

HANDBOOK
FOR
RETURNING OFFICER
2014

ELECTION COMMISSION OF INDIA

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CHAPTER I

INTRODUCTION

1.1 GENERAL

- 1.1.1 The Returning Officer has a pivotal role in election management. He/she is so called because he/she conducts the election in a constituency and returns elected candidate. A Returning Officer is responsible for overseeing the election in one constituency or sometimes in two, as directed by the Election Commission of India.
- 1.1.2 Under Section 21 and 22 of the R.P. Act, 1951, the Election Commission of India appoints the Returning Officer and Assistant Returning Officer for a constituency, in consultation with the State Governments and the Union Territories as the case may be.
- 1.1.3 As a Returning Officer of a constituency in the world's largest democracy, you have every reason to feel proud; at the same time, you should also be fully conscious of your duties and responsibilities, and ever willing to put in hard and hard work.
- 1.1.4 There have been tremendous changes in the approach and methodology of election management in the country especially in recent times. The elections are being e micromanaged more than ever before calling for attention to detail at every stage.

1.2 TERRITORIAL EXTENT

- 1.2.1 You should clearly know the territorial extent of the constituency for which you are the Returning Officer. The extents of Parliamentary and Assembly Constituencies in all states (except Arunachal Pradesh, Assam, Jammu and Kashmir, Jharkhand, Manipur and Nagaland) have been redetermined by the Delimitation Commission set up under the Delimitation Act, 2002. If your constituency is one of them, please check the orders of the Delimitation Commission, available on the ECI website. In Sikkim, the 'Sangha' Assembly Constituency is not a geographical constituency.
- 1.2..2 The present allocation of seats to the State/Union Territories in the House of the People, the total number of seats assigned to the Legislative Assemblies and the number of seats reserved, if any, for Scheduled Castes and Scheduled Tribes in each State/Union Territory can be seen in **Annexures 1 and 2**.

1.3 THE HANDBOOK AND OTHER REFERENCES

- 1.3.1 This Handbook for Returning Officers is designed to give you information and guidance needed for optimal functioning as a Returning Officer. However, this cannot be considered as an exhaustive compendium in all aspects or as a substitute reference for the various provisions of election law for the conduct of elections. You should therefore, wherever necessary, refer to those legal provisions, contained in the latest edition of the Manual of Election Law, which contains, among other things, relevant extracts from (1) the Constitution of India, (2) the Representation of the People Act, 1950, (3) the Representation of the People Act, 1951, (4) the Conduct of Elections Rules, 1961 and the relevant enactments with which you should be primarily be concerned. In addition to this, you must also have a copy of the Compendium of Instructions , Instructions on Election Expenditure Monitoring and the Handbook of Presiding Officer and the latest list of political parties and election symbols issued by the Election Commission and refer to them as often as needed. The latest versions of all the Handbooks are normally available on the ECI website (<http://www.eci.nic.in>).
- 1.3.2 If you are a Returning Officer of an Assembly Constituency in Puducherry, you should have an up-to-date copy of the Government of Union Territories Act, 1963. Similarly, if you are a Returning Officer for an Assembly Constituency in Delhi, you are advised to keep an up-to-date copy of the Government of National Capital Territory of Delhi Act, 1991.
- 1.3.3 The annexures attached to each chapter of the Handbook should also be thoroughly studied. You should ensure that the various forms, statutory and non-statutory, to be used for the election are the latest ones in force and stock them in adequate numbers.
- 1.3.4 Since Electronic Voting Machines have been used in the elections in the country (from 2000), you should familiarize yourself with the up-to-date rules and procedures for the conduct of elections with voting machines. Voting machines produced by the Electronics Corporation of India Ltd, Bangalore are being used in the country. You should find out as to which of the machines are going to be used in your constituency and study the relevant Manual of Operation carefully.
- 1.3.5 Sometimes even a slight mistake or lapse or wrong application of law or rules or inadequate knowledge of the various functions of the voting machines could vitiate the election. Hence it is very important that you study every aspect carefully and refer to the handbooks or website, seek clarification from the District Election Officer or the Chief Electoral Officer, whenever necessary.

1.4 DUTIES AND RESPONSIBILITIES

1.4.1 The duty of a Returning Officer is to efficiently conduct the election to the Assembly/Parliamentary Constituency. This involves duties at various stages as follows:

- (a) to publish the notice regarding the election;
- (b) to accept and scrutinize the nomination forms;
- (c) to publish the affidavits of candidates;
- (d) to allot symbols to the contesting candidates;
- (e) to prepare the list of contesting candidates;
- (f) to print and dispatch postal ballot papers;
- (g) to print ballot papers for the Electronic Voting Machine;
- (h) to prepare the EVMs for the elections;
- (i) to train polling personnel in all aspects, including use of EVMs
- (j) to depute polling officers to the polling booths with election materials;
- (k) to supervise the functions of the polling officers in his/her Assembly Constituency on the day of the poll;
- (l) to ensure that the polling goes on in a free and fair manner and as per the statutory provisions;
- (m) to designate the counting centres and get them approved by the Commission well in advance;
- (n) to send notice to the candidates about the place, date and time of counting of votes;
- (o) to appoint and train counting staff;
- (p) to count the votes and declare the result

1.4.2 As a Returning Officer, you will be given thorough training regarding your various

duties and responsibilities. You must attend these trainings and use the sessions for clarifying your doubts.

1.5 PRESENT SCENARIO

1.5.1 You are functioning as a Returning Officer in an environment where a number of improvisations have taken place, especially during the past decade. They are briefly mentioned below:

- (a) The elections are conducted with Electronic Voting Machines since 2000.
- (b) A new arrangement called VVPAT (Voter Verifiable Paper Trail) has also been introduced. This will however be used only in those constituencies as the Commission may direct.
- (c) The system of Booth Level Officers has enabled the electoral roll to be more accurate .
- (d) The electoral roll now has the photos of almost all electors and in many States, the photo coverage is 100%. Most of the electors have the Electoral Photo Identity Card. As the date of poll approaches, a Photo Voter Slip is also handed over to each elector through the Booth Level Officer. All these have served to minimize the scope for impersonation.
- (e) A visible and rigorous enforcement of the Model Code of Conduct has enhanced the credibility of elections and given confidence to the voters.
- (f) The Manual of Instructions on Expenditure Monitoring is a breakthrough in the management of money power in elections.
- (g) A number of guidelines have been issued with regard to advertisements in media, both print and electronic. Identification of Paid News has also been emphasized.
- (h) In addition to the General Observers appointed under Section 20B of the Representation of People Act, 1951 to watch the process in the field on behalf of the Commission, Expenditure Observers are also appointed to ensure that money power is effectively curbed and a level playing field is ensured.
- (i) A number of instructions have come in the management of postal ballots, calling for greater involvement of the Returning Officer.

- (j) Sector management has become an important aspect of planning. A sector officer who will be in charge of 10-12 polling locations has to be identified with care.
- (k) The concept of Vulnerability Mapping has helped a great deal in enabling the voters from vulnerable sections of society to come and vote.
- (l) The 'NOTA' option has now been provided on the EVMs and Postal ballots. So that people who do not want to vote for any one of the candidates in their respective constituencies have the option of rejecting all of them without giving up their right to vote in secrecy.
- (m) Clear guidelines have been spelt out in identifying critical polling stations well in advance and having one of the following in these to ensure a free and fair poll: Central Armed Police Force, Micro Observers, Videography or Web Casting.
- (n) A number of activities to ensure greater participation for a stronger democracy have been initiated under Systematic Voter Education and Electoral Participation (SVEEP), enabling all the stakeholders in the election process to be more informed than before.

1.6 CHAPTER SCHEME OF THE HANDBOOK

- 1.6.1 Chapters II to IV dealing with Polling Stations, Polling Personnel and Election Materials refer to the first stage of your activity as Returning Officer.
- 1.6.2 As soon as the notification for election is published, a very important stage in the election process begins. Your role in the nomination, scrutiny, withdrawal of candidature and allotment of symbols is extremely crucial. The details regarding these are covered in Chapters V to VIII.
- 1.6.3 Chapter IX deals with Uncontested Election.
- 1.6.4 Publication of the list of candidates after the allotment of symbols marks the beginning of a new phase in which you have to start making arrangements for the actual poll process. These include among others, printing and dispatch of postal ballot papers, printing of ballot papers for EVMs, and preparing EVMs for handing over to the polling personnel. These are dealt with in Chapters X, XI and XII. The actual conduct of poll is dealt with in Chapter XIII.

- 1.6.5 Various steps to be followed in the case of simultaneous elections to both the Lok Sabha and the State Legislative Assembly are dealt with in Chapter XIV.
- 1.6.6 Counting of votes and the Declaration and Publication of Result are detailed in Chapters XV and XVI.
- 1.6.7 Chapter XVII deals with Return and Forfeiture of Deposits and Chapter XVIII with Accounts of Election Expenditure. You have to refer to the Instructions on Election Expenditure Monitoring when reading Chapter XVIII. The last chapter, Chapter XIX, deals with miscellaneous items.
- 1.6.8 A detailed account of contents, indicating the sub headings, chapter wise is given in the beginning of the handbook for ready reference.
- 1.6.9 The annexures 53 in number are placed at the end, indicating the para number of the chapter to which these are related. An index of annexures is also given in the beginning of the handbook.

1.7 SUMMING UP

- 1.7.1 You should ensure that the election management is transparent, so that there is no scope for complaint of partiality from any stakeholder. Being transparent also adds to the credibility of the election. The Commission takes a very serious note regarding the lack of neutrality on the part of any official.
- 1.7.2 You should meet the representatives of the recognized political parties and contesting candidates as often as you can. It is extremely important to keep them informed of the Commission's instructions from time to time. Many of their doubts and apprehensions can be cleared through mutual discussions. These meetings could also avert many situations that would lead to law and order problems.
- 1.7.3 Your interaction with the media should be positive and you should use the media effectively to disseminate information regarding the steps taken by you for a free and fair poll to the public and all other stakeholders. This is an important confidence building measure.
- 1.7.4 Needless to say, you should be thorough with the provisions of law and the latest instructions of the Commission so that you can lead your team to conduct a free and fair election.
- 1.7.5 The Commission places a very high premium on training of all those who are involved in the election process. You should therefore take your training seriously, on all

aspects, including handling of the Electronic Voting Machines. You should also take every effort to train your polling personnel and your counting staff.

- 1.7.6 Considering the multiplicity of agencies involved, you should be able to elicit cooperation from all concerned by excellent coordination. It is equally important that you maintain a very good communication link with the Observer(s) posted in your constituency .
- 1.7.7 Last, but not the least, you should have a clear plan of action from the very beginning and you should draw up an activity chart in consultation with those concerned, so that the election can be conducted to your credit.

CHAPTER - II

POLLING STATIONS

2.1 GENERAL

- 2.1.1 According to Section 25 of the Representation of the People Act 1951 the District Election Officer (DEO) is responsible for the provision of polling stations and the publication of the list of polling stations.
- 2.1.2 The electoral rolls are prepared part wise. Generally there is one polling station corresponding to a part. Sometimes, there can be more than one polling station for a part. For example in some areas, there are separate polling stations for men and women. Similarly if the number of voters is large, there can be main and auxiliary polling stations in the same part. In such cases, where there are more than one polling stations in a part, the electoral roll is still printed part wise. However in the marked copy of the electoral roll which is given to the Presiding Officer at the time of poll, names of those voters who are not allowed to vote in that polling station are struck off.
- 2.1.3 The polling stations are set up more or less on a permanent to cover well-defined polling areas. Changes in polling stations may become necessary for several reasons. The list of polling stations should have the approval of the Commission. Any modification (except change in nomenclature, when the building is not changed) requires the approval of the Commission. If the same list is proposed to be adopted, no fresh approval of the Commission is necessary and Commission be intimated accordingly and /or wherever modifications are proposed, the Commission's approval be obtained well in advance, at least two weeks before the last date for the withdrawal of candidatures.

2.2 FRESH LIST OF POLLING STATIONS - UNDERLYING PRINCIPLES

- 2.2.1 The fresh lists should be drawn up, as far as practicable bearing in mind the following instructions: -
- (a) The optimum number of polling stations to be set up in an Assembly Constituency should be determined by dividing the total number of voters in the constituency by 1000. This number will be average for both rural and urban constituencies. However, the Commission's stand to provide a polling station for every village having more than 300 voters provided there is a suitable building for it.
 - (b) A polling station should be provided for a well-defined polling area, normally covering not more than 1200 electors in rural areas and 1400 electors in urban

areas.

- (c) As far as practicable, the polling station should have a minimum area of 20 sq. meters so that there is no congestion inside the polling station.
- (d) Halls/rooms should be well-lit and should normally have at least two doors, so that one can be used as the 'entrance' and the other as the 'exit' for the smooth and orderly conduct of poll.
- (e) Polling stations should be set up in such a manner that ordinarily, no voter is required to travel more than two kilometres for casting his vote. In sparsely populated, hilly or forest area, this rule may have to be relaxed; in such cases in order that voters may not have to walk unduly long distances, polling stations may be set up for a smaller number of voters than usual. Due consideration should be given to the topography and ease of travel.
- (f) In urban areas, not more than four polling stations and, in rural areas, not more than two polling stations should be located in the same building as far as possible, in order to avoid overcrowding and to facilitate maintenance of law and order.
- (g) If the polling station is for both men and women, there should be separate queues for men and women. For every man entering the polling station, two women should be allowed. The old, infirm, pregnant women and differently abled persons should be allowed to enter the polling station without having to stand in the queue. When separate polling stations are provided for men and women of a particular polling area, these should as far as possible be located in the same building.
- (h) As far as possible, the polling station should be set up within the polling area. If a suitable building is not available in the area, then it may be set up outside the polling area but as near to its own area as possible.
- (i) Where the polling area for a polling station comprises a number of villages, the polling station or stations should ordinarily be located in the village, which has the largest number of voters. However if another village is more central or has distinctly better facilities, it can be chosen for location of polling station in preference to the village with the largest number of voters.
- (j) Due consideration should be given to the existence of obstructions like hills, forests, rivers, jungles, etc. For instance no polling area should contain villages on either side of a big river; but where the village itself is divided by a river or stream it should not be split up for polling purpose unless there are special reasons.
- (k) Setting up of a polling station in a temporary structure should be avoided, in view of the expenditure for erecting it and further risk of fire, storm, etc.

- (l) All villages in one polling area should fall in one administrative unit like one police station, firka, patwari circle, etc. All polling areas within the constituency should be covered by the proposed polling stations. No area in the constituency should be left out.
- (m) As far as possible, polling stations should be located in schools (Government or aided) and other Government or Semi-Government institutions, as the furniture and equipment required would be available there and could be made use of without any extra cost to the State.
- (n) The location of the polling stations in private buildings or premises should generally be avoided; but where this becomes unavoidable, written consent of the owner should be taken. In case the owner refuses to give written consent, the buildings should be requisitioned under Section 160 of RP Act 1951 if necessary. The private building so requisitioned should be at the disposal of the Returning Officer at least 24 hours before the commencement of the poll and for the period required for the poll. The building and the area around it up to a radius of two hundred meters should be under the control of the Presiding Officer. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of two hundred meters around it. The security arrangement at the polling station and within the above area on the poll day will be the responsibility entirely of the State Police under the control of the Presiding Officer. Further, after nominations are filed, it should be ensured that the owner of such private building is not a contesting candidate or a known sympathizer or worker of any of the candidates at the election.
- (o) No polling station should be located in police stations, hospitals, temples or places having religious significance.
- (p) There should be no political party office within 200 meter of a polling station.
- (q) As far as possible, the polling stations should be set up in the ground floor of a building to be old age friendly and disabled friendly. Ramps should be provided to facilitate the old and the physically challenged persons.
- (r) Electricity, drinking water and separate toilet facilities for men and women should be available as far as possible.
- (s) The actual site of each polling station should be chosen carefully in advance and materials, structures, fittings etc., necessary to set up a polling station complying with the requirements of law and practical convenience should be arranged.

2.3 SETTING UP OF POLLING STATION FOR VOTERS SUFFERING FROM LEPROSY

2.3.1 It is a leprosy sanatorium within the constituency, then a separate polling station may be set up for the inmates alone. The officers, medical and others, working in the sanatorium may be appointed as Presiding and Polling Officers of the polling station.

2.4 SPECIAL PROVISIONS FOR VULNERABLE SECTIONS

2.4.1 (a) Locations of polling stations in some cases are seen manipulated in such a way that the electors belonging to weaker sections are intimidated and prevented from going to polling stations for voting. Commission has issued specific directions to identify the localities predominantly inhabited by weaker sections and locate polling stations in these localities irrespective of the number of electors. Welfare associations or voluntary organizations championing the cause of such weaker sections should also be associated in identifying such localities and locating the polling stations.

(b) Polling stations may be set up in localities/colonies inhabited by the weaker sections of the society, even though the number of voters may be less than 500.

(c) The Commission has come across many cases where polling station in a minority locality was changed in such a way that minority people have to go to an area where they might be prevented from voting. This should not be permitted. The Chief Electoral Officer of the state should take special care of this when elections are around the corner.

2.5 PREVENTION OF INTIMIDATION TO THE VOTERS OF VULNERABLE SECTIONS OF ELECTORATE-MAPPING OF VULNERABILITY: (ANNEXURE 7)

2.5.1 The Commission has laid down clear guidelines to prevent intimidation to the voters of vulnerable sections of electorate. They are as follows

2.5.2 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 catchments area of the polling stations. The local Thane officer (SHO) and the 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.

2.5.3 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.

- 2.5.4 The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency, polling station wise in the format appended to instruction on vulnerability mapping.
- 2.5.5 The DEO and SP of district and Commissioner of Police Commissionerate 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 free and fair poll.
- 2.5.6. The DEO/ RO shall interact with the candidates and representatives of political parties to get regular feedback. The District Intelligence shall give regular feedback on the subject to the DEO through SP.
- 2.5.7. 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.
- 2.5.8 The DEO and Superintendent of Police of the District and Commissioner of Police 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 behaviour, 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.
- 2.5.9 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, collect information and keep the senior officers informed.
- 2.5.10 Where there is a cluster of such vulnerable pockets, the DEO shall arrange for dedicated police teams/squads and station 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.

