] ELECTION AGENT

Q.1 As a candidate, can I appoint an election agent?

Ans. Yes(Refer: section 40 of representation of People Act, 1951)

Q.2 What are the functions of election agent?

Ans. An election agent may perform such functions in connection with the election as authorized by you under the law.(Refer: section 45 of Representation of People Act, 1951)

Q.3 Is there any restriction on appointment of a Minister/M.P./M.L.A/M.L.C Or any other person who is under security cover as an Election Agent/ Poll in Agent/ Counting Agent?

Ans. Yes You cannot appoint a Minister/M.P./MLA/MLC or any other person who is under security cover, as an election/polling agent/counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the 100 meter perimeter of polling stations described as the "Polling Station Neighbor hood" and within the polling booth and campus of counting centre and within the counting centre. Also any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

Q.4 As a candidate, can I appoint an additional election agent?

Ans. Yes Every candidate is permitted to appoint an additional election agent for assisting the candidate in various

Expenditure related matters. The additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties, the election agent is authorized to perform on behalf of the candidate, can be performed only by the Election agent.

[VII] POLLING AGENT

Q.1 As a candidate, can I appoint persons as polling agents from anywhere?

Ans. No Such person who is appointed by you as a polling agent must be an ordinarily resident and elector of the concerned polling station area only and not from outside the concerned polling area. Such person must also have Elector's Photo Identity Card.

Q.2 Is it necessary for me as a candidate to appoint polling agents for each and every polling station?

Ans. The law allows you to appoint three polling agents to act as your representatives at every polling station to watch your interest. But at any given point of time only one such agent can remain inside the polling station.(Refer: Sec. 46 of Representation of People Act, 1951 and rule 13 of Conduct of Election Rules, 1961)

Q.3 What are the duties of polling agents?

Ans. The main duty of polling agents is to see that interests of the candidates, who have appointed them, are safeguarded at the polling stations by helping the Presiding Officer to detect and prevent impersonation of voters by challenging persons whose identity as real elector is doubtful and to see that EVM is properly secured/sealed before, during and after the close of poll and mock poll is conducted in their presence and poll proceedings conducted in accordance with the procedure laid down by the Election Commission.

Q.4 When normally polling agents are required to reach at the polling stations?

Ans. You are advised to depute your polling agents at the polling stations at least one hour before the time fixed for commencement of poll so that they are present at the time of preparation of EVM and mock poll exercise etc. by the Presiding Officer.

Q.5 Is replacement of polling agent by his relieving agent allowed at polling station at any time ?

Ans. Yes, But such replacement of polling agent is not allowed two hours before the close of the poll.

[VIII] POLLING PERSONNEL

Q.1 How the polling personnel are selected for formation of polling parties?

Ans. A district database of all eligible Govt. officials (Central/State) is maintained in an electronic form by District Election Officer in the District and then it is randomized with the aid of computer and proper mix of officials drawn from different offices is made at the time of formation of polling parties. Normally ,no person is assigned polling duties in an Assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.

Q.2 When the Polling parties are informed about the specific number and name of Polling Station which is assigned to them?

Ans. The number and name of actual polling station is disclosed to the polling parties when they leave the disbursal centre for duty.

Q.3 How can a person be identified that he has been appointed as Polling Personnel/Counting Personnel at a polling station?

Ans. The Govt. officials who are appointed as Polling Personnel can be easily identified as they are issued Photo Identity Cards by the District Election Officer/Returning Officer.

Q 4. Is there any concession for female polling personnel?

Yes The female polling personnel should not be put on duty on the basis of computer randomization process. They should be put on duty by manually randomization by the observers in the neighbouring polling stations so that they can go to the polling stations in the morning of the poll day itself.

[IX] ELECTION CAMPAIGN

Q.1 Whether there is any restriction for plying of vehicles for electioneering purposes?

Ans. Yes You can ply any number of vehicles (all mechanized/motorized vehicles including 2 wheelers) for the purpose but you have to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the wind screen of the Vehicle. The permit must bear the number of the vehicle and name of the

candidate in whose favour it is issued. The expenditure incurred on this will be booked against you.

Q.2 Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?

Ans. No Such vehicle shall be deemed to be unauthorized by campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise.

Q.3(a) Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?

Ans. You may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local law and prohibitory orders in force.

Q.3(b) If local law/bye-laws permits wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?

Ans. Yes You are required to obtain prior written permission from the owner of the properties/premises and photocopy(s) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

Q.3(c) Is there any restriction for displaying/ carrying poster/ placard/banner/flag of the party concerned or of the candidate on the vehicle during the procession?

Ans. You may display /carry one poster/placard/banner/flag of your party/or your own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.

Q.3(d) Whether there is any restriction for use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?

Ans. Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies are not allowed.

Q.4 Is external fitting/modification allowed in the Vehicles used for campaigning?

Ans. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules as well as any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

Q.5 Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Ans. Yes Such offices cannot be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Q.6 What is the deadline after which no public meetings and procession can be taken out?

Ans. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, you can not hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 12th June 2009 (Friday) and hours of poll are from 8.00 A.M to 5.00 P.M., the public meetings and processions shall be closed at 5.00 P.M on the 10th June 2009 (Wednesday). (Refer: Sec. 126 of Representation of People Act, 1951)

Q.7 Is there any restriction on the presence of political functionaries in A constituency after campaign period is over?

Ans. Yes After the closure of campaign period (starting from 48 Hrs. before closure of poll), presence of political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over.

Q.8 Is such restriction applicable in the case of office bearer who is in charge of

election of a political party in the State?

Ans. Yes However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay.
The above restrictions will be applicable to all other functionaries in all elections.

Q.9 Are there any arrangements for videography of critical events during the election process?

Ans. Yes Video Teams are formed in constituency to record and videotape critical events like meetings addressed/attended by Ministers, National/State level leaders of political parties, violent incidents, etc.

Q10. Is wearing of special accessories like cap, mask, scarf etc. Permitted during the campaigning?

Ans. Yes, provided they are accounted for in the election expenses of the candidate concerned. However supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

Q11. Is there any restriction on the printing of pamphlets, posters etc?

Ans Yes You shall not print or publish, or cause to be printed or published names of any election pamphlet or poster which does not bear on its face and addresses of the printer and the publisher thereof.(Refer : Section 127A of Representation of 1951)

Q12. Is there any restriction on use of places of worship as forum for election propaganda

Ans .Yes The provisions of model code of conduct prohibit the use of places of worship as forum for election propaganda in any manner. The religious institutions (prevention of Misuse) Act 1988 prohibits use of religious institutions or funds of religious institutions for the promotion or propagation of any political ideas or political activity or for benefit of any political party.

[X] POLL DAY

Q.1 Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Ans. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants with one banner (3 x 4 1/2 feet) to display the name of the candidate/ party / election symbol at the booth. No crowd is allowed.

Q.2 Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Ans. Yes It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Q.3 If a political party cannot set up or not willing to setup a booth in an area, is there any facility provided to voters for locating their names in the electoral roll places?

Ans. Yes A "VOTER ASSISTANCE BOOTH" is set up in premises/building location where three or more polling stations are located with a proper signage manned by a team of officials who are provided with lists of roll in alphabetical order to assist the voters for locating their sl. no. in the roll and polling station. If political parties inform of their inability in advance, the District Election Officer may consider making such arrangement in other areas too.

Q.4 Is there any restriction of canvassing in or near polling station ?

Ans. Yes Canvassing for votes etc. within a distance of one hundred metres of polling station is prohibited on the day of poll. (Refer : Section 130 of Representation of 1951)

Q.5 Is there any restriction of going armed to or near polling station ?

Ans. Yes No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighborhood of a polling station on the day of poll.(Refer: Section 134B of Representation of 1951)

Q.6 How many vehicles as a candidate, I am entitled for on the day of poll?

Ans. (I) For an **election to the House of the People**, you will be entitled to:(a) One vehicle for your own use in respect of the entire constituency.(b) One vehicle for use of your election agent for entire constituency.(c) In addition, one vehicle for use of your workers or party workers, as the case may be, in each of the assembly segments comprised

in the Parliamentary Constituency.(II) For an **election to the State Legislativ Assembly**, you will be entitled to:(a) One vehicle for your own use(b) One vehicle for use of your election agent(c) In addition, one vehicle for use of your workers or party workers.

Q7. If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?

Ans. No Vehicle allotted for candidate's use is not allowed to be used by any other person.

Q.8 Can any type of vehicle within the limit be used on the day of poll?

Ans. No The candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers. In these vehicles not more than five persons including drivers are allowed to move on the day of poll.

Q.9 Whether Videography or photography is done inside the polling stations to monitor the poll proceedings by the election authority?

Ans. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak BinghamVs. Das Rai and Other), the photography by the Official Videographer has been allowed to be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting in certain identified polling stations assessed as critical on various factors.

Q.10 Can Presiding Officer or any other polling officer inspect the "Voting Compartment" at any time?

Ans. Yes Presiding Officer and other polling officer can visit the voting compartment in order to ensure that no voter has committed any mischief by pasting any paper, tapes etc. on symbol/names/ballot button but he will do so in the immediate presence of polling agents.

Q11. What are the colour of the ballot papers?

Ans: Unless otherwise directed by the Election Commission in any particular case, the ballot papers shall be printed for Parliamentary elections on white paper and for Assembly elections on pink paper.

**Q 12 a) Is there any option for an elector not to vote for any of the candidates
b) What is meant by NOTA**

Ans. Yes The electors who do not wish to vote for any of the candidate can exercise their right not to vote for any candidate without violation of the secrecy of their decision .A ballot panel with the words “None of the Above’ :NOTA” will be available after the panel containing the name and particulars of the last candidate on the ballot paper ,there shall be a panel below the said last panel for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray.

Q13. Is there any preference to women electors

Ans: Normally there will be separate queues for men and women voters. In view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for entry of one male voter.

Q14.a)Whether it is possible for an elector to know to which candidate he has cast his vote.b) What is meant by VVPAT

Ans: Election commission has ordered that a printer with drop box of such design ,as may be approved by the Election Commission may also be attached to a voting machine for printing a paper trial of vote ,in such constituency or constituencies or parts thereof as the commission may direct .In respect of such polling booths where printer for paper trial with drop box is used by pressing the balloting button, the electors shall be able to view the printed paper slip showing the serial number, name and the symbol of the candidate for whom he cast his vote before such paper slip gets cut and drop in the drop box through the transparent window of the printer

[XI] MICRO OBSERVERS

Q.1 What is the concept of Micro Observer?

Ans. An officer/official of Central Govt./Public Sector undertakings of Central Govt. working in the district is deployed as a Micro Observer at a polling station or a group of polling stations located in a premises/building who works directly under the control and supervision of Observer of Election Commission of India.

Q.2 What is the criteria for deployment of Micro Observers?

Ans. Polling stations are short listed for the purpose on the basis of various factors which contribute to vulnerability of voters.

Q.3 What are the duties of Micro Observer on the poll day?

Ans. The duties of Micro Observer are mainly to watch the following aspects:-

(i) Mock poll procedures, (ii) Presence of polling agents and observance of ECI instructions with regard to them, (iii) Observance of entry pass system and access to polling station, (iv) Proper identification of electors in accordance with ECI guidelines, (v) Identification and recording procedures for the absentee, shifted and duplicate voters list (ASD list), wherever made, (vi) Application of Indelible Ink, (vii) Noting down particulars of electors in the register in Form 17A, (viii) Maintenance of secrecy of voting, (ix) Conduct of polling agents, their complaints, If the Micro observer feels that the poll is, for any reason being vitiated he will immediately bring it to the notice of the constituency Observer for taking remedial action.

[XII] COUNTING OF VOTES

Q.1 Who is responsible for the counting of votes and declaration of result of an election?

Ans. The Returning Officer (Refer: Sections 64 and 66 of Representation of People Act, 1951)

Q.2 Is any other Senior Officer posted in the Counting Centre, apart from Returning Officer, to supervise/oversee the counting process?

Ans. Yes The Election Commission of India deploys a Senior Officer as an Observer to oversee the counting process at the Counting Centre. A Central Govt. Or Central Govt. PSU Official is also appointed at each counting table.

Q.3 What are the powers of ECI Observer on the counting day?

Ans. The Observer has to watch that the counting is done strictly in accordance with law and the instructions of the Commission. He has to ensure that the counting agents are given the opportunity to watch the whole process of counting from close quarters, results are announced round-wise and the totaling is made error free by doing it manually as well as through computer. The Observer has the power to withhold the declaration of result by the Returning Officer unless he is satisfied that the whole process of counting is free and fair as well as error free.

Q.4 Is there any system of “randomization” of counting staff before they are deployed at the counting centre.?

Ans. Yes. The posting of Counting Supervisors and Counting Assistants is done randomly in such a way that the counting officials come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Center on the day of the counting.

Q.5 Whether Micro Observers for counting are also appointed as in the case of Poll?

Ans. Yes Apart from one counting supervisor and one counting assistant for each counting table, **one additional official of Central Govt./Central Govt. PSU is deployed** in each counting table to note down details of votes exhibited by the EVMs counted in each round and handover the details to Commission's Observer.

Q.6 Who are the persons allowed to enter in the counting hall?

Ans. Only counting supervisors/assistants/Micro Observers, Persons authorized by the Election Commission, Public Servant on duty in connection with election and candidate and his election agent/counting agents.

Q.7 Whether a candidate can enter the counting campus and counting hall with security personnel accompanying him?

Ans. No If he happens to be a candidate, only SPG protectee with one PSO with concealed fire arms is allowed to accompany the protectee and position himself in such a manner as to be able to provide the requisite cover to the protectee should it become essential, without otherwise interfering with the proceedings.

Q.8 Whether there is any restriction for appointment of persons who have been provided with the security cover by the State as a counting agent?

Ans. Yes No person having security cover is allowed to be appointed as counting agent as the security personnel accompanying him cannot be allowed to enter the campus of counting centre and such person is also not allowed to surrender the security cover to enable him to become a counting agent.

Q.9 How security of campus of counting centre is ensured?

Ans. A three tier cordoning system is set up in the counting centre to prevent the entry of unauthorized persons inside the counting centre.

Q.10 How many counting agents can be appointed by a candidate?

Ans. Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch at the Returning Officer's table. (Refer: Section 47 of Representation of People Act, 1951)

Q.11 Is there any prescribed form for making appointment of counting agents?

Ans. Yes The candidate or his election agent has to submit a list of counting agents in Form -18 along with their photographs to the Returning Officer latest by 1700Hrs on the day 3 days before the date of counting. The Returning Officer will prepare identity cards for such agents and issue the same to the candidate. (Refer: Rule 52 (2) of Conduct of Elections Rules 1961)

Q.12 How counting agents are deployed in the counting centre by Returning Officer?

Ans. Each counting agent is given a badge indicating whose agent he is and showing the Sl. No. of the table at which he may watch the counting and is not allowed to move about all over the hall.

Q.13 Is there any upper limit prescribed for the number of counting tables which can be placed inside the counting Hall?

Ans. Normally, the upper limit is 15 tables including the table of Returning Officer.

Q.14 Whether counting agents are allowed to handle EVMs?

Ans. No In each counting hall, barricades are made for each counting table so that EVM are not handled by the counting agents. The agents are provided all reasonable facilities to see the whole process at the counting tables.

Q.15 How it is ensured that Control Unit of EVM has not been tampered with?

Ans. Before votes recorded in the EVM are counted, the carrying case and control unit of EVM are placed on the counting table for the inspection and checking of seals thereon by the candidate or their agents present at the counting table. If control unit is found to have been tampered with, votes recorded in that machine are not counted and matter is reported to the Commission for further direction.

Q.16 At what stage, the postal ballot papers are counted?

Ans.. The postal ballot papers are counted first at Returning Officer's Table.(Refer: Rule 54A of Conduct of Elections Rules,1961)

Q.17 Can a candidate ask for a recount?

Ans.. Yes By a written application stating the grounds on which recount is asked for .Such application can be made to the Returning Officer, who prepares and signs Final Result Sheet (Form 20).

[XIII] ELECTION EXPENDITURE

Q.1 Is a candidate free to spend as much as he likes on his election?

Ans. No A candidate is not free to spend as much as he likes on his election. The law prescribes that the total election expenditure shall not exceed the prescribed maximum limit for the constituency concerned.(Refer: Rule 90 of the Conduct of Election Rules, 1961 and Section 123 (6) of Representation of People Act, 1951.)

Q.2 What is the limit for election expenditure in a parliamentary constituency in bigger states, like, UP, Bihar, Andhra Pradesh, M.P?

Ans. The limit for election expenditure is revised from time to time. At present the limit of expenditure for a parliamentary constituency in bigger states like U. P, Bihar, Andhra Pradesh, Madhya Pradesh is Rs. 25 lakhs.(Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.3 What is the limit of such expenditure for an Assembly Constituency in these bigger States?

Ans. At present, the limit of election expenditure for an assembly constituency in the above bigger states is Rs. 10 lakhs.(Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.4 Are these limits uniform for all States? If not, can you tell the lowest limit for a Parliamentary Constituency at present?

Ans. No The maximum limits of election expenditure vary from State to State. The lowest limit at present for a parliamentary constituency is Rs. 10 lakhs for the constituency of Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.(Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.5 Are the candidates required to file any account of election expenses?

Ans. Yes Every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or his election agent between the date on which he has been nominated and the date of declaration of result, both dates inclusive. Every contesting candidate has to lodge a true copy of the said account within 30 days of result of the election.(Refer : Sections 77 & 78 of the Representation of People Act, 1951)

Q.6 Who is the authority before whom such account is to be lodged?

Ans. The account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested lies.(Refer : Section 78 of the Representation of People Act, 1951)

Q.7 If a candidate is contesting from more than one constituency, is he required to file separate accounts or only one consolidated account?

Ans. If a candidate is contesting from more than one constituency, he has to lodge a separate return of election expenses for every election which he has contested. The election for each constituency is a separate election.(Refer : Section 77 of the Representation of People Act, 1951)

Q.8 What is the penalty if a candidate does not file his account of election expenses?

Ans. If the Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and in the manner required by or under the Representation of People Act,1951 and he has no good reason or justification for the failure, it has the power to disqualify him for a period of 3years for being chosen as, and for being, a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State.(Refer : Section 10A of the Representation of People Act, 1951)

Q.9 Whether expenditure on travel incurred by Star Campaigners (leaders)of political party for propagating programme of that party shall be treated as expenditure incurred/authorized by a candidate of that party? If so what are the conditions?

Ans. Only in the case of expenditure on travel in respect of Star Campaigners(leaders) of the Political Party who have submitted the list of such leaders (40in the case of National and State parties and 20 in the case of registered unrecognized party) within 7 days from the date of issue of notification to the Election Commission and Chief Electoral Officer of the State concerned for availing benefit is exempted,

failing which such expenditure shall be treated as an expenditure incurred/authorized by the concerned candidate of that party.(Refer : Clause (a) of Explanation 1 to Section 77 of the Representation of People Act, 1951)

Q.10 Whether a person who is not a member of the party can be nominated as a Star Campaigner (Leader) of the Party for the purpose?

Ans. No(Refer: Section 77(1) of Representation of People Act, 1951)

Q.11 Can the name of a Star Campaigner(s) be allowed to be substituted from the list of Star Campaigners (leaders) after it is submitted to the Commission?

Ans. No Substituting a name from the list is permitted under the law only where any of the persons mentioned in the list dies or ceases to be a member of the political party concerned and not otherwise.(Refer : Explanation 2 to Section 77(1) of Representation of People Act,1951)

Q.12 Whether a candidate who has been declared as a Star Campaigner(leader) by a political party can be considered to be a Star Campaigner(leader) of his political party in his own constituency from where he is contesting election for the purpose of explanation to Section 77 (1) of Representation of People Act, 1951.?

Ans. No Such leader cannot be considered Star Campaigner (leader) of his political party in his own constituency. In his own constituency, he is a candidate first. The expenditure incurred by him within his constituency is to be booked against his election expenditure.

Q.13 Can a friend of a candidate incur expenditure for promoting his election without his approval?

Ans. Expenditure exceeding the amount of Rs.10/- incurred for promoting of election without approval of the candidate is punishable.(Refer: Section 171H of Indian Penal Code)

Q.14 Suppose an expenditure is incurred by a friend with the approval of candidate for promoting his election, is such expenditure to be booked against the accounts of candidate?

Ans. Yes.(Refer: Section 77 of Representation of People Act, 1951)

Q 15. If the candidates are travelling along with the star campaigner in the same vehicle whether the expenditure on the vehicle will be booked to the election expenditure account of the candidates.

Ans. If in the vehicle in which a leader of a political party (Star Campaigner) covered under Explanation-2 to Section-77(1) of Representation of the People Act, 1951, is travelling, the candidate or other workers of the party/candidate also travel, 50% of the expenditure on the vehicle will be booked to the election expenditure account of the candidate(s) concerned [i.e. the candidate(s) for furthering the prospect of whose election the leader is travelling].

vehicle **includes aircraft/helicopter or any other means of transport used by the leader.**

Q16. Whether the expenditure incurred by dist level office bearers/leaders for their visit with in the district be booked in the election expenses of the party candidates

Ans. no If any political party applies for permission for vehicles to be used by their district level office bearers/ leaders (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes, necessary permission should be given by the DEO of the district concerned. In such cases, the permit shall be in the name of the person while also mentioning the registration No. of the vehicle. The expenditure on this vehicle shall be incurred by the political party and not by the candidates. This permit should not be used for travel in other districts. For a particular district only one permit may be issued for a recognized party whether national or state and the permit should be issued indicating the name of the political leader, the No. of vehicle and also the period for which issued. The permit may be issued on a paper of a colour different from those used for issuing permits to candidates and star campaigners, so that it can be easily recognized. An attested copy of the permit shall be prominently displayed on wind screen of the vehicle and original be kept by the person for checking by police or any other authorities.

Q17. Whether the expenditure incurred for preparation of campaigning materials prior to the date of nomination be accounted for in the election expenditure.

Ans yes The candidates, while maintaining their register of accounts of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign materials etc. which are actually used during the post nomination period/in connection with the election

Q18. Whether the expenditure incurred by a political party on advertisements be accounted for in the account of the candidates.

Ans. Yes The expenditure incurred by a political party on advertisements, in connection with any election could be categorized

into the following i) Expenditure on general party propaganda seeking support for the party and its candidates in general, but, without any reference to any particular candidate or any particular class/group of candidates:(ii) Expenditure incurred by the party, in advertisements etc. Directly seeking support and/or vote for any particular candidate or group of candidates;(iii) Expenditure incurred by the party which can be related to the expenditure for promoting the prospects of any particular candidate or group of candidates. In the case of any advertisement by political parties, whether in print or electronic or any other media, falling in category (i) above, which is not relatable to the election of any particular candidate or a given group of candidates, the expenditure may be treated as expenditure of the political party on general party propaganda. In the cases of expenditure falling in categories (ii) and (iii) above, i.e. cases where the expenditure is relatable to the election of a particular candidate or a group of candidates, the expenditure shall be treated as expenditure authorized by the candidates concerned and such expenditure shall be accounted for in the election expenses accounts of the candidates concerned. In those cases where the expenditure is incurred by the party for the benefit of a given group of candidates, the expenditure is to be apportioned equally among the candidates.

Q 19. Whether the expenditure incurred by political parties for distribution of publicity materials accounted in the election expenses of candidates.

Ans .No If any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of their publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognized political party (whether national party or state party). The concerned political party (the applicant) will have to specify the name of the District, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the Chief Electoral Officer shall issue permission, but he will ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle is to be incurred by the political party concerned and not by the candidates.

[XIV] ELECTRONIC VOTING MACHINES (EVMs)

Q. 1 What is an Electronic Voting Machine? In what way its functioning is different from the conventional system of voting?

Ans. An Electronic Voting Machine consists of two Units – a Control Unit and a Balloting Unit – joined by a three-meter cable. The Control Unit is with the Presiding Officer or a Polling Officer and the Ballot Unit is placed inside the voting compartment. Instead of issuing a ballot paper, the Polling Officer in charge of the Control Unit will press the Ballot Button. This will enable the voter to cast his vote by pressing the blue button on the Balloting Unit against the candidate and symbol of his choice.

Q.2 Who has devised the EVMs?

Ans. The EVMs have been devised and designed by Election Commission in collaboration with two Central Government Public Sector undertakings viz., Bharat Electronics Ltd., Bangalore and Electronics Corporation of India Ltd., Hyderabad after a series of meetings, test-checking of the prototypes and extensive field trials.

Q.3 Who manufacture & supply EVMs to Election Commission of India?

Ans. The two central govt. undertakings i.e. Bharat Electronics Limited, Bangalore and Electronics Corporation of India Limited, Hyderabad, are the only manufacturers from whom the EVMs are procured by the Election Commission of India.

Q.4 What are the unique features of EVMs?

Ans. It is a simple machine that can be operated easily by both the polling personnel and the voters. It is sturdy enough to withstand rough handling and variable climatic conditions. Being a stand alone machine without any network connectivity, nobody can interfere with its programming and manipulate the result.

Q.5 What are the features of Control Unit?

Ans. The Control Unit is the main unit which stores all data and controls the functioning of EVM. The program which controls the functioning of the control unit is burnt into a microchip on a “one time programmable basis”. Once burnt, it cannot be read, copied out or altered. The EVMs use dynamic coding to enhance security of data transmitted from ballot unit to control unit. The new EVMs have also got real time clock and date-time stamping facility Which enables them to record the exact time and date whenever key is pressed. After the voting is completed and the close button is pressed, the machine does not accept any data or record any vote. Through the press of “total” button, the control unit can display the number of votes recorded till that time which can be cross checked with the register of voters in Form 17-A. The display system of the control unit shows the total number of votes polled in a polling station and the candidate-wise votes polled in the machine when

the 'result' button is pressed by the counting staff in the presence of counting agents at the counting centre. The control unit can also detect any physical tampering made with the connecting cable and indicate the same in the display unit.

Q.6 What are the features of Balloting Unit?

Ans. It holds the ballot paper containing the names and symbols of candidates. When pressed, the candidate button on the ballot unit sends a signal to the control unit where this is recorded in a non-volatile memory which can store the poll data indefinitely even without a battery back up.

Q.7 How do voters cast their vote using EVMs?

Ans. The balloting unit of the EVM will have a securely held ballot paper on it showing the names of the candidates along with their symbols. The Presiding/Polling Officer in charge of the Control unit will press the ballot button before allowing the voter to enter the voting chamber. When the ballot button on the control unit is pressed, the balloting unit becomes ready for recording the vote which is indicated by the ready lamp on the balloting unit. Now the voter has to simply press the blue candidate button on the balloting unit against the name and symbol of the candidate of his choice.

Q.8 How can EVMs be used in areas where there is no electricity?

Ans. EVMs run on an ordinary battery. It does not depend on electricity .

Q.9 What is the maximum number of votes which can be cast in EVMs?

Ans. EVMs can record a maximum of 3840 votes. As normally the total number of electors in a polling station will not usually exceed 1400, the capacity of EVMs is more than sufficient.

Q.10 What is the maximum number of candidates which EVMs can cater to?

Ans. EVMs can cater to a maximum of 64 candidates. There is provision for 16 candidates in a Balloting Unit. If the total number of candidates exceeds 16, a second Balloting Unit can be linked parallel to the first Balloting Unit. Similarly, if the total number of candidates exceeds 32, a third Balloting Unit can be attached and if the total number of candidates exceeds 48, a fourth Balloting Unit can be attached to cater to a maximum of 64 candidates. But only one control unit is needed even for four balloting units.

Q.11 What will happen if the number of contesting candidates in a constituency goes beyond 64?

Ans. In case the number of contesting candidates goes beyond 64 in any constituency, EVMs cannot be used in such a constituency. The conventional method of voting by means of ballot box and ballot papers will have to be opted in such a constituency.

Q.12 How does a voter know whether his vote has been recorded in the EVM?

Ans. The voter will be asked to go to the balloting unit kept in the voting compartment. A green light on the upper part of the voting machine will indicate that the machine is ready for voting. The voter has to identify his candidate on the balloting unit and press the blue button on the right side of the candidate's name and symbol. Once the blue button is pressed there will be a beep sound and the colour of the indicator next to the symbol of the candidate will turn red which means that the vote has been cast for the candidate concerned.

Q.13 What will happen if the EVM in a particular polling station goes out of order?

Ans. An Officer is put on duty to cover a few polling stations on the day of poll. He will be carrying spare EVMs and the out-of-order EVM can be replaced with a new one. The votes recorded until the stage when the EVM went out of order will be safe in the memory of the Control Unit and it will be sufficient to proceed with the polling with the new EVM after the earlier EVM went out of order. It is not necessary to start the poll from the beginning.

Q.14 In our country, a sizeable section of the population being illiterate, will it not cause problems for the illiterate voters?

Ans. In fact, voting by EVMs is simpler compared to the conventional system, where one has to put the voting mark on or near the symbol of the candidate of his choice, fold it first vertically and then horizontally and thereafter put it into the ballot box. In EVMs, the voter has to simply press the blue button against the candidate and symbol of his choice and the vote is recorded. Rural and illiterate people had no difficulty in recording their votes and, in fact they have welcomed the use of EVMs.

Q.15 What are the steps taken by Election Commission of India to create awareness about EVM among the voters?

Ans. Awareness campaigns are made by the Election Commission through electronic and print media by way of advertisements, reading materials. Physical demonstration on EVMs are

held by the election officials at various places for the benefit of workers of the political parties and the voters. Various NGOs were also roped in earlier by the Commission to launch awareness campaign for the voters.

Q.16 Can a voter ask for help from Presiding Officer as to how to cast vote in the EVM?

Ans. Yes Presiding Officer can explain to the voter the voting process using the cardboard model (replica) of the EVM balloting unit (which is provided at polling station) in such a manner that voter is able to understand but only in the presence of polling agents and **not** inside the voting compartment.

Q.17 Whether a candidate can print Dummy Ballot Papers using his own name and symbols and indicating the place where it would appear as a publicity materials for educating the voters?

Ans. Yes. Such Dummy Ballot Papers can be printed on any colour but not in pink and white colour and not showing the names and symbols of other candidates.

Q.18 Can booth – capturing be prevented by the use of EVMs?

Ans. By booth-capturing, if one means, taking away or damaging of ballot boxes or ballot papers, this evil cannot be prevented by the use of EVMs as EVMs can also be forcibly taken away or damaged by miscreants. But if one looks at booth capturing as a case of miscreants intimidating the polling personnel and stamping the ballot papers on the symbol and escaping in a matter of minutes, this can be prevented by the use of EVMs. The EVMs are programmed in such a way that the machines will record only five votes in a minute. As recording of votes has necessarily to be through Control Unit and Balloting Unit, whatever be the number of miscreants they can record vote only at the rate of 5 per minute. In the case of ballot papers, the miscreant scan distribute all the 1000 odd ballot papers assigned to a polling station, among themselves, stamp them, stuff them into the ballot boxes within a few minutes and run away before the police reinforcements reach. In EVMs, in half- an –hour, the miscreants can record only a maximum of 150 votes by which time, chances are the police reinforcement would have arrived. Further, the presiding Officer or one of the Polling Officers can always press the "close" button as soon as they see some intruders inside the polling station. It will not be possible to record any vote once the 'close' button is pressed and this will frustrate the efforts of the booth-capturers.

Q. 19 Is it possible to use EVMs for simultaneous elections for Parliament and State Legislative Assembly?

Ans. Yes It is possible to use EVMs for simultaneous elections for Parliament and State Legislative Assembly and the existing EVMs have been designed keeping this requirement in view.

Q.20 What are the advantages in using EVMs?

Ans. The most important advantage is that the printing of millions of ballot paper can be dispensed with, as only one ballot paper is required for fixing on the Balloting Unit at each polling station instead of one ballot paper for each individual elector. This results in huge savings by way of cost of paper, printing, transportation, storage and distribution. Secondly, counting is very quick and the result can be declared within 2 to 3 hours as compared to 30-40hours, on an average, under the conventional system. Thirdly, there are no invalid votes under the system of voting under EVMs. The importance of this will be better appreciated, if it was remembered that in the past in several cases, the number of invalid votes is more than the winning margin between the winning candidate and the second candidate, in a number of constituencies. To this extent, the choice of the electorate will be more correctly reflected when EVMs are used.

Q. 21 Does the use of EVMs slow down the pace of poll?

Ans. No In fact the pace of poll is quickened by the use of EVMs as it is not necessary for the voter to first unfold the ballot paper, mark his preference, fold it again, go to the place where the ballot box is kept and drop it in the box. What he has to do under the system of EVMs is simply to press the button near the candidate and symbol of his choice.

Q.22 With ballot boxes counting is done after mixing the ballot papers. Is it possible to adopt this system when EVMs are used?

Ans. The normal rule is to count the votes polling station-wise and this is what is being done when EVM is used in each polling station. The mixing system of counting is done only in those constituencies which are specially notified by the Election Commission. On such cases, the EVMs used in a number of polling stations can be connected to the specially designed "Totalizer" and then the total result of an Assembly Constituency will be known and not the result in each individual polling station.

Q.23 How long the control unit stores the result in its memory?

Ans. The Control Unit can store the result in its memory for 10 years and even more.

Q. 24 Wherever an election petition is filed, the result of the election is subject to the final outcome of the petition. The courts, in appropriate cases, may order a recount of votes. Whether EVMs can be stored for such long time and whether the result can be taken in the presence of the officers authorized by courts? Will not the battery leak or otherwise damage EVMs?

Ans. The battery is required only to activate the EVMs at the time of polling and counting. As soon as the polling is over, the battery can be switched off and this will be required to be switched on only at the time of counting. The battery can also be removed as soon as the result is taken and can be kept separately. Therefore, there is no question of battery leaking or otherwise damaging EVMs. Even when the battery is removed the memory in the microchip remains intact. If the Court orders a recount, the Control Unit can be reactivated by fixing the battery and it will display the result stored in the memory.

Q.25 Is it possible to vote more than once by pressing the button again and again?

Ans. No As soon as a particular candidate's button on the Balloting Unit is pressed, the vote is recorded for that particular candidate and the machine gets locked. Even if one presses that button further or any other button, no further vote will be recorded. This way the EVMs ensure the principle of "one man, one vote".

Q.26 Is it true that sometimes because of short-circuit or other reason, a voter is likely to get an electric shock while pressing the 'blue button'?

Ans. No EVMs work on a battery and there is absolutely no chance of any voter getting an electric shock at the time of pressing the 'blue button' or at any time of handling the balloting unit.

Q.27 Is it possible to program the EVMs in such a way that initially, say upto 100 votes, votes will be recorded exactly in the same way as the 'blue buttons' are pressed, but thereafter, votes will be recorded only in favour of one particular candidate irrespective of whether the 'blue button' against that candidate or any other candidate is pressed?

Ans. The microchip used in EVMs is permanently sealed by robots at the time of manufacturing. It cannot be opened and no rewriting of program can be done by anyone without damaging the chip. There is, therefore, absolutely no chance of programming the EVMs in a particular way to select any particular candidate or political party.

Q.28 Will it not be difficult to transport the EVMs to the polling stations?

Ans. No Rather it will be easier to transport the EVMs compared to ballot boxes as EVMs are lighter, portable and come with polypropylene carrying cases.

Q.29 In many areas of the country, there is no electricity connection and even in those places where there is electricity connection, power supply is erratic. In this scenario will it not create problem in storing the machines without air conditioning?

Ans. There is no need to air condition the room/hall where EVMs are stored. What is required is only to keep the room/hall free from dust, dampness and rodents as in the case of ballot boxes.

Q. 30 In the conventional system, it will be possible to know the total number of votes polled at any particular point of time. In EVMs 'result' portion is sealed and will be opened only at the time of counting. How can the total number of votes polled be known on the date of poll?

Ans. In addition to the 'Result' button, there is a 'total' button on EVMs. By pressing this button at any time the total number of votes polled upto the time of pressing the button will be displayed without indicating the candidate-wise break-up.

Q.31 The balloting unit has provision for 16 candidates. In a constituency, there are only 10 candidates. The voter may press any of the buttons from 11 to 16. Will these votes not be wasted?

Ans. No The panels for candidates Nos. 11 to 16 will be masked before use. Further, recording of votes for candidates 11 to 16 will also be blanked off electronically, as the candidates' switch is set on 10. Therefore, there is no question of any voter pressing any of the buttons for candidates 11 to 16 or the votes for these candidates being recorded in the EVMs.

Q.32 Is there any provision for issue of tendered ballot papers when EVMs are used?

Ans. Yes There is provision for issue of tendered ballot papers under the system of EVMs also. But, when such a situation arises, the voter concerned will be issued an ordinary ballot paper. After marking the ballot paper with the arrow cross mark rubber stamp supplied, the tendered ballot paper will be put inside a cover specially provided for the purpose, sealed and kept by the Presiding Officer.

Q.33 In the conventional system, before the commencement of poll, the presiding officer shows to the polling agents present that the ballot box to be used in the polling station is empty. Is there any such provision to satisfy the polling agents that there are no hidden votes already recorded in the EVMs?

Ans. Yes Before the commencement of poll, the Presiding Officer demonstrates to the polling agents present that there are no hidden votes already recorded in the machine by pressing the result button. Thereafter, he will conduct a mock poll by asking the polling agents to record their votes and will take the result to satisfy them that the result shown is strictly according to the choices recorded by them. Thereafter, the Presiding Officer will press the clear button to clear the result of the mock poll before commencing the actual poll. A mock poll certificate is furnished by the Presiding Officer, which is duly signed by polling agents present stating that mock poll has been conducted and cleared the memory and the total votes polled showed '0' after clearing the memory of EVM.

Q.34 How can one rule out the possibility of recording further votes at any time after close of the poll and before the commencement of counting by interested parties?

Ans. As soon as the last voter has voted, the Polling Officer in-charge of the Control Unit will press the 'Close' Button. Thereafter, the EVM will not accept any vote. Further, after the close of poll, the Ballot Unit is disconnected from the Control Unit and kept separately. Votes can be recorded only through the Balloting Unit. Again the Presiding officer, at the close of the poll, will handover to each polling agent present an account of votes recorded. At the time of counting of votes, the total will be tallied with this account and if there is any discrepancy, this will be pointed out by the Counting Agents.

Q.35 Is there any system of "randomization" of EVMs before same are allotted to concerned Polling Stations?

Ans. Yes The EVMs are thoroughly checked and randomized first at the level of District Election Officer in the presence of representatives of recognized political parties and thereafter randomized list of EVMs allotted to each Assembly Constituency is given to the representatives of such parties and if a representative of party is not available, still such list is sent to such party's office. Second randomization of EVMs is done by Returning Officer in the presence of Observer and representatives of candidates for allotting to specific polling stations. A list of such EVMs indicating current ID and machine No. allotted to each polling station is given to representatives of candidates.

Q.36 Is there any procedure to seal the EVM before it is used for polling?

Ans. Physical sealing of different segments of an EVM is done to prevent access to the buttons controlling various processes of the poll. This is done in several stages. Sealing of ballot

screen of the balloting unit and the candidate set section of the control unit is done under the supervision of Returning Officer in the presence of the candidates or their agents to prevent tampering with the alignment of the ballot paper and making unwanted changes in the candidate buttons that are actually required for a particular poll. Similarly, the 'result section' is sealed at any the polling station after the mock poll, so that no one can see the result of a particular polling station before it is taken up for counting at the counting center on the specified date. The candidates or their agents are invited by the election authorities to put their signatures on the tags/paper seals along with the seals of the Returning/Presiding Officers.

Q.37 After poll, where the EVMs are kept till counting?

Ans. The polled EVMs are generally stored in a secure storage centre in the constituency or a nearby place on which the candidates or their representatives can keep a watch. Mostly it is the same place where the counting is made.

Q.38 At the time of counting suppose a display in EVM is not showing the result. In such case how the result can be verified?

Ans. The manufacturers of the EVMs have developed an "Auxiliary Display Unit. With the use of this ADU, results can be retrieved most of the times when there is a failure of the original display on the Control unit.

Q.39 How the votes are counted in EVMs?

Ans. In the Counting Centre, the EVMs are kept on a number of counting tables whose number does not normally exceed 14. Seating arrangements are made for the counting agents in such a way that they can clearly watch the EVM and its display. When the result button on the control unit of an EVM is pressed, its display segment indicates the total number of votes polled in a particular polling station and then shows the votes polled by each candidate in serial order. Besides the counting staff, these are noted by the counting agents also. At the end of each round, the result of that round and the progressive total is announced. The result is compiled by summing up the round wise totals.

APPENDICES TO BE INSERTED

1. Appendix VIA- Revised form 26 to be appended
2. Appendix VIB- To be revised by inserting ECI No 3/4/2012/SDR dated 24.8.2012
3. Appendix XXI-Form 17c to be revised

4AppendixXXV-Form20toberevised

APPENDIX - I

(CHAPTER 1, PARA 6.1)

EXTRACT FROM CONSTITUTION OF INDIA

326 ELECTIONS TO THE HOUSE OF THE PEOPLE AND TO THE LEGISLATIVE ASSEMBLIES OF STATES TO BE ON THE BASIS OF ADULT SUFFRAGE

The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage ;that is to say every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by of under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at any such election.

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

14. (b) "qualifying date", in relation to the preparation or revision of every electoral roll under this part, means (the 1st day of January) of the year in which it is so prepared or revised;) (Provided that "qualifying date", in relation to the preparation or revision of every electoral roll under this part in the year 1989, shall be the 1st day of April,1989).
15. Electoral roll for every constituency
For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.
16. DISQUALIFICATION FOR REGISTRATION IN AN ELECTORAL ROLL
- (1) A person shall be disqualified for registration in an electoral roll if he,-
- (a) is not a citizen of India; or
 - (b) is of unsound mind and stands so declared by a competent Court; or
 - (c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with election .
- (2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:
Provided that the name of any person struck off the electoral roll of a constituency by reason of disqualification under clause (c) of sub section (1) shall forthwith be re-instated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

17. NO PERSON TO BE REGISTERED IN MORE THAN ONE CONSTITUENCY
No person shall be entitled to be registered in the electoral roll for more than one constituency.
18. NO PERSON TO BE REGISTERED MORE THAN ONCE IN ANY CONSTITUENCY
No person shall be entitled to be registered in the electoral roll for any constituency more than once.
19. CONDITIONS OF REGISTRATIONS
Subject to the foregoing provisions of this part, every person who-
 - (a) is not less than eighteen years of age on the qualifying date; and
 - (b) is ordinarily resident in a constituency;
 shall be entitled to be registered in the electoral roll for that constituency.

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

11-A DISQUALIFICATION ARISING OUT OF CONVICTION AND CORRUPT PRACTICES

- (1) If any person, after the commencement of this act is convicted of an offence punishable under section 171-E or section 171-F of the Indian Penal Code (45of 1860), or under section 125 or section 135 or clause (a) of Sub-Section (2) of Section 136 of this Act, he shall for a period of six years from the date of the conviction or from the date on which the order takes effects is disqualified for voting at any election .
- (2) Any person disqualified by a decision of the president under sub-section(I) of section 8-A for any period shall be disqualified for the same period for voting at any election.
- (3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8-A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be apply in respect of the disqualification for voting at any election incurred by him under clause (b) of subsection (1) of section 11-A of this Act as is stood immediately before the commencement of the Election Laws (Amendment) Act, 1975, as if such decision were a decision in respect of the said disqualification for voting also.

62 RIGHT TO VOTE

- (1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.
- (2) No person shall vote at an election in any constituency if he is, subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950 (43 of 1950)
- (3) No person shall vote at a General Election in more than one constituency of the same class and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.
- (4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

- (5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise or is in the lawful custody of the police:
Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

APPENDIX II

(CHAPTER I, PARA 9)

EXTRACTS FROM THE REPRESENTATION
OF THE PEOPLE ACT, 1950

22. CORRECTION OF ENTRIES IN ELECTORAL ROLLS

If the Electoral Registration Officer for a constituency on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit that any entry in the electoral roll of the constituency:-

- (a) is erroneous or defective in any particular.
- (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or
- (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll the Electoral Registration Officer shall, subject to such general or special directions, if any as may be given by the Election Commission in this behalf, amend, transpose or delete the entry.

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency the electoral roll of that constituency the Electoral Registration Office shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

23. INCLUSION OF NAMES IN ELECTORAL ROLLS

- (1) Any person whose name is not included in the electoral roll of a constituency may apply to the elected registration officer for the inclusion of his name in that roll.
- (2) The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein; Provided that if the applicant is registered in the electoral roll of any constituency the Electoral Registration Officer shall inform the Electoral Registration Officer of that other constituency and that officer shall, on receipt of the information strike off the applicant's name from that roll.
- (3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for, making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election

EXTRACTS FROM THE REGISTRATION OF THE ELECTORS RULES, 1960

26. Correction of entries and inclusion of names in electoral rolls:- (1) Every application under section 22 or sub-section (1) of section 23 shall be made in duplicate in such one of the Forms 6, 8, 8-A and 8-B as may be appropriate. "Provided that the statement in Form 2, 2-A and 3 from persons having service qualifications, received after the final publication of the electoral roll shall be deemed to be the application under sections 22 and 23 and that no

fee shall be deemed to have been prescribed for such applications under section 25”.

- (1A) Every such application as is referred to in sub-rule (1) shall be presented to the Electoral Registration Officer in such manner as the Election Commission may direct.
- (3) The Electoral Registration Officer shall immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objections to such application within a period of seven days from the date of such posting.
- (4) “The Electoral Registration Officer shall as soon as may be after the expiry of the period specified in sub-rule (3) consider the application and objections thereof if any received by him and shall if satisfied direct the inclusion deletion correction or transposition of entries in the roll, as may be necessary; Provided that when an application is rejected by the Electoral Registration Officer he shall record in writing a brief statement of his reasons for such rejection.”

27. APPEALS FROM ORDERS UNDER RULE 26

- (1) Every appeal under section 24 shall be:-
 - (a) in the form of a memorandum signed by the appellant;
 - (b) accompanied by a copy of the order appealed from and a fee of five rupees to be:-
 - (i) paid by means of non-judicial stamps, or
 - (ii) deposited in a Government treasury or the Reserve Bank of India in favour of the Chief Electoral Officer; or
 - (iii) paid in such other manner as may be directed by the Election Commission; and
 - (c) presented to the Chief Electoral Officer within a period of fifteen days from the date of the order appealed from or sent by registered post so as to reach him within that period. “Provided that the Chief Electoral Officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the time prescribed.”
- (1-A) Where the fee is deposited under clause (b) (ii) of sub-rule (1) the appellant shall enclose with the memorandum of appeal a Government treasury receipt in proof of the fee having been deposited.”
- (2) For the purpose of sub-rule (1) an appeal shall be deemed to have presented to the Chief Electoral Officer when the memorandum of appeal is delivered by or on behalf of the appellant to the Chief Electoral Officer himself or to any other Officer appointed by him in this behalf.

APPENDIX III

(CHAPTER II, PARA 4)

EXTRACTS FROM THE CONSTITUTION OF INDIA

84. QUALIFICATIONS FOR MEMBERSHIP OF PARLIAMENT

A Person shall not be qualified to be chosen to fill and seat in Parliament unless he:-

- (a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is in the case of a seat in the Council of States not less than thirty years of age and in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

173. QUALIFICATIONS FOR MEMBERSHIP OF THE STATE LEGISLATURE

A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he:-

- (a) is a citizen of India and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is in the case of a seat in the legislative Assembly not less than twenty-five years of age and in the case of a seat in the Legislative Council not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

FORM OF OATH OR AFFIRMATION
[ARTICLE 84(A) OF THE CONSTITUTION OF INDIA]
(TO BE MADE BY A CANDIDATE FOR ELECTION TO PARLIAMENT)

I having been nominated as a candidate to fill a seat in the Council of States (*House of the People) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

(Signature and name in block letters
of the candidate)

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati
..... at (Place) at
.....(hour) this theday of
200.....before me.

(Signature of authorised person)
(Name Designation and Seal)

(CERTIFICATE FOR RECEIPT OF OATH)
(TO BE HANDED OVER TO THE CANDIDATE BY THE AUTHORISED PERSON)

Certified that(name) a candidate for election to the Council of States (*or the House of the People) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at(hour) on (date).

Date (Signature of authorised person)
Name, Designation and Seal.

*Score out which is not applicable.

N.B: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

FORM OF OATH OR AFFIRMATION
[Article 173 (a) of the constitution of India]
(To be made by a candidate for election to the Legislature of a State)

I having been nominated as a candidate to fill a seat in theLegislative Assembly (*or Legislative Council) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

(Signature and name in block letters
of the candidate)

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati
..... at (Place) at
.....(hour) this theday of
200.....before me.

(Signature of authorised person)
(Name Designation and Seal)

(Certificate for receipt of Oath)
(To be handed over to the candidate by the authorised person)

Certified that(name) a candidate for election to the Legislative Assembly (*or Legislative Council) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at(hour) on (date).

Date (Signature of authorised person)
Name, Designation and Seal.