- 2.5.11 On the day of poll, the sector officers shall pay 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 sections of voters are conspicuously absent, then they should inform the Returning Officer about this immediately. The Returning Officer and DEO shall dispatch the dedicated squads specifically meant for this purpose, to ascertain, by a visit to the area/hamlet, that there is no hindrance – overt or covert – in the 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 polling station wise special report in writing to the Returning Officers indicating as to whether voters from the vulnerable habitats were able to vote or not.
- 2.5.12 At the time of dispatch of the polling parties at the dispatch centres, the RO should brief the Presiding Officer(s) 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.
- 2.5.13 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.
- 2.5.14 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.
- 2.5.15 The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF arrives in advance for area domination, special attention shall be given for such locations. The Commanders/Assistant Commanders shall make it a point to visit such vulnerable pockets as a confidence building measure on the day of poll. 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/Commissioner of Police/Observer/Sector Officer and keep a note of the time of their intimation.
- 2.5.16 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.

- 2.5.17 The Returning Officers shall take the inputs on mass scale intimidation/threat/obstruction if any, into consideration while submitting their report after the poll.
- 2.5.18 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.
- 2.5.19 The Commission directs that 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 regard.

2.6 AUXILIARY POLLING STATIONS

- 2.6.1 Before every revision of electoral rolls, polling stations should be rationalized based on additions expected in the roll so that after the final publication, polling stations in urban areas do not have more than 1400 voters and polling stations in rural areas do not have more than 1200 voters. This will obviate the need to set up auxiliary polling stations on the eve of the polls. However in case, it does become necessary, auxiliary polling stations should be set up subject to following conditions:-
- (a) Auxiliary polling stations shall have the same serial number as that of the original polling station, but with a suffix "A", "B", etc.
- (b) As far as practicable, the auxiliary polling stations shall be located in the same building or premises as that of the original polling station.
- (c) The auxiliary polling station may be located in a separate building only when unavoidable owing to non-availability of suitable rooms. But it shall be within the same area as that of the original polling station.
- (d) Separate serial number shall not be given to an auxiliary polling station even if it is located in a separate building. It shall have the same serial number as that of the original polling station with the suffix "A" or "B" in view of the fact that the original polling station and its auxiliary polling station may be having the electors shown in the same part of the electoral roll.

2.7 PROCEDURE FOR LISTING OF POLLING STATIONS

2.7.1 The draft list of polling stations should be drawn up in the prescribed form (Annexure 3). The demarcation of polling area should be clearly done. The name of each village covered by the polling area and the number of voters in it should be shown in the respective columns against each polling station. The map of an Assembly Constituency showing polling stations should be prepared and converted into digital form if possible. By a clear description of the polling area, it should be feasible for an ordinary voter to know to which polling station he should go for recording his vote. In order to ensure that a uniform method is followed in the matter of filling up the columns, the following instructions may be kept in mind:-

Column 1

The serial numbers of the polling stations should commence from the north-western corner of the constituency and proceed in a zigzag manner to south-eastern corner of the constituency. In cases where there is one polling station in a part, the serial number of a polling station and part number of the electoral roll covering the polling area assigned to that polling station should be the same. In those cases, where there is more than one polling station in a part, the polling station number should be given by suffixing A, B, C etc to the part number.

Column 2

The locality is the name of the area in which the polling station is located. In the case of temporary structures the description of the exact site chosen for the location of the temporary structure should be clearly indicated.

Column 3

The name of the building in full should be clearly described. The use of abbreviations should be avoided. In cases where more than one polling station is located in the same building the location clearly indicated by mentioning "North Wing", "South wing". etc.

Column 4

The area of the polling station in square meters should be indicated. The reason for locating polling stations in rooms/halls having an area of less than 20 square meters should be furnished in 'Remarks' column of the proforma against the appropriate entry.

Column 5

If there is a separate entrance and a separate exit 'Yes' may be written. Otherwise reasons for not being able to locate the polling station in a room/hall with separate entrance and exit may be given.

Column 6

The names of villages, blocks, wards, streets, localities, house numbers and part number of the electoral roll should be given.

Column 7

It should be indicated whether the polling station is for all voters or for men or women only.

Column 8

This column should contain information about the total number of voters assigned to the polling station according to the final electoral roll of the constituency.

Column 9

This column should indicate the distance to be travelled, if the maximum limit of 2 kilometres is exceeded.

Column 10

Where it is not practicable to conform to the Commission's directions with regard to the location or area of a polling station, broad reasons may be given in this column, as far as possible, for the consideration of the Commission, besides any other remarks which the District Election Officer/ Returning Officer may like to make.

2.7.2 The total number of electors in the constituency, the total number of polling stations proposed and the average number of voters per polling station should invariably be shown at the end of each list.

2.7.3 The list should be accompanied by a map to scale showing:-

- (i) All the villages, and wards or localities in towns, with the number of voters in each such village or locality on the map itself and where this is not convenient or practicable, in a statement annexed to the map;
- (ii) The place selected for the location of the polling stations;
- (iii) The area served by each polling station indicated by serial numbers in a systematic manner, preferably beginning from the north-western corner of the constituency proceeding zigzag and ending at the south-eastern corner. (Such serial numbers should be the same as the part numbers of the electoral roll, which cover the respective polling areas assigned to those polling stations.)

2.7.4 The use of abbreviations in the list should be avoided, as far as possible, and where these are used, these should be explained.

2.7.5 If any local terms are used to describe buildings, etc. in the list, these should also be explained.

2.8 PUBLICATION OF THE LIST OF POLLING STATIONS IN DRAFT

2.8.1 Under section 25 of the R.P. Act, 1951, the District Election Officer is required to provide sufficient number of polling stations for every constituency, the whole or greater part of which lies within his jurisdiction, with the previous approval of the Election Commission.

2.8.2 It should not ordinarily be difficult to decide the district in which the greater part of a constituency lies. Where, however, a Parliamentary constituency comprises, say, eight Assembly Constituencies and four of them lie in one district, and the remaining four in another district it may not be so easy to ascertain the district in which the greater part of the constituency lies. In such a case the Chief Electoral Officer should decide the question with reference to the location of the headquarters of the Returning Officer of the constituency, the number of voters of that constituency in different parts in the different districts or of the population of those parts, and communicate the same to the District Election Officers of the districts concerned. The District Election Officer, of the district in which, according to the Chief Electoral Officer, the greater part of the constituency lies, will then be responsible for the provision of polling stations for the entire Parliamentary Constituency.

2.8.3 It is also possible that in the case of a Parliamentary Constituency most of the component Assembly constituencies may fall in one district and a portion or portions may fall in another district or districts. In such cases, the polling stations provided by the District Election Officer of the other district or districts should be adopted in whole by the District Election Officer of the district in which the major part lies as the polling stations for the Parliamentary Constituency for which he is required to provide polling stations.

2.8.4 After the list has been prepared on the lines indicated above, the District Election Officer/Returning Officer should publish the draft, for general information in the language or languages of the electoral roll for the constituency, for general information, inviting objections and suggestions by a specified date, allowing a period of not less than seven days. The notice regarding publication of the draft list of polling stations and places at which it can be inspected should also be given in

- the local newspapers and written objections or suggestions invited for consideration.
- 2.8.5 Copies of the lists should be supplied to the local branches of all recognized political parties and to the sitting members of the House of the People and Assembly Constituencies concerned or to ex-members of the House of the People or the Legislative Assembly in case the House of the People, or the Legislative Assembly stands dissolved.
- 2.8.6 The District Election Officer should thereafter call the party representatives and legislators for a meeting and discuss the draft list and the suggestions received. Any bonafide person intending to be a candidate who wishes to take part in the discussions at this meeting should also be permitted to do so.
- 2.8.7 The District Election Officer should then take his decisions, amend the draft list where necessary and finalize the draft list of polling stations for the constituency. He should then forward it, along with the map to the Commission, through the Chief Electoral Officer of the State, along with the scrutiny sheet and the certificate in the forms prescribed in **Annexures 4 & 5**.
- 2.8.8 When the list is forwarded to the Commission in a language, other than English, it should be accompanied by a translation in English. There is no need to print or cyclostyle the approved list of polling stations in English. However, there would be no objection to this being done if copies in English are required for official use or by the public.
- 2.8.9 The Chief Electoral Officer, after scrutiny, will forward the list and other enclosures to the Election Commission for approval with his comments. The Commission will then consider and approve the proposed list of polling stations, with any changes as deemed necessary. The list finally approved by the Commission should be published as directed below.
- 2.8.10 The approval of the Commission will be communicated by the Election Commission direct to the District Election Officer with copy to the Chief Electoral Officer. After the approval of the Commission is received, the District Election Officer should once again check the list to see whether there are any errors and incorporate the changes, if any, suggested by the Commission in the list

2.9 FINAL PUBLICATION OF THE LIST OF POLLING STATIONS

- 2.9.1 The District Election Officer for an Assembly Constituency shall publish the list of polling stations provided by him, with the previous approval of the Election Commission, by making a copy thereof available for inspection, and displaying at his office a notice in the form given in **Annexure 6** at his office and at the office of ERO of that constituency. The DEO shall also, as far as practicable, make a copy of the relevant parts of the list together with the notice in the form appended available for inspection at the office of the Collector/District Magistrate/Sub-divisional Magistrate / Revenue Divisional Officer / Judges and Munsif Courts / Prant Officer / Tahsildar / Amildar / Deputy Tahsildar / Sub-Registrar / Police Stations / Mauzadars or Sarpanches or Union / Panchayat Ghars / Union Boards / District Board / Municipal Committee / Notified Area Committee, and at such other places and in such other manners as he may consider necessary and suitable. On such publication, the list shall be the list of polling stations for that constituency.
- 2.9.2 The District Election Officer can correct only printing or clerical mistakes, if any, after such publication.
- 2.9.3 It shall not be necessary for the Returning Officer for a Parliamentary Constituency to publish the list, a second time, except at his office, in a case where elections are being held simultaneously to the House of the People and the Legislative Assembly. He should, however, do so in the case of single election to the House of the People.
- 2.9.4 The entries in columns 4, 5, 8, 9 and 10 of **Annexure 3** and the entries at the bottom of the list relating to the total number of voters, the total number of polling stations and the average number of voters per polling station, should be deleted before the final publication of the list.
- 2.9.5 The list of polling stations for an Assembly Constituency shall be published in the language or languages in which the electoral roll for that constituency is published.

2.10 MODIFICATIONS IN THE LIST

- 2.10.1 Every modification as a result of variation in the number of voters within the polling area allotted to a polling station, consequent on the revision of electoral rolls, should be reported to the Commission for information.

- 2.10.2 Changes in the location of polling stations arising out of shifting to new buildings or sites may become necessary, where the owner of the building or site originally proposed for a polling station has since become a contesting candidate or has strong sympathies for such candidate or political party, or because of the building being affected by any natural calamity. All such changes should be reported to the Commission for approval.
- 2.10.3 Once the lists are approved, requests from political parties and individuals for shifting of the polling stations from one village to another or from one site to another should be considered, only in extremely exceptional cases where there are overriding considerations of public convenience for the change proposed. If the District Election Officer/Returning Officer is satisfied, he should consult other political parties and contesting candidates and then only make his recommendations to the Commission in the matter.
- 2.10.4 District Election Officer should, on no account, make any change in the location of polling stations already approved by the Commission, without its prior approval, as any change may ultimately result in the election being declared void.
- 2.10.5 Where changes become inevitable and have to be made, such changes should be referred to the Commission for prior approval. The changes should be fully publicized and all contesting candidates and political parties, etc., informed in writing.

2.11 CHANGE IN THE NOMENCLATURE OF THE BUILDING OF A POLLING STATION

- 2.11.1 After the approval of the list of polling stations for a constituency, if there is any change in the nomenclature of the building in which the polling station is proposed to be set up, for example, up gradation of a Primary School to a Middle School and the like, but otherwise there is no change in the location of the polling station, cases of such change need not be referred to the Commission for its previous approval. However, the Commission should be informed of such change. The political parties and the contesting candidates etc. should also be informed in writing about such change.

2.12 SUPPLY OF COPIES OF THE LIST

- 2.12.1 As soon as may be, after the list of polling stations has been finally published a copy of such finally published list shall be supplied, free of cost, to every recognized political party to whom copies of draft lists were earlier supplied.

2.12.2 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.

2.12.3 The District Election Officer should also supply the required number of copies to the Superintendent/Sr. Superintendent/Commissioner of Police, as the case may be. Copies have to be supplied to the Returning Officer/ Assistant Returning Officer(s) for the Parliamentary /Assembly Constituency. One copy should be sent to CEO.

2.12.4 The list of polling stations may also be put on official website.

2.13 LIST OF POLLING STATIONS FOR FUTURE GENERAL ELECTIONS AND BYE - ELECTIONS

2.13.1 Under the existing instructions of the Commission, polling stations should be located more or less permanently, so that the voters have a fair idea about their polling stations where they have to go to vote and that they should not be required to go to different places at different elections. The Commission has also decided that electoral rolls should be prepared polling station wise, i.e., each part should cover a well-defined polling station area assigned to a pollings station.

2.13.2 Whenever such list has been submitted to the Commission and its approval in regard to that list is obtained in terms of Section 25 or RP Act 1951, such approved list shall be the list of polling stations for the constituency.

2.13.3 Whenever any General Election or Bye-election is to be held in that constituency in future, the District Election Officer/Returning Officer should examine whether any addition to or alteration in the list of polling stations already approved is necessary on account of the revision of the electoral rolls before that election.

2.13.4 If at any such election, no change or modification in the approved list is considered necessary and the same is proposed to be adopted in toto for that election, no further approval of the Commission in regard to that list will be necessary and such list need not be referred to the Commission for its fresh approval before the election. The Commission must, however, be informed of this fact at least two weeks before the last date for withdrawal of candidatures.

2.13.5 Where, however, the list of polling stations already approved by the Commission is proposed to be adopted with modifications, for the said election, the District Election Officer should call a meeting of the representatives of the local branches of the recognized political parties, and the legislators and after consulting send a fresh composite proposal to the commission through Chief Electoral Officer.

2.14 SECURITY AND LAW AND ORDER –SENSITIVITY ANALYSIS

2.14.1 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. ECI letter **No 464/instructions/EPs** dated 05.03.2011 and Format are given in **ANNEXURE 7**

2.15 CRITICAL POLLING STATIONS

2.15.1 In order to identify the critical polling stations, following objective criteria should be followed by the DEO/RO (Instruction No.464/INST/2008-EPs Dated: 24th October, 2008) :

1. An analysis of the polling station wise number of voters with EPIC and without EPIC (non EPIC voters) shall be made. The polling stations shall be sorted in descending order in terms of number of non-EPIC voters in order to prioritize.
2. The Commission has recently directed a survey of missing voters under two categories i.e. missing voters with family links and missing voters without family links. Out of these two categories, the existence of missing voters without family links offers a scope for misuse and malpractice. The number of voters coming under the second category shall be analyzed polling station wise and the polling station with large number of such voters shall be marked. For this purpose the total number of such missing voters without family linkage shall be divided by the total number of polling stations to work out the assembly constituency average. Analyzing the deviation above the average, will help to identify the polling stations with large number of such voters.
3. During the election the DEOs/ROs may be asked to do a vulnerability mapping of hamlets/villages/electoral segments, vulnerable for threat and intimidation. Polling stations identified as having vulnerable pockets shall be listed.

4. The polling station wise election results available in Form 20 with reference to the past general election shall be analyzed. All such polling stations where percentage of poll recorded is more than 75% and where more than 75% of votes have been recorded in favour of one candidate shall be identified as critical polling station.
5. The polling stations where there were repolls during the election owing to reported electoral malpractices and the polling stations that witnessed any sort of electoral violence shall also be identified.
6. The DEOs and ROs shall factor all the above inputs while finally identifying the critical polling stations for additional measures. The ECI Observers shall be consulted while finalizing the list of critical polling stations as per the above instructions.
7. The response protocol to be followed with reference to the vulnerable Villages/hamlets/electoral segments has been detailed vide Commission's letter 464/INST/2007-PLN-I Dated 12th October, 2007.
8. With reference to polling stations identified as **critical polling stations** on account of other indicators listed above one or all of the following measures shall be put in place, as directed by the Commission.
 - a. The Presiding Officer shall be specially briefed to ensure that the EPIC/approved identification document if any, are properly verified and reflected in the remarks column of Form 17 A.
 - b. The presence of CPF may be ensured to safe guard the polling station.
 - c. The list of such polling stations shall be given to the Commanding/Assistant Commanding Officers of CPF so that they can also keep an eye on such polling stations.
 - d. A micro-observer may be deployed inside the polling station.
 - e. Digital camera or video camera shall be positioned in the polling station. The procedure for deploying such cameras has been given vide letter No.447/2007/PLN- IV, dated 17.01.2007.
 - f. Web-casting may be done in as many polling stations as possible.

CHAPTER - III

POLLING PERSONNEL

3.1 LEGAL PROVISIONS

3.1.1 Under Section 26 of the Representation of People Act, 1951 the District Election Officer is responsible for the appointment of the Presiding Officer and staff for each polling station in respect of all Assembly constituencies comprised within that district. When any constituency extends over more than one district, you should settle in consultation with the Chief Electoral Officer as to who should appoint the polling staff.

Power to appoint polling personnel unilaterally

3.1.2 Section 26 of the Representation of the People Act, 1951 confers not only the power to the DEO to appoint unilaterally the Presiding and Polling Officers but also to impose on them all the obligations of such office irrespective of their consent, at the peril of prosecution under section 134 of the said Act in default. The judgement of the Calcutta high Court in Shri. R. P. Roy, alias Rampada Roy Vs. Shri. D. Rudra, District Election Officer & District Magistrate, Howrah (AIR 1971- Calcutta 461) refers. This principle equally applies to any case of refusal to attend training classes, as it is part of the obligation of such appointment as polling personnel.

3.1.3 The orders for requisitioning staff for election work are issued by the Chief Electoral Officer under section 159(1) of R.P. Act, 1951, requesting the authorities mentioned in sub-section (2) of section 159 of Representation of the People Act, 1951 to make available to Returning Officer such staff as may be necessary for performance of duties in connection with elections. Appointments of staff so seconded to Returning Officer should, however, be made by the District Election Officer under Section 26 of the Representation of the People Act, 1951. (ECI Instruction No 464/INST/2009/EPS dated 18-2-2011 of Election Commission)

3.1.4 As per Section 159 of the R.P. Act, 1951 as amended by the R.P.(Amendment) Act, 1998 (Act No. 12 of 1998), the following authorities, when so requested by the Chief Electoral Officer of the State, shall make available such staff as may be necessary for the performance of any duties in connection with an election to any Returning Officer: -

- (i) Every local authority
- (ii) Every University established or incorporated by or under a Central, Provincial or State Act;

- (iii) A Government company as defined in section 617 of the Companies Act, 1956;
- (iv) Any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.