*Score out which is not applicable.

N.B: This Form should be supplied to the candidates both in English and in the Official Language of the State.

FORM OF OATH OR AFFIRMATION
[SECTION 4 (A) OF THE GOVERNMENT OF
NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991 (NO.1 OF 1992)]
*(To be made by a candidate for election to the Legislative Assembly of the National Capital Territory
of Delhi)*

I having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

(Signature and name in block letters
of the candidate)

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati
..... at (Place) at
.....(hour) this theday of
200.....before me.

(Signature of authorised person)
(Name Designation and Seal)

(Certificate for receipt of Oath)
(To be handed over to the candidate by the authorised person)

Certified that(name) a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi has made and subscribed the oath / affirmation as required by the Government of National Capital Territory of Delhi Act, 1991 before me at my office at(hour) on (date).

Date (Signature of authorised person)
Name, Designation and Seal.

N.B: This Form should be supplied to the candidates both in English and in the Official Language of the National Capital Territory of Delhi.

FORM OF OATH OR AFFIRMATION

[Section 4 (a) of the Government of Union Territories Act, 1963 (No.20 of 1963)]

(To be made by a candidate for election to the Legislative Assembly of the Union Territory of Pondicherry)

I having been nominated as a candidate to fill a seat in the Legislative Assembly of Pondicherry do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

(Signature and name in block letters of the candidate)

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati at (Place) at(hour) this theday of 200.....before me.

(Signature of authorised person) (Name Designation and Seal)

(Certificate for receipt of Oath)

(To be handed over to the candidate by the authorised person)

Certified that(name) a candidate for election to the Legislative Assembly of Pondicherry has made and subscribed the oath / affirmation as required by the Government of Union Territories Act, 1963 before me at my office at(hour) on (date).

Date

(Signature of authorised person) Name, Designation and Seal.

N.B: This Form should be supplied to the candidates both in English and in the Official Language of the Union Territory.

EXTRACT FROM THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

4. QUALIFICATIONS FOR MEMBERSHIP OF LEGISLATIVE ASSEMBLY

A person shall not be qualified to be chosen to fill a seat in the Legislative assembly of a Union Territory unless he:-

- (a) is a citizen of India and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;
- (b) is not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law.

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION THE LEGISLATIVE ASSEMBLY

I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of..... do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

4. QUALIFICATIONS FOR MEMBERSHIP OF THE HOUSE OF THE PEOPLE

A person shall not be qualified to be chosen to fill a seat in the House of People unless:-

- (a) In the case of a seat reserved for the Scheduled castes in any State he is a member of any of the Scheduled Castes, whether of that State or of any other State and is an elector for any parliamentary constituency;
- (b) in the case of a seat reserved for the Scheduled Tribes in any State (other than those in the autonomous districts of Assam) he is a member of any of the Scheduled Tribes whether of that State or of any other State (excluding the tribal areas of Assam) and is an elector for any parliamentary constituency;
- (c) in the case of a seat reserved for the Scheduled Tribes in the autonomous district of Assam he is a member of any of those Scheduled Tribes and is an elector for the parliamentary constituency in which such seat is reserved or for any other parliamentary constituency comprising any such autonomous district.
- (cc) in the case of the seat reserved for the Scheduled Tribes in the Union Territory of the Lakshadweep he is a member of any of those Scheduled Tribes and is an elector for the parliamentary constituency of that Union Territory;
- (ccc) in the case of the seat allotted to the State of Sikkim he is an elector for the parliamentary constituency of Sikkim; and
- (d) in the case of any other seat he is an elector for any parliamentary constituency.

5. QUALIFICATIONS FOR MEMBERSHIP OF A LEGISLATIVE ASSEMBLY

A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless:-

- (a) in the case of seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State he is a member of any of those Castes, or of those tribes as the case may be and is an elector for any assembly constituency in that State;

- (b) in the case of a seat reserved for an autonomous district of Assam he is a member of a Scheduled Tribes of any autonomous district and is an elector for the assembly constituency in which such seat or any other seat is reserved for that district; and
 - (c) in the case of any other seat he is an elector for any assembly constituency in that State;
- (Provided that for the period referred to in clause (2) of Article 371-A, a person shall not be qualifying to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.

7. **DEFINITIONS**

In this Chapter –

- (a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;
- (b) "Disqualified" means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

8. **DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES**

- (1) A person convicted of an offence punishable under –
- (a) section 153 A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty toward a woman by husband or relative of a husband) or sub-section(2) or sub-section (3) or section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860), or
- (b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or
- (c) Section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or
- (d) Sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
- (e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
- (f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

- (g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or
- (h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988), or
- (i) Section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135 A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, (or)
- (j) section 6 (offence of conversion of a Place of worship) of the Places of Worship (Special Provisions) Act, 1991 or
- (k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971;

shall be disqualified for a period of six years from the date of such conviction.

- (2) A person convicted for the contravention of –
 - (a) any law providing for the prevention of hoarding or profiteering; or
 - (b) any law relating to the adulteration of food or drugs; or
 - (c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961) or
 - (d) any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988)

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

- (3) A person convicted of any offence and sentenced to imprisonment for not less than two years other than any offence referred to in sub-section (1) or sub-section (2) shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.
- (4) Notwithstanding anything in sub-section (1), sub section (2) or sub-section (3) a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

Explanation – In this section –

- (a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for–
 - (i) the regulation of production or manufacture of any essential commodity;
 - (ii) the control of price at which any essential commodity may be bought or sold;
 - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity.
 - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale,
- (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);

(c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955).

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

8A. DISQUALIFICATION ON GROUND OF CORRUPT PRACTICES

(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted as soon as may be, after such order takes effect by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period.

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under action 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.

(3) before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

9. DISQUALIFICATION FOR DISMISSAL FOR CORRUPTION OR DISLOYALTY

(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty of the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact.

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

9A. DISQUALIFICATION FOR GOVERNMENT CONTRACTS, ETC.

A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by that Government.

Explanation— For the purposes of this section where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. DISQUALIFICATION FOR OFFICE UNDER GOVERNMENT COMPANY

A person shall be disqualified if and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-

operative society) in the capital of which the appropriate Government has not less than twenty-five percent share.

10A. DISQUALIFICATION FOR FAILURE TO LODGE ACCOUNT OF ELECTION EXPENSES

If the Election Commission is satisfied that a person—

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and
 - (b) has no good reason or justification for the failure,
- the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

EXTRACT FROM THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991 (NO. 1 OF 1991)

4. A person shall not be qualified to be chosen to fill a seat in the Legislative assembly unless he:-
- (a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;
 - (b) is not less than twenty-five years of age; and
 - (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.
15. (1) A person shall be disqualified for being chosen as, and for being, a member of, the Legislative Assembly:-
- (a) If he holds any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the Capital or of any other Union Territory not to disqualify its holder; or
 - (b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of Sub-clause (b), sub-clause (c) or sub-clause (d) of Clause (1) of article 102 or of any law made in pursuance of that article.
- (2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union Territory by reason only that he is a Minister either for the Union or for such State or Union Territory.
- (3) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provision of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.
- (4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

APPENDIX IV

(CHAPTER II, PARA 7.1)

ELECTION COMMISSION OF INDIA

New Delhi

Dated the 18th March 1968

Notification

No. 3/6/68 (1). - In pursuance of clause (a) of Article 84 and clause (a) of Article 84 and clause (a) of Article 173 of the Constitution of India and in supersession of its Notification No. 3/3/666 dated the 25th April 1967 The Election Commission hereby authorises (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council shall make and subscribe the oath of affirmation in the form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in Paragraph 1 in pursuance of clause (a) of the said Article 84 and clause (a) of the said Article 173 the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation.
- (a) where the candidate is confined in a prison, the superintendent of the prison
 - (b) where the candidate is under preventive detention, the commandant of the detention camp.
 - (c) where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the Medical superintendent in-charge of the hospital or the medical practitioner attending on him
 - (d) where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative.
 - (Castes e) where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on applications made to it in this behalf.

Explanation. - In this notification

- (1) the expression "the Returning Officer concerned" means-
- (a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a parliamentary constituency or a seat in the Legislative Assembly of a State from an assembly constituency or a seat in the Legislative Council of a State from a council constituency the Returning Officer for that constituency.

- (b) where a person has been nominated as a candidate for election to fill a seat in the Council of State by the elected members of the legislative Assembly of a State the Returning Officer for that election.
- (c) where a person has been nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of a State the Returning Officer for that election;
- (1A) The expression “District Judge” and “Judicial service” shall have the meanings respectively assigned to them in Article 236 of the Constitution of India.
- (2) The expression “Parliamentary Constituency”, “Assembly Constituency” and “Council constituency” shall have the meanings respectively assigned to them in the Representation of the People Act, 1950 (43 of 1950).

By Order
Secretary to the
Election Commission of India

ELECTION COMMISSION OF INDIA

Talkatora Road
New Delhi

Dated the 18th March 1968

Notification

No. 3/6/68 (2). - In pursuance of clause (a) of section 4 of the Government of Union Territories Act, 1963 (20 of 1963) and in supersession of its notification No 3/3/66 dated the 2nd May 1967 the Election Commission hereby authorises (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly of a Union territory shall make and subscribe the oath or affirmation in the form set out for the purpose in the First Schedule to the said Act.

2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (a) of the said section 4 the Election Commission hereby also authorises the person before whom the candidate may make and subscribe the said oath or affirmation.-

- (a) where the candidate is confined in a prison, the superintendent of the prison,
- (b) where the candidate is under preventive detention, the commandant of the detention camp.
- (c) where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him.
- (d) where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative,
- (e) where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on application made to it in this behalf.

Explanation.-In this notification-

- (1) the expression "the Returning Officer concerned" means the Returning Officer of the assembly constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly;
- (1A) the expression "District Judge" and "judicial service" shall have the meaning respectively assigned to them in Article 236 of the Constitution of India; and
- (2) the expression "assembly constituency" shall have the meaning assigned to it in clause (c) of sub-section (1) of section 2 of the Government of Union Territories Act, 1963 (20 of 1963).

By order
Secretary of the Election Commission of India

ELECTION COMMISSION OF INDIA

New Delhi

Dated the 18th March, 1968.

Notification

No.3/6/68(3)- In pursuance of clause (a) section 4 of the Govt. of National Capital Territory of Delhi Act 1991 (1 of 1992) and in supersession of its notification No. 3/3/66(1), dated the 2nd May, 1967 the Election Commission hereby authorises (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him, (ii) All stipendiary Presidency Magistrate and all stipendiary Magistrates of the first class, and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to file a seat in the Legislative Assembly of the National Capital Territory of Delhi shall make and subscribe an oath or affirmation in the form set out for the purpose in the Schedule to the said Act.

2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (a) of the said section 4, the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation:—

- (a) Where the candidate is confined in a prison, the Superintendent of the prison.
- (b) Where the candidate is under preventive detention, the Commandant of the detention camp,
- (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical Superintendent in charge of the hospital or the medical practitioner attending on him;
- (d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative,
- (e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation – In this notification—

- (1) The expression "the Returning Officer concerned" means the Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly of the National Capital Territory of Delhi.
- (1-A) the expression "district judge" and "judicial service" shall have the meaning respectively assigned to them in Article 236 of the Constitution of India; and
- (2) The expression "Assembly Constituency" shall have the meaning assigned to it in clause (b) of section 2 of the Govt. of National Capital Territory of Delhi Act, 1991.

By Order
Secretary to the
Election Commission of India

APPENDIX V

(CHAPTER III, PARA 4.4)

FORM 2A
(See rule 4)

NOMINATION PAPER

Election to the House of the People.....
STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognized political party)

I nominate as a candidate for election to the House of the People from the
..... Parliamentary constituency.

Candidate's namefather's/mother's/husband's
nameHis postal addressHis
name is entered at S.No. in Part No.of the electoral roll for
..... *(Assembly constituency comprised within)
.....Parliamentary constituency.

My name isand it is entered at
S.No.....

In part No.of the electoral rolls for*Assembly
constituency comprised withinParliamentary constituency.

Date(Signature of proposer)

PART II

(To be used by candidate NOT set up by recognized political party)

We hereby nominate as candidate for election to the House of the People from the
..... Parliamentary constituency.

Candidate's namefather's/mother's/husband's
nameHis postal
address

His name is entered at S.No. in Part No.of the
electoral roll for * (Assembly constituency comprised
within).....Parliamentary constituency.

We declare that we are electors of the above parliamentary constituency and our
names are entered in the electoral roll for the Parliamentary Constituency as
indicated below and we append our signatures below in token of subscribing to this
nomination:-

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES

Sl. No	Electoral Roll No. of Proposer			Full Name	Signature	Date
	@Name of component Assembly Constituency	Part No. of Electoral Roll	S. No. in that Part			
1.						
2.						
3						
4						
5						
6						
7						
8						
9						
10						

N.B.:_There should be ten electors of the constituency as proposers.

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare:

- (a) that I have completedyears of age;
[STRIKE OUT b(i) or b(ii) BELOW WHICHEVER IS NOT APPLICABLE]
- (b) (i) that I am set up at this election by the party, which is recognized National Party/State Party in this State and that the symbol reserved for the above party be allotted to me;

OR

- (ii) that I am set up at this election by the party, which is a registered unrecognized political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:-
(i).....(ii).....(iii).....
- (c) that my name and my father's/mother's/husband's name have been correctly spelt out above in(name of the language);
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

+ I further declare that I am a member of the**Caste/tribe which is scheduled ***caste/tribe of the State ofin relation to(area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present **general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date

(Signature of Candidate)

* Score out the words “assembly constituency comprised within” in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshdweep.

+ Score out this paragraph, if not applicable

** Score out the words not applicable.

@ Not applicable in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshdweep.

N.B. A "recognized political party" means a political party recognized by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART III A

(To be filled by the candidate)

Whether the Candidate –

- (i) has been convicted -)
 - (a) of any offence(s) under sub-section (1); or)
 - (b) for contravention of any law specified in sub-section (2) of)
section 8 of the Representation of the People Act, 1951
(43 of 1951); or) YES/NO
- (ii) has been convicted for any other offence(s) for which)
he has been sentenced to imprisonment for two years or more.)

If the answer is "yes", the candidate shall furnish the following information:

- (i) Case/First information report No./Nos.....
- (ii) Police Station(s)District (s)State(s).....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted
.....
- (iv) Date(s) of conviction(s)
- (v) Count(s) which convicted the candidate
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)
- (vii) Date(s) of release from prison
- (viii) Was/were any appeal(s) filed against above conviction(s).....Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed
- (x) Name of the count(s) before which the appeal(s)/application(s) for revision filed
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of -
 - (a) Date(s) of disposal
 - (b) Nature of order(s) passed

Place :

Date : _____ (Signature of the candidate)

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at(hour) on
..... (date) by the *candidate/proposer.

Date

Returning Officer

*Score out the words not applicable.

PART V

DECISION OF RETURNING OFFICER ACCEPTING OR REJECTING THE NOMINATION PAPER

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act , 1951 and decide as follows:-

Date

Returning Officer

.....(Perforation).....

PART VI

RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper

The nomination paper ofa candidate for election from theParliamentary constituency was delivered to me at my office at(hour) on(date) by* the candidate/proposer.

All nomination papers will be taken up for scrutiny at(hour) on(date) atPlace.

Date

Returning Officer

*Score out the work not applicable.

APPENDIX - VI

(Chapter VI, Para 4.4)

FORM 2B
(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of.....State.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

I nominate as a candidate for Election to the Legislative Assembly from the
.....Assembly Constituency.
Candidate's name.....[Father's/mother's/husband's name]

His postal address.....
His name is entered at S. No.....in Part No. of the electoral
roll for Assembly constituency. My name is
..... and it is entered at S. No..... in Part No.
..... of the electoral roll for the
Assembly constituency.

Date (Signature of proposer).

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the legislative assembly from
the.....assembly constituency.

Candidate's name..... father's / mother's /
husband's name.....
His postal address.....

His name is entered at Sl. No.....in part no.....of the
electoral roll for..... assembly constituency.

We declare that we are electors of this assembly constituency and our names are
entered in the electoral roll for this assembly constituency as indicated below and we
append our signatures below in token of subscribing to this nomination:-

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES.

Sl. No.	Electoral Roll No. of Proposer			Full Name	Signature	Date
	@Name of Component Assembly Constituency	Part No. of Electoral Roll	S. No. In that Part			
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

N.B.:_ There should be ten electors of constituency as proposers.

PART III

I, the candidate mentioned in part i/part ii (strike out which is not applicable) assent to this nomination and hereby declare-

(a) that I have completed.....years of age;

[strike out b(i) or b(ii) below whichever is not applicable]

(b) (i) that I am set up at this election by the.....party, which is recognised national party/state party in this state and that the symbol reserved for the above party be allotted to me.

(ii) that I am set up at this election by the.....party, which is a registered-unrecognised political party/that I am contesting this election as an independent candidate (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:-

(i).....(ii).....(iii).....

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language)

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

*I further declare that i am a member of the.....**caste/tribe which is a scheduled ***caste/tribe of the state of.....in relation to(area) in that state.

I also declare that i have not been, and shall not be, ****nominated as a candidate at the present general election /the bye-elections being held simultaneously, to the legislative assembly of (state) from more than two assembly constituencies.

Date.....

(signature of candidate)

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

N.B. A "recognised political party" means a political party recognised by the election commission under the election symbols (reservation and allotment) order, 1968 in the state concerned.

PART III A
(To be filled by the candidate)

Whether the Candidate –

- (i) has been convicted –
 - (a) of any offence(s) under sub-section (1); or
 - (b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

YES/NO

If the answer is "Yes", the candidate shall furnish the following information:

- (i) Case/First information report No./Nos.....
- (ii) Police station (s)District(s)State(s)
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted
- (iv) Date(s) of conviction(s).....
- (v) Court(s) which convicted the candidate
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)...Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed
- (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed
- (xi) Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of -
 - (a) Date(s) of disposal
 - (b) Nature of order(s) passed

Place :

Date :

(Signature of the candidate);

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer.

Date.....

.Returning Officer

*Score out the word not applicable.

PART V

DECISION OF RETURNING OFFICER ACCEPTING OR REJECTING THE NOMINATION PAPER

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:

Date.....

Returning Officer

..... (Perforation).....

PART VI

RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from theAssembly constancy was delivered to me at my office at.....(hour) on..... (date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at..... (hour) on.....(date) at.....(Place.)

Date.....

Returning Officer

*Score out the word not applicable.

APPENDIX VI -A

[CHAPTER III, PARA 4.5(3.1)]

FORM 26
(SEE RULE 4A)

Affidavit to be furnished by the candidate before the returning officer for election to
..... (name of the House) from
..... Constituency (name of the constituency)

I,, son/daughter/wife of aged about
..... years, resident of
candidate at the above election, do hereby solemnly affirm/state on oath as under:-

1. I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following information:

- (i) Case/First information report No./Nos.....
 - (ii) Police station(s).....District(s)
State(s)
 - (iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged.....
 - (iv) Court(s) which framed the charge(s)
 - (v) Date(s) on which the charge(s)
 - (vi) Whether all or any of the proceeding(s) have been stayed by any court(s) of competent jurisdiction
2. I have been/have not been convicted of an offence(s) [other than any offence(s) referred to in sub-section(1) or sub-section(2), or covered in sub-section(3), of section 8 of the Representation of the People Act, 1951 (43 of 1951)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information:

- (i) Case/First information report No./Nos.....
- (ii) Court(s) which punished
- (iii) Police station(s) District(s)
State(s)
- (iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged.....
- (vi) Date(s) on which the sentence(s) was/were pronounced

(vii) Whether the sentence(s) has/have been stayed by any court(s) of competent jurisdiction

Place

Date

Signature of Deponent

VERIFICATION

I, the above-named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at this day of, 20.....

Signature of deponent

Note: The columns in this Form which are not applicable to the deponent may be struck off.

APPENDIX VI-B

[CHAPTER III, PARA 4.5(3.1)]

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001

No.3/ER/2003/JS-II

Dated the 27th March 2003

ORDER

1. Whereas, the superintendence, direction and control, inter alia, of all elections to Parliament and to the Legislature of every State are vested in the Election Commission by Article 324 (1) of the Constitution of India;

2. And whereas, the Hon'ble Supreme Court of India had, by its order dated 2nd May, 2002, in Civil Appeal No. 7178 of 2001 - Union of India Vs Association for Democratic Reforms and another, held as follows: -

"(1) The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word 'elections' is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.

(2) The limitation on plenary character of power is when the Parliament or state legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is silent, art 324 is a reservoir of power to act for the avowed purpose of having free and fair election. Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions Commission can fill the vacuum till there is legislation on the subject. In Kanhiya Lal Omar's case (AIR 1986 SC 111), the court construed the expressions 'superintendence, direction and control' in art 324(1) and held that a direction may mean an order issued to a particular individual or a precept which may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.

(3) The word 'elections' includes the entire process of election which consists of several stages and it embraces many steps, some of which have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate (sic) (elector) according to his thinking and opinion. As stated earlier, in Common Cause case [(1996) 2 SCC 752], the court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for retaining power and for re-election. If on affidavit a candidate is required to disclose the assets held by him at the time of election, voter can decide whether he could be re-elected even in case where he has collected tons of money.

XXX XXX

(4) To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a

candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.

(5) The right to get information in democracy is recognized all throughout and it is natural right flowing from the concept of democracy. At this stage, we would refer to art 19(1) and (2) of the International Covenant of Civil and Political Rights which is as under:-

(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(6) Cumulative reading of plethora of decisions of this court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this court would have ample jurisdiction under art 32 read with arts 141 and 142 of the Constitution to issue necessary directions to the executive to subserve public interest.

(7) Under our Constitution, Art 19(1)(a) provides for freedom of speech and expression. Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of electing law breakers as law makers.";

3. And whereas, the Hon'ble Supreme Court, by its aforesaid order dated 2nd May, 2002, had directed as follows: -

"The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under art 324 of the Constitution of India from each candidate seeking election to Parliament or a state legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:-

(1) Whether the candidate is convicted/acquitted/ discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?

(2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

(3) The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.

(4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.

(5) The educational qualifications of the candidate."

4. And whereas, the Hon'ble Supreme Court, in its aforesaid order dated 2nd May, 2002, further observed that 'the Election Commission has from time to time issued instructions in order to meet with the situation where the field is unoccupied by the legislation' and had further directed that 'the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible and in any case within two months';

5. And whereas, the Election Commission had, in pursuance of the above referred Judgement and Order dated 2nd May, 2002 of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, directed by an Order dated 28th June, 2002, inter alia, in para 14 of the said Order as follows:-

"(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to all the five matters, specified by the Hon'ble Supreme Court and quoted in para 5 above (reproduced in para 3 herein), in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.

(2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.

(3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non- furnishing of the affidavit.

(4) Furnishing of any wrong or incomplete information or suppression of any material information by any candidate in or from the said affidavit may also result in the rejection of his nomination paper where such wrong or incomplete information or suppression of material information is considered by the returning officer to be a defect of substantial character, apart from inviting penal consequences under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material facts before him:

Provided that only such information shall be considered to be wrong or incomplete or amounting to suppression of material information as is capable of easy verification by the returning officer by reference to documentary proof adduced before him in the summary inquiry conducted by him at the time of scrutiny of nominations under section 36 (2) of the Representation of the People Act 1951, and only the information so verified shall be taken into account by him for further consideration of the question whether the same is a defect of substantial character.

(5) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.

(6) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.";

6. And whereas, the President of India promulgated the Representation of People (Amendment) Ordinance, 2002 (No.4 of 2002) on the 24th August, 2002 further to amend the Representation of the People Act, 1951 inserting Sections 33A and 33B and 125A and amending Section 169 of the Representation of the People Act, 1951;

7. And whereas, by virtue of Section 33B of the said Ordinance, the Order of the Election Commission dated the 28th June, 2002, was rendered ineffective and the said Section 33B read as under:-

"Section 33B.- Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder.";

8. And whereas, the Government of India by notification dated 3rd September, 2002 amended the Conduct of the Elections Rules, 1961 to give effect to the said Ordinance;

9. And whereas, the Association for Democratic Reforms, People's Union for Civil Liberties, and Lok Satta, filed three separate writ petitions before the Hon'ble Supreme Court of India challenging the constitutional validity of the Presidential Ordinance dated 24th August, 2002;

10. And whereas, the by Notification dated the 28th December, 2002, the Representation of the People Act, 1951 was amended by the Representation of the People (Third Amendment) Act, 2002 which substituted the aforesaid Ordinance dated 24th August, 2002;

11. And whereas, the said petitioners filed applications to treat the said writ petitions as challenging the constitutional validity of the Representation of the People (Third Amendment) Act, 2002;

12. And whereas, the Hon'ble Supreme Court in its order/judgement, dated the 13th March, 2003 declared Section 33B of the Amended Act as illegal, null and void;

13. And whereas, the following directions were issued in the Judgement of Hon'ble Mr. Justice RV. Reddi, which was concurred by Mr. Justice D.M. Dharmadhikari:-

"XXXXXXXXXXXX

"The right to information provided for by the Parliament under Section 33A in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by Court from the ambit of disclosure."