Thus the staff of any of the above mentioned authorities, companies, institutions, concerns or undertakings could be requisitioned and put on election duty, in addition to employees of Central and State Governments, in view of the above amendment.

3.2 GENERAL GUIDELINES

3.2.1 While requisitioning staff, the following guidelines should be kept in mind:

(a) Based on the availability of staff in the institutions covered under Section 159(2) of the R.P Act 1961, and the requirement of staff, the staff may be requisitioned from such institutions.

(b) For the purpose of efficient control of the polling personnel and of economy in expenditure on travelling allowances, etc., each district, as far as practicable, should use its own personnel. All the personnel working under the State and Central Government offices in the State, as well as under the local bodies, have to be mobilized and an assessment of availability made well in advance. The Central Government and State Governments have issued instructions to all heads of departments and offices of the Central and State Governments to furnish to the District Election Officer data of officers in different categories. This would facilitate your task of making suitable selection of polling personnel. As the polling parties are to be comprised of a proper mix, to the extent possible, of Central Government/Central PSU and State Government /State PSU employees, separate database for such officials are to be prepared by you. (Some of these Central Govt. officials may also be deployed as Micro-Observers.)

(c) The database of the above officials should also contain the AC number and name, Part number and the Serial number of the electoral roll in which he has been enrolled in addition to his residential address and address of office where posted. The sponsoring authorities are expected to discharge a greater role to ease the burden on the DEO/RO, especially in ensuring delivery of appointment letters and other urgent communications from the DEO/RO to their own officials. All the sponsoring authorities may be asked to appoint a nodal officer who could be contacted by the election authorities in time of need.

(d) Seniority of officials should properly be taken care of, while giving election related duty and it should be ensured that a senior official is not put on duty under an official who is quite junior to him/her. Presiding Officers and Polling Officers are to be classified on the basis of scale of pay and their post and rank. In determining the rank and status of officials drawn from different pools with different pay scales, the relative position of the official in his cadre/organization may be taken into account and not merely the pay scale. Say for example, if a Group-D employee from any pool, even if drawing a higher scale should not be assigned duties of a Presiding Officer or Polling Officer. The Presiding Officer should be of higher scale/grade in comparison to all Polling Officers.

(e) The employees belonging to the Revenue Departments (Central and State) who are enjoined upon responsibility of the collection of revenues, should be appointed in consultation with departments in-charge of the revenue collection. All representations, which are duly forwarded by the concerned department, in this regard, should be properly considered and cases of disagreement, if any, should be brought to the notice of the Chief Electoral Officer immediately. Further, schoolteachers working as Extra Department Postmasters should not be put on polling duty as that will lead to interruption in the maintenance of the essential service of Postal Department.

(f) Employees of banks, LIC may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient numbers of govt. employees are not available or in emergent circumstances such as strike etc by the Govt. employees. Care should be taken to ensure that minimum numbers of employees of such institutions are requisitioned so that the business of these institutions is not hampered.

(g) In case employees of local bodies, namely, Municipalities, Panchayat samitis, Zila Parishads, etc., are engaged for polling duties at a polling station, it should be ensured that the Presiding Officer and the Sr. Polling Officer of a polling station (who in the event of absence of Presiding Officer is to function as Presiding Officer) should not both be the employees of local authorities. Further, except the first polling officer, who does the identification, the other polling officers could be employees of local authorities.

3.3 EXEMPTED CATEGORIES

3.3.1 The Commission has exempted certain officers from being drafted for election duty in view of essential nature of duties/service discharged by them.

(a) The officers and staff of following departments will not be

requisitioned for deployment of election duty: -

- (i) Such officers of the Indian Forest Service as notified by ECI
 - (ii) Doctors and Compounders working in veterinary hospitals
 - (iii) Officers working in Grade – B (Cattle Extension Officer) in veterinary hospitals
 - (iv) Medical staff including doctors, nurses, ANMs etc.
 - (v) Territorial Staff of Forest Department.
 - (vi) Staff of All India Radio
 - (vii) Staff of Doordarshan
 - (viii) Officers of Food Corporation of India
 - (ix) Ayurvedic, Unani & Homeopathic Medical Officer of Ayush Deptt.
- (b) The operational/technical staff of BSNL, MTNL, UPSC and educational institutions will be requisitioned for election duty only in unavoidable circumstances.
- (c) Officer/staff of Commercial Bank located in rural area and if happens to be a single officer branch, need not be deployed.
- (d) However, it is further to be noted that any official due to retire within 6 month's time or who is already retired but on extension of service or re-employed should not be drafted for any election related duty. It is clarified that while drawing persons for election duties, you should explore the possibility of asking for persons from all such Corporations / PSUs in the area instead of asking from one Corporation / PSU only so that it is not too much of a strain on a particular organization.

3.4 WOMEN OFFICIALS

3.4.1 The availability of female polling personnel should be examined for appointing Presiding/Polling Officers in polling stations set up exclusively for female voters or where the number of female voters, especially, pardanashin women is large, there must be at least one lady-polling officer who may identify the women electors.

3.4.2 You shall exempt all pregnant women and lactating mothers, whether on maternity

leave or not, or who are otherwise on medical advice not to undertake any rigorous or hazardous work, from election duty.

- 3.4.3 Every female official called for election duty should be informed of the arrangements made for her stay. Unless arrangement is made and information in this behalf is furnished to such female official, she shall not be called to perform any election duty at any such place.
- 3.4.4 The female polling personnel should not be put on duty on the basis of computer randomization process. They should be put on duty by manual randomization by the observers in the neighbouring polling stations so that they are able to go to the polling stations in the morning of the poll day. (ECI Instruction No 464/inst/2009 dated 22-9-2009)

3.5 JUDICIAL OFFICERS

- 3.5.1 The employment of Judicial Officers for election work will be subject to the following conditions,
- (a) The present practice of obtaining the prior approval of the High Court before engaging Judicial Officers for election work should continue;
 - (b) Civil Judicial Officers of and above the rank of District Munsif or any rank corresponding thereto will not be engaged for election work in any capacity;
 - (c) Judicial Magistrates may not be appointed as Sector Magistrates in charge of law and order duties or engaged as Presiding or Polling Officers of Polling Stations; and
 - (d) In States where there is no separation of judiciary and executive, Executive Magistrates may be put in charge of law and order work in connection with election; provided a sufficient number of them are left out for dealing with criminal cases arising out of the law and order situation relating to elections. In these states also, no Civil Judicial Officer should be detailed in any capacity for election work.

3.6 PHYSICALLY HANDICAPPED PERSONS

- 3.6.1 Physically challenged persons with disabilities as defined under the "Persons With Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995 should not be deployed on election duty. In the case of physically handicapped persons (including visually handicapped and deaf and dumb persons), it may be

considered whether any handicapped person as aforesaid would be able to go to the polling station/counting centre and perform election duties there. If any a such person would not be in a position to perform election duties, he must be exempted subject to the satisfaction of the District Election Officer/Returning Officer.

- 3.6.2 The DEO and the RO shall make personal efforts to ensure that the special needs and requirements of the physically challenged persons are taken into account while choosing the polling station for deployment. It shall be ensured that they are not posted in any remote areas; rather they should invariably be posted at the polling stations located in the headquarters. This can be incorporated in the randomization software itself so that the database contains information about the physically challenged personnel, if any and if drafted on election duty those persons are not be posted in any difficult location even inadvertently.
- 3.6.3 The RO should make a special effort to identify such individuals at the time of training itself and personally meet and discuss with them in order to appreciate their nature of disabilities and limitations and decide the deployment. In case any such physically challenged person even inadvertently deputed to any difficult location, the RO should be in a position to make necessary change manually in consultation with the Observer(ECI Instruction No.464/INST/2008/EPS Date: 23rd December 2008)

3.7 PROPER MIXING OF POLLING PERSONNEL DRAWN FROM DIFFERENT OFFICES

- 3.7.1 In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instil confidence in minds of political parties and candidates free and fair elections, you should ensure a proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party. Further, the polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable. It is pertinent to mention that central govt. officials must first be used for appointment as micro-observers and then, if available for proper mix as stated above.
- 3.7.2 No person shall be assigned polling duties in an assembly constituency where he is employed or resides. He should also not to be posted in his home constituency.

3.8 RANDOMIZATION OF POLLING PARTY

- 3.8.1 District Election Officer should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant information should be compiled into a database. The database should contain 125% of your total anticipated requirement of election staff.

- 3.8.2 From the database, randomized list of required number of polling persons should be generated (including reserve) using specially designed computer software, using 'Random Number Generation Technique'. Presence of Observers is not required at this stage. Standard software in this regard shall be provided by the CEO of your state/UT. Observer's presence is not necessary.
- 3.8.3 The second stage randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage the actual polling parties shall be formed randomly by application of computer software using the 'Random Number Generation Technique'. Particulars of AC where an official is going to be deployed will be available but specific polling station for poll duty shall under, no circumstance, be known.
- 3.8.4 Second randomization of polling personnel can be done up to 12 days before the date of poll, with the condition that during second training of polling personnel, (training of Presiding and Polling Officers) will be imparted in presence of their Returning Officer of Assembly Constituency and that the Presiding and Polling Officers of that particular allotted Assembly Constituency shall be given training together under the supervision of their Returning Officer. This provision will ensure better coordination between the Returning Officers and the Polling Teams since the Returning Officers will be able to meet the Presiding/Polling Officers who have been allotted to his Assembly Constituency and simultaneously the polling team would also know in advance the Returning Officer under whom they have to work till the poll day. (Instruction No.464/INST/2011/EPS Dated: 15th March, 2011)
- 3.8.5 The third stage randomization exercise shall take place on the day prior to actual dispersal of polling parties, and in no case earlier to that. Now the allocation of polling stations to the polling parties will be done using the same software as above. Observer presence and satisfaction is mandatory. You must refer to ECI Instructions No 464/INST/dated 19.9.2008, 24.2.2009, 22.9.2009 and 15.03 2011
- 3.8.6 In order to ensure absolute compliance of Commission's instruction in this regard, following certificate to ECI through the Observers and also to the Chief Electoral Officer of your State, shall be given under sign and seal of DEO immediately after the polling parties have been formed for an election:

CERTIFICATE

Certified that the polling parties have been formed by using the randomization software, on complete database of all the eligible employees in

the district, in accordance with the Commission's guidelines.

Name and designation of DEO

- 3.8.7 The Observers should make a special reference to the randomization exercise observed by them in their constituencies while submitting the report.

3.9 FORM FOR APPOINTMENT

- 3.9.1 The polling personnel should be formally appointed. The form for the appointment of Presiding and Polling Officers is given in **Annexure 8**. The Presiding and Polling Officers should be formally appointed both for the Assembly constituency and for the Parliamentary Constituency also in the case of a simultaneous election.
- 3.9.2 Appointment letters of Presiding Officers and Polling Officers should be issued as soon as polling parties are formed after second stage randomization, but in their appointment letters number and name of polling station at which they will be on duty shall not be indicated. Such information regarding place of duty shall be intimated to them only at the time of departure and not before that. If polling parties of some polling station need to be dispatched earlier keeping in view specific law and order problem, geographical features or any other reason then specific prior approval of the Commission in writing must be obtained through CEO.
- 3.9.3 It is further mentioned that under Rule 20(2) of Conduct of Elections Rules 1961, applications in Form 12A for election duty certificates should reach the Returning Officer four days before the date of poll or such shorter period as a Returning Officer may allow. It may also be relevant to point out that in the application in Form 12 for postal ballot paper, the place of election duty is not required to be mentioned but in case of 12A it needs be given. If appointment letters to Presiding and Polling officers are to be given prior to the above-mentioned period from the date of poll, it may be done leaving the entries in column one of the Table appended to **Annexure 8**. Particulars of polling stations may be intimated to the polling personnel subsequently in compliance with the Commission's above directions.
- 3.9.4 The order of appointment should be issued, in duplicate, so that the voters on election duty may enclose one copy of that order of appointment along with his application in Form 12 for supply of postal ballot paper or in Form 12A for EDC, thereby facilitating his quick identification and decision to the issue of postal ballot paper/EDC, as the case may be.
- 3.9.5 The order of appointment in duplicate should also bear the clear seal of the

Returning Officer or the District Election Officer.

- 3.9.6 The above procedure will be applicable at General Election as well as Bye-election.
- 3.9.7 Along with the letter of appointment of polling personnel, another communication should also be sent indicating where the electoral rolls for all the Assembly constituencies of a District would be kept i.e. in your office and at the centre(s) for rehearsal/training classes so that they can check for electoral details for themselves and mention the same in Form 12 or 12A.
- 3.9.8 A list of polling personnel in respect of all polling stations in your constituency should be displayed on your Notice Board at least two or three days before the day of poll. There is no need to supply such lists to the recognized political parties and contesting candidates.

3.10 PHOTO IDENTITY CARD TO THE POLLING PERSONNEL
(INSTRUCTI ON NO. 464/IN ST/2007/PLN -I, DATE:12TH OCTOBER, 2007)

- 3.10.1 An identity card shall be issued to the polling personnel by the District Election Officer (DEO)/Returning Officer (R.O) without fail. The Presiding Officers, polling officers, counting supervisors and counting assistants shall display their identity card on person on the day of poll/counting for easy and quick identification. Such identity cards shall be prepared in the prescribed format as enclosed containing all relevant details of the Govt. officials/employees concerned. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO. In order to ensure the photo images of the Govt. Official/employee concerned is properly collected in time to enable the preparation of the identity card, the Commission directs that the DEOs can exercise any one of the following option(s): -
- (a) The DEO can organize the capturing of the photography of the polling personnel at the time of first round training so that the ID card is prepared before second round training and handed over to the polling personnel concerned on proper acknowledgement.
 - (b) Wherever possible, the polling personnel can also bring a copy of his/her passport size photograph and hand over at the time of first round training for the purpose of preparation of the ID card.
 - (c) A combination of both the above options can also be used by the DEOs, if necessary.
- 3.10.2 The DEO can have necessary operational flexibility in the process of preparing the ID card so that they can adopt a method that is functionally suitable to the district concerned. The CEO shall ensure that the ID cards are prepared following a uniform pattern as per the following format:

(For Presiding Officer)

General Election to

IDENTITY CARD	
Name of the Presiding Officer :	Photograph duly attested By DEO/RO
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

(For Polling Officer)

General Election to

IDENTITY CARD	
Name of the polling officer :	Photograph duly attested By DEO/RO
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

3.11 TRAINING OF POLLING PERSONNEL

3.11.1 The date and venue for training of polling personnel shall be decided well in advance. The polling personnel selected for undergoing training through Randomization process should be informed about the training programme in time through sponsoring authorities. The nodal officers appointed by the sponsoring authority shall be made accountable for ensuring the polling staff appointed to attend the training without fail. For this purpose, the sponsoring authority-wise nodal officers' name, designation and contact numbers shall be maintained separately.

- 3.11.2 Before organizing the training programme, DEO shall review the training material. He should have proper power point presentation, printed leaflets etc. so that the training is effectively conducted. The training programme should not be converted into a huge *mela*. The training should be conducted in smaller group so that there is adequate opportunity for interaction and clearing doubts. More emphasis should be given for 'hands on' training rather than classroom lecture mode. The polling staff shall be encouraged to ask questions and get their doubts cleared. It is relevant to note that in the recent past, in many places re-poll had to be ordered not on account of any electoral malpractices and vitiation of poll but due to mistakes committed by the Presiding Officers while handling the EVMs. The reason was very basic and the lack of training resulted in such mistakes. This is avoidable. Hence, the Commission directs that a clear emphasis should be given to impart proper training to the staff.
- 3.11.3 The Commission has recently issued an instruction to run postal ballot facilitation centres for the benefit of polling staff. Whenever and wherever such facilitation centre is organized, care shall be taken by the DEOs to ensure that the operation of facilitation centre does not result in compromise of training. A proper record of attendance shall be maintained for each and every training schedule so that no untrained person even inadvertently gets deployed as a polling staff. Apart from imparting training on the technical and procedural aspect of EVM election, the importance of mock poll and mock poll certificate, use of dummy EVM for explaining the method of voting to the illiterate voters also shall be highlighted. A complete set of election material which would be handed over to the Presiding Officer at the time of dispatch shall be kept in the training hall as a model kit so that each and every document, forms and election related material kept in the Presiding Officer kit is explained to them properly. Besides, a copy of the electoral roll, a copy of supplementary roll and other additional information such as list of absentee voter etc. shall also be shown to the Presiding Officers so that they would become aware of those documents and perform duty as per the instruction of the Election Commission of India on the poll day.
- 3.11.4 Apart from the statutory and non-statutory reports, the Election Commission has directed the Presiding Officers to submit an additional report in the newly prescribed format for quick tracking of information by the RO and the Observer. This form should also be explained to the Presiding Officers so that there is no confusion in their mind.

Dissemination of recent and subsequent instructions

- 3.11.5 During the course of election process, the Election Commission may be issuing various instructions on day-to-day basis. There is every possibility of some of the instructions being sent after the training programmes are over. In such cases,

the DEO shall take care to ensure that all the subsequent instructions are printed in the form of leaflet circulated among the polling staff at the time of dispatch of EVM and other election material at the disposal centre.

Accountability for imparting training

3.11.6 There should be a clear accountability which should be spelt out by the DEO as to who will impart training to whom. As the polling staff cannot perform the polling duty in a constituency where he is a voter, where he is working and in his native constituency, he will end up doing his election duty in another assembly segment but may be within the same district/PC. In some places, the training is conducted by the sponsoring RO/ARO. In some places, the receiving RO conducts the training and in some places, the officials deputed by the receiving RO/ARO conducts the training in the location of the sponsoring RO/ARO. Whatever the system is adopted, there shall be a clear accountability spelt out by the DEO in this regard. The DEO himself should visit the training location and supervise the training. If the observer is available, he will also participate in the training programme. The process of training shall be video graphed and kept for the inspection by the observer or any other officials of the ECI. The CEO will track the system being adopted by the districts.

Facilitation at training centre

3.11.7 At the training location, in the light of the recent instructions of the Commission, proper facility should be ensured for the polling staff. Proper drinking water facility provision for first-aid, medical facilities and toilets shall be ensured. The choice of the training hall should be personally supervised by the DEO from the ventilation point of view.