XXXXXXXXXXXXX

"The Election Commission has to issue revised instructions to ensure implementation of Section 33A subject to what is laid down in this judgement regarding the cases in which cognizance has been taken. The Election Commission's orders related to disclosure of assets and liabilities will still hold good and continue to be operative. However, direction No.4 of para 14 insofar as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced.";

14. And whereas, the Judgement of Hon'ble Mr. Justice M.B. Shah, also held that Section 33B was illegal, null and void and further that the Election Commission would be required to revise its instructions in the light of the directions therein as under:-

"It is true that the aforesaid directions issued by the Election Commission is not under challenge but at the same time Prima facie it appears that the Election Commission is required to revise its instructions in the light of directions issued in Association for Democratic Reforms case (supra) and as provided under the Representation of the People Act and its 3rd Amendment.";

15. And whereas, by virtue of the Judgement dated the 13th March, 2003 of the Supreme Court declaring Section 33B of the Representation of the People Act, 1951 to be illegal, null and void, the earlier instructions of the Election Commission dated 28th June, 2002 would continue to be operative subject to the aforementioned directions of the Supreme Court, and are therefore required to be revised and reissued;

16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by

Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28th June, 2002, its revised directions as follows: -

- (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
- (4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 28th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-1 hereto referred to in para 16(1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Elections Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002.

18. In so far as elections to the Legislative Assembly and Legislative Council of the State of Jammu and Kashmir are concerned, the directions of the Election Commission contained in the preceding para 16 shall be deemed to have been issued under the provisions of section 138 of the Constitution of Jammu and Kashmir which are akin to Article 324 (1) of the Constitution of India and vest the superintendence, direction and control of the conduct of all elections to either House of the Legislature of that State in the Election Commission.

19. All Returning Officers shall ensure that the copies of affidavit prescribed herein by the Commission shall be delivered to the candidates along with the forms of nomination papers as part of the nomination paper.

By order,
(A.K. MAJUMDAR)
SECRETARY
ELECTION COMMISSION OF INDIA

Annexure-I
AFFIDAVIT TO BE FURNISHED BY CANDIDATE ALONGWITH

NOMINATION PAPER

Before the Returning Officer
for election to.....(name of the House)
from.....constituency
(name of the constituency)

I....., son/daughter/wife of.....
aged.....years, resident of....., candidate at the above
election, do hereby solemnly affirm and state on oath as under:-
(Strike out whichever not applicable]

(1) The following case(s) is/are pending against me in which cognizance has been taken by the court:-

- (i) Section of the Act and description of the offence for which cognizance taken :
- (ii) The Court which has taken cognizance:
- (iii) Case No. :
- (iv) Date of order of the Court taking cognizance:
- (v) Details of appeal(s) / application(s) for revision, etc., if any, filed against above order taking cognizance:

(2) That I give herein below the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependents*:

A. Details of movable assets

(Assets in joint name indicating the extent of joint ownership will also have to be given)

S. No.	Description	Self	Spouse Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 Etc. Name
(i)	Cash					
(ii)	Deposits in Banks, Financial Institutions And Non-Banking Financial Companies					
(iii)	Bonds, Debentures and Shares in /companies					
(iv)	Other financial institutions, NSS, Postal Savings, LIC Policies, etc.					
(v)	Motor Vehicles (details of make, etc.)					
(vi)	Jewellery (give details of weight and value)					
(vii)	Other assets, such as values of claims / interests					

Note: Value of Bonds / Shares / Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

* *Dependent here means a person substantially dependents on the income of the candidate.*

B. Details of Immovable assets

[Note: Properties in joint ownership indicating the extent of joint ownership will also have to be indicated]

S. No.	Description	Self	Spouse Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 Etc. Name
(i)	Agricultural Land - Location(s) - Survey number(s) - Extent (Total					

	measurement) - Current market value					
(ii)	Non-Agricultural Land - Location(s) - Survey number(s) - Extent (Total measurement) Current market value					
(iii)	Buildings (commercial and residential) - Location(s) - Survey / door number(s) - Extent (Total measurement) Current market value					
(iv)	Houses / Apartments, etc. - Location(s) - Survey / door number(s) - Extent (Total measurement) Current market value					
(v)	Others (such as interest in property)					

(3) I give herein below the details of my liabilities / over dues to public financial institutions and government dues: -

[Note: Please give separate details for each item]

S. No.	Description	Name & address of Bank/ Financial Institution(s)/ Department(s)	Amount outstanding as on
(a)	(i) Loans from Banks		
	(ii) Loans from financial institutions		
	(iii) Government Dues:		
	(a) dues to departments dealing with government accommodation		
	(b) dues to departments dealing with supply of water		
	(c) dues to departments dealing with supply of electricity		
	(d) dues to departments dealing with telephones		
	(e) dues to departments dealing with government transport (including aircrafts and helicopters)		
	(f) Other dues, if any		
(b)	(i) Income Tax including surcharge [Also indicate the assessment year upto which income Tax Return filed. Give also Permanent Account Number 9PAN]		
	(ii) Wealth Tax [Also indicate the assessment year upto which Wealth Tax return filed.]		
	(iii) Sales Tax [Only in case of proprietary business]		

	(iv) Property Tax		
--	-------------------	--	--

4) My educational qualifications are as under :-
 (GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)
 (Name of School / University and the year in which the course was completed should also be given.)

DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at this the day of.....,200

DEPONENT

APPENDIX VI C
 STATEMENT OF SUMMARY OF PARTICULARS/INFORMATION
 FURNISHED IN AFFIDAVITS
 [CHAPTER III PARA 4.5 (3.1)]

No. & Name of Constituency :

S. No.	Particulars	Description
1	Candidate's Name	
2	Father's/Mother's/Husband's name	
3	Age	
4	Educational Qualification	
5.	Convicted (Yes)/(No), If yes, then list of section(s)	
6	Cases pending (Yes)/(No), If yes, then list of section(s)	
7	Assets: Moveable- Immoveable-	
8	Liabilities/ overdues of Public Financial Institutions and Govt. dues	

Signature of Candidate

Date :
Place :

APPENDIX – VII
(CHAPTER II, PARA 17.4)
THE ELECTION SYMBOLS

(RESERVATION AND ALLOTMENT) ORDER, 1968

AN ORDER

to provide for specification, reservation, choice and allotment of symbols at elections in Parliamentary and Assembly Constituencies, for the recognition of political parties in relation thereto and for matters connected therewith.

S.O. 2959, dated the 31st August, 1968 – WHEREAS, the superintendence, direction and control of all elections to Parliament and to the Legislature of every State are vested by the Constitution of India in the Election Commission of India;

AND WHEREAS, it is necessary and expedient to provide, in the interest of purity of elections to the House of the People and the Legislative Assembly of every State and in the interest of the conduct of such elections in a fair and efficient manner, for the specification, reservation, choice and allotment of symbols, for the recognition of political parties in relation thereto and for matters connected therewith;

NOW THEREFORE, in exercise of the powers conferred by Article 324 of the Constitution¹ [read with section 29A of the Representation of the People Act, 1951 (43 of 1951)] and rules 5 and 10 of the Conduct of Elections Rules, 1961 and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order :

1. Short title, extent, application and commencement –

- (1) This Order may be called the Election Symbols (Reservation and Allotment) Order, 1968.
- (2) It extends to the whole of India and applies in relation to elections in all Parliamentary and Assembly Constituencies other than Assembly Constituencies in the State of Jammu & Kashmir.
- (3) It shall come into force on the date of its publication in the Gazette of India which date is hereinafter referred to as the commencement of this Order.

2. Definitions and interpretation –

- (1) In this Order, unless the context otherwise requires –
 - (a) “clause” means a clause of the paragraph or sub-paragraph in which the word occurs;
 - (b) “Commission”, means the Election Commission of India constituted under Article 324 of the Constitution;
 - (c) “Constituency”, means a parliamentary constituency or an assembly constituency;
 - (d) “contested election” means an election in a parliamentary or an assembly constituency where a poll is taken;
 - (e) “election” means an election to which this Order applies;
 - [(ee) “form” means a form appended to this Order;]
 - (f) “general election” means any general election held after the commencement of this Order for the purposes of constituting the House of the People or the Legislative Assembly of a State and includes a general election whereby the

- House of the People or the Legislative Assembly of a State in existence and functioning at such commencement, has been constituted;
- (g) “paragraph” means a paragraph of this Order;
 - (h) “political party” means an association or body of individual citizens of India registered with the Commission as a political party under Section 29A of the Representation of the People Act, 1951;]
 - (i) “State” includes the National Capital Territory of Delhi and the Union Territory of Pondicherry;]
 - (j) “Sub-paragraph” means a sub-paragraph of the paragraph in which the word occurs;
 - (jj) “Union Territory” means Union Territory other than the National Capital Territory of Delhi and the Union Territory of Pondicherry; and]
 - (k) Words and expressions used but not defined in this Order but defined in the Representation of the People Act, 1950, or the rules made thereunder or in the Representation of the People Act, 1951, or the rules made thereunder shall have the meanings respectively assigned to them in those Acts and Rules.
- (2) The General Clauses Act, 1897 shall, as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Central Act.

3. * * *

4. **Allotment of symbols**

In every contested election a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidates at an election in the same constituency.

5. **Classification of symbols**

- (1) For the purpose of this Order symbols are either reserved or free.
- (2) Save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved for a recognised political party for exclusive allotment to contesting candidates set up by that party.
- (3) A free symbol is a symbol other than a reserved symbol.

2

6. **Classification of political parties –**

- (1) For the purposes of this Order and for such other purposes as the Commission may specify as and when necessity therefore arises, political parties are either recognised political parties or unrecognized political parties.
- (2) A recognised political party shall either be a National party or a State party.

6A. Conditions for recognition as a State Party –

A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled:

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or
- (iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or
- (iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

6B. Conditions for recognition as a National Party –

A political party shall be eligible to be recognized as National party, if, and only if, any of the following conditions is fulfilled:

- (i) The candidates set up by the party, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in each of those States at that general election; and, in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States; or
- (ii) At the last general election to the House of the People, the party has won at least two percent of the total number of seats in the House of the People, any fraction exceeding half being counted as one; and the party's candidates have been elected to that House from not less than three States; or
- (iii) The party is recognized as State party in at least four States.

6C. Conditions for continued recognition as a National or State party. –

If a political party is recognised as a State party under paragraph 6A, or as a National party under paragraph 6B, the question whether it shall continue to be so recognised after any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be dependent upon the fulfilment by it of the conditions

specified in the said paragraphs on the results of that general election.}

7. Savings and Interpretation

- (1) Notwithstanding anything contained in paragraph 6A, 6B or 6C, if any political party got recognized, whether before or after the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005, either as a National Party or as a State party, on satisfying the conditions for such recognition as they existed prior to such commencement, the said party shall continue to have and enjoy the status of such National or State party for the purposes of the next general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, depending on the election(s) which formed the basis for such recognition, and its continued recognition as such National or State party shall thereafter be dependent upon fulfillment by it of the conditions now specified in paragraph 6A or 6B, as the case may be:

Provided that nothing herein shall preclude the Commission from withdrawing the recognition of a party, either as a National Party or as a State Party, if it failed to satisfy any of the conditions for such recognition as they existed prior to, and also after, the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005.}

- (2) For the removal of doubt, it is hereby clarified that the conditions in paragraph 6A or paragraph 6B shall not be deemed to have been satisfied by a political party, -
 - (i) if it is newly formed, whether as a result of split in a recognised National or State party or otherwise, and registered with the Commission under section 29A of the Representation of the People Act, 1951, after the last general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned; or
 - (ii) on the joining or taking the membership of that party, by a member of the House of the People, or the Legislative Assembly of a State, after his election to that House or, as the case may be, that Assembly.

8. Choice of symbols by candidates of National and State Parties and allotment thereof –

- (1) A candidate set up by a National Party at any election in any constituency in India shall choose, and shall be allotted, the symbol reserved for that party and no other symbol.
- (2) A candidate set up by a State Party at an election in any constituency in a State in which such party is a State Party, shall choose, and shall be allotted the symbol reserved for that Party in that State and no other symbol.
- (3) A reserved symbol shall not be chosen by, or allotted to, any candidate in any

constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State Party for whom such symbol has been reserved in the State in which it is a State Party even if no candidate has been set up by such National or State Party in that constituency.

9. **Restriction on the allotment of Symbols reserved for State Parties in States where such parties are not recognised** – A symbol reserved for a State Party in any State –

- (a) shall not be included in the list of free symbols for any other State or Union Territory; and
- (b) shall not be reserved for any other party which subsequently becomes eligible, on fulfillment of the conditions specified in paragraph 6A, for recognition as a State Party in any other State:

Provided that nothing contained in clause (b) shall apply in relation to a political party, for which the Commission has, immediately before the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 1997, already reserved the same symbol which it has also reserved for some other State Party or Parties in any other State or States.

10 **Concession to candidates set up by a State Party at elections in other States or Union Territories:**

If a political party which is recognised as a State Party in some State or States, sets up a candidate at an election in a constituency in any other State or Union Territory in which it is not a recognised State party, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of free symbols for such other State or Union Territory, on the fulfillment of each of the following conditions, namely :-

- (a) that an application is made to the Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and
- (c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment.

Provided that nothing contained in this paragraph shall apply to a candidate set up by a State Party at an election in any constituency in a State in which that party is not a State Party and where the same symbol is already reserved for some other State Party in that State.

10A. Concession to candidates set up by an unrecognized party which was earlier recognised as a National or State party –

If a political party, which is unrecognized at present but was a recognised National or State party in any State or Union territory not earlier than six years from the date of notification of the election, sets up a candidate at an election in a constituency in any State or Union territory, whether such party was earlier recognised in that State or Union territory or not, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved earlier for that party when it was a recognised National or State party, for such State or Union territory, on the fulfillment of each of the following conditions, namely:-

- (a) that an application is made to the Commission by the said party for the exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and
- (c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment:

Provided that nothing contained in this paragraph shall apply to a candidate set up by the said party at an election in any constituency in a State or Union territory where the same symbol is already reserved for some other National or State party in that State or Union Territory.

11. Restrictions on the choice and allotment of symbols allotted under paragraph 10 or paragraph 10A – Notwithstanding anything contained in any of the foregoing provisions where elections are held simultaneously in a parliamentary constituency and in the assembly constituencies comprised in such parliamentary constituency, then–

- (a) if a symbol has been exclusively allotted under paragraph 10 or paragraph 10A to a candidate set up by a political party at any election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said Assembly Constituencies unless such candidate is a candidate set up by that political party; and

- (b) if a symbol has been exclusively allotted under paragraph 10 [or paragraph 10A to a candidate set up by a political party at any election in any of the said Assembly Constituencies that symbol shall not be allotted to any candidate at the election in the said Parliamentary Constituency unless such candidate is a candidate set up by that political party.

12. Choice of symbols by other candidates and allotment thereof –

- (1) Any candidate at an election in a constituency in any State or Union territory, other than-
 - (a) a candidate set up by a National party, or
 - (b) a candidate set up by a political party which is a State party in that State, or
 - (c) a candidate referred to in paragraph 10 or paragraph 10A, shall choose, and shall be allotted, in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols for that State or Union territory by notification under paragraph 17.
- (2) Where any free symbol has been chosen by only one candidate at such election, the returning officer shall allot that symbol to that candidate, and to no one else.
- (3) Where the same free symbol has been chosen by several candidates at such election, then –
 - (a) if, of those several candidates, only one is a candidate set up by an unrecognised political party and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the unrecognised political party, and to no one else; and, if, of those several candidates, two or more are set up by different unrecognised political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognised political parties that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else:
Provided that where of the two or more such candidates set up by such different unrecognised political parties, only one is, or was, immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer shall allot that free symbol to that candidate, and to no one else;
 - (b) if, of those several candidates, no one is set up by any unrecognised political party and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly, and was allotted that free symbol at the

previous election when he was chosen as such member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and

- (c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidates on whom the lot falls, and to no one else.

13. When a candidate shall be deemed to be set up by a political party.-

For the purposes of an election from any parliamentary or assembly constituency to which this Order applies, a candidate shall be deemed to be set up by a political party in any such parliamentary or assembly constituency, if, and only if,-

- (a) the candidate has made the prescribed declaration to this effect in his nomination paper;
- (b) a notice by the political party in writing, in Form B, to that effect has, not later than 3 p.m. on the last date for making nominations, been delivered to the Returning Officer of the constituency;
- (c) the said notice in Form B is signed by the President, the Secretary or any other office bearer of the party, and the President, Secretary or such other office bearer sending the notice has been authorized by the party to send such notice;
- (d) the name and specimen signature of such authorized person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the State or Union Territory concerned not later than 3 p.m. on the last date for making nominations; and
- (e) Forms A and B are signed, in ink only, by the said office bearer or person authorized by the party:
Provided that no facsimile signature or signature by means of rubber stamp, etc., of any such office bearer or authorized person shall be accepted and no form transmitted by fax shall be accepted.

13A. Substitution of a candidate by a political party:

For the removal of any doubt, it is hereby clarified that a political party which has given a notice in Form B under paragraph 13 in favour of a candidate may rescind that notice and may give a revised notice in Form B in favour of another candidate for the constituency:

Provided that the revised notice in Form B, clearly indicating therein that the earlier notice in Form B has been rescinded, reaches the Returning Officer of the constituency, not later than 3 p.m. on the last date for making nominations, and the said revised notice in Form B is signed by the authorized person referred to in clause (d) of paragraph 13:

Provided further that in case more than one notice in Form B is received by

the Returning Officer in respect of two or more candidates, and the political party fails to indicate in such notices in Form B that the earlier notice or notices in Form B, has or have been rescinded, the Returning Officer shall accept the notice in Form B in respect of the candidate whose nomination paper was first delivered to him, and the remaining candidate or candidates in respect of whom also notice or notices in Form B has or have been received by him, shall not be treated as candidates set up by such political party.]

14. Power of Commission to issue instructions to un-recognised political parties for their expeditious recognition on fulfilment of conditions specified in paragraph 6A or paragraph 6B. –

The Commission may issue for the benefit of unrecognized political parties such instructions as it may think necessary for their expeditious recognition when they have fulfilled any of the conditions for such recognition specified in paragraph 6A or paragraph 6B

15. Power of Commission in relation to splinter groups or rival sections of a recognised political party –

When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognised political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the decision of the Commission shall be binding on all such rival sections or groups.

16. Power of Commission in case of amalgamation of two or more political parties–

(1) When two or more political parties, one or some or all of whom is a recognised political party or are recognised political parties join together to form a new political party, the Commission may, after taking into account all the facts and circumstances of the case, hearing such representatives of the newly formed party and other persons as desire to be heard and having regard to the provisions of this Order, decide–

- (a) whether such newly formed party should be a National party or a State Party; and
- (b) the symbol to be allotted to it.

(2) The decision of the Commission under sub-paragraph (1) shall be binding on the newly formed political party and all the component units thereof.

16A. Power of Commission to suspend or withdraw recognition of a recognised political party for its failure to observe Model Code of Conduct or follow lawful directions and instructions of the Commission–

Notwithstanding anything in this Order, if the Commission is satisfied on information in its possession that a political party, recognised either as a National party or as a State party under the provisions of this Order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise (a) to observe the provisions of the 'Model Code of Conduct for Guidance of Political Parties and Candidates' as issued by the Commission in January, 1991 or as amended by it from time to time, or (b) to follow or carry out the lawful directions and instructions of the Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular, the Commission may, after taking into account all the available facts and circumstances of the case and after giving the party reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the recognition of such party as the National Party or, as the case may be, the State Party.

17. **Notification containing lists of political parties and symbols –**

- (1) The Commission shall by one or more notifications in the Gazette of India publish lists specifying-
- (a) the National Parties and the symbols respectively reserved for them;
 - (b) the State Parties, the State or States in which they are State Parties and the symbols respectively reserved for them in such State or States;
 - (c) the un-recognised political parties and the addresses of their headquarters registered with the Commission; and
 - (d) the free symbols for each State and Union Territory.
- (2) Every such list shall, as far as possible, be kept up-to-date.

18. **Power of Commission to issue instructions and directions.**

The Commission, may issue instructions and directions-

- (a) for the clarification of any of the provisions of this Order;
- (b) for the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
- (c) in relation to any matter with respect to the reservation and allotment of symbols and recognition of political parties, for which this Order makes no provision or makes insufficient provision, and provision is in the opinion of the Commission necessary for the smooth and orderly conduct of elections.

19. * * *

FORM 'A'

Communication with regard to Authorized Persons to intimate names of Candidates set up by recognised NATIONAL OR STATE Political party or REGISTERED UN-RECOGNISED political party.

(See paragraph 13(c) , (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968.)

To

1. The Chief Electoral Officer,
.....(State/Union Territory).

2. The Returning Officer for the
.....Constituency.

Subject:- General Elections to from (State/Union Territory) – Allotment of Symbols – Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorized by the party, which is National Party/State Party in the State of/Registered Un-recognised Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of office held in the party	District(s)/area (s) constituency/ constituencies in respect of which he has been authorised.
1	2	3
1. 2. 3. . . .		

2. The specimen signatures of the above mentioned person (s) so authorised are given below:-

1. Specimen signatures of Shri

(i) (ii)
(iii)

2. Specimen signatures of Shri
(i) (ii)
(iii)

3. Specimen signatures of Shri
(i) (ii)
(iii)

Yours faithfully,

President/Secretary
Name of the Party

Place
Date

(Seal of the Party)

NB.

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

FORM 'B'

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY

[See paragraphs 13(b), (c) and (e) and 13a of the election symbols (reservation and allotment) order 1968]

To

The Returning Officer for the
Constituency.

Subject:- General/bye Election to from (Name of the Constituency) in(State/Union Territory) – setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of _____(party)

- (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named , and
- (ii) the person whose particulars are mentioned in columns (5) to(7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye election from this constituency :

Name of the Constituency	Name of the approved candidate	Father's/ Mother's/ Husband's name of approved candidate	Postal address of approved candidate	Name of the Substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's name of substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

2. The notice in Form 'B' given earlier in favour of Shri/Smt./Sushri.....as party's approved candidate/Shri/Smt./ Sushrias Party's substitute candidate is hereby rescinded.
3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the Authorised person of the Party)
(Seal of the Party)

Place

Date

N.B.

1. This must be delivered to the Returning Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

APPENDIX – VIII-A

(CHAPTER IV, PARA 17)

DO'S AND DON'T'S FOR GUIDANCE OF CANDIDATES

Do's

1. Do familiarize yourself with the constitutional and legal provisions relating to elections.
2. Do check up with the latest Delimitation Order relating to your constituency.
3. Do make it a point to obtain the electoral roll of your constituency and have it checked up.
4. Do check up your name and the particulars in the current electoral roll well before deciding to stand for election.
5. Do check up that you are qualified to stand for election.
6. Do check up that you are not disqualified from standing for election.
7. Do check up the nomination form to ensure that it is in the prescribed form (Forms 2-A or 2-B).
8. Do present the nomination form personally or send it through your proposer.
9. Do check up that the proposer(s) is a voter in the constituency from which you are seeking election.
10. Do file a certified copy of the electoral roll containing your name, if you are a candidate from a different constituency.
11. Do collect the receipt for the nomination paper.
12. Do make it a point to attend the scrutiny of nominations personally.
13. Do check up that your name appears in the list of valid nominations, if your nomination has been accepted.
14. Do check up that your name is correctly entered in the list of validly nominated candidates.
15. Do check up that your name and other particulars in the list of contesting candidates, if you have not withdrawn your candidature.
16. Do find out the hours of poll as notified.
17. Do appoint the election agent in proper form and well in time.
18. Do check up that your election agent is not disqualified for voting at elections or for being a Member of Parliament or any State Legislature.
19. Do get a copy of the list of polling stations and check it up.
20. Do appoint polling agents in proper form for each and every polling station well in time.
21. Do provide copies of electoral roll to your polling agents.
22. Do appoint counting agents in proper form for each and every counting table and one extra agent well in time.
23. Do make it a point to attend counting personally.
24. Do report immediately to above authorities or the Returning Officer the instances which have come to your knowledge about the publication of election pamphlets or posters in contravention of the above requirements of law.
25. Do attend the meetings of the Constituency Committee constituted by the Returning Officer for ensuring the observance of Model Code of Conduct for guidance of political parties and candidates as devised by the Election Commission.
26. Do report the instances of violation of the above said Model Code of Conduct that have come to your notice for necessary remedial or punitive action.

27. Do maintain proper accounts about election expenses from the date of your nomination as a candidate to the date of election in the Register specifically provided to you by the Returning officer for the purpose.
28. Do attend with your agents the training rehearsals arranged by the Returning Officer.

DON'T'S

1. Don't present the nomination paper through any person other than yourself or any one of your proposers.
2. Don't present nomination paper on a public holiday.
3. Don't present the nomination paper before or after the specified hours fixed for the purpose.
4. Don't present more than four nomination papers.
5. Don't present the nomination paper to any person other than the Returning Officer or the Assistant Returning Officer (so authorised in this behalf).
6. Don't forget to make the required deposit in cash in the Reserve Bank of India or in a Government Treasury or with the Returning Officer.
7. Don't forget to make and subscribe the oath or affirmation by the last date for the receipt of nominations and get a receipt in token of having made and subscribed the oath or affirmation.
8. Do not issue identity slips bearing your name or your symbol or the name of your party or containing any exhortation to voters to vote for you or your party.
9. Don't make any gift or offer or promise of gratification to any person to induce another to stand or not to stand as a candidate or to withdraw or not to withdraw his candidature or to vote or refrain from voting at the election or for having so stood or not having stood or for having withdrawn or for not having withdrawn his candidature or for having votes or refrained from voting.
10. Don't interfere directly or indirectly or attempt to interfere with the free exercise of the electoral right of any person.
11. Don't appeal to voters to vote or refrain from voting on grounds of religion, race, caste or community or language.
12. Don't make use of, or appeal to, religious symbols or National symbols.
13. Don't promote or attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language.
14. Don't publish false statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate.
15. Don't hire or procure vehicles for the conveyance of voters to and from the polling stations.
16. Don't incur or authorise expenditure in connection with elections beyond the maximum prescribed for your election.
17. Don't procure the support of Government servants.
18. Don't indulge in misconduct at polling stations.
19. Don't induce disorderly conduct in or near the polling stations.
20. Don't hold public meetings in the polling area any time during 48 hours before the time fixed for the conclusion of the poll.
21. Don't create disturbances at election meetings.
22. Don't canvass in or near polling stations on the date or dates of poll.
23. Don't print or publish election pamphlets or poster without giving on their face details of the printer and publisher and without declaring the identity of the

printer and publisher and sending copies of the declaration to the Chief Electoral Officer if printing is in the capital of the State, and to the District Magistrate in case the printing is elsewhere.

24. Don't destroy fraudulently any nomination paper or any list, notice or documents affixed by or under the authority of the Returning Officer.
25. Don't destroy any ballot paper or any official remark on the ballot paper or any declaration of identity; don't put into the ballot box anything other than your ballot paper.
26. Don't destroy, take out or otherwise interfere with any ballot box or ballot paper.
27. Don't publish any statement or have it published with your consent or the consent of your election agent which is false or which you believe to be false or do not believe to be true in relation to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospect of that candidate in the election.
28. Don't threaten any candidate or any elector or any person with any kind of act including social ostracism and ex-communication or expulsion from any caste or community.
29. Don't induce or attempt to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or spiritual censure.
30. Don't abet the offence of personation at an election.
31. Don't forget to lodge the election account with the District Election Officer within 30 days of the election, regardless of the fact whether you are elected or not or you contested the election seriously or not.

Appendix-VIII-B

(CHAPTER IV, PARA 18)

CODE OF CONDUCT - DO'S AND DON'T'S FOR THE GUIDANCE OF THE CANDIDATES AND POLITICAL PARTIES TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN ELECTION AND UNTIL THE COMPLETION OF THE PROCESS OF ELECTION

On Welfare schemes and governmental works:

1. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.
2. These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.
3. It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.
4. No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.
5. No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.

6. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials. 7. Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other parties.

On Transfers and posting of officials: The Commission directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- (i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- (ii) Divisional Commissioners;
- (iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
- (iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-divisional level Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
- (v) Other officers drafted for election works like sector and zonal officers, Transport cell, EVM cell, Poll material procurement & distribution cell, Training cell, Printing Cell etc. Senior officers, who have a role in the management of election in the State, are also covered by this direction.
- (vi) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission.
- (vii) This ban shall be effective till the completion of the election process. (viii) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Commission for prior clearance.
- (ix) No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.

On Misuse of Official Machinery:

1. Official vehicles cannot be used for electioneering work. 'Official Vehicles' include all vehicles belonging to the -
 - o Central Government,
 - o State Government,
 - o Public Undertakings of the Central and State Government,
 - o Joint Sector Undertakings of Central and State Government,
 - o Local Bodies, Municipal Corporations, Municipalities,
 - o Marketing Boards (by whatever name known),
 - o Cooperative Societies,
 - o Autonomous District Councils, or
 - o Any other body in which public funds, howsoever small a portion of the total, are invested, and also

- Vehicles belonging to the Ministry of Defense and the Central Police Organizations under the Ministry of Home Affairs and State Governments.

2. It is open for a minister of the Union or State to make private visits using his or her private vehicle(s). For such private visits, the official personal staff of the ministers shall not accompany them. However, if a Minister is traveling in some emergent situation, out of his HQ on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department to the Chief Secretary of the state where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. However, immediately preceding or during or in continuation of such an official tour, no minister can carry out or combine any election campaign or political activity. The Commission will keep watch on such arrangements in due consultation with its Chief Electoral Officer.

3. No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections commencing with the announcement of the elections. Only exception will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

4. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

5. Ministers, whether of the Union or State, shall not combine in any manner their official tours with election work.

6. Whether on a private or official visit, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by.

any political functionary, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This is applicable whether the vehicle is government owned or private owned.

7. 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 official 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.

OTHER 'DOS AND DON'TS' FOR THE GUIDANCE OF THE CANDIDATES AND POLITICAL PARTIES TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN ELECTION AND UNTIL THE COMPLETION OF THE PROCESS OF ELECTION.

The Commission has drawn up a list of 'dos' and 'don'ts' to be followed by candidates and political parties after the announcement of elections and till the completion of the process of elections. The Commission has directed that this be given the widest possible publicity and its contents brought to the knowledge of all candidates and political parties including in the official language of the State. It must be clearly brought

to the notice of candidates and political parties that the list of Dos' and Donts' is only illustrative and not exhaustive and is not intended to substitute or modify other detailed directions/instructions on the above subjects, which must be strictly observed and followed.

DO'S'

- (1) Ongoing programmes, which actually started in the field before the announcement of elections may continue.
- (2) Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (3) Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.
- (4) Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. So also use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.
- (5) Criticism of other political parties and candidates should relate to their policies, programme, past record and work. (6) The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
- (7) The local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.
- (8) If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (9) Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.
- (10) The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
- (11) The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.
- (12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.
- (13) The passage of the procession must be without hindrance to traffic.
- (14) Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.
- (15) All Workers must display badges or identity cards.

- (16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- (17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.
- (18) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc) is exempt from this condition.
- (19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.
- (20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.
- (21) Do leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

DON'Ts

- (1) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.
- (2) No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (3) Official work should not at all be mixed with campaigning/electioneering.
- (4) No inducement, financial or otherwise, shall be offered to the voter.
- (5) Caste/communal feelings of the electors shall not be appealed to.
- (6) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (7) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (8) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (9) Temples, mosques, churches, gurudwaras or any place of worship shall not be used as places for election propoganda, including speeches, posters, music etc., on electioneering.
- (10) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending

with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.

- (11) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (12) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer).
- (13) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.
- (14) Processions along places at which another party is holding meetings shall not be undertaken. (15) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
- (16) Posters issued by other parties and candidates shall not be removed or defaced.
- (17) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
- (18) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10a.m. and without the prior written permission of the authorities concerned.
- (19) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
- (20) No liquor should be distributed during elections.
- (21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his / her movement - accompanied by security personnel, to voting only.
- (22) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

NOTE: The above list of Do's' and Don'ts' is only illustrative and not exhaustive and is not intended to substitute any other detailed orders, directions/instructions on the above subjects, which must be strictly observed and followed.

APPENDIX IX

(CHAPTER V, PARA 2)

FORM 5
NOTICE OF WITHDRAWAL
[SEE RULE 9 (I)]

Election to the

To

The Returning Officer

I.....a candidate nominated at the above election, do hereby give notice that I withdraw my candidature.

Place.....

Date.....

Signature of Candidate

This notice was delivered to me at my office of..... (hour) on
.....(date) by.....(name), the
Date.....

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by.....a candidate at the election to the.....was delivered to me by theat my office at.....(hour) on(date).

Returning Officer

* Here insert one of the following alternatives as may be appropriate :

- (1) house of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.

* Here insert one of the following alternatives as may be appropriate:

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorised in writing by the candidate to deliver it.

APPENDIX X

(CHAPTER VI, PARA 1)

FORM 8

Appointment of Election agent
[See Rule 12 (1)]

Election to the

To

The Returning Officer,

I,.....of.....a candidate
at the above election do hereby appoint.....of.....as my election agent from this
day at the above election.

Place.....

Date.....

Signature of Candidate

I accept the above appointment

Place.....

Date.....

Signature of Election Agent

*Here insert one of the following alternatives as may be appropriate:

(1) House of the People from the.....constituency.

(2) Legislative Assembly from the.....constituency.

APPENDIX XI

(CHAPTER VI - PARA 3)

FORM 9.

Revocation of Appointment of Election Agent
[See Rule 12(2)]

Election to the

To

The Returning Officer,

I,.....a candidate at the above election, hereby
revoke the appointment of.....my election agent.

Place.....

Date.....

Signature of Candidate

* Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.

APPENDIX-XII

(CHAPTER VII, PARA 2.1)

(EXTRACT FROM REPRESENTATION OF THE PEOPLE ACT, 1951)

Part VII

[Corrupt Practices and electoral Offences]

[Chapter I.-Corrupt Practices]

123. CORRUPT PRACTICES

The following shall be deemed to be corrupt practices for the purposes of this act:-

[(1) "Bribery", that is to say-

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing-

(a) a person to stand or not to stand as, or [to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to-

(i) a person for having so stood or not stood, or for [having withdrawn or not having withdrawn] his candidature; or

(ii) An elector for having voted or refrained from voting:

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward

(a) by a person for standing or not standing as, or for [withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate [to withdraw or not to withdraw] his candidature.

[Explanation - for the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person [with the consent of the candidate or his election agent], with the free exercise of any electoral right.

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

- (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

- (b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

- (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

[Provided that no symbol allotted under this act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

- (3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]

- (3B) The propagation of the practice or the commission of *sati* or this glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

[Explanation. - For the purposes of this clause, "sati" and "glorification" in relation to sati shall have the meanings respectively assigned to them in the commission of sati (Prevention) act, 1987.]

- (4) The publication by a candidate or his agent or by any other person [with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false, or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

- (5) The hiring or procuring whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person [with the consent of a candidate or his election agent], [or the use of such vehicle or vessel [for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station of place fixed for the poll

shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation. - In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

- (6) The incurring or authorising of expenditure in contravention of section 77.
- (7) The obtaining or procuring or a betting or attempting to obtain or procure by a candidate or his agent or, by any other person [with the consent of a candidate or his election agent] any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the government and belonging to any of the following classes, namely:-
 - (a) gazetted officers;
 - (b) stipendiary judges and magistrate;
 - (c) members of the armed forces of the Union;
 - (d) members of the police forces;
 - (e) excise officers;
 - (f) revenue officers other than village revenue officers known as *lambardars, malguzar, patels, dehmukhs* or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and
 - (g) such other class of persons in the service of the government as may be prescribed:
[Provided that where any person, in the service of the government and belonging to any of the classes aforesaid, in the discharge of purported discharge of his official duty, makes any arrangement or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election]
- (8) Booth capturing by a candidate or his agent or other person.)

Explanation- (1) In this section the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

 - (2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

- (3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof
 - (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and
 - (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissals or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.
- (4) For the purposes of clause (8), “booth capturing” shall have the same meaning as in section 135 A.

CHAPTER III - ELECTORAL OFFENCES

125. PROMOTING ENMITY BETWEEN CLASSES IN CONNECTION WITH ELECTION

Any person who in connection with an election under this act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

126. PROHIBITION OF PUBLIC MEETINGS DURING PERIOD OF FORTY-EIGHT HOURS ENDING WITH HOUR FIXED FOR CONCLUSION OF THE POLL

- (1) No person shall—
 - (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
 - (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
 - (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.
- (3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

127. DISTURBANCES AT ELECTION MEETINGS

- (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, [shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, “ (1A) An offence punishable under sub-section (1) shall be cognizable”].
- (2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this act calling upon the constituency to elect a member or members and the date on which such election is held.
- (3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS, POSTERS, ETC

- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and the addresses of the printer and the publisher thereof.
- (2) No person shall print or cause to be printed any election pamphlet or poster:-
 - (a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
 - (b) Unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-
 - (i) Where it is printed in the capital of the state, to the Chief Electoral officer; and
 - (ii) in any other case, to the district magistrate of the district in which it is printed.
- (3) For the purposes of this section,-
 - (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be constructed accordingly; and
 - (b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
- (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both]

128. MAINTENANCE OF SECRECY OF VOTING

- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.
- (2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

129. OFFICERS, ETC., AT ELECTIONS NOT TO ACT FOR CANDIDATES OR TO INFLUENCE VOTING

- (1) No person who is (a district election officer or a returning officer), or an assistant returning officer, or a presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.
- (2) No such person as aforesaid, and no member of a police force, shall endeavour.
 - (a) to persuade any person to give his vote at an election, or
 - (b) to dissuade any person from giving his vote at an election, or
 - (c) to influence the voting of any person at an election in any manner.
- (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.
- (4) An offence punishable under sub-section (3) shall be cognizable.

130. PROHIBITION OF CANVASSING IN OR NEAR POLLING STATIONS

- (1) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of (one hundred meters) of the polling station, namely;-
 - (a) canvassing for votes; or
 - (b) soliciting the vote of any elector; or
 - (c) persuading any elector not to vote for any particular candidate;
 - (d) persuading any elector not to vote at the election;
 - (e) exhibiting any notice or sign (other than an official notice) relating to the election.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.
- (3) An offence punishable under this section shall be cognizable.

131. Penalty for disorderly conduct in or near polling station.

- (1) No person shall, on the date or dates on which a poll is taken at any polling station.
 - (a) Use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

- (b) shout, or otherwise act in a disorderly manner, within or at the enhanced of the polling station or in any public or private place in the neighborhoods thereof.

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

- (2) Any person who contravenes, or willfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.
- (3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and there upon the police officer shall arrest him.
- (4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

132. Penalty for misconduct at the polling station

- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.
- (2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.
- (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.
- (4) An offence punishable under sub-section (3) shall be cognizable.

132A. PENALTY FOR FAILURE TO OBSERVE PROCEDURE FOR VOTING

If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

133. PENALTY FOR ILLEGAL HIRING OR PROCURING OF CONVEYANCES AT ELECTIONS

If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

134. BREACHES OF OFFICIAL DUTY IN CONNECTION WITH ELECTIONS

- (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.
- (1A) An offence punishable under sub-section (1) shall be cognizable.
- (2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.
- (3) The persons to whom this section applies are the [district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

134A. PENALTY FOR GOVERNMENT SERVANTS FOR ACTING AS ELECTION AGENT, POLLING AGENT OR COUNTING AGENT

If any person in the service of the government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

134B. PROHIBITION OF GOING ARMED TO OR NEAR A POLLING STATION

- (1) No person, other than returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighborhood of a polling station.
- (2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.
- (3) Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under Section 17 of that Act.

4. An offence punishable under sub-section (2) shall be cognizable.

135. REMOVAL OF BALLOT PAPERS FROM POLLING STATION TO BE AN OFFENCE

- (1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

- (2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

- (3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.
- (4) An offence punishable under sub-section (1) shall be cognizable.

135A. OFFENCE OF BOOTH CAPTURING

1. Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation-for the purposes of this sub-section and section 20B," booth capturing" includes, among other things, all or any of the following activities, namely"-

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of election:
- (b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;;
- (c) Coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;
- (e) doing by any person in the service of government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

- (2) An offence punishable under sub section (1) shall be cognizable.

135(B)(1) GRANT OF PAID HOLIDAY TO EMPLOYEES ON THE DAY OF POLL

- (1) Every person employed in any business, trade, industrial undertaking or any of the establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State Shall, on the day of poll, be granted a holiday.
- (2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.
- (3) If an employer contravenes the provision of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.
- (4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

135C. LIQUOR NOT TO BE SOLD, GIVEN OR DISTRIBUTED ON POLLING DAY

- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- (2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.
- (3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

136. OTHER OFFENCES AND PENALTIES THEREFOR

- (1) A person shall be guilty of an electoral offence if at any election he-
 - (a) fraudulently defaces or fraudulently destroys any nomination paper; or
 - (b) fraudulently defaces destroys or removes any lost , notice or other document affixed by or under the authority of a Returning Officer.
 - (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any Ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or
 - (d) Without due authority supplies any Ballot paper to any person [or receives any ballot paper from any person or is in possession of any ballot paper]; or

- (e) fraudulently puts into any Ballot box anything other than the ballot paper which he is authorised by law to put in; or
 - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election, or
 - (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.
- (2) Any person guilty of an electoral offence under this section shall:—
- (a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;
 - (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.
- (3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under this act.
- (4) An offence punishable under sub-section (2) shall be cognizable.

ACTS OF PARLIAMENT
EXTRACTS FROM THE INDIAN PENAL CODE
(Act 45 of 1860)

153A. PROMOTING ENMITY BETWEEN DIFFERENT GROUPS ON GROUNDS OF RELIGION RACE, PLACE OF BIRTH, RESIDENCE, LANGUAGE, ETC., AND DOING ACTS PREJUDICIAL TO MAINTENANCE OF HARMONY

(1) whoever-

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise ,promotes or attempts to promote, on grounds of religion, race , place of birth residence language, caste or community or all any other ground whatsoever, disharmony or feelings of enmity, hatred or will between different religious, racial, language or regional groups or castes or communities, or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquility, or
- (c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to be use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use criminal force or violence against any religious, racial , language or regional groups or caste or community and such activity for any reason whatever causes for is likely to cause fear or alarm or a feelings of insecurity amongst members of such religious, racial language or regional group or caste or community, shall be punished with imprisonment which may extend to three years , or with fine, or with both.

OFFENCE COMMITTED IN PLACE OF WORSHIP, ETC.

(2) Whoever commits an offences specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

153B IMPUTATIONS, ASSERTIONS PREJUDICIAL NATIONAL INTEGRATION

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise.-

- (a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language of regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law establish or uphold the sovereignty and integrity of India ,or
- (b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste of community, be denied or deprived of their rights as citizens of India, or
- (c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons , by reason of their being members of any religious , racial, language or regional group or caste of community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons.

shall be punished with imprisonment which may extend to three years , or with fine ,or with both.

(2) Whoever commits an offence specified in sub-section(1)in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

OFFENCE RELATING TO ELECTIONS

171A. "CANDIDATE", "ELECTORAL RIGHT" DEFINED

For the purpose of this chapter-

- (a) "candidate" means a person who has been nominated as a candidate at any election;
- (b) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election.

171B. BRIBERY

(1) Whoever-

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171C. UNDUE INFLUENCE AT ELECTIONS

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1) whoever-

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1)

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. PERSONATION AT ELECTIONS

Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171E. PUNISHMENT FOR BRIBERY

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;

Provided that bribery by treating shall be punished with fine only.

Explanation- 'Treating' means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. PUNISHMENT FOR UNDUE INFLUENCE OR PERSONATION AT AN ELECTION

Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

171G. FALSE STATEMENT IN CONNECTION WITH AN ELECTION

Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171H. ILLEGAL PAYMENTS, IN CONNECTION WITH AN ELECTION

Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meetings, or upon any

advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees;

Provide that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171-I. FAILURE TO KEEP ELECTION ACCOUNTS

Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

505. Statements conducing to public mischief .-

- 1) Whoever makes, publishes or circulates any statement, rumour or report.-
 - (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air force of India to mutiny or (1) otherwise disregard or fail in his duty as such; or
 - (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the state or against the tranquility; or
 - (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.
- (2) Statements creating or promoting enmity hatred or ill-will between classes.- Whoever makes, publishes or circulates any statement or report containing rumour of alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine or with both.
- (3) Offence under sub-section (2) committed in place of worship, etc.-Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine
Exception.-It does not amount to an offence, within the meaning of this section, when the person making ,publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

APPENDIX XIII

(Chapter VII, para 3.2)

ELECTION COMMISSION OF INDIA

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

I. GENERAL CONDUCT

- (1) No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- (2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or on distortion shall be avoided.
- (3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, churches, Temples or other places of worship shall not be used as forum for election propaganda.
- (4) All parties and candidates, shall avoid scrupulously all activities which are "corrupt practices and offences under the election law such as the bribing of voters, intimidation of voters, personation of voters, canvassing within 100 meters of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- (5) The right of every individual for peaceful and undisturbed home life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organising demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6) No political party or candidate shall permit his followers to make use of any individual's land, building, compound wall etc. Without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
- (7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by the other parties. Workers or sympathisers of one political party shall not create disturbance at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are being held by another party. Posters issued by one party shall not be removed by workers of another party.

II. MEETINGS

- (1) The party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
- (2) A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such order

exist, they shall be followed strictly. If any exception is required from such orders it shall be applied for and obtained well in time.

- (3) If permission of licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or licence.
- (4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create a disorder. Organisers themselves shall not take action against such persons.

III. PROCESSIONS

- (1) A party or candidate organising a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
- (2) The organisers shall give advance intimation to the local police authorities of the programmers so as to enable the latter to make necessary arrangements.
- (3) The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (4) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- (6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organisers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.
- (7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying article which may be put to misuse by undesirable elements, especially in moments of excitement.
- (8) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

IV. POLLING DAY

All political parties and candidates shall-

- (i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- (ii) supply to their authorised workers suitable badges or identity cards;

- (iii) agree that the identity slips supplied by them to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate or the name of the party;
- (iv) refrain from serving or distributing liquor on polling day and during the twentyfour hours proceeding it;
- (v) not allow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathisers of the parties and candidates;
- (vi) ensure that the candidate's camps shall be simple- They shall not display any posters, flag, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and
- (vii) co-operate with authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

V. POLLING BOOTH

Excepting the voters no one without a valid pass from the Election Commission shall enter the polling booths.

VI. OBSERVERS

The Election Commission is appointing observers. If the candidate or their agents have any specific complaint or problem regarding the conduct of the elections they may bring the same to the notice of the observer.

VII. PARTY IN POWER

The party in power whether at Centre or in the State or States concerned shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-

- (i)(a) the Minister shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during electioneering work;
- (b) Govt. transport including official aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) public places such as maidans etc. for holding election meetings and use of helipads for air flights in connection with elections, shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power.
- (iii) rest houses, dak bungalows or other Government accommodation shall not be monopolised by party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;
- (iv) issue of advertisement at the cost of public exchequer in the news papers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding

achievements with a view to furthering the prospects of the Party in Power shall be scrupulously avoided.

- (v) ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
- (vi) from the time the elections are announced by the Commission, Ministers and other authorities shall not-
 - (a) announce any financial grants in any form or promises thereof; or
 - (b) lay-foundation stones etc. of projects or schemes of any kind; or
 - (c) make any promise of construction of roads, provision of drinking water facilities etc.; or
 - (d) make any ad-hoc appointments in Government, public undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

Note: The Commission shall announce the date of any election, which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

- (vii) ministers of Central or State Govt. shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.

APPENDIX XIV

(Chapter VII, Para 110)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.

No. 3/9(ES008)/94-J.S.II

Dated: 2nd September, 1994

ORDER

Subject : RESTRICTIONS ON THE PRINTING OF PAMPHLETS POSTERS,
ETC.

The printing and publication of election pamphlets, posters etc., is governed by the provisions of Section 127A of the Representation of People Act, 1951. The said Section 127A provides as follows:-

127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS POSTERS, ETC.