Training counters at the dispatch centre

3.11.8 Whatever inputs given at the time of training, there is every possibility of some of the Presiding Officers and polling staff still having some doubts about various aspects of poll day management. In order to clear the last moment doubts and give opportunity for 'hands on' training at the dispatch centre depending on the strength of the polling staff, few training counters shall be set up at the dispatch centre. In this counter, a master trainer who has thorough knowledge about all the aspects of EVM election will explain and clear the doubts of the Presiding Officer about handling EVM. He should encourage Presiding Officers and polling staff to ask questions and clear the doubts. If this is not done, there is a possibility of the Presiding Officer and polling staff experimenting with the EVM machine after reaching the polling station which may result in draining of power pack as well as give scope for rumour among the voters about the staff handling

EVM on the previous day. In order to avoid this situation, emphasis shall be given for last moment 'hands on' training and leaflet containing recent instructions in the form of bullet points; important dos and don'ts etc. can be prepared and circulated at the training counter at the dispatch centre. Apart from this, other procedural aspects of election and maintenance of Form-17A register, Form 17C, mock poll certificate, visitor sheet, entry pass system etc. shall also be explained.

- 3.11.9 There is a tendency among the polling staff who have conducted election during the previous years to remain complacent as they believe that they have enough experience in conducting elections. It is relevant to note that lot of new instructions have been given by the Election Commission in recent times. There is possibility of the Presiding Officers not performing their duty properly if they do not become familiar with new instructions. Hence, the importance of training shall be emphasized at every stage and at every level.

3.12 COMPOSITION OF EACH POLLING PARTY

- 3.12.1 A polling party would, in normal course, consist of a Presiding Officer and three polling officers. The First Polling Officer is in charge of the marked copy of electoral roll and responsible for identification of the voters. The Second Polling Officer makes the entries in the Register of Voters (Form 17 A) including EPIC/other identification document details, takes the signature of the voters or the thumb impression (in the case of illiterate voters), applies indelible ink on the left forefinger of the voters and issues voters slip to the voters indicating the serial number in which they would be going into the voting compartment to cast vote. The Third Polling Officer is the custodian of the "CU" and activates the "BU" by pressing "BALLOT" button of the "CU" and allows the voter to go inside the voting compartment for casting vote, in the order of the serial number on the voters slip issued by the Second Polling Officer. The Commission has decided that in the event of shortage of polling staff in any particular District/Constituency, and 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 norm. In that case, the duty of the First Polling Officer will also include 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 (Form17A). There will be no need to prepare the voters slips at the polling stations in such cases. Further, in the cases

where number of polling officers is restricted to two, the contesting candidates should be informed in writing in advance about this. The duties to be performed by the two polling officers should also be explained to the candidates. Training content for training of polling personnel shall also accordingly be modified in such cases.

(Instruction No 576/3/2011/SDR dated 22-3-11)

3.12.2 Duties of Polling Officers are detailed in the Handbook for Presiding Officers. You should also familiarize yourself with those instructions.

3.13 PRESIDING OFFICER

3.13.1 The Presiding Officer is required to perform very important functions. He should, as far as possible, be a Gazetted Officer or, if not, at least one working in a supervisory capacity. As far as possible, he should not be posted to work at a polling station in the same locality where he lives.

3.14 UNAVOIDABLE ABSENCE OF PRESIDING OFFICER

3.14.1 While appointing a polling party for a polling station, District Election Officer should authorize one of the polling officers to perform the duties of Presiding Officer in case, Presiding Officer has to absent himself from the polling station owing to unavoidable circumstances.

3.15 RESERVE POLLING PERSONNEL

3.15.1 You should keep a reserve list of officials to be deployed as Presiding and Polling Officers or such other duty as you may have to assign on poll day to deal with any emergency at any polling stations in your constituency as well as for conducting re-polls, if required.

3.16 MOVEMENT OF POLLING PARTIES TO THE POLLING STATION

3.16.1 You already know the number of polling stations in your constituency. If the polling in your constituency is to be completed in one day, the number of polling parties must be the same as the number of polling stations. If the poll is to be held on more than one day in your constituency, you must have on each day of the poll, as many polling parties working as the number of polling stations which go to poll on that day. There is usually a District Election Plan for the whole district. Go through it and ascertain the exact role you are required to play according to the plan so as to ensure that each polling party reaches its polling station on the day preceding the date of poll, excepting in cases where, in view of difficult terrain,

geographical barriers or special law and order related problem, polling parties need to be dispatched earlier to that. But in all such cases, specific prior approval of CEO in writing shall be obtained who will give it after discussing with observer and ECI. The number of persons in each polling party will depend on various factors. Normally, a party will consist of one Presiding Officer and three Polling Officers. At the polling stations where auxiliary polling stations could not be set up and electors are in range of 1200-1400 voters, an extra polling officer should be provided to share the duty of 2nd Polling Officer in order to ensure that polling proceeds at a smooth pace and the electors are not put to inconvenience.

3.17 TRANSPORT FOR POLLING PARTIES

3.17.1 You will arrange for the transport of the polling parties, police parties and the accompanying the polling parties, polling materials, like Voting Machines, etc. Take stock of the vehicles at your disposal. Requisition more vehicles as necessary. Draw up the Vehicle Movement Plane carefully for each polling party so that the arrangements may not fail at the last moment. Have reserves of sufficient vehicles in readiness to meet any emergent situation.

3.17.2 The Commission has exempted vehicles of following departments from requisitioning for election purposes:-

(i) Vehicles of BSNL, MTNL, UPSC and the vehicles of educational institutions which are specifically meant for carrying the students from their residence to educational institution will be requisitioned for election duty only in unavoidable circumstances and as a last resort.

(ii) The vehicles of Forest Department, All India Radio, Doordarshan, World Health Organization, UNICEF and all the organizations of UN will not be requisitioned for election duty.

3.18 POLICE PERSONNEL TO ACCOMPANY POLLING PARTIES

3.18.1 You should acquaint yourself thoroughly with the police arrangements made for your constituency and ensure, in consultation with the police authorities, details of such the personnel or the police party, which will be attached to each polling party.

3.19 ACCOMMODATION AND FOOD FOR POLLING PARTIES

3.19.1 You must make suitable arrangements for accommodation, food, drinking water facilities and toilet facilities for the polling personnel. Special emphasis should be laid on such arrangements for female polling personnel with due regard to their privacy. If poll is conducted during summer, arrangement should be made for providing shelter for polling personnel and voters. If necessary, improvised roofing may be erected even if it involves some additional expenditure. In case any

polling station is located in a spacious building, the voters may be allowed to stand in queue in sheltered area, like, verandah before the polling station. The Returning Officers shall depute Sector Officers, well in advance, to oversee that adequate arrangements for shade, food, water, etc, have been made.

3.20 MICRO OBSERVERS AND OTHER OFFICIALS

3.20.1 The Commission has further decided that following category personnel can be considered for use in election management as Micro-Observers at the polling booths to ensure the purity of the election process –

- (i) Serving Govt. of India officials may be used as Micro-Observers in the polling stations within the resident district. They should not be used in their home ACs.
- (ii) Retired Govt. of India and State Govt. officials can also be used as Micro-Observers within their resident districts. However, they should not be used in their home ACs. The list of such persons should be prepared in advance by the DEO and their availability, suitability and willingness shall be ascertained.
- (iii) The members of National Service Scheme (NSS) and Bharat Scouts (Rangers & Reserved) can be used as Micro-Observers. The Chief Electoral Officers may get in touch with NSS coordinator, work out and propose the detailed modalities of their deployment.
- (iv) Serving State Govt. officials brought in from other States may also be used as Micro-Observers. As this will require logistical arrangements and mobilization, it should be resorted to only in rare cases. .
- (v) The Election Commission of India may also select individual volunteers (not necessarily belonging to any NGO) out of reputed persons with experience and integrity.

(Instruction No 464/EPS/2008 dated 10.12.2008)

3.20.2 To facilitate the whole exercise, the DEO should identify nodal officers. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of all micro observers drafted. The DEOs should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues.

3.20.3 Proper arrangement shall be made at the training venue; care should be taken while choosing the venue for training purpose to ensure amenities such as drinking

water and toilet facilities.

3.20.4 Advance measures should be in place to ensure that transport facility including bus service etc. is provided for them for pick up and dropping them at home.

3.20.5 On poll day they will be provided food facility at par with the polling teams.

3.20.6 Besides the above, for poll duty, an appropriate honorarium, to be decided by the state government concerned, shall be paid to each Micro-Observer.

3.20.7 The Commission has directed micro-observers should be appointed from such officials who are Central Government employee or working under Central Government PSUs.

3.20.8 Suitable number of officials is to be appointed as Sector and /or zonal magistrates.

3.21 SECTOR OFFICERS

3.21.1 The RO should identify best officers to be appointed as Sector Officers immediately after the announcement of election schedule. They shall be responsible for election management from the day of announcement of schedule of election till the completion of poll process. Each sector officer shall be in charge of 10-12 polling locations. The duties and responsibilities of Sector Officers are detailed in the Handbook for Secot Officers from the "Model checklist sector officers".

3.22 POLLING PERSONNEL MANAGEMENT. HUMAN RESOURCE ISSUES – A QUICK RECAP.

3.22.1 In order to ensure that the welfare of the polling personnel receives adequate attention of the District Election Officers and Returning Officers, the Election Commission of India has directed that the following instructions be followed without any deviation.

3.22.2 While preparing the district machinery for the conduct of election, the DEO shall identify a senior officer as the nodal officer to coordinate and supervise polling personnel welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of the polling personnel drafted for election duty. The DEO should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues. Right from the beginning enough care shall be taken to ensure that the information regarding training programme, dispatch and reception centre arrangement etc. is conveyed to the polling personnel in a proper

and timely manner through the sponsoring authorities. The responsibility of the officer who sponsors the polling personnel is not merely to send the names of the government staff to be used for election duty. As and when the DEO or RO sends information to be passed on to the polling personnel drafted for training/poll duty, the same information shall be conveyed by the sponsoring authority to all the staff drafted for election with due care. Apart from informing the training schedule and dispatch schedule etc. through the letter, sponsoring authority, the DEO and RO shall also use the local media to convey the schedule to the staff at large so that there is no misunderstanding about reporting time and venue.

- 3.22.3 Proper arrangement shall be made at the training venue; care should be taken while choosing the venue for the training purpose to ensure that there is proper arrangement of basic amenities. There should be a proper provision for drinking water and toilet facilities at the training venue. There should also be 'help desk' to help the polling personnel when they arrive for training. Similarly, at the dispatch centre too, due care should be taken to provide civic amenities and facilitate orderly dispatch. On the day of dispatch, the nodal officer identified to take care of staff welfare shall physically remain present at the dispatch centre. There shall be adequate provision of drinking water, toilet etc. at the dispatch location. The process of dispatch shall be closely monitored by the senior officers so that polling personnel are not unduly held up at the dispatch centre. Also, if the dispatch process takes time, there should be proper arrangement for refreshments for the polling personnel while they are waiting for transport for taking them to their polling stations. The coordination between the police personnel deputed to accompany the polling personnel should be perfect so that there is no communication gap in this matter. It will be the duty of the sector officers to ensure that the polling personnel deputed to perform their duty at the polling stations assigned to the sector officer are taken care of and they are not unduly held up at the dispatch centre.
- 3.22.4 A senior officer should supervise the arrangement made for providing transport vehicle for the travel of the polling personnel. The movement of the polling personnel/security forces shall be tracked closely and a confirmatory report should be obtained through sector officer on the safe arrival of the polling personnel at the polling station.
- 3.22.5 The DEO and the RO shall do an advance exercise well before the election to get the conditions of the polling stations physically verified by the field officials. With some advance intervention at the level of DEO, the conditions at the polling stations can be vastly improved. There are reports about polling stations not being provided even with rudimentary facilities like tables and chairs. The DEO, through the sector officers shall get the physical condition of the polling stations verified well in advance and ensure that provision for basic amenities like tables,

chairs, benches, drinking water/toilet, shade for voters etc. are made available. If the power connection is available, the status of switches/bulbs/fans should be checked. If power connection is not there, alternative arrangement should be made.

- 3.22.6 There are inputs about polling personnel being put to difficulty for lack of provision in remote areas for getting their food. An exercise shall be done through sector officers as to how such problems can be sorted out. It is relevant to note that it may not be desirable on the part of polling personnel to venture out for the sake of getting food in remote locations. It is also undesirable to avail the local hospitality as that may lead to complaints. In some states there is a practice of providing a Gr.-IV staff in the polling team who cooks & serves food to the polling party. Option of engaging local womens' Self Help Groups (SHG) may be explored. The DEO shall review the situation and ensure that proper arrangements are made depending on the local condition and limitations.
- 3.22.7 The health care of the polling personnel is another important concern. At the training centre as well as in dispatch/reception centres, there should be separate arrangements for providing health care/first aid assistance to the polling personnel. Medical staff/para- medical staff shall be stationed in these locations.
- 3.22.8 The reception centre for polled election materials shall be managed efficiently and professionally. Here too, health care staff should be on duty and arrangement for refreshment, in a manner that would not disturb the receiving of EVM/other documents, should be meticulously planned. It is at this time that the polling party is fatigued, exhausted and stressed. The polling personnel shall not be held up unnecessarily at the reception centre. The reception centre should not be handled by the junior staff of the District Election Office alone and the senior officers shall remain physically present at the reception centre in order to ensure the effective handling of the reception centre. Once EVMs and other documents are handed over, the polling staff shall be relieved from the duty without any delay. Advance measures should be in place to ensure that transport facility including public bus service etc. is available for them to reach home at the earliest.

CHAPTER - IV

ELECTION MATERIALS

4.1 General

4.1.1 Each polling party has to be supplied with the election materials necessary for conducting the poll. A standard list of such polling materials is given in **Annexure 9**. You should assess your total requirements for the same and procure your stock well in advance to avoid any difficulty at the last minute.

4.2 ELECTRONIC VOTING MACHINES

4.2.1 All elections to the Lok Sabha and the State Legislative Assemblies are being conducted using Electronic Voting Machines (EVMs) since 2004. A voting machine consists of two units, namely, the Control Unit and the Ballot Unit. These are interconnected when the machine is in operation by means of a cable. One end the cable is permanently attached to the ballot unit and the free end is to be plugged into the control unit when the machine is in use. The machine, which is tamper-proof, error-free and user- friendly, uses a modern microcontroller and other integrated chips. It operates on a battery and can be used anywhere and under any conditions. The polling information recorded in the machine is retained in its memory even when the battery is removed.

4.2.2 The machine, especially the ballot unit is so designed to keep intact all the essential features of the erstwhile paper ballot system, the only change being that the voter is required to press the button provided opposite the name and symbol of the candidate of his choice 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 paper ballot system against the tampering of the ballot boxes and violation of secrecy of vote are fully maintained in the voting machine.

4.2.3 The Electronic Corporation of India, Limited and the Bharat Electroincs, Limited who are producing the 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. You should find out the machines that are being used in your constituency and study the manual of operation carefully. You will be given special training in the use of the EVMs well in advance so that you are thorough with their operation.

- 4.2.4 First level checking of each EVM is to be done by the manufacturer i.e. BEL or ECIL. This checking should have been done before you take possession of the EVMs. A green coloured sticker signed by the BEL/ECIL engineer and the representative of the DEO will be pasted on the backside of each machine certifying its fitness for use in the election. The machine to be used for training purpose will bear a **yellow** coloured sticker while that for actual poll will be **green**. Do not accept any EVM, without a sticker.
- 4.2.5 You must provide each polling party with one complete set of EVM, consisting of a Control Unit and such numbers of Ballot Units as are to be used at the polling stations. Four ballot units linked together can be used with one control unit. As there is provision only for 16 candidates in one Ballot Unit, the number of Ballot Units to be provided in each polling station would depend on the number of candidates contesting the election. With the introduction of the 'None of the Above' panel, if there are 16 candidates in the fray, an additional balloting unit shall be attached to the first balloting unit for the "NOTA" panel (Instruction No 576/3/2013/SDR dated 11.10.2013)
- 4.2.6 As per proviso to Rule 49A of Conduct of Election (Amendment) Rules, 2013, a printer with a drop box of such design as approved by the ECI, may be attached to a voting machine for printing a paper trail of the vote, in such constituency or Constituencies or part thereof as the ECI may direct. This instrument is known as the Voter Verifiable Paper Audit Trail (VVPAT). If VVPAT is used in polling stations coming in your jurisdiction, you must provide a printer with a drop box in addition to Control Unit and ballot Unit(s). (Instruction No. 3/1/2013/VVPAT/SDR dated 15.10.2013)

4.3 FORMS

- 4.3.1 During the process of election you will have to use a number of statutory and non- statutory forms, with which you should be familiar. The candidates, their agents and other members of the public would handover many documents to you in different prescribed forms (normally printed by the State Government) during course of election. There may not however be a sufficient supply of these forms to satisfy demand.

4.4 STATUTORY AND NON-STATUTORY COVERS

- 4.4.1 After the close of poll, all election papers relating to poll are required to be sealed by

the Presiding Officer in separate packets as per the provisions of Rule 49U of the Conduct of Election Rules, 1961. In the past, it has been observed that while placing the various forms and other materials used in the polling station in respective covers, Polling Parties inadvertently place them in wrong covers leading to difficulties in locating these documents in case of Court Cases or such other situations. In order to streamline this process and to ensure that no such mistakes are repeated either intentionally or unintentionally, the Commission has issued directions regarding the procedure to be adopted with regard to the preparation of various 'Statutory Covers' and 'Non-statutory Covers' as per instruction No 464/INST2009/EPS dated 23.2.2009.

4.5 OTHER MATERIALS

- 4.5.1 In addition to above, you may require many stationery items for use. Please procure the same in addition to brass seals, voting compartments, outer paper stripseals, special tags, address tags, green paper seals, all of such as prescribed by the Commission, in sufficient numbers.

CHAPTER – V

NOMINATIONS

5.1 INTRODUCTORY

5.1.1 The pressure of work increases substantially from the time the notification calling upon the constituency to elect a member is published in official gazette. The date on which such notification will be issued will be known well in advance from the schedule for election publicly announced by the Commission.

5.2 NOTIFICATIONS FOR GENERAL ELECTIONS TO THE HOUSE OF THE PEOPLE AND STATE LEGISLATIVE ASSEMBLIES

5.2.1 In the case of a general election to the House of the People, the President of India, under Section 14 of the Representation of the People Act, 1951, shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon the Parliamentary constituencies to elect members for the purpose of constituting a new House.