- (1) No. person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publishers thereof.
 - (2) No person shall print or cause to be printed any election pamphlet or poster-
 - (a) unless, a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
 - (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.
 - (i) where it is printed in the capital of the State, to the Chief Electoral Officer; and
 - (ii) in any other case, to the district magistrate of the district in which it is printed.
 - (3) For the purposes of this section:-
 - (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and
 - (b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidate or any placard or poster having reference to an election, but does not include any handball, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
 - (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.
2. The above restrictions on the printing of election pamphlets, poster, etc, have been imposed under the law with a view to establishing the identity of publishers

and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of any opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also sub-serve the purpose of placing a check on the incurring of unauthorised election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

3. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc., are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127A(2). Many a time, the election pamphlets, posters, etc, do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A(1).
4. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in *Rahim Khan Vs. Khurshed Ahmed and others* (AIR 1975 SC 290):

“Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which take prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a sudden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation.”

5. In order that in future there is strict observance of, and compliance with, the requirements of the above mentioned provisions of law on the subject, the Commission, in exercise of its power under Article 324 of the Constitution and all other powers enabling it in this behalf, and in supersession of all its previous instructions on the subject, hereby directs as follows:-
 - (1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.
 - (a) pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters or such other material printed by them;
 - (b) asking the printing presses to send the copies of the printed material (alongwith three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A(2) within three days of its printing;

- (c) impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws of the State, would be taken.
- (2) The Chief Electoral Officer shall do likewise in respect of the printing presses located at the State capitals.
 - (3) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Annexure-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.
 - (4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Alongwith such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Annexure-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.
 - (5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.
 - (6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-para (5) above in respect of the pamphlets, posters, etc., received by them.
 - (7) The Chief Electoral Officers and the District Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters etc. in violation of the above mentioned provisions of said Section 127A and/or the Commission's above directions either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.
6. The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.
 7. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary

action apart from any penal action that may be called for against him for breach of his official duty.

BY ORDER AND IN THE NAME OF
ELECTION COMMISSION OF INDIA

(S.K. MENDIRATTA)
SECRETARY

1. The Chief Secretaries of Governments of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

ANNEXURE-B
[SEE CHAPTER VII, PARA 11.2 (b)]

PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF
ELECTION POSTER, PAMPHLETS, ETC.

1. Name _____ and _____ address _____ of
printer.....
.....
.....
2. Name _____ and _____ address _____ of
publisher.....
.....
.....
3. Date of the printing order of the publisher.....
4. Date of the declaration of the publisher.....
5. Brief particulars of election poster, pamphlet, etc.....
6. Number of copies of the above document printed.....
7. Date of printing.....
8. Printing charges (including cost of paper) being charged from the publisher in
respect of the above document

Place..... (Signature of Printer)
Date..... Seal of the Printer

APPENDIX-XV

CHAPTER IX (PARA 1.3)

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

NOTIFICATION

NEW DELHI, THE 24TH MARCH, 1992

S.O. 230(E). — In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:-

1. (i) These rules may be called the Conduct of Election (Amendment) Rules, 1992.
(ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules).
 - (a) after the heading to Part IV, the following shall be inserted, namely:-

"CHAPTER 1
VOTING BY BALLOT"
 - (b) in rule 28, for the words "In this Part", the words "In this Chapter and Chapter II" shall be substituted;
 - (c) after rule 49, the following shall be inserted namely:-

CHAPTER II

VOTING BY ELECTRONIC VOTING MACHINES

49A. DESIGN OF ELECTRONIC VOTING MACHINES

Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a ballot unit and shall be of such designs as may be approved by the Election Commission.

49B. PREPARATION OF VOTING MACHINE BY THE RETURNING OFFICER

- (1) The ballot unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.
- (2) The names of the candidates shall be arranged on the ballot unit in the same order in which they appear in the list of the contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
- (4) Subject to the foregoing provisions of this rule, the returning officer shall,—
 - (a) Fix the Label containing the names and symbol of the contesting candidates in the ballot unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
 - (b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

49C. ARRANGEMENTS AT THE POLLING STATIONS

- (1) Outside each polling station there shall be displayed prominently —
 - (a) notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
 - (b) a copy of the list of contesting candidates.
- (2) At each polling station there shall be set one or more voting compartments in which the electors can record their votes free from observation.
- (3) The returning officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.
- (4) Without prejudice to the provisions of sub-rule (3), the returning officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

49D. ADMISSION TO POLLING STATIONS

The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude there from all persons other than,

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorised by the Election Commission;
- (d) candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;
- (e) a child in arms accompanying as elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the returning officer or the Presiding Officer may employ under sub-rule (2) of rule 49-G or sub-rule (1) of rule 49-H.

49E. PREPARATION OF VOTING MACHINE FOR POLL

- (1) The control unit and ballot unit of every voting machine used at polling station shall bear a label marked with —
 - (a) the serial number, if any, and the name of the constituency;
 - (b) the serial number and name of the polling station or stations as the case may be;
 - (c) the serial number of the unit; and
 - (d) the date or poll.
- (2) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1)
- (3) A paper seal shall be used for securing the control unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature so such of the polling agents present as are desirous of affixing the same.
- (4) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure and seal the same.
- (5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "Result" button without breaking the seal.
- (6) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the ballot unit placed in the voting compartment.

49F. MARKED COPY OF ELECTORAL ROLL

Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the Polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

- (a) any entry other than that made in pursuance of clause (b) of sub-rule (2) of rule 20; and
- (b) any mark other than the mark made in pursuance of clause (b) of sub-rule (2) of rule 23.

49G. FACILITIES FOR WOMEN ELECTORS

- (1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.
- (2) The returning officer or the presiding officer may appoint a women to serve as an attendant at any polling stations to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and, in particular, to help in frisking any woman elector in case it become necessary.

49H. IDENTIFICATION OF ELECTORS

- (1) The presiding officer may employ at the polling stations such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- (2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
- (3) Where the polling station is situated in a constituency electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

- (4) In deciding the right of a person to cast his vote, the presiding officer or the polling officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

49I. FACILITIES FOR PUBLIC SERVANTS ON ELECTION DUTY—

- (1) The provisions of rule 49-H shall not apply to any person who produces at the polling station an election duty certificate in Form-12B and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.
- (2) On production of such certificate, the Presiding Officer shall —
- (a) obtain thereon the signature of the person producing it;
 - (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll: and
 - (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

49J. CHALLENGING OF IDENTITY

- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.
- (2) On such deposit being made, the presiding officer shall—
- (a) warn the person challenged of the penalty for personation;
 - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
 - (c) enter his name and address in the list of challenged votes in Form 14; and
 - (d) require him to affix his signature in the said list.
- (3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose —
- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
 - (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
 - (c) administer an oath to the person challenged and any other person offering to give evidence.
- (4) If, after the inquiry, the presiding officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, returned to the challenger at the conclusion of the inquiry.

49K. SAFEGUARDS AGAINST PERSONATION

- (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.
- (2) If any elector —
- (a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
 - (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 49-H he shall not be allowed to vote.
- (3) Where a poll is taken simultaneously in a Parliamentary constituency and an assembly constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election, shall notwithstanding anything contained in sub-rule (1) and (2) be permitted to cast his vote for the other election.
- (4) Any reference in this rule to the left forefinger of an elector shall in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all the fingers of his left hand are missing be construed as a reference to such of extremely his left or right arm as he possesses.

49L. PROCEDURE FOR VOTING BY VOTING MACHINES

- (1) Before permitting an elector to vote, the polling officer shall —

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 17-A.
 - (b) obtain the signature or the thumb impression of the elector on the said register of voters; and
 - (c) mark the name of elector in the marked copy of the electoral roll to indicate that he has been allowed to vote.
- Provided that no elector shall be allowed to vote unless he has put his signature or thumb impression on the register of voters.
- (2) Notwithstanding anything contained in sub-rule (2) of rule 2. It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.
- 49M. MAINTENANCE OF SECRECY OF VOTING BY ELECTORS WITHIN THE POLLING STATION AND VOTING PROCEDURES
- (1) Every elector who has been permitted to vote under rule 49-L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.
 - (2) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer in-charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the ballot unit; for recording of elector's vote.
 - (3) The elector shall thereafter forthwith—
 - (a) proceed to the voting compartment;
 - (b) record his vote by pressing the button on the ballot unit against the name and symbol of the candidate for whom he intends to vote; and
 - (c) come out of the voting compartment and leave the polling station.
 - (4) Every elector shall vote without undue delay.
 - (5) No elector shall be allowed to enter the voting compartment when another elector is inside it.
 - (6) If an elector who has been permitted to vote under rule 49-L or rule 49-P refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.
 - (7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form-17A by the presiding officer under his signature.
- 49N. RECORDING OF VOTES OF BLIND OR INFIRM ELECTORS
- (1) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognise the symbol on the ballot unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes;

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day;

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.
 - (2) The presiding officer shall keep a record in Form-14A of all cases under this rule.
- 49O. ELECTOR DECIDING NOT TO VOTE
- If an elector after his electoral roll number has been duly entered in the register of voters in Form-17A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 49L., deciding not to record his vote, a remark to this effect shall be made against the said entry in Form-17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.
- 49P. TENDERED VOTES
- (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be instead of being allowed to vote through the ballot unit supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the Election Commission may specify.

- (2) Every such elector shall before being supplied with a tendered ballot paper write his name against the entry relating to him in Form-17B.
 - (3) On receiving the ballot paper he shall forthwith—
 - (a) proceed to the voting compartment;
 - (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.
 - (c) fold the ballot paper so as to conceal his vote.
 - (d) show to the presiding officer, if required, the distinguishing mark on the ballot paper;
 - (e) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and
 - (f) leave the polling station.
 - (4) If owing blindness or physical infirmities, such elector is unable to record his vote without assistance; the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 49N for recording the vote in accordance with his wishes.
- 49Q. PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT DURING POLL
- (1) the presiding officer may whenever he considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the ballot unit is not tampered or interfered with in any way.
 - (2) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the ballot unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps, as may be necessary to ensure the smooth and orderly progress of the poll.
 - (3) Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.
- 49R. CLOSING OF POLL
- (1) The presiding officer shall close a polling station at the hour fixed in that behalf under section 56 and shall not thereafter admit any elector into the polling station :
Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.
 - (2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.
- 49S. ACCOUNT OF VOTES RECORDED
- (1) The presiding officer shall at the close of the poll prepare an account of votes recorded in Form-17C and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.
 - (2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form-17C after obtaining a receipt from the said polling agent therefore and shall attest it as a true copy.
- 49T. SEALING OF VOTING MACHINE AFTER POLL
- (1) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the ballot unit from the control unit.
 - (2) The control unit and the ballot unit shall thereafter be sealed and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.
 - (3) The polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.
- 49U. SEALING OF OTHER PACKETS
- (1) The presiding officer shall then make into separate packets—
 - (a) the marked copy of the electoral roll;
 - (b) the register of voters in Form 17A;
 - (c) the cover containing the tendered ballot papers and the list in Form-17B;
 - (d) the list of challenged votes; and
 - (e) any other papers directed by the Election Commission to be kept in a sealed packet.
 - (2) Each packet shall be sealed with the seal of the presiding officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.
- 49V. TRANSMISSION OF VOTING MACHINES, ETC. TO THE RETURNING OFFICER

- (1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct.—
 - (a) the voting machine;
 - (b) the account of votes recorded in Form-17C;
 - (c) the sealed packets referred to in rule 49 U; and
 - (d) all other papers used at the poll.
- (2) The returning officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

49W. PROCEDURE ON ADJOURNMENT OF POLL

- (1) If the poll at any polling station is adjourned under sub-section (1) of section 57, the provision of rules 49S to 49V shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 56.
- (2) When an adjourned poll is recommenced under sub-section (2) of section 57, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17A and a new voting machine.
- (4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.
- (5) The provisions of rule 28 and rules 49A to 49V shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

49X. CLOSING OF VOTING MACHINE IN CASE OF BOOTH CAPTURING

Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the ballot unit from the control unit;

- (d) after rule 66, the following shall be inserted, namely. —'66A. Counting of votes where electronic voting machines have been used.—In relation to the counting of votes cast at a polling station, where voting machine has been used,—
 - (i) the provisions of rules 50 to 54 and in lieu of rules 55, 56 and 57, the following rules shall respectively apply, namely:-

"55C. SCRUTINY AND INSPECTION OF VOTING MACHINES:

- (1) the returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.
- (2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact
- (3) the returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.
- (4) If the returning officer is satisfied that any voting machines has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 58, or section 58A or section 64A, as may be applicable in respect of the polling station or stations where that machine was used.

56C. COUNTING OF VOTES

- (1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.
- (2) As the votes polled by each candidate are displayed on the control unit, the returning officer shall have,—
 - (a) the number of such votes recorded separately in respect of each candidate in Part-II of Form-17C;
 - (b) part-II of Form-17C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(c) corresponding entries made in a result sheet in Form-20 and the particulars so entered in the result sheet announced.

57C. SEALING OF VOTING MACHINES

(1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part-II of form 17C and Form 20 under rule 56C, the returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the returning officer shall record the following particulars, namely :-

(a) the name of the constituency;

(b) the particulars of polling station or stations where the control unit has been used;

(c) serial number of the control unit;

(d) date of poll; and

(e) date of counting";

(ii) the provisions of rules 60 to 66 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to,—

(a) ballot paper shall be construed as including a reference to such voting machine;

(b) any rule shall be construed as a reference to the corresponding rule in Chapter II of Part IV or, as the case may be, to rule 55C or 56C or 57C.

(e) in rule 92 of the principal rules,—

(i) after sub-rule (1), the following sub-rule shall be inserted, namely :-

"(1A) All voting machines used at an election shall be kept in the custody of the concerned district election officer";

(ii) in sub-rule (2), after clause (d), the following clause shall be inserted, namely :—

"(dd) the packets containing registers of voters in Form-17A;

(f) in rule 93 of the principal rule,—

(i) in sub-rule (1), after clause (d), the following clause shall be inserted, namely :—

"(dd) the packets containing registers of voters in Form-17A".

FORM-17A
(See Rule 49L)
REGISTER OF VOTERS

Election to the House of the People/Legislative Assembly of the State/Union Territory
 from
Constituency No. and Name of Polling Station
 Part No. of Electoral Roll
 Castes.....

Sl. No.	Sl. No. of elector in the electoral roll	Signature/Thumb impression of elector	Remarks
1.			
2.			
3.			
4.			
etc.			

Signature of the Presiding Officer

FORM-17B
(See Rule 49P)

LIST OF TENDERED VOTES

Election to the House of the People/Legislative Assembly of the State/Union
Territory..... from
.....Constituency No. and Name of Polling Station
..... Part No. of Electoral Roll
.....

Sl. No.	Name of elector	Sl. No. of elector in electoral roll	Sl.No.in Register of voters (Form 17A) of the person who has already voted in place of elector	Signature/Thumb impression of elector
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
Date.				Signature of Presiding Officer

THE GAZETTE OF INDIA EXTRAORDINARY
FORM-17C
[See Rule 49S and 56C (2)]
PART-ACCOUNT OF VOTES RECORDED

Election to the House of the People/Legislative Assembly of the State Union territory
from..... from Constituency.

No. and Name of Polling Station Identification No. of
Voting Machine used at the Polling Station

Ballot Unit..... Control Unit

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters as entered in the Register for Voters (Form 17A)
3. No. of voters deciding not to record votes under rule 49-0.
4. No. of voters not allowed to vote under rule 49M
5. Total No. of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed.
7. No of voters to whom tendered ballot papers were issued under rule 49P.
8. No. of tendered ballot papers.

	Sl. No.	
	From	To
(a) received for use		
(b) issued to electors		
(c) not used and returned		

9. Account of paper seals

	Sl. Nos.	
	From	To
1. Serial Numbers of paper seals supplied From .....to		
2. Total numbers supplied		
3. Number of paper seals used		
4. Number of unused paper seals returned to Returning Officer (Deduct item 3 form item 2)		
5. Serial number of damaged paper seal, if any		

Signature of Polling Agents.

1.
2.
3.
4.
5.
6.

Date
Place

Signature of Presiding Officer
Polling Station No.

PART II - RESULT OF COUNTING

Sl. No.	Name of Candidate	No. of Votes recorded
1.		
2.		
3.		
4.		
5.		
6.		

Total

Whether the total nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part I or any discrepancy noticed between the two totals.

Place

Date

Signature of Counting Supervisor

Name of candidate/ election agent/counting agent

Full signature

1.

2.

3.

4.

5.

6.

7.

8.

Place

Date

Signature of Returning Officer

APPENDIX-XVI

(CHAPTER XV, PARA 10.2)

STATUTORY FORMS

FORM 10

* Appointment of Polling Agent

[See Rule 13(2)]

Election to the **
I..... + a candidate/the election agent of
who is a candidate at the above election do hereby appoint (name and
address) as a polling agent to attend +polling station
No..... at/place fixed for the poll at
.....

Place..... Signature of +candidate/
Date..... election agent

I agree to act as such polling agent
Place
Date..... Signature of polling agent

DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE PRESIDING OFFICER

I hereby declare that at the above election I will not do anything forbidden by section 128++ of the Representation of the People Act, 1951, which+ I have read/had been read over to me.

Date Signature of polling agent
signed before me
Date..... Presiding Officer

* To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

** Here insert one of the following alternative as may be appropriate:

- (1) House of the people from the Constituency.
- (2) Legislative Assembly from the Constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State)
- (4) Council of States by the members of the Electoral College of (Union Territory)
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

+ Strike off the in appropriate alternative.

++ Section 128 of the Representation of the People Act, 1951.

128. MAINTENANCE OF SECRECY OF VOTING

- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

APPENDIX XVII

(CHAPTER XV PARA 10.3)

FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND THEIR
ELECTION AGENTS

*General/Biennial/Bye-election.....(Month/Year)

No. & Name of *Assembly / Lok Sabha Constituency.....

Leg. Council

*Delete whatever is not applicable)

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll:-

Name of the contesting candidate	specimen signature	Name of his/ her Election Agent	Specimen signature
1. Shri/Smt./Ms. (Candidate No.1)	Shri/Smt./Ms	.....
2. Shri/Smt./Ms. (Candidate No.1)	Shri/Smt./Ms	.....
3. Shri/Smt./Ms. (Candidate No.1) etc. etc.	Shri/Smt./Ms	.....
Place:			Signature
Date:			(Seal) Returning Officer

APPENDIX XVIII

(CHAPTER XV PARA 11.4)

FORM 11

REVOCATION OF APPOINTMENT OF POLLING AGENT

[(See Rule 14(1)

Election to the *.....

To

The Presiding Officer

I,..... (the election agent of),
a candidate at the above election, hereby revoke the appointment of my/his Polling
Agent.

Place

Signature of person revoking

Date.....

* Here insert one of the following alternatives as may be appropriate:

1. House of the People from the Constituency.
2. Legislative Assembly from the Constituency
3. Council of States by the elected members of the Legislative Assembly of (State)
4. Council of States by the members of the Electoral College of (Union Territory)
5. Legislative Council by the members of the Legislative Assembly.
6. Legislative Council from the Constituency

N.B.: Omit the words marked (.....) as necessary.

APPENDIX - XIX

(Chapter XV, Para 29)

DECLARATION BY THE PRESIDING OFFICER
PART-I

Declaration by the Presiding Officer before the commencement of the poll Election from Parliamentary/Assembly Constituency Serial No. and name of polling station.....
Date of Poll.....

I hereby declare :

- (1) that I have demonstrated to the polling agents and other persons present –
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature

Signature of polling agents: Presiding Officer

1. (of candidate.....)	2.....(of candidate.....)
3. (of candidate.....)	4. (of candidate.....)
5. (of candidate.....)	6. (of candidate.....)
7. (of candidate	8. (of candidate.....)
9. ....(of candidate.....)	

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

1. (of candidate	2.....(of candidate.....)
3. (of candidate.....)	4.....(of candidate.....)

Signature.....
Presiding Officer

Date.....

PART II

DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF
SUBSEQUENT VOTING MACHINE, IF ANY,

Election Parliamentary/Assembly Constituency
Serial No. and Name of Polling Station.....
Date of poll

I hereby declare :

- (1) that I have demonstrated to the polling agents and other persons present –
(a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
(c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature

Signature of polling agents:

Presiding Officer

- | | |
|-----------------------------|-----------------------------|
| 1. (of candidate.....) | 2.....(of candidate.....) |
| 3. (of candidate.....) | 4. (of candidate.....) |
| 5. (of candidate.....) | 6. (of candidate.....) |
| 7. (of candidate | 8. (of candidate.....) |
| 9. ....(of candidate.....) | |

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- | | |
|-----------------------------|---------------------------|
| 1. (of candidate | 2.....(of candidate.....) |
| 3. (of candidate.....) | 4.....(of candidate.....) |

Signature.....

Date.....

Presiding Officer

PART III

DECLARATION AT THE END OF POLL

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part-I-Account of Votes Recorded' of Form 17C as required under rule 49-S (2) of the Conduct of Elections Rules, 1961.

Signature.....

Date.....
Time.....

Presiding Officer

Received an attested copy of the entries in the accounts of votes recorded (Part I of Form 17C)

Signature of polling agents :

- | | |
|-----------------------------|----------------------------|
| 1. (of candidate.....) | 2.....(of candidate.....) |
| 3. ....(of candidate.....) | 4.....(of candidate.....) |
| 5. ....(of candidate.....) | 6..... (of candidate |
| 7. (of candidate.....) | 8.....(of candidate.....) |
| 9. (of candidate.....) | |

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 17C and to give a receipt therefor and so an attested copy of that Form was not supplied to them.

- | | |
|-----------------------------|----------------------------|
| 1. (of candidate.....) | 2.....(of candidate |
| 3. (of candidate | 4..... (of candidate |
| 5. (of candidate | 6.....(of candidate.....) |
| 7. (of candidate | 8.....(of candidate |
| 9. (of candidate.....) | |

Date
Time.....

Signature
Presiding Officer

PART IV
DECLARATION AFTER THE SEALING OF THE VOTING MACHINE

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the control unit and ballot units of the voting machine.

Date.....

Signature.....
Presiding Officer

Time.....

The following polling agents have affixed their seals.

Signature of polling agents :

- | | |
|-----------------------------|----------------------------|
| 1. (of candidate.....) | 4..... (of candidate.....) |
| 2. (of candidate.....) | 5..... (of candidate.....) |
| 3. ....(of candidate.....) | 6.....(of candidate.....) |

The following polling agents refused or did not want to affix their seals.

- | | |
|-----------------------------|---------------------------|
| 1. ....(of candidate.....) | 3.....(of candidate |
| 2. (of candidate | 4.....(of candidate |

Date

Signature

Presiding Officer

APPENDIX-XX
(CHAPTER XV, PARA 37.1)

FORM 14
LIST OF CHALLENGED VOTES

[SEC RULES 36(2) (C)]

Election No. and name of Polling Station from the Constituency in assembly constituency/name of place of poll

Serial No. of Entry	Name of Elector	Serial number of Part Of Roll	Elector's name in that part	Signature or Thumb impression of the person challenged	Address or the person of the challenged	Name of identifier if any	Name of challenger	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9	10

Date..... 20....

Signature of Presiding Officers

*Appropriate particulars of election to be inserted here.

APPENDIX - XXI
(CHAPTER XV, PARA 50)

FORM 17C
[See Rules 49-S, and 56C (2)]

PART I
ACCOUNT OF VOTES RECORDED

Election to the House of the People/Legislative Assembly of the State/Union Territory.....			
From		XYZ	
Parliamentary			
No. and name of Polling Station		75-ABC	
Identification No. of Voting		Control Unit	
Machine used at the Polling Station		Ballot Unit	
1.	Total No. of electors assigned to the Polling station	995	
2.	Total no. of voters as entered in the Register for Voters (Form 17A)	761	
3.	No. of voters deciding not to record votes under rule 49-0	2	
4.	No. of voters not allowed to vote under rule 49M	1	
5.	Total no. of votes recorded as per voting machine.	758	
6.	Whether the total no. of votes as shown against item 5 tallies with the total no. of voters as shown against item 2 minus nos. of voters deciding not to record votes as against item 3 minus no. of voters as against item 4(2-3-4) or any discrepancy noticed.	Yes, it tallies	
7.	No. of voters to whom tendered ballot papers were issued under rule 49.	3	
8.	No. of tendered ballot papers		
		Sl. No.	
		From	To
(a)	received for use (10)	00981	00990
(b)	issued to electors (3)	00981	00983
(c)	not used and returned(7)	00984	00990

9. Account of papers seals
Sl. Nos.
From A009758 to A09760

1. Serial Numbers of paper Seals supplied
From A09758 to A009760

2. Total numbers supplied

3. Number of paper seals used

4. Number of unused paper seal
returned to Returning Officer
(Deduct item 3 from item 2)

5. Serial number of damaged paper seals
if any

Date

Place

Signature of Polling Agents

1(009758)

Nil

Signature of Presiding Officer

Polling Station No.

PART II
RESULT OF COUNTING

Sl. No.	Name of Candidate	Number of Votes recorded
1.	A	109
2.	B	59
3.	C	77
4.	D	263
5.	E	38
6.	F	2
7.	G	51
8.	H	94
9.	I	65
Total		758

Whether the total number of votes shown above tallies with the total no. of votes shown against item No.5 of Part I or any discrepancy noticed between the two totals. Yes, It tallies.

Place.....
Date..... Signature of the Counting Supervisor

Name of candidate/election agent/counting agent

Signature

1.
2.
3.
4.
5.
6.
7.
8.

Place.....
Date..... Signature of the Returning Officer

APPENDIX-XXII

(CHAPTER XVI, PARA 4.1)

NOTICE TO CANDIDATES OR THEIR ELECTION AGENTS
REGARDING THE DATE, TIME AND PLACE FOR COUNTING

ELECTION TO THE HOUSE OF THE PEOPLE

..... Legislative Assembly.

..... Constituency.

(When counting takes place at one place)

In pursuance of rule 51 of the Conduct of Election Rules, 1961, I hereby give notice that I have, in accordance with the said rule fixed the.....day of(month),19.....a.m./p.m. as the date and time for the counting of votes in the constituency and (place) in as the place for such counting.

Place.....

Date.....

Signature

Returning Officer

To

All candidates or their election agents.

APPENDIX-XXII-A
(CHAPTER XVI, PARA 4.1)

NOTICE TO CANDIDATES OR THEIR ELECTION AGENTS
REGARDING THE DATE, TIME AND PLACE FOR COUNTING

ELECTION TO THE HOUSE OF THE PEOPLE
BY THECONSTITUENCY

(When counting takes place at more places than one)

In pursuance of rule 51 of the Conduct of Election Rules, 1961, I hereby give notice that I have fixed dates, time and places of counting for the different assembly segments of this parliamentary constituency as specified below :

Name of the assembly Constituency	Date and time	Place of counting
--------------------------------------	---------------	-------------------

The postal ballot papers of the entire parliamentary constituency will be counted, and the result of poll at all the polling stations will be consolidated, at.....(place) on.....(date) at.....(time).

Place.....

Date.....

Signature.....

Returning Officer

To

All candidates or their election agents.

APPENDIX XXIII
(CHAPTER XVI-PARA 10.1)

FORM 18
APPOINTMENT OF COUNTING AGENTS
[See Rule 52(2)]

Election to thefrom the
.....constituency.

To The Returning Officer

I.....*a candidate/the election agent ofwho is a candidate at the
above election, do hereby
appoint the following persons as my counting agents to attend the
counting of votes at

Name of the counting Agent	Address of the counting agent
----------------------------	-------------------------------

- 1.
- 2.
- 3.
- etc.

Signature of *Candidate/Election Agent (We agree to act as such counting agents)

- 1.
- 2.
- 3.
- etc.

Place.....
Date.....

Signature of Counting Agents

DECLARATION OF COUNTING AGENTS.

(TO BE SIGNED BEFORE THE RETURNING OFFICER)

We hereby declare that at the above election we will not do anything forbidden by section 128 of the Representation of the People Act, 1951, which we have read/has been read over to us.

- 1.
 - 2.
 - 3.
- etc.

Date.....

Signed before me

Signature of Counting Agents

Date.....

Returning Officer

*Strike off the inappropriate alternative

+section 128 of the Representation of the people Act,1951:

"128, Maintenance of secrecy of voting

(1) Every Officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining , the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a terms which may extend to three months or with fine or with both."

APPENDIX-XXIV
(CHAPTER XVI-PARA 12.2)

FORM 19
REVOCATION OF APPOINTMENT OF COUNTING AGENT
[See Rule 52(4)]

Election to the*

To
The Returning Officer,

I.....[the election agent of] a candidate at the above election
hereby revoke the appointment ofmy/his counting agent.

Place.....

Date.....

Signature of Person Revoking

* Here insert one of the following alternatives as may be appropriate

- (1) House of the people from theconstituency.
- (2) Legislative Assembly from theconstituency.

N.B- Omit the words within() as necessary.

APPENDIX-XXV
(CHAPTER XVI-PARA 30.1)

(Final Result sheet to be used where system of counting polling station- wise is followed).

FORM 20
[See rule 56(7)]
Final Result Sheet

(To be used for recording the result of voting at polling station other than notified polling stations)
Election to thefrom theconstituency.

PART I

(To be used both for parliamentary and Assembly elections)

Name of the Assembly segment
(in the case of election from a
Parliamentary constituency.....

Total No. of
electors in
Assembly
constituency/
segment.....

Serial No. of Polling Station	No. of valid votes cast in favour A	B	C	Total No. of valid votes	Rejected votes	Total No. tendered votes
----------------------------------	--	---	---	-----------------------------	-------------------	--------------------------------

1
2
3
etc.

Total No. of votes recorded at polling Stations

No. of votes recorded on postal ballot papers. (To be filled in the case of election from an Assembly Constituency)

Total votes polled

Place.....

Date.....

Returning Officer

PART II

(To be used both for parliamentary and Assembly elections)

Name of Assembly segment	No. of valid A	votes cast in favour B	C	Total No. of valid votes	Rejected votes	Total No. tendered votes
--------------------------------	-------------------	---------------------------	---	-----------------------------	-------------------	--------------------------------

1
2
3
etc.

Total No. of votes recorded at polling Stations

NO. of votes recorded on postal ballot papers.

Grand total

Place

Date

Returning Officer

APPENDIX-XXVI
(CHAPTER XVII, PARAS.1.1, AND 6)

EXTRACTS FROM THE CONSTITUTION OF INDIA

ARTICLE 101(1) OF THE CONSTITUTION
VACATION OF SEATS

(1) No person shall be a member of both House of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

ARTICLE 101(2) OF THE CONSTITUTION

(2) No person shall be member both of Parliament and of a House of the legislature of a State and if a person is chosen a member both of Parliament and of a House of the Legislature of a State, then at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

ARTICLE 190 OF THE CONSTITUTION-
VACATION OF SEATS

(1) No person shall be a member of both Houses of the Legislature of a State, and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one Houses or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First scheduled and if a person in chosen a member of the Legislature of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

APPENDIX-XXVII

(Chapter XVII, Paras 1.4,1.5, 2,3 & 4)

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT,1951

67A. DATE OF ELECTION OF CANDIDATE

For the purposes of this Act, the date on which a candidate is declared by the returning officer under the provisions of section 53, or section 66, to be elected to a House of Parliament or of the Legislature of a State shall be the date of election of that candidate.

CHAPTER VI.- MULTIPLE ELECTIONS

68. VACATION OF SEATS WHEN ELECTED TO BOTH HOUSES OF PARLIAMENT

(1) Any person who is chosen a member of both the House of the people and the Council of States and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date, or the later of the dates, on which he is so chosen, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council of States shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (i) shall be final and irrevocable.

(4) For the purposes of this section and of section 69, the date on which a person is chosen to be member of either House of Parliament shall be in the case of an elected member, the date of his election and in the case of a nominated member, the date of first publication in the Gazette of India of his nomination.

69. VACATION OF SEATS BY PERSONS ALREADY MEMBERS OF ONE HOUSE ON ELECTION TO OTHER HOUSE OF PARLIAMENT

(1) If a person who is already a member of the House of the People and has taken his seat in such House is chosen a member of the Council of States, his seat in the House of the People shall, on the date on which he is so chosen become vacant (2) If a person who is already a member of the council of states and has taken his seat in such council is chosen a member of the House of the People, his seat in the council of states shall on the date on which he is so chosen, become vacant.

70. ELECTION TO MORE THAN ONE SEAT IN EITHER HOUSE OF PARLIAMENT OR IN THE HOUSE OR EITHER HOUSE OF THE LEGISLATURE OF A STATE

If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed, all the seats shall become vacant.

APPENDIX-XXVIII

(CHAPTER XVII, PARA 4)

EXTRACTS FROM THE CONDUCT OF ELECTIONS RULES,1961

RULE 91 OF THE CONDUCT OF ELECTIONS RULES, 1961

9.1 RESIGNATION OF SEATS IN CASE OF ELECTION TO MORE SEATS THAN ONE IN A HOUSE

- (1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of state, to which he has been elected shall be.-
 - (a) fourteen days from the date of his election under section 67-A, or
 - (b) where the dates of his election are different in respect of different seats, fourteen days from the last of those dates.
- (2) Such resignation shall be addressed-
 - (a) to the Speaker or the Chairman of the House concerned; or
 - (b) where the office of the Speaker or Chairman is for the time being vacant or is, or deemed to be, in abeyance, to the Deputy Speaker or the Deputy Chairman of the House concerned; or
 - (c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, or is deemed to be, in abeyance, to the Election Commission.
- (3) Where the resignation has been addressed to the Election Commission under sub-rule (2) the Election Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the secretary of the House concerned.

APPENDIX-XXIX

(Chapter XVII, Para 5)

EXTRACT FROM THE PROHIBITION OF SIMULTANEOUS
MEMBERSHIP RULES, 1950

RULE 2 OF THE PROHIBITION OF SIMULTANEOUS MEMBERSHIP RULES, 1950

The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State specified in the First Schedule to the Constitution of India (hereinafter referred to as "the Constitution") shall; become vacant unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of publication in the Gazette of India or in the official Gazette of the State, whichever is later, of the declaration that he has been so chosen.

APPENDIX XXX

(Chapter XVIII Para 1.3)

No.

To

(name and address of candidate)

Sub.: Maintenance of account of election Expenses and lodging of true copy thereof.

Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer./*Returning Officer on account of the election expenses which shall be a true copy of the account kept by him or by his election agent under Section 77.

3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit. etc., he is required by law to lodge his account of election expenses.

4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A or the Representation of the People Act, 1951 for a period of three years.

5. The account of election expenses to be kept by a candidate or his election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure as prescribed under rule 86 of the Conduct of Elections Rules, 1961.

6. A copy each of the order dated 18.1.98 of the Election Commission of India on the maintenance of accounts of election expenses and lodging of true and complete accounts is enclosed for your information and strict compliance. The format for maintaining the account is annexed to the said letter.

7. In pursuance of the Commission's order, a Register is also being furnished to you herewith. You are required to maintain your day to day account of election expenses in this very Register and in no other document. All supporting vouchers, bills, etc., should also be kept along with the Register arranged in proper chronological order at all times. Abstract statement of expenditure are to be given in Parts – I to VI of the format.

8. All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure or authorised shall be obtained on day-to-day basis and shall be maintained in the correct chronological order alongwith the Register showing the day-to-day account.

9. You should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the District Election Officer, Returning Officer, Election Expenditure Observer appointed by the Election Commission or any other such authority nominated by the Commission in this behalf. Failure to produce this register when demanded will be considered as a major default on your part in maintaining your day to day account and you may render yourself liable to penal action under Section 171-1 of the Indian Penal Code.

10. This very Register in which you are to maintain your day to day account of election expenses should itself be filed by you as your account of election expenses after the election as required under section 78 of the Representation of the People Act mentioned-above. You should keep a copy of the account as maintained in that Register for your record and reference. Alongwith the Register, you should file the abstract statement containing details of expenditure, supported by an affidavit in the format enclosed.

11. Extracts of Sections 77, 78 and 10A of the Representation of the People Act, 1951 and rules 86 of the Conduct of Elections Rules, 1961 are also enclosed for information and guidance.

12. As per Supreme Court Judgment dated 4.4.1996 in writ petition No. 24 of 1995 (Common Cause V/s. Unit of India and others) relating to election expenditure, expenditure incurred by any political party/association/body of persons/individual

(other than the candidate or his election agent) in furtherance of election prospects of a party candidate will be excluded from the expenditure incurred by a candidate if and only if that expenditure has been shown in the account of the said party/associated body/individual concerned and that account has been duly audited and submitted to the Income Tax authorities.

13. If you contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.

14. Kindly acknowledge receipt of the letter alongwith its enclosures immediately in the enclosed acknowledgment form.

Yours faithfully,

RETURNING OFFICER FOR

* Strike off whichever is inapplicable

Enclosures :

1. Register bearing serial no.... containing pages for maintenance of election expenses.
2. Order dated 18.1.1998 of the Election Commission of India.
3. Extracts of Section 17, 78 and 10A of the Representation of the People Act, 1951, and rule 86 of the Conduct of Elections Rules, 1961.
4. Acknowledge receipt.

APPENDIX-XXXI-A
(Chapter XVIII-Para 1.4)

ANNEXURE-I

REGISTER FOR MAINTENANCE OF DAY TO DAY ACCOUNTS OF ELECTION EXPENDITURE BY
CONTESTING CANDIDATES

Name of the Candidate :
 Name of the Political Party, if any :
 Constituency from which contested :
 Date of declaration of result :
 Name and Address of the Election Agent :
 Total expenditure incurred / authorized :
 (from the date of nomination to date of
 Declaration of result of election, both dates inclusive)

Date of Expenditure	Nature of Expenditure	Name of person / Political party/Association/body Authorized Who incurred/ Expenditure		Amount of Expenditure		Date of payment	Name and address of payee	S.No. of voucher in case of an amount paid	S.No. of Bill in case of an amount outstanding the amount outstanding is payable	Name & address of person to whom	Remarks
		Candidate/his election agent	Political party/associations/body/ any other individual	Paid	Outstanding						
1	2	3	4	5	6	7	8	9	10	11	12

Certified that this is a true account kept by me/my election agent
 under section 77 of the Representation of the People Act, 1951
 *(Certificate to be furnished after the date of declaration of the result)

N.B.1. This Register must be accompanied by an abstract Statement of election expenses and an affidavit in the prescribed formats. No return of expenditure will be accepted as complete without the abstract Statement of election expenses and the affidavit.

2. This Register must be lodged in original with the District Election Officer as the return of election expenditure under section 78 of the Representation of the People Act, 1951. It must be accompanied by an Abstract Statement of election expenses and an affidavit, in the prescribed formats. No return of expenditure will be accepted as complete without the Abstract Statement of election expenses and the affidavit.

3. Vouchers may not be attached only in respect of those items which are listed in Rule 86 (2) of the Conduct of Elections Rules, 1961 like postage, travel by rail. For any voucher not attached vide this rule an explanation to the effect that it was not practicable to obtain the required vouchers must be given in the prescribed Register.

4. The account shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be correct copy of the account kept.

5. Apart from the expenses incurred or authorized by the candidate/election agent directly, all expenditure incurred or authorized by the political party, other associations, bodies of persons, individuals, in connection with the election of the candidate are also required to be included in the account. The only exception is the expenses incurred on travel of 'leaders' of the political party on account of their t5rqvel for propagating the programme of the party [See Explanations 1 and 2 of Section 22(1)]

6. If the expenditure on any item shown above in column 2 is incurred / authorized by any political party / association/ body of persons / any individual (other than the candidate or his election agent), its / his name and complete address must be shown in column 4.

ABSTRACT STATEMENT OF ELECTION EXPENSES

PART-I

Name of Candidate :
 Number and name of Constituency :
 Name of State / Union Territory :
 Nature of Election : By-Election/General Election
 Date of declaration of result :
 Name and Address of the Election Agent :

Part-II

I. Were you a candidate set up by a Political Party : Yes/No
 II. If yes, name of party :
 III. Is the Party a recognised Political Party : Yes/No
 IV. If recognized political party, whether National/State Party : National/State Party
 V. Has your party incurred/authorised expenses in your election : Yes/No
 VI. Has any other association/body of persons/individual incurred/authorised expenses in your election : Yes/No
 VII. If yes, give its/his/their name(s) and complete address : (1)-----
 (2)-----
 (3)-----

**PART III
 ABSTRACT OF EXPENDITURE ON ELECTION BY
 THE CANDIDATE/HIS ELECTION AGENT**

Items of Expenditure	Expenditure incurred/ authorised by			Total Expenses Incurred/ authorised (Total of columns 2,3&4)
	Candidate/ his Election Agent	Political Party which set him up	Any Other Association/ Body of Persons/ Individual	
1	2	3	4	5
Rs.	Rs.	Rs.	Rs.	Rs.

- i. Public meetings, processions, etc.
- ii. Campaign materials, like, handbills, posters, video and audio cassettes, loudspeakers etc.
- iii. Campaign through electronic / print media (including cable network)
- iv. Vehicles used and POL expenditure on such vehicles.
- v. Erection of gates, arches, cutouts, banners, etc.
- vi. Visits of 'leaders' to the constituency {other than the expenditure on the travel of 'Leaders' as defined in Explanation 2 under Section 77(1) for propagating programme of the party}
- vii. Visit of other party functionaries
- viii. Other misc. Expenses

Grand Total

Lump-sum grant received, if any, from –

- (i) Political party
- (ii) Any other association / body (with its name and address)
- (iii) Any individual (with name and address)

**PART IV
DETAILS OF EXPENDITURE ON VEHICLES USED**

Details of all expenditure on all vehicles used in connection with the election including the vehicles supplied to candidate by his Political Party or any other association/organization/body or by any other individual are required to be shown (the only exception is the expense incurred in connection with travel of 'leaders' of political party for propagating programme of political party covered by Explanations 1 and 2 under Section 77 (1)).

Regn. No. of Vehicle	Type of Vehicle	No. of days for which used	Expenditure incurred on POL, maintenance and drivers' salary etc. /hiring charges		
			Amount spent by the candidate/ election Agent	Amount spent by the Political Party	Amount spent by any Other Association/ body of persons/ individual
1	2	3	4	5	6

Grand total (Col. 4 + 5 + 6) RS.....

**PART V
DETAILS OF EXPENDITURE ON PUBLIC MEETINGS**

Public meetings held by the candidate/his election agent/his political party/any other association/organisation/body/any other individual (other than the candidate/his election agent)

Date of Meeting	Venue of Meeting	Name of authority from whom permission obtained	Cost of erecting pandal and hiring of furniture & fixtures	Cost of hiring Loud-Speakers and Micro-phones	Other miscellaneous expenses	Total	Out of the amount shown in col.7, the component of expenditure incurred by		
							Candida te/ Election Agent	The Poliltical Party	Any other Associat in/ Body/ Individu al
1	2	3	4	5	6	7	8	9	10

Grand total (Col. 8 + 9 + 10) Rs.

--	--	--	--	--	--	--	--

PART VI

**DETAILS OF EXPENDITURE ON TRAVEL OF LEADER(S)
OF THE PARTY NOMINATED IN TERMS OF 'EXPLANATION (2)'
UNDER SECTION 77(1) OF THE REPRESENTATION OF
THE PEOPLE ACT, 1951**

S. No.	Name of Leader	ARRIVAL DETAILS			DETAILS OF STAY		DEPARTURE DETAILS			Whether expenditure on item (5), (7) and (10) incurred by candidate, political party or others specify	Whether expenditure on item (5), (7) and (10) by candidate
		Date of Arrival in Constituency	Mode of Travel	Expenditure on Fare paid (if known)	Duration of halt in constituency	Expenditure on local journeys	Date of departure from constituency	Mode of travel	Expenditure on fare paid (if known)		
1											
2											
3											
TOTAL EXPENDITURE											

PLACE.....
DATE.....

SIGNATURE OF CONTESTING CANDIDATE
NAME OF CONTESTING CANDIDATE

APPENDIX XXXI-B

(CHAPTER – XVIII - PARA 1.10)

FORM OF AFFIDAVIT

Before the District Election Officer (District, State)/Union Territory

Affidavit of Shri.....(S/o).....

I..... son/wife/daughter ofaged years..... r/o.....do hereby solemnly and sincerely state and declare as under :-

- (1) That I was a contesting candidate at the general election/bye election to the House of the People/Legislative Assembly ofform Parliamentary/Assembly constituency, the result of which was declared on.....
- (2) That I/my election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorised by me or my election agent between.....(the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.
- (3) That the said account was maintained in the Register furnished by the Election Commission for the purpose and the said Register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.
- (4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election, and nothing has been concealed or withheld/suppressed therefrom (other than the expense on travel of 'Leaders' covered by Explanations 1 and 2 under section 7(1) of the Representation of the People Act, 1951). and nothing has been concealed or withheld/suppressed therefrom.
- (5) That the Abstract Statement of Election Expenses annexed as Annexure II to the said account also includes all expenditure incurred or authorised by me, my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election.
- (6) That the statements in the foregoing paragraphs (1) to (5) are true to the best of my knowledge and belief, that nothing is false and nothing material has been concealed.

Deponent

Solemnly affirmed/sworn byat.....thus day of 199 Before me,
(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath Commissioner or Notary Public)

ACKNOWLEDGEMENT FORM

To

The Returning Officer for

.....

Sir,

I acknowledge receipt of your letter NO.datedalongwith its enclosures containing, among other documents, a register bearing serial No.to maintaining of my accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of election expenses and lodging of true copy of that account with the District Election Officer/Returning Officer.

Yours faithfully, I

Signature of the Candidate with date

*Strike Off, whichever is inapplicable.

ACKNKOWELEDGEMENT

The account of the election expenses in respect of (Constituency) result of which was declared on(Date) has been filed by him on h is behalf on(Date) has been received by me today the(Date) of(Month)(Year).

District Election Officer,

District

APPENDIX XXXII

[Chapter XVIII, Para 8]

ACKNOWLEDGEMENT

The account of the election expenses in respect of (Constituency) result of which was declared on (Date) has been filed by him on his behalf on (Date) has been received by me today the (Date) of (Month) (Year).

District Election Officer
District.....
(Returning Officer in case of Union Territory)

APPENDIX XXXIII

(Chapter XVIII, Para 11.1)

REPORT TO ELECTION COMMISSION OF INDIA

LODGING OF ELECTION EXPENSES ACCOUNTS
ELECTION TO THE HOUSE OF THE PEOPLE

.....Legislative Assembly Serial number and name of
constituency.....Date of declaration of
result..... Last date for lodging of accounts of election
expenses..... Name of elected
candidate.....

Serial No.	Name (party Affiliation of candidate) and address of contesting candidates	Whether account have been lodged	Date of lodging of account	Whether lodged in time	Whether lodged in the manner required by law	if not, a brief statement of defects noticed	Total expenses incurred as per account filed	Remarks
1	2	3	4	5	6	7	8	9
							Total	

Place District Election Officer/
Returning Officer.....

Date.....

- Notes: (1) A separate report should be sent in respect of each constituency.
 (2) The report should cover all contesting candidates, whether they have been elected or defeated at the poll.
 (3) The name of the constituency shall be spelt exactly in the same manner as in the Delimitation Order. The names of the candidates shall be spelt as in the list of contesting candidates.
 (4) In determining the last date by which the accounts of election expenses are to be lodged by the contesting candidates, the date on which the returned candidate has been declared elected shall not be taken into account while calculating the period of 30 days under section 78 of the Representation of the People Act, 1951.
 (5) Returns lodged by candidates after the last date should be examined and material defects, if any, noticed therein, recorded in column 7.

APPENDIX – XXXIV

(Chapter XVIII, Para 27)

REPRESENTATION OF THE PEOPLE ACT, 1951

PART V
CHAPTER VIII
ELECTION EXPENSES

“76 APPLICATION OF CHAPTER

This chapter shall apply only to election to the House of the People and to the Legislative Assembly of a State .

“77. ACCOUNTS OF ELECTIONS EXPENSES AND MAXIMUM THEREOF

- (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Explanation 1 – For the removal of doubts, it is hereby declared that -

- (a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party or his election agent for the purposes of this sub-section;
- (b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

Explanation 1 – For the purposes of clause (a) of Explanation 1, the expression “leaders of a political party”, in respect of any election means –

- (i) where such political party is a recognized political party, such persons not exceeding forty in number, and
- (ii) where such political party is other than a recognized political party such persons not exceeding twenty in number.

Whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State as the case may be, under the Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii)

dies or ceases to be a member of such political party, by further communication to the election Commission and the Chief Electoral Officer of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

- (2) The account shall contain such particulars, as may be prescribed.
- (3) the total of the said expenditure shall not exceed such amount as may be prescribed.

78 LODGING OF ACCOUNT WITH THE DISTRICT ELECTION OFFICER

- (1) Every contesting candidate at an election shall within thirty days from the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different the later of those two dates , lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agents under section 77.
- (2) The reference to the District Election Officer in sub-section (1) shall, in relation to a constituency in a Union territory, be construed as a reference to the Returning Officer for that constituency.