5.2.2 In the case of a general election to a State Legislative Assembly, the Governor of the State, under Section 15 of the Representation of the People Act, 1951 shall, by one or more notifications published in the State gazette on such date or dates as may be recommended by the Election Commission, call upon the Assembly constituencies in the State to elect members for the purpose of constituting a new Assembly.

5.2.3 On the same date on which the above notification calling the election is issued, the Election Commission will issue a notification in the official gazette under Section 30 of that Act fixing the programme for the various stages of the election.

5.3 NOTIFICATIONS FOR BYE-ELECTIONS

5.3.1 Notifications in respect of bye-elections to the House of the People will be issued by the Election Commission under the provisions of Section 149 of that Act. Notifications in respect of bye-elections to Legislative Assembly Constituencies will be issued by the Commission under the provisions of Section 150 of that Act.

5.4 ISSUE OF PUBLIC NOTICE BY THE RETURNING OFFICER

- 5.4.1 Immediately after such notification, you are required to issue a public notice of the election under Section 31 of the Representation of the People Act, 1951 read with Rule 3 of the Conduct of Elections Rules, 1961. The notice will be issued in Form 1 (**Annexure 10**). In the case of election to Sikkim Legislative Assembly the notice is to be issued in Form 3D and 3E of Conduct of Assembly Elections (Sikkim) Rules 1979, as the case may be.
- 5.4.2 In the public notice, you have to specify among other things, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to you, and also the place(s) at which the nomination papers shall be received by you and the said Assistant Returning Officer(s) (hereinafter referred as the Specified Assistant Returning Officer(s)). Normally, you should not specify more than one Assistant Returning Officer for the purpose and he should, as far as possible, be the one stationed at your headquarters. Head quarters in this context means the place where the office of the RO is situated.
- 5.4.3 The public notice shall be published in the following manner:-
- (i) It shall be in Form 1 appended to the Conduct of Elections Rules, 1961 and shall be issued on the same date on which the notification of election is published.
 - (ii) The notice shall be in English and in the languages used for the official purposes of the State.
 - (iii) The notice shall be published, on the notice board of your office the notice board of the AROs office and at such other places, as you may consider necessary, for giving wide publicity to it, including offices of Panchayat Samitis, Gram Panchayat, village offices, taluk office, etc.

5.5 PUBLIC HOLIDAY - EFFECT ON ELECTION PROGRAMME

- 5.5.1 A candidate may present his nomination paper on the very day of the public notice, or on any of the following days fixed for filing of nominations, which is not a public holiday.

5.5.2 'Public holiday' is defined in section 2(h) of the RP Act, 1951 to mean a day which is a public holiday for the purpose of section 25 of the Negotiable Instruments Act, 1881. You may bear in mind that the Saturdays of the month where these are observed as holidays for Government offices, are not to be treated as "public holidays" under the Negotiable Instruments Act, 1881, unless the same are specifically declared as such holidays under that Act. Similarly local holidays observed in a state are also not Public holidays.

5.6 ASSISTANT RETURNING OFFICERS

- 5.6.1 Your Assistant Returning Officers can perform any of your functions subject to your overall control. They are, however, not competent to hold scrutiny of nomination paper under section 36 of RP Act, 1951 unless you are unavoidably prevented from holding such scrutiny yourself. In such eventuality, which would be very rare, you authorize an ARO (by name and designation) specifically, in writing, for conducting the scrutiny.
- 5.6.2 In that event, the Assistant Returning Officers should sign the papers as "Assistant Returning Officer" and not "for Returning Officer".

5.7 FORM OF NOMINATION PAPERS

- 5.7.1 The nomination of a candidate for election to the House of the People shall be made in Form 2A appended to Conduct of Elections Rules, 1961 (**Annexure 11A**). Relevant form for filing nomination of a candidate at an election to the State Legislative Assembly is Form 2B. In case of General /Bye Election to Sikkim Legislative Assembly, the form to be used for nomination is Form 2F, 2G and 2H of Conduct of Assembly Election (Sikkim) Rules 1979. (**Annexure 11B**)
- 5.7.2 While supplying forms of nomination papers to intending candidates, you should also attach a copy of Form 26 (**Annexure 11-C and 12**) appended to the Conduct of Election Rules, 1961 to nomination form. Please ensure that the candidates are given the revised Form 26 circulated by the Commission vide its letter dated 24.8.2012 (**Annexure 11-C and 12**).

5.8 NUMBER OF PROPOSERS FOR NOMINATION

- 5.8.1 Under Section 33 of the Representation of the People Act, 1951, the nomination of a candidate at 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 recognized National party or by a recognized State party in the State or States in which it is recognized as State party (see Part-I of Forms 2A and 2B); (ii) Ten (10) electors of the constituency, as proposers, if the candidate has been set up by a registered un-recognized political party or if he is an independent candidate (see Part-II of the Forms 2A and 2B).

5.8.2 If a State Party recognized in one state contests election in another state in which it is not so recognized, 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, even if the Party is granted concession under Para 10 of the Symbol Order to use its reserved symbol.

5.9 PRESENTATION OF NOMINATION PAPERS

5.9.1 A candidate may present his nomination paper on the very day of the notification or on any of the following days fixed for filing of nominations, which is not a public holiday.

5.10 TIME AND PLACE OF FILING NOMINATION PAPERS

5.10.1 Nomination papers may be presented either before you or before the Assistant Returning Officer specified by you in the public notice, on any of the notified days at the place or places specified in the notice at any time between 11.00 a.m. and 3.00 p.m., and not at any other place and not at any other time. If a candidate or his proposer seeks to present a nomination paper either before 11.00 a.m. or after 3.00 p.m., you should not accept the nomination paper saying that under the provisions of the law neither the candidate has the right to deliver, nor the Returning Officer has the right to accept, a nomination paper outside the hours prescribed for the purpose. You may, however, point out that if he so desires, he may present it within the prescribed hours the following day, provided it is one of the days notified for presenting nomination papers.

5.10.2 It may so happen that some intending candidates and/or their proposers are physically present in the Returning Officer's office at 3.00 p.m. for presenting their nominations, but because of their large number and because nominations are to be received one by one, it may not be possible for the Returning Officer to physically receive all such nominations before 3.00 p.m. In such cases, the Returning Officer shall accept nominations of all intending candidates who are present in the office of the Returning Officer at 3.00 p.m. for filing nomination and treat these

nomination papers to have been delivered within the prescribed time under the law. For this purpose, you may close the entry to your office room exactly at 3.00 p.m. and receive the nomination papers of such candidates as are inside given room at 3:00 PM.

- 5.10.3 It is further clarified, that intending candidate who enters in the RO's room at just or near to 3.00 PM should come along with all relevant and necessary documents like security deposit proof, Forms "A" and "B", affidavits etc and no one should be allowed to enter your room after 3.00 PM for the purpose of delivering any such documents to any intending candidates.
- 5.10.4 If Commission's observer is present on that day, he should be present in your room and entire proceedings of delivery and acceptance of nomination papers should be video graphed with time stamping facility.

5.11 RESTRICTION ON NUMBER OF VEHICLES AND PEOPLE AT THE TIME OF NOMINATIONS

- 5.11.1 Large number of vehicles and people accompanying some of the candidates at the time of filing nominations were causing serious concern about general law and order in the Offices of the Returning Officers. Keeping this in view, the maximum number of vehicles in the convoy of a candidate or accompanying him to be allowed to come within a periphery of 100 meters of ROs/AROs Office has been restricted to three and the maximum number of persons *who* can be allowed to enter the Office of ROs/AROs at the time of filing nomination has been limited to five (including the candidate).
- 5.11.2 A police officer not below the rank of a Deputy Superintendent of Police should 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 above 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 shall make suitable arrangements to ensure strict adherence to these instructions. The nodal officer shall be given adequate support personnel to ensure that the instruction is complied with. The enforcement of this is especially important as it is intricately related to the expense of the candidate at the elections.

Any violation of this instruction at time of filing nomination papers will be seriously viewed by the Commission and actions will be taken against DEO/RO or such other person including candidate and or his party responsible for violation.

5.12 WHO CAN FILE NOMINATION PAPERS

5.12.1 All nomination papers are required to be presented in person before the Returning Officer or of the Specified Assistant Returning Officer either by the candidate or by his proposer or any one of the proposers of his nomination paper and by no one else at the place specified in the public notice between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday.

5.13 NUMBER OF NOMINATION PAPERS

5.13.1 Under sub-section (6) of section 33 of the RP Act 1951, a maximum of **four** nomination papers only can be presented by or on behalf of any candidate or accepted by RO for election in the same constituency. You must, therefore, ensure that the same candidate *does not* file nomination papers for the same constituency in excess of this number. If a candidate seeks to present any nomination paper or papers in excess of this number, you must not accept such nomination paper or papers saying that under the provisions of the law neither the candidate has the right to present, nor the Returning Officer has the right to accept, any nomination paper or papers in excess of four. These can be filed either together or separately.

5.13.2 No candidate can be nominated from more than **two** Parliamentary/ Assembly constituencies at a General Election to the House of the People or a State Legislative Assembly. The same embargo applies in relation to bye-elections to any House held simultaneously, and not more than two bye-elections can be contested to the same House if called upon simultaneously by the Election Commission.

5.13.3 If a candidate violates this provision 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 going by the date and time of filing should be rejected by the returning officers concerned for non-compliance with the provisions of s 33(7) of the RP Act 1951. However, the Returning Officers must

be fully satisfied about the fact of the candidate having violated the law on this point before rejecting any of his nomination papers on this ground.

5.14 SERIAL NUMBER OF NOMINATION PAPERS

5.14.1 Each nomination paper as soon as it is presented must be serially numbered without fail by you or by the Specified Assistant Returning Officer receiving it, who must also note on the body of the nomination paper the date and exact time at which it was received and should put your signature thereon. The nominations received by you shall be serially numbered as (Number)/LA or HP/(Year)/ RO and those received by the Specified Assistant Returning Officers as (number)/ LA or HP/(year)/ARO. If the ARO is receiving nomination papers in a different place. You or the specified Assistant Returning Officer shall not make any entries on the nomination papers other than dated initials and serial number as above. In view of the limitation on the number of nomination papers that can be delivered by a candidate, you should ask the Specified Assistant Returning Officer (who has been authorized by you to receive nomination papers) to work in close collaboration with you if he is seeking nomination papers in a different place.

5.14.2 When a number of nomination papers are delivered to you in a bunch, you must assign serial numbers to them in the order in which you deal with them one after the other.

5.15 PRELIMINARY EXAMINATION OF NOMINATION PAPERS

5.15.1 As each nomination paper is filed, you or the specified Assistant Returning Officer, as the case may be, is required by law to examine it then and there from the technical standpoint as required under Section 33 (4) of the Act of 1951. But you are not required to hold any formal scrutiny of any nomination papers at this stage. This preliminary examination is restricted to entries relating to the name and electoral roll numbers relating to the candidate and the proposer(s) as given in the nomination paper (s) and those as entered in the electoral rolls. *The following aspects may be examined at this stage:-*

- (i) If the candidate is an elector in your constituency, you should compare the entries in the nomination paper with the entries in the electoral roll relating to the serial number and name of the candidate and his proposer/s.

- (ii) If he comes from another constituency you should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of the constituency or the relevant part thereof or certified copy of such entry filed by him. The candidate is required by law to produce before you such electoral roll or the relevant part thereof or a certified copy of relevant entries thereof [Section 33 (5)]
- (iii) Make sure that the electoral roll with which you make such comparison is one currently in force for the constituency in either case.
- (iv) Check whether the affidavit in Form 26 (**Annexure - 11C & 12**) is duly filled up and attached along with the nomination paper. If not attached you should bring it to his notice this requirement through a notice by way of the check list.
- (v) Check whether all column of affidavit are filled up, as incomplete affidavits are liable to be rejected leading to rejection of nomination paper. In case any of the column is left blank by the candidate, the RO will note it in the revised checklist as amended in pursuance of the Hon'ble Supreme Court judgement and reflected in the ECI Instruction No. 576/3/2013-SDR dated 30.9.2013 and hand it over to the candidate against proper receipt.

5.15.2 In respect of each candidate, the RO should maintain in duplicate, the check list of the documents/requirements to be fulfilled by the candidates. The check list comprises of 6 documents as given below:-

Original/ duplicate

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

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

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

(a) _____ should be filed latest by _____.

(b) 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:

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. Therefore, there is no question of issuing notice for making the security deposit.
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.

Note

- A) Consequent on the modification of the format of affidavit filed in Form 26 with effect from 1.8.2012 candidates are required to file only one affidavit in the revised Form 26 with the nomination paper and hence check list was revised. Based on the direction of a division bench of the Hon'ble Supreme court in order dated 9.12.2011 in Civil Appeal No 4956 of 2010 the commission directed that the RO/ARO while checking the documents filed with nomination paper and filling up of the check list, should also make an endorsement about defect, if any, noticed in the documents filed with the nomination papers. The check list was modified incorporating the above details. (Letter No.576/2013/SDR dated 21.01.2013)
- B) The Hon'ble Supreme court of India in judgment dated 13-09-2013 in WP(C) No121 of 2008 observed that another clause may be inserted in the standard format already prescribed by the Commission for reminding the candidates to fill the blanks with the relevant information thereby conveying the message that no affidavit with blank particulars will be entertained. That it is the duty of the Returning Officer to check whatever the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information are very vital for giving effect to the "right to know" of the citizens and that if a candidate fails to fill in the blanks even after the reminder by the Returning officer, the nomination paper is fit to be rejected. The check list was further amended to comply with the direction of Apex court to insert another clause for reminding the candidates to fill in the blank columns, if any, in the revised affidavit. (Letter No 576/3/213/SDR dated 30-09-2013)
- C) Para 5.33 provides that 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 RO at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account.

D) The Commission in letter No 576/3/2013/SDR dated 13-11-2013 has issued clarification regarding the filing of subsequent affidavit complete in all respects if the columns are left blank in the original affidavit.

5.16.1 In order to bring in more transparency, and to prevent cases of any mischief at any level, with regard to the documents, the Commission has decided to streamline the procedure as follows:

(a) In respect of each candidate, the RO should maintain, in duplicate, the check list of the documents/requirements to be fulfilled by the candidates, as per the list given above.

(b) When a candidate files nomination paper, the RO/ARO shall indicate in the second column of the check list whether the documents concerned have been filed or the other/requirements fulfilled. If there is any defect or short coming in the documents, the same should be specified.

(c) If the affidavit in Form-26, extract/copy of electoral roll wherever required has not been filed, and if the oath is not taken, the same should be clearly mentioned in the bottom of the check list, indicating the time limit by which this can be submitted.

Once the returning officer records in the CHECK LIST prepared by him at the time of presentation of the nomination paper that a particular document/requirement has been filed/fulfilled he cannot later take the stand that the document was not in order (Civil Appeal No.4956 of 2010-- Ramesh Rout Vs. RavindraNath Rout [2012 (1) SCJ 567]). The Commission has directed that henceforth the R.O/A.R.O. while checking the documents filed with nomination paper and filling up the Check List, should also make an endorsement about defect, if any, noticed in the documents filed with the nomination papers ..In cases where a candidate put up by a political party has either not filed Forms "A" and "B", or the Forms filed are not as per the requirements (not properly filled up or are not signed in original, etc.) while preparing Form 3A (Notice of Nominations-**ANNEXRE 10**) a mention to this effect shall be made under Column 6 with respect to such candidate. (Instruction No 576/3/2013 /SDR dated 21.1.2013)

(d) Both the copies of the check list with all requirements indicated therein as in (b) & (c) above shall be signed by the RO as well as the candidate. The duplicate copy of the check list shall be handed over to the candidate/proposer who files nomination

paper, while retaining the original with the nomination paper filed by the candidate.

- (e) The copy of the check list handed over as above, will serve the dual purpose of acknowledging the receipt of the documents submitted as well as of notices for submitting the relevant documents. Therefore, no separate notice is required to be given to the candidates in respect of the items mentioned in this check list. However, acknowledgements of nomination paper will continue to be given as per the format in the last part of the prescribed nomination paper.
- (f) If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued to the candidates, clearly mentioning the date and time at which it is filed. This should also be indicated in the appropriate place in the original check list retained by the Returning Officer as mentioned in item (d) above.

5.16.2 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 you at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. Wherever the candidate has not opened the bank account or not intimated the bank a/c no., you shall issue a notice to each such candidate to comply with the Commission's instructions.

5.16.3 All the nomination papers and the accompanying documents received should be kept in the personal custody of the Returning Officer or the specified ARO and no other person should have access to them.

5.17 DISCREPANCIES AND ERRORS IN ELECTORAL ROLLS

5.17.1 No misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposers or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or

place is such as is commonly understood. You shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. You have no power in law to allow any other error to be corrected { See Section 33(4) of RP Act 1951}.

5.17.2 Similarly if there is a complaint regarding mismatch of photo in the photo electoral roll, you will overlook the same after satisfying yourself about the identity of the person through some other document produced by him.

5.17.3 Points, which you are thus required to dispose of under Section 33(4), of the said Act should invariably be disposed of at this stage. It will be undesirable for you at the time of scrutiny to reject a nomination paper for defects, which could have been thus cured at the earlier stage of the presentation of the nomination paper.

5.18 SIGNATURES OF CANDIDATES AND PROPOSERS IN NOMINATION PAPERS

5.18.1 The candidate or his proposer is not required to write his name in full by way of signature. It is not obligatory that the signature on the nomination paper should tally exactly with the full name of the person as printed in the electoral roll. If he adopts his usual form of signature e.g., one or more initial letters followed by the surname, it should be treated as valid signature for the purposes of the Act.

5.18.2 A proposer can sign more than one nomination paper of the same candidate or of different candidates. Having signed a nomination paper as a proposer, the proposer cannot withdraw from being such proposer.

5.18.3 If a candidate or his proposer is unable to write his name to signify his signature, he shall be deemed to have signed the nomination paper, if he has placed a mark or thumb impression on that paper in the presence of the RO or such officer as may be specified in this behalf by the Election Commission and such officer on being satisfied as to the identity of that person. The Commission has specified every officer belonging to an administrative service not below the rank of sub-divisional officer as an officer in whose presence such mark may be placed.

5.19 RECEIPT AND NOTICE OF SCRUTINY AND ALLOTMENT OF SYMBOLS

5.19.1 A printed form of receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated as the last part of the nomination

paper. Fill this in, detach the part from the body of the nomination paper and hand it over then and there to the person presenting the nomination paper by way of such receipt and notice. RO can also issue separate receipt and notice in the same format for convenience.

5.19.2 You should also hand over a written notice at this stage indicating therein the place, date and time for allotment of symbols.

5.20 AFFIDAVIT TO BE SUBMITTED BY CANDIDATES

5.20.1 Every candidate makes a declaration in his nomination paper that he is 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 offences specified therein. Along with the nomination paper, every candidate is required to file an affidavit in Form 26 **(Annexure 11-C, 12)**.

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, on the last page of the Affidavit. *The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the state law of the state concerned*(ECI Lr No 3/ER/2011/SDR dt 1.10.2011 and ECI Lr no 3/4/2012/SDR dt 24.08.2012

5.20.2 If any candidate fails to file the said affidavit along with his nomination paper, if there is any defect in it, you should bring to his notice this requirement. Through the check list handed over to the candidates or proposers, the candidate should be asked to file duly sworn affidavit latest by 3.00 p.m. on the last date of filing nominations. (Annexure-13)

5.20.3 Item 5 of Part A and Part B of the revised Form 26 relates to information regarding criminal antecedents to be furnished by the candidates. It is clarified that in item (5)(ii) of the said 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.

5.20.4 Detailed instructions and the format in which the affidavits in Form-26 have to be filed were issued vide the Commission's letter No. 3/4/2012/SDR dated: 24, August,

2012. Para 3 of this form requires that email ID of the candidate, if any, should be mentioned in this Form. The commission finds it necessary that authentic social media accounts of candidates should also be informed to the Commission. This information should be furnished in the said para 3 as follows:

“My contact telephone no.(s) is/are.....
My email ID(if any) is,and
My social media accounts (if any) are.....”

The Commission has divided social media in broadly five different types:

1. Collaborative projects (for example, Wikipedia)
2. Blogs and micro blogs(for example, Twitter)
3. Content communities(for example, YouTube)
4. Social networking sites (for example, face book)
5. Virtual game worlds (e.g Apps)

Information is to be given by candidates about their social media accounts.

5.20.5 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 the particular candidate then he should write 'Nil' or 'Not applicable' or not known in that column. Incomplete affidavits are liable to be rejected leading to rejection of nomination paper.

The Hon'ble supreme Court has held that in the affidavits filed by candidates 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 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. (Instruction No 576/3/2013/SDr dated 30.9.2013)

5.20.6 Similar action should be taken by the Specified Assistant Returning Officer, if the nomination paper is presented to him.

5.21 OATH OF AFFIRMATION BY CANDIDATES

- 5.21.1 A candidate at an election to Parliament, State Legislature or Legislative Assembly in a Union Territory is required under Article 84(a) or Article 173(a) of the Constitution, section 4(a) of the Government of Union Territories Act, 1963, or section 4(a) of the Government of National Capital Territory of Delhi Act, 1991, as the case may be, shall make and subscribe an oath or affirmation in the prescribed form before some person authorized in that behalf by the Election Commission. A model of the form of oath or affirmation is given in **Annexure 14**.
- 5.21.2 The Election Commission's notifications authorizing certain persons in this behalf are reproduced in **Annexure 15**. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officers for the constituency for the election. 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 authorized.
- 5.21.3 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 any person authorized 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 nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorized 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 judges, as officers before any one of whom the candidate can make and subscribe the oath or affirmation.
- 5.21.4 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. The decisions of the Supreme Court in *Pasupati Nath Singh versus Harihar Prasad Singh* (A.I.R. 1968-SC- 1064) and *Khader Khan Hussain Khan and others vs. Nijalingappa* (1970-1 SCA-548) have clarified the position and removed all doubts

in regard to the actual making and subscribing the oath or solemn affirmation.

- 5.21.5 According to these decisions, the oath or solemn affirmation can be made and subscribed by a candidate **only after his nomination paper has been delivered** and it cannot be so made and subscribed on the date of scrutiny. You should, therefore, advise the candidate to make the oath or affirmation immediately after presenting their nomination papers and in any case not later than the day previous to the date of the scrutiny. As such oath taken at or before 12:00 of midnight of preceding day of day notified for scrutiny of nomination paper should be treated within time.
- 5.21.6 The oath or affirmation is to be made and subscribed in person before the authorized person.
- 5.21.7 It is not necessary that the oath or affirmation should be made more than once if a candidate is nominated from more than one constituency at a general election. All that is required under Articles 84(a) and 173(a) is that the person concerned should make and subscribe an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution. According to the above referred decision of the Supreme Court in Khadar Khan Hussein Khan's case, when once this is done in respect of one nomination paper at a general election, the necessary qualification is obtained and this removes the bar laid down by the above Articles. The candidates should show to the RO that oath has been validly made in respect of the nomination filed in the other constituency. It would also be open to the candidate to make another oath in respect of the second constituency also.
- 5.21.8 The onus of proving that a candidate had made or subscribed the oath or affirmation before some other authorized person rests on the candidate himself. It is sufficient if the candidate or his representative produces before you the certificate issued to the candidate by the authorized person that he has made and subscribed the oath or affirmation before him on that day at a particular hour for that election.
- 5.21.9 Section 36(2) (a) of the Representation of the People Act, 1951 requires that on the date for the scrutiny of nominations the nominated candidate should have the requisite qualification including the qualification of having made and subscribed the oath or affirmation. If the oath or affirmation is not made and subscribed before the date appointed for the scrutiny of nomination papers, the candidate shall be held by you as not qualified to stand for the election. It is not necessary

that every nomination paper of a candidate must be accompanied by the form of oath signed by the candidate.

- 5.21.10 The oath of affirmation has first to be made and then signed by the candidate before the authorized person. It should be borne in mind that mere signing on the paper on which the form of oath is written is not sufficient. The candidate must make the oath before the authorized person. The latter should ask the candidate to read aloud the oath and then to sign and give the date on the paper on which it is written. If the candidate is illiterate or unable to read the form the authorized person should read out the oath and ask the candidate to repeat the same and thereafter take his thumb impression on the form. In all cases, the authorized person should endorse on the form that the oath of affirmation has been made and subscribed by the candidate on that day and hour.
- 5.21.11 The authorized person will forthwith give a certificate to the candidate that he has made and subscribed the oath before him on that day at a particular hour. The certificate will be given to the candidate without his applying for it. This will avoid all controversy later on as to whether the candidate had taken the oath or not.
- 5.21.12 If the authorized person is the superintendent or commandant of the prison or camp he should issue forthwith to the candidate a certified copy of the oath for producing it as evidence before you at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the most expeditious means of transmission like fax to you indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send you the original of the oath or affirmation made and signed by the candidate.
- 5.21.13 If the authorized person is a medical superintendent of a hospital or medical practitioner or a diplomatic or consular representative of India in the country where the candidate happens to be or the district judge or person belonging to the judicial service of a 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, he should as soon as the candidate has made and subscribed the oath or affirmation, certify this fact on the form, keep a copy for his record and hand over the original to the candidate. It will be the responsibility of the candidate to see that the original oath or affirmation is produced before you at or before the time fixed for the scrutiny of nomination

papers.

5.21.14 You and the Assistant Returning Officers should get these forms of oath printed, cyclostyled or typed in the official language of that State and in English and keep them ready at hand. If any person intending to contest an election asks for a copy of the form it should be supplied to him. When a candidate who is confined to bed owing to illness takes his oath before a medical officer of a hospital or before a medical practitioner it will be his responsibility to obtain two copies of the oath form to enable the medical officer or the medical practitioner to administer the oath.

5.22 NOMINATION BY OVERSEAS ELECTORS

5.22.1 An overseas elector who is registered in roll under section 20A of the RP 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. Enrolment in the electoral roll also confers on an overseas elector 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 candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf. In the case of a candidate who is an overseas elector and 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 of affirmation. If an overseas elector who may file nomination papers is in India at the time of filing 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 of the passport of the person. 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.

5.22.2 Copies of the affidavits should be displayed in the premises of a public place within the constituency freely accessible to the general public. Displaying copies on the RO's notice board will be done in all cases, even if the office is outside the boundary of the constituency.

5.23 NOTICE OF NOMINATIONS

5.23.1 After 3 p.m. on each day between the date of notification and the last date for making nominations, both days inclusive, publish on your notice board a notice of the nomination papers filed . This notice shall be in Form 3-A (Section 35 and Rule 7 **ANNEXURE 10**). Your Specified Assistant Returning Officer should also do the same in respect of the nomination papers presented before him at the end of each day if he is receiving nomination papers from a different place. If more nomination papers than one have been presented before you in respect of the same candidate, notice must be given of all of them. A copy of this daily notice should be forwarded to you by the Specified Assistant Returning Officer from day to day so that you may be aware of the latest position in the constituency as a whole.

5.24 DISPLAY OF COPIES OF NOMINATION PAPERS AND AFFIDAVITS

5.24.1 Copies of nomination papers filed by each candidate along with copy of the affidavit accompanying the nomination should be displayed on the notice board in your office on the same day on which the nomination has been filed. In addition to this if the office of the ARO is outside the headquarters of the RO but within the Assembly constituency, then copies of affidavits should be displayed on the notice board of the ARO also. In cases where the offices of both the RO and ARO are located outside the boundary of the constituency, then one set of nomination and affidavit should be displayed on the notice board of the RO and another set should be displayed in some public premises within the constituency limits accessible to the general public. If anyone furnishes any information contradicting the statements in the nomination form or the affidavits by means of a duly sworn affidavit, copies of such papers should also be displayed on the notice board. If anyone asks for a copy of the papers mentioned above, the same should be made available to him/her freely. Copies should also be handed over to media persons for wide dissemination of the information contained in the affidavits.

(Commission Instruction No.3/ER/2011/SDR dated 20.7.2012 and 12.10.2012)

5.24.2 A copy of the affidavits furnished by the candidates should be made available at the earliest by you to the DEO who will consolidate all such affidavits received by the Returning Officers in his district and make available the same to any person or persons desirous of obtaining the same on payment of nominal copying charges.

5.24.3 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 shall 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.(Instruction No.3/ER/2011/SDR dtd 20.7.2012 & 12.10.2012)

5.24.4 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 are 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. (Instruction No. 3/ER/2013/SDR/ Dated: 12th June, 2013)

5.25 PUBLISHING INFORMATION ON 'GOVERNMENT DUES'

5.25.1 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 should be published by the Returning Officers concerned in at least 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 **ANNEXURE 16**. If there is more than one constituency in a District, the District Election Officer may publish the above information in a consolidated form in respect of all constituencies (constituency-wise) in that district, by suitably modifying the format, referred to above.

5.25.1 When the information on Govt dues is published in the Newspaper ,there should 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 should also mention that the affidavit can be viewed on the website of the CEO and path to the website should also be mentioned.(No 3/ER/2011/SDR dt 8.2.11)

5.26 DEPOSITS

5.26.1 Under the Law, i.e., section 34 of the Representation of the People Act, 1951, every candidate at an election to the House of the People must make a security deposit of **`25,000/- (Rupees Twenty Five Thousand only)**.

For an election to a State Legislative Assembly, the amount of security deposit is **`10,000/- (Rupees Ten Thousand only)**.

5.26.2 A candidate belonging to a Scheduled Caste/Scheduled Tribe is required to make a security deposit of only half of the amounts mentioned above, even in a general constituency.

5.26.3 Every candidate presenting a nomination paper has an option to make the security deposit either in cash with you or by depositing in the Reserve Bank of India or a Government Treasury (through challans) the appropriate sum as required by Section 34 of RP Act 1951. Unless the sum is deposited in cash with you, a receipt (the challan) in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate.

5.26.4 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.

5.26.5 The deposit should be made under the following Head of Account for Election to State / Union Territory Legislatures:- 8443- CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-1-DEPOSITS MADE BY CANDIDATES FOR STATE/UNION TERRITORIES LEGISLATURES. One deposit sufficient for each constituency.

5.26.6 One deposit is required from each candidate in respect of his candidature in a constituency and once such a deposit has been made (other than deposit made

before the RO) and the receipt enclosed with his first nomination paper, the candidate is not required to make any other deposit in respect of subsequent nomination papers, which may be presented on his behalf in that constituency.

5.26.7 A candidate must, however, make a separate deposit in respect of each different constituency in which he files nomination papers. It is already clarified that no candidate can be nominated from more than two Parliamentary/Assembly constituencies.

5.26.8 Security deposit cannot be made by a cheque.

5.27 DEPOSIT BY SCHEDULED CASTE OR SCHEDULED TRIBE CANDIDATE

5.27.1 A candidate belonging to a Scheduled Caste or a Scheduled Tribe is not debarred from contesting an election from a general constituency. This is clear from section 55 of the Representation of the People Act, 1951 which says that a member of the Scheduled Castes or of the Scheduled Tribes shall not be disqualified to hold a seat not reserved for members of those castes or tribes, if he is otherwise qualified to hold such seat. A candidate who is a member of Scheduled Caste or Scheduled Tribe is, therefore, entitled to make the concessional amount of deposit specified in clauses (a) and (b) of section 34(1), irrespective of whether the constituency is a reserved constituency or not. It is not obligatory for such a candidate contesting an election from a general constituency to fill up the declaration in the nomination paper that he is member of a Scheduled Caste or a Scheduled Tribe. But the candidate to be eligible to deposit the concessional amount must satisfy you that he is a member of a Scheduled Caste or a Scheduled Tribe *through a Certificate issued by an authority duly authorized by the State Government for the purpose.*

5.28 TRANSMISSION OF NOMINATION PAPERS BY SPECIFIED ASSISTANT RETURNING OFFICER

5.28.1 Instruct the Specified Assistant Returning Officer to forward to you, for further necessary action at your end, all the nomination papers received by him as also all other papers connected therewith, immediately after the last day for making nominations or if convenient, in batches from day to day. In any case, all such papers should reach you latest by 7 p.m. of the last day for making nominations.

5.29 INTIMATION BY POLITICAL PARTIES ABOUT THEIR AUTHORISED CANDIDATES

5.29.1. As has been mentioned in para 10 above, the nomination of a candidate set up by a recognized National or State party is required to be subscribed by only one elector as proposer, whereas the nomination of all other candidates (a party recognized as State Party in another State and including candidates set up by registered-unrecognized parties) is to be subscribed by ten electors as proposers. Therefore, the question whether a candidate has been set up by a recognized National or State party becomes relevant at the time of scrutiny of nomination papers for determining as to whether the nomination has been validly subscribed by the required number of proposers or not. In view of this important provision in law, the Commission has directed that all political parties, whether recognized or registered-unrecognized, must send their intimations in regard to the candidates set up by them to the Returning Officers, not later than 3.00 p.m. on the last date for making nominations. Accordingly, you shall accept only those intimations from the political parties, in Forms A and B prescribed by the Commission for the purpose, which are received by you, latest by 3.00 p.m. on the last date for making nominations. Any intimation received by you thereafter shall not be taken into consideration for any purpose. In such cases the time of receipt of the Form shall be recorded by you on the Form. If the Form is delivered by the candidate or any other person, his/her signature should also be obtained under such entries made by you. Printed, cyclostyled and photocopies of form 'B' may be used by political parties, but these must be signed in ink by authorized office bearer(s) of the political party concerned. Similarly, fax copies of such forms are not acceptable. Photocopy of Form B submitted for the main candidate can be used for the substitute candidate.

5.30 PREPARATION OF CONSOLIDATED LIST OF NOMINATED CANDIDATES

5.30.1 Immediately after 3.00 p.m. on the last date for filing nominations, or as soon as possible after you have received all the nomination papers from the Specified Assistant Returning Officer you should prepare a consolidated list of all the nomination papers, presented either before you or before the specified Assistant Returning Officer. Such consolidated list of nominated candidates shall be prepared in the following form:-

LIST OF NOMINATED CANDIDATES

Name of the State Name of
Parliamentary/Assembly Constituency.....

Sl. No	Name of Candidate	Address of Candidate	Symbols chosen in Order of preference by the candidate.	Name of Political Party (National/ State or registered) by which the Candidate claims to have been set up / independent candidate	Whether Forms 'A' and 'B' have been received by 3.00 p.m. on the last date for making nominations in respect of the candidate	Whether main candidate or substitute candidate of the party (as per party's intimation in Form B)
1	2	3	4	5	6	7

Place

Date

Returning Officer

- 5.30.2 Even if more than one candidate has claimed to be set up by the same party, the names of all such candidates should be included in the relevant category, i.e., category (i) or (ii), as may be relevant. However, suitable remarks should be given in respect of each such candidate in columns 6 and 7 of the above list, taking into consideration the intimation received, if any, from the party concerned in the prescribed Forms A and B by 3.00 p.m. on the last date for making nominations. This will facilitate your task at the time of scrutiny of nomination papers of the concerned candidates.
- 5.30.3 You should also indicate in the above list, the symbols chosen, in the order of preference, by each candidate. For this purpose, the choice indicated in the nomination paper first delivered in respect of the candidate should be taken into account. However, in the case of a candidate claiming to have been set up by a recognized National or State party, and in whose favour the requisite intimation in Forms A and B has been received from the political party concerned by the stipulated date and time, the symbol reserved for that party should be shown in column 4, provided that the candidate concerned has, in any of his nomination papers duly filed by him, made a declaration that he has been set up by such party and sought allotment of the reserved symbol of that party.
- 5.30.4 If more nomination papers than one have been presented in respect of the same candidate, it is not necessary to include the name of that candidate in the list more than once.
- 5.30.5 Send one copy of this list to the Chief Electoral Officer by the fastest means of communication, marked 'Election Immediate'. One copy of the list should also be sent forthwith to the Election Commission. On many occasions in the past, it has come to the notice that while preparing the list of nominated candidates, complete address of the candidate is not indicated under column 3 of the list in the above form. Consequently, while preparing the lists of validly nominated candidates and contesting candidates, the address of the candidates remains incomplete. This creates a lot of difficulties and inconvenience at later stages when some communication is required to be sent to the candidate. Therefore, every care should be taken to ensure that complete address of each candidate is indicated properly in the list of nominated candidates.

5.31 APPOINTMENT OF ELECTION AGENTS

- 5.31.1 Note that under the law, it is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. In other words, the appointment of an election agent has, in the first place, been made optional and secondly, has been made independent of the nomination. Every such appointment has to be made by a formal communication by the candidate in Form 8 in duplicate, which has to be forwarded to you. Return one copy thereof to the candidate/election agent after affixing thereon your seal and signature in token of your approval of the appointment.
- 5.31.2 The Commission has decided that Photo Identity Cards shall also be issued to election agents. For this purpose, the letter of appointment of election agent in Form 8 itself, with photograph, should serve the purpose of such identity card. In future, all candidates should be instructed to affix the photographs also of their election agents on the top right portion of both the copies of their appointment letters in Form 8. These photographs should also be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates.
- 5.31.3 Any person who is 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 elections shall, so long as the disqualification subsists, be disqualified for being an election agent at any election.
- 5.31.4 The Commission has instructed that the ministers of the union or states and MP, MLA, 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 jeopardized 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.
- 5.31.5 Every candidate is also permitted to appoint an additional election agent for assisting the candidate in various expenditure related matters. The prohibitions indicated in 7.23 and 7.24 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 appointed under Section 40 of the Representation of People's Act, 1951 read with Rule 12 of the Conduct of Election Rules, 1961.

5.32 REVOCATION OF APPOINTMENT OF ELECTION AGENT

5.32.1 A candidate may revoke the appointment of election agent at any time by a letter in Form 9, which is to be lodged with you in order to take effect. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

5.33 SPECIMEN SIGNATURES OF CANDIDATE AND HIS ELECTION AGENT

5.33. In order to prevent any malpractices at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, you should obtain and circulate the specimen signatures of the candidates and their election agents to each Presiding Officer in the proforma as given in **Annexure 23**, so that the Presiding Officers are in a position to verify the signatures of candidates/their election agents on any form or document presented on their behalf.

5.34 MAINTENANCE OF ACCOUNTS OF ELECTION EXPENSES BY CANDIDATES FROM DATE OF THE NOMINATION

5.34.1 Under the law (Section 77 of the Representation of the People Act, 1951), every candidate or his election agent has to keep a separate and correct account of all expenditure in connection with the election to the House of the People or, as the case may be, Legislative Assembly of a State/Union Territory, incurred or authorized by him or by his election agent between the date on which he has been nominated as a candidate and the date of declaration of result of the election, both dates inclusive. *(In this regard, see also Chapter XVII and Instructions on Expenditure Monitoring in Elections.)*

5.34.2 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 the computation of this 30 days' period, the date of declaration of result of election is excluded.* If 30th day so computed, is a Sunday or other holiday and office of the DEO is closed on that day, the account of election expenses may be lodged on the next day if it is open, and in that event the account will be deemed to have been lodged in time.

5.34.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, you shall invite the attention of each candidate to

the above provisions of law in writing. This should be done by addressing a letter to each candidate as in **Annexure 19**, as soon as he files his nomination paper.

5.34.4 The format of the register prescribed by the Commission for maintaining the account of election expenses by the candidates is given at **Annexure 19** issued vide Commission's letter No.76/2003/J.S.II dated 24 October, 2003. The candidates are required to maintain the day-today account of election expenses along with Cash Register and Bank Register and the details of the expenditure incurred by political parties, other associations, individual, etc.

5.35 Separate Bank Account to be opened by each candidate for election expenditure

5.35.1 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 you 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.

5.35.2 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.

5.35.3 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.

5.35.4 Wherever the candidate has not opened the bank account or not intimated the bank a/c no., you shall issue a notice to each such candidate to comply with the Commission's instructions. The Commission has clarified that if the separate bank

account is not opened before nomination for election expenses or any amount is spent, without depositing the same in the said bank account, it will be treated that the candidate has not maintained the account "in the manner prescribed".

5.35.5 All election expenditure shall be made by the candidate, only from this bank account. All expenses to be incurred by the candidate on electioneering shall be deposited in this bank account, irrespective of its source of funding including candidate's own fund. A self-certified copy of the statement of this bank account shall be submitted by the candidate to the DEO along with the statement of the account of election expenditure as required to be filed within a period of 30 days from the date of declaration of results.

The candidate(s) shall incur his/her election expenses by crossed account payee cheque, or draft or by RTGS/NEFT from the bank account opened for election purpose. However, if the amount payable by the candidate(s) to any person/entity, for any item of expenditure, does not exceed Rs. 20,000/- during the entire process of election, then such expenditure can be incurred in cash, by withdrawing it from the said bank account.

The candidate(s) is required to deposit the entire amount meant for election expenses in the said bank account and all their election expenses are to be incurred only from the said account.

The candidate(s) is also required to ensure that neither their agents and their followers nor they themselves carry cash exceeding Rs.50,000/- in the constituency during election process, as per direction of Hon'ble Supreme Court in case of Election Commission Vs. Bhagyoday Jan Parishad and Ors. (SLP No. CC 20906/2012).

It is hereby clarified that if any election expenses are incurred without routing it through the said bank account or not by way of cheque or draft or RTGS/NEFT, as mentioned in para (v) above, it will be treated that the candidate has not maintained the accounts in the manner, prescribed by the Commission.

The DEOs shall issue suitable instruction to all the banks or post offices located in their districts to ensure that they open dedicated counters for election purpose to facilitate prompt service to the candidates in opening of bank accounts. The banks shall also allow withdrawals and deposits from the said account on priority basis during the election period.

5.36 INTIMATION TO CONTESTING CANDIDATES REGARDING RESTRICTIONS ON THE PRINTING OF PAMPHLETS OR POSTERS, ETC.

- 5.36.1 Section 127A of the Act requires that every election pamphlet or poster should have on its face the names and addresses of the printer and publisher thereof, and that within a reasonable time after printing the document, one copy of the declaration as to the identity of the publisher together with a copy of the document should be sent to the Chief Electoral Officer of the State (if it is situated in the State Capital), or to the District Magistrate of the District, in which it is printed. Any contravention of this provision 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.
- 5.36.2 In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law on the subject, the Commission has issued detailed directions in its Order No. 3/9 (ES008)/94-J.S. II, dated 02.09.1994. A copy of the said Order dated 02.09.1994 is given in **Annexure- 20**
- 5.36.3 You should carefully go through the contents of the said Order for strict observance of, and compliance with the same. If any Officer who is responsible for the enforcement of the provisions of law and the directions of the Commission in this regard is found to have failed in the due discharge of his duties, 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.
- 5.36.4 Copies of the above said Order shall be handed over to each candidate when he comes to the Office of the Returning Officer for filing of his nomination paper and an acknowledgement obtained in writing thereof.
- 5.36.5 The Chief Electoral Officer and the Returning Officer shall bring in writing to the notice of all printing presses the contents of the above said Order and shall also issue a Press Note for the guidance of the candidates and to make the public aware of strict provisions of law relating to printing of posters, pamphlets etc. by the candidates and political parties.
- 5.36.6 Returning officer should note that instructions on Expenditure control and monitoring are given in greater details in Chapter XVIII of this hand book, dealing with Accounts of Election Expenditure. ROs should also ensure that they should get a

copy of “Instructions on Election Expenditure & Monitoring” January, 2014 issued by the Commission and read the latest instructions.

CHAPTER - VI

SCRUTINY

6.1 SCRUTINY OF NOMINATIONS BY RETURNING OFFICER

6.1.1 Scrutiny of nomination papers should be done by you and not by any of the Assistant Returning Officers. The only exception to this mandatory requirement is when you are unable to do so owing to unavoidable circumstances; in such a situation one of the Assistant Returning Officers authorized by you in this behalf can do the scrutiny. Such exceptions should, however, be extremely rare. If it so happens in your constituency and you have to delegate this duty unavoidably, it would be safe to record immediately the unavoidable reasons for such delegation as also your written authority in favour of one of your Assistant Returning Officers by name. You should also intimate the District Election Officer about it immediately.

6.2 SCRUTINY – A QUASI-JUDICIAL DUTY

6.2.1 Scrutiny of nomination papers is an important quasi-judicial function. You have therefore to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. You must not allow any personal or political predilections to interfere with the procedure that you follow or the decision you take in any case. Law expects you to be fair, impartial, and treat all candidates equally. You must also conduct yourself in such a manner that it would appear to all concerned that you are following this high code of conduct. Even if a candidate or his agent is difficult or cantankerous, you must be courteous and patient, but firm. It is expected of you to be prompt and orderly. But at the same time you have to be firm so that your task may be accomplished in a prompt, orderly and businesslike manner. You should not take any direction from any superior authority including the CEO or the Commission's Observer in deciding the validity or otherwise of a nomination paper. You should only be guided by the provisions of the law and the instructions given by the Commission from time to time.

6.3 PERSONS TO BE ADMITTED

6.3.1 Take up the scrutiny of the nomination papers at the place fixed by you on the day and at the hour fixed for the purpose which would have already been intimated to the candidates. Only such persons as are entitled to be present under Section 36 of RP Act, 1951, viz., the candidates, their election agents, one proposer of each candidate and one other person duly authorized in writing by each candidate (such person can be an advocate also, if the candidate so desires), and no other person shall be admitted at the scrutiny. In the case of

candidates set up by registered un-recognized political parties and independent candidates also, only one of the proposers may be admitted at the scrutiny.

- 6.3.2 It is not necessary that a candidate or his representative should be present at the time of scrutiny of nominations and no nomination can be rejected solely on the ground of absence of the candidate or his representative during scrutiny proceedings. But, if any objection is raised with regard to the nomination of the candidate and there is no one to rebut it on his behalf, the Returning Officer may be justified in rejecting the nomination paper if he finds substance in the objection raised, but remain un-rebutted.

6.4 EXAMINATION OF NOMINATION PAPERS BY CANDIDATE, ETC.

- 6.4.1 If any candidate, his election agent, his proposer or the person authorized by him desires to examine any of the nomination papers or the accompanying documents, give him all reasonable facilities for the same. You must also inform all present whether all candidates have furnished the requisite information in the prescribed proforma duly supported by affidavits (Form 26 and Affidavit at **Annexure 11-C and 12**), relating to criminal background, if any, assets, liabilities, educational qualifications etc

6.5 ALL NOMINATION PAPERS TO BE SCRUTINIZED

- 6.5.1 You should then take up nomination papers one after another and scrutinize them. If more than one nomination paper has been presented by or on behalf of one candidate, you should take them up together and scrutinize them one after another. All the nomination papers, whether presented to you or to the Specified Assistant Returning Officer, must be scrutinized by you. It would not be correct or legal to pass over other nomination papers of a candidate without scrutiny, merely because one or more nomination papers of that candidate have been already found valid by you.
- 6.5.2 The whole process of scrutiny of nominations should be videographed in all cases for ensuring more transparency in the scrutiny.

6.6 OBJECTIONS AND SUMMARY INQUIRY- REASONS TO BE RECORDED IN EVERY CASE OF OBJECTION OR REJECTION

- 6.6.1 Even if no objection has been raised with regard to a nomination paper, you have to satisfy yourself that it is valid in law. If any objection is raised, you will have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. You should record your decision in each case giving briefly the reasons particularly where an objection has been raised or where you reject the nomination paper. Your decision could be challenged later in an election petition and hence the importance of

recording a brief statement of reasons at this time. If you accept the nomination paper of a candidate overruling the objections raised by an objector, he may be supplied with a certified copy of your decision upon his request.

6.7 PRESUMPTION OF VALIDITY

6.7.1 There is a presumption that every nomination paper is valid unless the contrary is prima facie obvious or has been made out. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt must go to the candidate concerned and the nomination paper, should be held to be valid. Remember that whenever a candidate's nomination paper is rejected without proper reason and he is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection and the election will, therefore, be set aside. There is no such legal presumption necessarily in the converse case where a candidate's nomination has been wrongfully accepted. It is always safer, therefore, to adopt a comparatively liberal approach in dealing with minor technical or clerical errors.

6.8 CRUCIAL DATE FOR DETERMINING QUALIFICATION AND DISQUALIFICATION

6.8.1 You will notice that sub-section (2) (a) of Section 36 of the said Act, clarifies that the qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nominations. This is sometimes material, e.g., in regard to the age of a candidate or in regard to being an elector in a constituency or in regard to the subsistence of a contract with Government, etc. in deciding whether a person is qualified or disqualified to contest the election. You should, therefore, see whether the disqualification subsists on the date fixed for scrutiny.

6.8.2 Articles 84, 102, 173 and 191 of the Constitution of India and Chapters II and III of Part II of the said Act, 1951 deal with qualifications and disqualifications for membership of Parliament and State Legislatures. You should carefully study these provisions.

6.9 GROUNDS, WHICH ARE INSUFFICIENT FOR REJECTION OF NOMINATION PAPERS

6.9.1 Do not reject any nomination paper on the ground of any defect, which is not of a substantial character [Section 36(4) of the said Act]. Any mistake or error of a technical or clerical nature should, therefore, be ignored by you.

6.9.2 You may also note that Rule 4 of the Conduct of Elections Rules, 1961, lays down that failure to complete, or defect in completing a declaration regarding

symbols in the nomination paper is not a defect of a substantial character.

- 6.9.3 Do not reject a nomination paper only because none of the persons referred to in Section 36(1) of RP Act, 1951 was present at the time of scrutiny of nomination. A nomination paper should be accepted or rejected on merits, taking all the available material into account. However, there may be cases where assistance of candidate/ representative would be required for clarifying/ correcting errors. For instance, if the details regarding entries in the electoral roll in respect of the candidate or proposers as mentioned in the nomination paper do not tally with those in the electoral roll, and if the candidate was not able to correct the entries at the time of the preliminary examination by the RO when the nomination was presented, the candidate or his representative will have to be present during scrutiny to clarify and point out the correct entries in the electoral roll. In such cases if no one turns up for scrutiny on behalf of that candidate, you will be justified in rejecting the nomination paper. Your order rejecting the nomination paper in such a case should bring out the entire facts.

Nomination papers may also not be rejected on the ground that Forms A and B signed in any ink other than blue (No.56/2012/127 of ECI dated 18th October 2012).

- 6.9.4 In the past, there were instances where nomination papers were rejected on flimsy grounds, e.g. mistakes made in the nomination paper regarding;
- (a) the year of election, or
 - (b) the exact name of the House of the Legislature or any minor error in the name of the constituency,
 - (c) the description of an electoral roll number, or
 - (d) the choice of symbols, or
 - (e) some discrepancy between the age, name, or other particulars of the candidate or his proposer as given in the nomination paper and in the electoral roll and so on,

- 6.9.5 Such unjustifiable and improper orders of rejection on technical grounds had led to a large number of election petitions and the eventual setting aside of several elections with consequent waste of time, money and labour for all concerned, with adverse and damaging observation of courts all of which could have been avoided. Similar instances of improper rejections should not occur again and it is up to you to interpret the provisions of the law intelligently and with commonsense. Do not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Most of them can and should be directed by you to be set right at the time of the presentation of the nomination paper [section 33 (4) proviso of RP Act, 1951]. It would, therefore, be very undesirable if you fail at the proper stage to help a candidate by exercising

your powers and discretion under the proviso to Section 33(4) of the said Act and later at the time of scrutiny you reject his nomination paper on the ground of those very defects which could have been set right under that section.

- 6.9.6 If the amount is not deposited in cash with you, you should examine meticulously the receipts for payments made as deposit either in the Reserve Bank of India or in a Government Treasury with reference to the seals of the Treasury or Bank, etc. and make sure that the deposit has actually been made in the Bank or Treasury. It may be ensured that where a Treasury is a 'Banking Treasury' the payment receipt of the Bank is endorsed on the Challan. Doubts, if any, should be got clarified then and there.

6.10 GROUNDS FOR REJECTION OF NOMINATION PAPERS

6.10.1 You must reject a nomination paper, if-

- (i) the candidate is clearly not qualified in law to be a member of the Legislature concerned, or
- (ii) the candidate is clearly disqualified in law to be such member, or

[N.B. The Commission will supply to you through the Chief Electoral Officer consolidated list of persons, who have been disqualified under Sections 8A and 11A(b) (for corrupt practices) and 10-A (for failure to lodge account of election expenses) of the said Act, 1951.

- (iii) Requirements of Section 33 of R.P.Act, 1951 are not fulfilled.
- (iv) the prescribed affidavit has not been filed at all by the candidate, or [N.B. If the prescribed affidavit has been filed, but are found or considered to be defective or containing false information, the nomination should NOT be rejected on this ground.]
- (v) the nomination paper has not been signed by the candidate and/or by the required number of his proposer(s), or
- (vi) any of the proposers was not an elector of the constituency or was not eligible to be a proposer at the time of presentation of the nomination paper (whereby the nomination paper is not subscribed by the required members of proposers), or
- (vii) the proper deposit has not been made in accordance with Section 34, or
- (viii) the oath or affirmation is not made by the candidate as required under the

Constitution of India, Government of Union Territories Act, 1963 or the Government of National Capital Territory of Delhi Act, 1991, as the case may be, or

- (ix) the candidate does not belong to the Scheduled Caste or the Scheduled Tribe and he has filed nomination paper to contest a seat reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes, or
- (x) where the candidate is not an elector of the constituency for which he has filed nomination paper and he has neither filed a copy of the electoral roll of the constituency in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll along with the nomination paper nor produced the same at the time of scrutiny as required under Section 33(5) of the said Act.. In such event, the nomination paper must be rejected even if you are in possession of the electoral roll of that different constituency.
- (xi) incomplete affidavits are liable to be rejected leading to rejection of nomination paper on the ground of not filling up all columns in the affidavit even after reminders since the Hon'ble Supreme court of India has held that the voter has the elementary right to know full particulars of the candidate who is to represent him in the Parliament/Assemblies and such right to get information is universally recognised as natural right flowing from the concept of democracy and is an integral part of Art. 19(1)(a) of the Constitution of India.

Note on item (ix)

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. (Instruction No 4/3/2008/js-ii (vol III) dated 2.7.2008)

6.10.2 You should invariably record the reasons for rejecting a nomination paper on the spot, and supply certified copies of the order immediately in cases where all the nomination papers filed by a candidate have been rejected by you. This may be done even in the absence of an application from him and without payment. Where one of the nomination papers of a candidate is accepted by you, in that case, you shall supply a certified copy of your order rejecting the other nomination paper(s) to the candidate, if he applies for it.

6.10.3 In view of the provision in law (made in 1996) whereby the nomination papers of candidates set up by recognized National and State Parties are required to be subscribed by only one elector as proposer and of other candidates by ten electors as proposers certain clarifications were sought from the Commission regarding setting up of candidates by political parties. Clarifications given on these points are as under:-

- (i) Nomination paper filed by a candidate claiming to have been set up by a recognized National or State Party subscribed by only one elector as proposer, will be rejected, if a notice in writing to that effect signed by the authorized office-bearer of that party has not been delivered to the Returning Officer of the constituency by 3.00 p.m. ON THE LAST DATE FOR MAKING NOMINATIONS IN FORMS 'A' AND 'B' devised by the Commission for the purpose under para 13 of the Election Symbols (Reservation and Allotment) Order, 1968.
- (ii) If a candidate has filed more than one (but not more than four) nomination papers - some as candidate set up by a recognized political party and the others as candidate set up by an unrecognized political party or as an independent candidate - in case the nomination paper filed as a candidate of a recognized political party is rejected on the ground of the non-receipt of the said notice in Forms 'A' and 'B' by 3.00 p.m. on the last date for making nominations from the concerned recognized political party, any or all other nomination papers will be accepted if the same are proposed by ten electors and are otherwise found valid on scrutiny. In such a case, he would be deemed to be a candidate set up by an unrecognized party, if such party has sent notices in Forms 'A' and 'B' by 3.00 p.m. on the last date for making nominations and otherwise as an independent candidate. (In such event, the choice of symbols in the nomination paper with ten proposers first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected during scrutiny.)
- (iii) If a candidate has filed one nomination paper with both Parts I & II thereof filled and he fails to bring notice in Forms 'A' and 'B' from the authorized officer-bearer of the concerned political party, the nomination paper may

be accepted if Part II is properly filled and subscribed by ten electors as proposers, as there will be substantial compliance with the provisions of Section 33 of the Representation of the People Act, 1951.

- (iv) If a candidate, who filed his nomination paper as candidate claiming to be set up by an un-recognized political party, fails to bring in his favour a notice from the concerned political party in Forms 'A' and 'B', his nomination paper will be accepted if it is subscribed by ten electors as proposers, and he would be deemed to be an independent candidate.
- (v) If it is found at the time of scrutiny that a candidate has been nominated from more than two constituencies of the same class of a general election or the simultaneous bye elections, his/her nomination paper filed in the third, fourth constituencies, etc. will not be maintainable under section 33(7). Further, a candidate who has been nominated from more than two constituencies will also be guilty of making a false declaration in his nomination paper, which contains a categorical declaration that he has not been nominated from more than two constituencies. The Returning Officer must, however, be absolutely satisfied beyond any shadow of doubt that the candidate concerned has filed nominations from more than two constituencies, before rejecting his nomination in the third/fourth constituency etc. on this ground.
- (vi) If nomination papers of a candidate, one nominating him as a candidate set up by a recognized political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognized political party.
- (vii) The nomination paper of a substitute candidate of a recognized political party signed by only one proposer will be rejected if the nomination paper of the main approved candidate of that recognized political party is accepted. However, if such substitute candidate has also filled Part II of the nomination paper with ten proposers or filed another nomination paper and it is subscribed by ten electors as proposers, his nomination paper(s) will be scrutinized independently by treating the candidate as an independent candidate. Further, if the nomination paper of the main approved candidate of the party is rejected, then also the nomination paper of the substitute candidate will be accepted, provided that the party has already intimated his name as its substitute candidate in Form 'A' and 'B' filed before 3 pm on the last date for making nominations.

[N.B. It must be noted that a State Party, which is recognized in some other State/Union Territory but is not recognized as such in your State/Union Territory, such party should be treated as unrecognized party by you, even if it has been allowed by the Commission to use its reserved symbol in your

constituency under the Symbols Order, 1968.]

6.11 ADJOURNMENT OF HEARING OF OBJECTION

6.11.1 If a candidate to whose nomination paper an objection has been taken applies for time to rebut such objection, you should 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 scrutiny of all other nomination papers must, of course, be completed on the day of scrutiny, notwithstanding such adjournment in respect of one or more nomination papers. If the day next is a holiday, the hearing should be completed before 11 a.m. on the day fixed for withdrawal of candidatures.

6.12 LIST OF VALIDLY NOMINATED CANDIDATES – FORM 4

6.12.1 When the scrutiny has been completed, draw up a list of the validly nominated candidates, in Form 4. There will be one entry only in respect of each validly nominated candidate in the list, although more than one nomination papers than one in respect of him may have been accepted as valid by you. If none of the nomination papers of a candidate has been found valid on scrutiny, his name should not be entered in this list.

6.13 CORRECTION IN THE NAMES OF CANDIDATES

6.13.1 In the past, there have been complaints from some candidates that their names were not correctly spelt in the ballot paper. In order to avoid such complaints, each candidate or in his absence, his election agent or his proposer, may be required to give the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, in writing either at the time of filing the nomination or immediately after the scrutiny of nominations is over or at the time of the allotment of symbols. If 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 you the proper form and spelling of his name and you shall, on being satisfied as to the genuineness of the request make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates.

6.14 ARRANGEMENT OF NAMES IN THE LIST OF VALIDLY NOMINATED CANDIDATES, ETC.

6.14.1 As per Section 38 of the said Act, Form 4 (list of validly nominated candidates) and Form 7A (List of contesting candidates), names of candidates in the said lists have to be arranged under three categories, i.e. (i) candidates of recognized

National parties and State political parties in the States concerned, (ii) candidates of registered unrecognized political parties and (iii) other (independent) candidates. Therefore, names of candidates have to be arranged in the said lists and also on the ballot papers in the same order under these categories. It may be noted that names have to be arranged alphabetically in each of the above mentioned three categories separately, in the manner explained in Chapter V. However, the headings of the above mentioned three categories as given in Forms 4 and 7A should not appear on the ballot papers.

- 6.14.2 You 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 his name irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of a candidate should be ignored for the aforesaid purpose. Thus in the case of candidate giving his name as T.K. Reddy, the place of that candidate, according to alphabetical order in the relevant category should be determined with reference to the letter 'R and not T. However, if two candidates in the same category have the same name but different initials, for example P.S. Reddy and T.K. Reddy, then the two names should be arranged inter se with reference to the first letter of the initials. Further, if two or more such candidates have the same name but different surnames, then their names should be arranged inter se in alphabetical order with reference to the surnames.
- 6.14.3 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.
- 6.14.4 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 should on no account be taken into consideration, in the arrangement of names in alphabetical order in the lists of validly nominated candidates or of contesting candidates or in the ballot papers.
- 6.14.5 The names of the candidates in the list of validly nominated candidates should be arranged alphabetically according to the script of the language as specified or first specified in the third column of Commission's direction No.3/4/2008/JS-II/SDR dated 16th September, 2008 in case of Legislative Assembly Election **(Annexure 17)** and Commission's direction No. 3/4/2008/JS- II/SDR dated 6

February, 2009 in case of Lok Sabha Election (**Annexure 18**).

- 6.14.6 Two copies of the list of validly nominated candidates should be sent to the Chief Electoral Officer by the next available post or by Fax/E-mail or by special messenger. One copy of the list along with an English translation should be forwarded to the Election Commission. The list of validly nominated candidates should be sent by you immediately on the very day on which scrutiny of all nomination papers is completed, so that it may reach the Commission before the last date for the withdrawal of candidatures.

CHAPTER - VII

WITHDRAWAL OF CANDIDATURES

7.1 NOTICE OF WITHDRAWAL

- 7.1.1 Any candidate may withdraw his candidature by giving you a notice in Form 5 (**ANNEXURE 10**) signed by him and delivered before 3 o'clock in the afternoon of the last date fixed for such withdrawal. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to you by (i) the candidate, or (ii) any of his proposers, or (iii) his election agent. If the proposer or the election agent is submitting the withdrawal notice, then alongwith the withdrawal notice duly signed by the candidate, they should also submit a written authorization from the candidate authorizing the proposer or the election agent to submit the notice. If there is no such authority or if the person so authorized by the candidate is neither his proposer nor his election agent, the withdrawal is of no effect and must be ignored. Nominations of candidates set up by registered un-recognized political parties and independent candidates have to be subscribed by ten proposers. The candidate may authorize any one of them to deliver his notice of withdrawal to you. Lastly, withdrawal notice must be presented necessarily by any of the above-mentioned persons in person and cannot be sent or communicated in any other manner.
- 7.1.2 The notice of withdrawal should neither be delivered to, nor be received by you, on a day, which is a public holiday, as defined in Section 2 (1) (h) of the RP Act, 1951.
- 7.1.3 A candidate can give notice of withdrawal only after the scrutiny of nominations is over; such notice can be given on the date of scrutiny after the scrutiny is over or on the next day, if it is not a public holiday, or, on the second day after the date of scrutiny in terms of Section 37 of R.P. Act 1951, and if the second day is a public holiday, then on the next succeeding day which is not a public holiday.
- 7.1.4 The notice of withdrawal can be delivered before three o'clock in the afternoon of the last date fixed for the withdrawal of candidatures. On the day of scrutiny of nominations and the next day, if it is not public holiday, such notices can be delivered during the normal working hours of the Returning Officer's office, that is to say, even before 11.00 A.M. or after 3.00 P.M.

7.2 RECEIPT FOR WITHDRAWAL

- 7.2.1 Form 5 contains a detachable, receipt towards the end which you have to fill in and hand over to the person who delivers the notice of withdrawal to you, then

and there. Fill in also the other particulars in the notice of withdrawal below the signature of the candidate. This document will be your record of the withdrawal.

7.3 VALID WITHDRAWAL NOT TO BE CANCELLED

7.3.1 Once a candidate has validly withdrawn, he cannot be allowed to cancel such withdrawal and continue as a candidate [Section 37(2) of the said Act].

7.4 PUBLICATION OF NOTICES OF WITHDRAWAL

7.4.1 As soon as any valid notice of withdrawal is received by you, publish as notice thereof in Form 6 (**ANNEXURE 10**) on your notice board.

7.5 LIST OF CONTESTING CANDIDATES

7.5.1 Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures, draw up a list of contesting candidates which will comprise the names of validly nominated candidates who have not withdrawn their candidature. The list of contesting candidates is to be drawn in Form 7A.

7.5.2 The list of contesting candidates in Form 7A shall be drawn up in accordance with the instructions contained in the preceding Chapter VI.

7.5.3 In the list of contesting candidates, you have to mention the party affiliation, if any, of each candidate and the symbol allotted to him. Detailed instructions are given in the following chapter regarding the allotment of symbols to candidates. Study those instructions carefully and apply them meticulously while allotting symbols to candidates.

7.5.4 Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in your office. You shall also supply a copy of the list of contesting candidates to each such candidate or his election agent.

7.5.5 Sub-rule(1) of Rule 31 of Conduct of Election(Rules), 1961 requires a copy of the list of contesting candidates to be displayed outside each polling station.

7.5.6 The lists of contesting candidates should be prepared according to the Commission's direction No.3/4/2008/JS-II/SDR dated 16th September, 2008 in the case of election to Legislative Assembly (**Annexure 17**) and Commission's direction No. 3/4/2008/JS-II/SDR dated 6 February, 2009 in the case of election to the Lok Sabha (**Annexure 18**).

7.5.7 Inform t h e Chief Electoral Officer immediately by Fax/E-mail or special messenger

the names of the contesting candidates and the symbol allotted to each of them. Any delay may seriously affect the programme for printing of ballot papers. Also send a copy of the list along with its translation in English to the Election Commission. If, subsequently, the allotment of symbol to any candidate made by you has been revised under the direction of the Commission, the list of contesting candidates would require to be suitably amended.

7.6 NOTIFICATION OF THE LIST OF CONTESTING CANDIDATES

7.6.1 Rule 11(2) of the Conduct of Election Rules, 1961, requires that you shall publish the list of contesting candidates in the Official Gazette. The responsibility for getting the list published in the Gazette is cast upon you. But as the press may not accept the notification direct from you for publication in the Gazette, the Commission has directed that the publication of these lists should be arranged through the Chief Electoral Officer in the case of election to the State Legislatures and through the Election Commission of India in the case of election to Parliament, as may be necessary. As, however, all these elections are held under the superintendence, direction and control of the Election Commission, these notifications should indicate at the top that they are notifications of the Election Commission of India. The specimen forms of notification for publishing the list of contesting candidates in the Official Gazette at general election as well as in bye election are given at **Annexure 21**.

7.6.2 It is necessary to prepare the list of contesting candidates even in the case of uncontested election. It is, however not necessary to publish it in the Official Gazette.

7.7 SAFE DEPOSIT OF PAPERS RELATING TO NOMINATIONS, SCRUTINY AND WITHDRAWAL OF CANDIDATURES WITH THE DISTRICT ELECTION OFFICER

7.7.1 All election papers and proceedings relating to nominations, scrutiny and withdrawal of candidatures for an election in each constituency should be placed together in a packet or envelope which should be sealed with your seal and kept in your personal custody. These should then be sent to the District Election officer for safe custody after the declaration of the result of the election is made. The name of the constituency and a brief description of its contents should be noted on the packet or envelope for ready reference.

7.8 ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES

7.8.1 After the finalization of the list of contesting candidates, issue an identity card to each contesting candidate in the form given below:-

CANDIDATE'S IDENTITY CARD

Photograph

Shri/Srimati..... is a contesting candidate for election to the from the constituency, and is set up by the..... Party.

(Signature of the candidate)

Attested by
Place

Date.....
Officer

Returning

(Seal)

[**N.B.** If the candidate is set up by a National party or a State party or an unrecognized party registered with the Commission you should enter the name of the party, otherwise last portion in the form indicating the party should be scored out.]

7.8.2 The Commission has decided that in all elections, the identity cards issued to contesting candidates shall carry their photographs. All candidates should therefore be instructed by the Returning Officer to furnish two copies of their recent photographs as soon as the list of contesting candidates is finalized on the last date for withdrawal of candidatures. The identity cards of all candidates should be prepared in duplicate, so that the duplicate copy is kept by the Returning Officer as office copy for the purposes of record. The identity card in the prescribed format should be got printed ensuring that it has sufficient space for pasting the photograph on the top right hand corner. Photograph of the candidate should be attested by the Returning Officer in ink (facsimile not to be used) and his seal should be so affixed on the photograph that a portion thereof is on the photograph and the rest on the identity card.

7.8.3 You must keep required number of forms.

7.9 ATTENTION OF CANDIDATES TO LAW RELATING TO CORRUPT PRACTICES & ELECTORAL OFFENCES

7.9.1 For the sake of purity of elections and for the guidance of the contesting candidates, you should draw attention of the contesting candidates by a notice in writing to the provisions relating to corrupt practices and electoral offences in the Representation of the People Act, 1951, and offences relating to elections contained in Chapter IX-A in the Indian Penal Code. The above notice may be issued to the contesting candidates immediately after the last date fixed for the withdrawal of candidature. The candidates should be clearly informed in the said notice that the list contained in the notice should not be taken as exhaustive. A model form of the notice is given in **Annexure 22**.

CHAPTER - VIII

ALLOTMENT OF SYMBOLS

8.1 APPROVED ELECTION SYMBOLS

- 8.1.1 The Election Commission of India has issued an Order, namely, Election Symbols (Reservation & Allotment) Order, 1968 relating to specification, reservation and allotment of symbols.
- 8.1.2 That Order also makes provisions for the recognition of parties as National and State Parties. The latest copy of the Order is reproduced in **Annexure 24**. Under para 17 of this Order, the Commission notifies at regular intervals the names of the recognized National and State parties, the list of symbols respectively reserved for them, the list of registered unrecognized parties and the list of free symbols approved for each State. No candidate can choose a symbol outside these lists. Even if he does, such choice cannot be approved by you.
- 8.1.3 For this purpose, you must always refer to the latest notification issued by the Commission in this regard, and as amended from time to time. A copy of the updated notification should be obtained from the Chief Electoral Officer, as soon as an election is announced from your constituency.

8.2 CHOICE OF SYMBOLS BY CANDIDATES

- 8.2.1 A candidate sponsored by a National or State Party shall choose and shall be allotted only the symbol exclusively reserved for that party and no other symbol, provided the requirement of filing Form A and B etc. have been duly followed. In view of this, such a candidate need not indicate three symbols in order of preference in his nomination paper but must indicate the symbol reserved for the party, which has set him up as a candidate.
- 8.2.2 The candidates other than these shall choose three symbols in order of preference from out of the list of free symbols specified for the State/Union Territory by the Commission and indicate such preference in the nomination paper.

8.3 WHEN A CANDIDATE FILES MORE THAN ONE NOMINATION PAPER

- 8.3.1 You are to consider only the choice of symbols made by a candidate (other than a candidate set up by a National or State Party) in the nomination paper first delivered to you by him or on his behalf whether that nomination paper is accepted or rejected by you during scrutiny. No choice of symbols made by him in subsequent nomination paper is of any value.

8.4 ALLOTMENT OF SYMBOLS TO CANDIDATES

8.4.1 According to law, in every contested election a symbol shall be allotted to each contesting candidate in accordance with the provisions of the Commission's Symbols Order reproduced in **Annexure 24**. Different symbols shall be allotted to different contesting candidates at an election in the same constituency.

8.4.2 From the Symbols Order, referred to above, you will find that:-

(a) There are two categories of symbols, namely

- (i) Reserved symbols and
- (ii) Free symbols.

(b) A "reserved symbol" means a symbol reserved for a recognized (National or State) party and a "free symbol" means a symbol other than a reserved symbol.

(c) A recognized party can be a National Party or State party.

(d) A National party at present means any one of the recognized parties specified in Table I of the Commission's Notification issued under para 17 of the Symbols Order, 1968. A State party means any one of the recognized parties specified in Table II of the Commission's Notification issued under that para of the Symbols Order. It shall be a recognized State party only in the State/Union Territory mentioned against its name in that Table. In other States/Union Territories, such state party shall be a registered unrecognized party.

(e) A candidate set up by a National or State Party (as the State in which it is recognized) shall choose in his nomination paper and will be allotted by you only the reserved symbol of that party and no other symbol. This means that if he has been set up by a National or State Party, then, in his nomination paper, he 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 National or State Party.

(f) A candidate set up by a National Party, from a constituency in any State shall choose and will be allotted only the symbol reserved for that National Party.

(g) A reserved symbol shall not be chosen by or allotted to any candidate in any constituency in any State other than to 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.

(h) The Commission, on an application made to it under para 10 of the Symbols Order, 1986, may direct that a candidate set up by a State Party, may be allotted its reserved symbol in any other State, where it is not a State Party. In that event the candidates duly set up by that party shall be allotted the reserved symbol as may be directed by the Commission..

(i) The Commission may on an application made to it under para 10A of Symbols Order allow a political party, which is unrecognized at present but was a recognized National or State party in any State or Union Territory not earlier than six years from the date of notification of the election, and which sets up a candidate at an election in a constituency in any State or Union Territory, whether such party was earlier recognized in that State or Union Territory or not, the use of the symbol reserved earlier for that party when it was a recognized National or State party.

(