THE CONDUCT OF ELECTIONS RULES, 1961
PART VIII
ELECTIONS EXPENSES

ELECTION EXPENSES

86. PARTICULARS OF ACCOUNT OF ELECTION EXPENSES

- (1) The amount of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day-to-day, namely-
- (a) the date on which the expenditure was incurred or authorised;
 - (b) the nature of the expenditure (as for example, travelling, postage or printing and the like)
 - (c) the amount of the expenditure -
 - (i) the amount paid;
 - (ii) the amount outstanding;
 - (d) the date of payment;
 - (e) the name and address of the payee;
 - (f) the serial number of vouchers, in the case of amount paid
 - (g) the serial number of bills if any, in case of amount outstanding;
 - (h) the name and address of the persons to whom the amount outstanding is payable.
- (2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.
- (3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under them (f) of the sub-rule(1).
- (4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

87. NOTICE BY DISTRICT ELECTION OFFICER FOR INSPECTION OF ACCOUNTS

The District Election Officer shall, within two days from the date on which the account of election expenses has been lodged by a candidate under section 78, cause a notice to be affixed to his notice board, specifying -

- (a) the date on which the account has been lodged ;
 - (b) the name of the candidate; and
 - (c) the time and place at which such account can be inspected.
88. INSPECTION OF ACCOUNT AND THE OBTAINING OF COPIES THEREOF
- Any person shall on payment of a fee of one rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf be entitled to obtain attested copies of such a count or of any part thereof.
89. REPORT BY THE DISTRICT ELECTION OFFICER AS TO THE LODGING OF THE ACCOUNT OF ELECTION EXPENSES AND THE DECISION OF THE ELECTION COMMISSION THEREON
- (1) As soon as may be after the expiration of the time specified in section 78 for the lodging of the account of election expenses at any election, the District Election Officer shall report to the Election Commission-
- (a) the name of each contesting candidate;

- (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
 - (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.
- (2) Where the District Election Officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Act and these rules, he shall with every such report forward to the Election Commission the account of election expenses of that candidate and the voucher lodged alongwith it.
 - (3) Immediately after submission of the report referred to in sub-rule (1) the District Election Officer shall publish a copy thereof by affixing the same to his notice board.
 - (4) As soon as may be after the receipt of the report referred to in sub rule (1) the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.
 - (5) Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by the Act and these rules, it shall be notice in writing call upon the candidate to show cause why he should not be disqualified under section 10-A for the failure.
 - (6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may within twenty days of the receipt of such notice submit in respect of the matter a representation in writing to the Election Commission, and shall at the same time send to the District Election Officer a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.
 - (7) The District Election Officer shall, within five days of the receipt there of, forward to the Election commission the copy of the representation and the account (if any) with such comments as he wishes to make there on.
 - (8) If, after considering the representation submitted by the candidate and the comments made by the District Election Officer and after such inquiry as it thinks fit, the Election commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified under section 10-A for a period of three years from the date of the order, and cause the order to be published in the Official Gazette.

APPENDIX XXXV

(Chapter XIX, Para 6)

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE
REPRESENTATION OF THE PEOPLE ACT, 1951

By the candidate

From Name
Address

To The Returning Officer..... Constituency.

Subject:: Return of deposit under section 158 of the Representation of People
Act, 1951.

Sir,

- I was a candidate for election to thefrom the constituency.
2. I made a deposit of Rs..... for that election in the..... Treasury under receipt No..... on
 3. My nomination paper was *accepted/*rejected by Returning Officer.
 4. I *withdrew/*did not withdraw my candidature in time,
 5. I *was/* was not elected and *secured/* did not secure more than one sixth of the total number of valid votes polled in the election.
 - 6.] I did not stand as a candidate at the General Election from any other constituency,]
 - [6. (a) I stood as a candidate at the General Election also from the
 - (i)H.P./L.A. constituency
 - (ii)H.P./L.A. constituency.
 - (iii)H.P./L.A. constituency.
 - (b) I have not applied for the return of my deposit in any of these other constituencies. The deposits made in these other constituency may be forfeited.]
 7. I request that the deposit referred to in paragraph 2 may be returned to me.
 8. I here by declare that all the statements made in this application are true to my knowledge.

Your faithfully

(Signature of Candidate)

Place.....

Date

**Strike off the words not applicable in your case.
Omit the portion within [], as necessary*

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951
(By the Legal Representative of the Candidate)

From
Name

Address

.....

To

The Returning Officer constituency.

Subject : Return of deposit under section 158 of the Representation of the People Act, 1951.

Sir,

The late Shri..... was a candidate for election to thefrom the constituency. He died on the and I am his legal representative.

2. He made a deposit of Rs..... for that election in the..... Treasury under receipt No..... on
3. His nomination paper was *accepted/*rejected by Returning Officer.
4. He *withdrew/*did not withdraw my candidature in time,
5. He *was/* was not elected and *secured/* did not secure more than one sixth of the total number of valid votes polled in the election.
- 6.] He did not stand as a candidate at the General Election from any other constituency,]
- [6. (a) He stood as a candidate at the General Election also from the
 - (i)H.P./L.A. constituency
 - (ii)H.P./L.A. constituency.
 - (iii)H.P./L.A. constituency.
- (b) No application has been made for the return of the deposit made in connection with the elections in any of these other constituencies. The deposits made in these other constituency may be forfeited.]
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I here by declare that all the statements made in this application are true to my knowledge.

Your faithfully

(Signature of Candidate)

Place.....

Date

I.....the above mentioned candidate at the election to thefrom the constituency hereby certify that the statement contained in paragraphs 2 to 6 of this application are true to my knowledge.

Yours faithfully

(Signature of Candidate)

Place.....

Date.....

**Strike off the words not applicable in your case.
Omit the portion within [], as necessary*

APPENDIX - XXXVI

(CHAPTER - XI, Para – 1)

EXTRACTS FROM CONDUCT OF ELECTION RULES 1961

Postal ballot

17. Definitions.—In this Part,—

- (a) “service voter” means any person specified in clause (a) or clause (b) of section 60, but does not include “classified service voter” defined in rule 27M;
- (b) “special voter” means any person holding an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (43 of 1950) are declared to apply or the wife of such person, if he or she has been registered as an elector by virtue of a statement made under subsection (5) of the said section;
- (c) “voter on election duty” means any polling agent, any polling officer, presiding officer or other public servant, who is an elector in the constituency and is by reason of his being on election duty unable to vote as the polling station where he is entitled to vote.

18. Persons entitled to vote by post.—The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely:—

- (a) at an election in a parliamentary or assembly constituency—
 - i) special voters;
 - ii) service voters;
 - iii) voters on election duty; an
 - iv) electors subjected to preventive detention;
- (b) at an election in a council constituency—
 - (i) voters on election duty;
 - (ii) electors subjected to preventive detention; and
 - (iii) electors in the whole or any specified parts, of the constituency if directed by the Election Commission in this behalf under clause (b) of rule 68;
- (c) at an election by a assembly members--
 - (i) subjected to preventive detention; and
 - (ii) all electors if directed by the Election Commission in this behalf under clause (a) of rule 68.

19. Intimation by special voters.—A special voter who wishes to vote by post at an election shall send an intimation in Form 12 to the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer shall issue a postal ballot paper to him.

20. Intimation by voters on election duty.— [(1)] A voter on election duty who

wishes to vote by post at an election shall send an application in Form 12 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) Where such voter, being a polling officer, presiding officer or other public servant on election duty in the constituency of which he is an elector, wishes to vote in person at an election (in a parliamentary or assembly constituency) and not by post, he shall send an application in Form 12A to the returning officer so as to reach him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the returning officer is satisfied that the applicant is such public servant and voter on election duty in the constituency, he shall—

- (a) issue to the applicant an election duty certificate in Form 12B,
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

21. Electors under preventive detention.—(1) The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to the returning officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

20. (2) Any elector subjected to preventive detention may, within fifteen days of the calling of an election, send an intimation to the returning officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

21. (3) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

22. Form of ballot paper.—

(1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) The names of the candidates shall be arranged on the postal ballot paper in the order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

23. Issue of ballot paper.—

(1) A postal ballot paper shall be sent by post under certificate of posting to the

elector together with—

- (a) a declaration in Form 13A;
- (b) a cover in Form 13B;
- (c) a large cover addressed to the returning officer in Form 13C; and
- (d) instructions for the guidance of the elector in Form 13D:

Provided that the returning officer may, in the case of a special voter or a voter on election duty, deliver the ballot paper and Forms, or cause them to be delivered, to such voter personally.

(2) The returning officer shall at the same time—

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that that elector is not allowed to vote at a polling station.

(3) Before any ballot paper is issued to an elector at an election in a local authorities' constituency or by assembly members, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.

(4) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(5) After ballot papers have been issued to all the electors entitled to vote by post, the returning officer shall—

(a) at an election in a parliamentary or assembly constituency, subject to the provisions of rule 27P, seal up in a packet] that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant parts of the marked copy to the several presiding officers or marking the names of electors to whom ballot papers are issued at the polling stations without however recording therein the serial numbers of the ballot papers issued to the electors; and

(b) at any other election, seal up in a packet the marked copy of the electoral roll and record on the packet a brief description of its contents and the date on which it is sealed.

(6) The returning officer shall also seal up in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

24. Recording of Vote.—

(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 13D and then enclose it in the cover in Form 13B.

(2) The elector shall sign the declaration in Form 13A in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified—

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of a special voter, an officer not below the rank of a Deputy Secretary to Government;

(c) in the case of a voter on election duty, any gazetted officer¹ [or the presiding officer of the polling station at which he is on election duty];

(d) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and

(e) in any other case, such officer as may be notified in this behalf by the Election Commission.

25. Assistance to illiterate or infirm voters.—

(1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 24 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13A.

26. Re-issue of ballot paper.—

(1) When a postal ballot paper and other papers sent under rule 23 are for any reason returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 23 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoiled papers and satisfied the returning officer of the inadvertence.

(3) The returning officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

27. Return of ballot paper.—

(1) After an elector has recorded his vote and made his declaration under rule 24 or rule 25, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Part II of Form 13D so as to reach the returning officer before the hour fixed for the commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the returning officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The returning officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

APPENDIX – XXXVII
(CHAPTER V, PARA – 9.5)

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

DIRECTION

Dated: 16th September, 2008

No. 3/4/2008/JS-II: In pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules 1961, and in supersession of its direction S.O. 1/87, dated 17th July, 1987, the Election Commission hereby directs that the list of contesting candidates in Form 7A, at an election to the Legislative Assembly of the State/UT mentioned in column (1) of the Table below, from the Assembly Constituencies mentioned under column (2) of the Table shall be prepared in the language or languages specified against that constituency in column (3) of the said table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in column (3) :-

When any such list is forwarded to the Election Commission, it shall, if not in English, be accompanied by a translation in English.

TABLE

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
1	2	3
1-Andhra Pradesh	(a) 8-Boath(ST) 10-Mudhole and 13-Jukkal(SC)	Telugu and Marathi
	(b) *17-Nizamabd (Urban) * Added vide ECI Direction dated 28.1.2009	Telugu and Urdu

	(c) 57-Musheerabad 58-Malakpet, 59-Amberpet, 60-Khairatabad, 61-Jubilee Hills, 62-Sanathnagar, 63-Nampally, 64-Karwan, 65-Goshamahhal, 66-Charminar, 67-Chandrayangutta, 68-Yakutpura, 69-Bahadurpura, 70-Secunderabad and 71-Secunderabad Cantt.(SC)	Telugu, English and Urdu
	(d)All other assembly constituencies	Telugu
2-Arunachal Pradesh	All Assembly Constituencies	English
3-Assam	(a)1-Ratabari(SC) 2-Patharkandi 3-Karimganj North 4-Karimganj South 5-Badarpur 6-Hailakandi 7-Katlichera 8-Algapur 9-Silchar 10-Sonai 11-Dholai(SC) 12-Udharbond 13-Lakhipur 14-Barkhola and 15-Katigora	Bengali
	(b)16-Haflong(ST)	English
	(c) All other Assembly Constituencies	Assamese
4-Bihar	All assembly constituencies	Hindi
5-Chhattisgarh	All assembly constituencies	Hindi
6-Goa	All assembly constituencies	English and Konkani/ Marathi in Devnagari script
7-Gujarat	All assembly constituencies	Gujarati
8-Haryana	All assembly constituencies	Hindi
9-Himachal Pradesh	All assembly constituencies	Hindi
10-Jharkhand	All assembly constituencies	Hindi

11-Karnataka	(a)1-Nippani 2-Chikkodi-Sadalga 11-Belgaum Uttar 12-Belgaum Dakshin 13-Belgaum Rural 14-Khanapur 47-Basavakalyan 51-Bhalki 52-Aurad(SC) 76-Haliyal 77-Karwar	Kannada and Marathi
	(b)44-Gulbarga Dakshin 45-Gulbarga Uttar	Kannada and Urdu
	(c) 146-Kolar Gold Fields(SC) 154-Rajarajeshwarinagar 156-Mahalakshmi Layout 157-Malleshwaram 159-Pulakeshinagar(SC) 160-Sarvagnanagar 161-C.V. Raman Nagar(SC) 162-Shivajinagar 163-Shanti Nagar 164-Gandhi Nagar 165-Rajaji Nagar 166-Govindaraj Nagar 167-Vijay Nagar 168-Chamrajpet 169-Chickpet 170-Basavanagudi 173-Jayanagar	Kannada and English
	(d) All other assembly constituencies	Kannada
12-Kerala	(a)1-Manjeswar 2-Kasaragod	Malayalam and Kannada
	(b) 88-Devikulam(SC)	Malayalam and Tamil
	(c) All other assembly constituencies	Malayalam
13-Madhya Pradesh	(a)150-Bhopal Uttar, 151-Narela, 152-Bhopal Dakshin-Paschim, 153-Bhopal Madhya and 180-Burhanpur	Hindi and Urdu
	(b) All other assembly constituencies	Hindi

14-Maharashtra

(a)52-Nagpur South West,
53-Nagpur South,
54-Nagpur East,
55-Nagpur Central
56-Nagpur West,
57-Nagpur North(SC),
146-Ovala Majiwada,
147-Kopri Pachpakhadi,
148-Thane,
149-Mumbra Kalwa,
150-Airoli,
151-Belapur,
152-Borivali,
153-Dahisar,
154-Magathane,
155-Mulund,
156-Vikhroli,
157-Bhandup West,
158-Jogeshwari East,
159-Dindoshi,
160-Kandivali East,
161-Charkip,
162-Malad West,
163-Goregaon,
164-Versova,
165-Andheri West,
166-Andheri East,
167-Vile Parle,
168-Chandvali,
169-Ghatkopar West,
170-Ghatkopar East,
171-Nankhurd Shivaji Nagar,
172-Anushakti Nagar,
173-Chembur,
176-Vandre East,
177-Vandre West,
178-Dharavi(SC),
179-Sion Koliwada,
180-Wadala,
182-Worli,
183-Shivadi,
185-Malabar Hill,
187-Colaba,
205-Chinchwad,
206-Pimpri(SC)
207-Bhosari,
208-Vadgaon Sheri,
209-Shivajinagar,
210-Kothrud,
211-Khadakwasala,
212-Parvati,
213-Hadapsar,
214-Pune Cantonment(SC), and
215-Kasba Peth

Marathi and English

	(b) All other assembly constituencies	Oriya
20-Punjab	All assembly constituencies	Punjabi
21-Rajasthan	All assembly constituencies	Hindi
22-Sikkim	All assembly constituencies	English
23-Tamil Nadu	(a) 3-Tiruttani	Tamil and Telugu
	(b)11-Dr. Radhakrishnan Nagar	Tamil and English
	12-Perambur	
	13-Kolathur	
	14-Villivakkam	
	15-Thiru-Vi-ka-Nagar(SC)	
	16-Egmore(SC)	
	17-Royapuram	
	18-Harbour	
	19-Chepauk Thiruvallikeni	
20-Thousand Lights		
21-Anna Nagar		
22-Virugampakkam		
23-Saidapet		
24-Thiyagarayanagar		
25-Mylapore		
26-Velachery		
23-Tamil Nadu	(c)54-Veppanahalli	Tamil, Telugu & Kannada
	55-Hosur	
	56-Thalli	
	(d)109-Gudalur(SC)	Tamil and Malayalam
23-Tamil Nadu	232-Padmanabhapuram	
	233-Vilavancode	
	234-Killiyoor	
23-Tamil Nadu	(e) All other assembly constituencies	Tamil
24-Tripura	All Assembly Constituencies	Bengali

25-Uttar Pradesh

(a) 3-Saharanpur Nagar,
4-Saharanpur,
7-Gangoh,
8-Kairana,
14-Muzaffar Nagar,
17-Najibabad,
18-Nagina(SC),
19-Barhapur,
20-Dhampur,
21-Nehtaur(SC),
22-Bijnor,
23-Chandpur,
24-Noorpur,

26-Thakurdwara,
27-Moradabad Rural,
28-Moradabad Nagar,
29-Kundarki,
30-Bilari,
31-Chandausi(SC),
32-Asmoli,
33-Sambhal,
34-Suar,
35-Chamraua,
37-Rampur,
40-Naugawan Sadat,
41-Amroha,
47-Meerut Cantt.,
48-Meerut,
49-Meerut South
60-Garhmukteshwar,
75-Koil,
76-Aligarh,
97-Firozabad,
115-Badaun,
124-Bareilly,
125-Bareilly Cantt,
127-Pilibhit,
135-Shahjahanpur,
171-Lucknow West,
174-Lucknow Central,
213-Sishamau,
214-Arya Nagar,
278-Tanda,
286-Bahraich,

313-Khalilabad and
356-Mau

(b)All other assembly constituencies

Hindi and Urdu

Hindi

*** Deleted vide ECI Direction dated
28.1.2009

26-Uttarakhand

All assembly constituencies

Hindi

27-West Bengal	(a)22-Kalimpong 23-Darjeeling 24-Kurseong 25-Matigara Naxalbari(SC) 26-Siliguri 27-Phansidewa(ST)	Bengali and Nepali
	(b)29-Islampur 30-Goalpokhar 31-Chakulia	Bengali and Hindi
	(c)115-Rajarhat New Town 116-Bidhannagar **149- Kasba 153-Behala Purba 154-Behala Paschim 157-Metiaburaz 158-Kolkata Port 159-Bhabanipur 160-Rashbehari 161-Ballygunge 162-Chowrangee 163-Entally 164-Belegkata 165-Jorasanko 166-Shyampukur 167-Maniktala 168-Kashipur Belgachhia	English
	(d)224-Kharagpur Sadar All other assembly constituencies **Added vide ECI Direction dated 28.1.2009	Bengali and English Bengali
28-NCT of Delhi	(a)20-Chandni Chowk, 21-Matia Mahal, 22-Ballimaran, 54-Okhla, 63-Seemapuri(SC), 65-Seelampur and 69-Mustafabad	Hindi, Urdu and English
	(b) All other assembly constituencies	Hindi and English
29-Puducherry	(a) 29-Mahe	Malayalam
	(b) 30-Yanam	Telugu
	(c) All other assembly constituencies	Tamil

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

DIRECTION

Dated: 6th February, 2009

No. 3/4/2008/JS-II/SDR: In pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules, 1961 and in supersession of its direction S.O. No. 2/87, dated 17th July, 1987 the Election Commission of India hereby directs that at an election in a Parliamentary Constituency specified in column 2 of the Table below, the list of contesting candidates shall be prepared in Form 7A in the languages specified against that constituency in column 3 of the said Table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in the said column. When any such list is forwarded to the Election commission it shall, if not in English, be accompanied by a translation in English.

TABLE

State / Union Territory	Parliamentary Constituency	Language/ Languages
1 Andhra Pradesh	(a) 1 Adilabad (ST) 5 Zahirabad	Telugu and Marathi
	(b) 4 Nizamabad 7 Malkajgiri 8 Secunderabad 9 Hyderabad	Telugu, English and Urdu
	(c) All other Parliamentary Constituencies	Telugu
2 Arunachal Pradesh	All Parliamentary Constituencies	English
3 Assam	(a) 1 Karimganj (SC) 2 Silchar	Bengali
	(b) 3 Autonomous District(ST)	Assamese and English
	(c) All other Parliamentary Constituencies	Assamese
4 Bihar	All Parliamentary Constituencies	Hindi
5 Chhattisgarh	All Parliamentary Constituencies	Hindi
6 Goa	All Parliamentary Constituencies	Konkani in Devnagari script, Marathi and English
7 Gujarat	All Parliamentary Constituencies	Gujarati
8 Haryana	All Parliamentary Constituencies	Hindi
9 Himachal Pradesh	All Parliamentary Constituencies	Hindi

State / Union Territory	Parliamentary Constituency	Language/ Languages	
10 Jammu & Kashmir	(a) 5 Udhampur	Urdu and Hindi	
	6 Jammu	Urdu	
	(b) All other Parliamentary Constituencies	Urdu	
11 Jharkhand	All Parliamentary Constituencies	Hindi	
12 Karnataka	(a) 1 Chikkodi	Kannada and Marathi	
	2 Belgaum		
	7 Bidar		
	12 Uttara Kannada		
	(b) 23 Bangalore (Rural)	Kannada and English	
	24 Bangalore North		
25 Bangalore Central			
26 Bangalore South			
28 Kolar (SC)			
(c) All other Parliamentary Constituencies	Kannada		
13 Kerala	(a) 1 Kasaragod	Malayalam and Kannada	
	(b) 14 Idukki	Malayalam and Tamil	
	(c) All other Parliamentary Constituencies	Malayalam	
14 Madhya Pradesh	(a) 19 Bhopal	Hindi and Urdu	
	(b) All other Parliamentary Constituencies	Hindi	
15 Maharashtra	(a) 10 Nagpur	Marathi and English	
	25 Thane		
	26 Mumbai North		
	27 Mumbai North-West		
	28 Mumbai North-East		
	29 Mumbai North-Central		
	30 Mumbai South-Central		
	31 Mumbai South		
	34 Pune		
	(b) All other Parliamentary Constituencies		Marathi
	16 Manipur		(a) 1 Inner Manipur	Manipuri
(b) 2 Outer Manipur(ST)		Manipuri and English	
17 Meghalaya	All Parliamentary Constituencies	English	
18 Mizoram	Entire Parliamentary Constituency	English	
19 Nagaland	Entire Parliamentary Constituency	English	
20 Orissa	All Parliamentary Constituencies	Oriya	
21 Punjab	(a) 1 Gurudaspur	Punjabi and Hindi	
	2 Amritsar		
	4 Jullundur		
	6 Hoshiarpur		
	8 Patiala		
	9 Ludhiana		

State / Union Territory	Parliamentary Constituency	Language/ Languages
	13 Ferozepur	
	(b) All other Parliamentary Constituencies	Punjabi
22 Rajasthan	All Parliamentary Constituencies	Hindi
23 Sikkim	Entire Parliamentary Constituency	English
24 Tamil Nadu	(a) 2 Chennai North 3 Chennai South 4 Chennai Central	Tamil and English
	(b) 7 Arakkonam	Tamil and Telugu
	(c) 9 Krishnagiri	Tamil, Telugu and Kannada
	(d) 19 The Nilgiris (SC) 39 Kanniyakumari	Tamil and Malayalam
	(e) All other Parliamentary Constituencies.	Tamil
25 Tripura	All Parliamentary Constituencies	Bengali
26 Uttar Pradesh	(a) 1 Saharanpur 4 Bijnor 5 Nagina(SC) 6 Moradabad 7 Rampur 8 Sambhal 9 Amroha 10 Meerut	Hindi and Urdu
	(b) All other Parliamentary Constituencies	Hindi
27 Uttarakhand	All Parliamentary Constituencies	Hindi
28 West Bengal	(a) 4 Darjeeling	Bengali and Nepali
	(b) 5 Raiganj	Bengali and Hindi
	(c) 17 Barasat 21 Diamond Harbour 34 Medinipur	Bengali and English
	(d) 23 Kolkata Dakshin 24 Kolkata Uttar	English
	(e) All other Parliamentary Constituencies	Bengali
29 Andaman & Nicobar Island	Entire Parliamentary Constituency	Hindi and English
30 Chandigarh	Entire Parliamentary Constituency	Hindi and Punjabi
31 Dadra & Nagar Haveli	Entire Parliamentary Constituency	Gujarati, Marathi and English
32 Daman & Diu	Entire Parliamentary Constituency	Gujarati

State / Union Territory	Parliamentary Constituency	Language/ Languages
33 NCT of Delhi	All Parliamentary Constituencies	Hindi and English
34 Lakshadweep	Entire Parliamentary Constituency	Malayalam
35 Puducherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam
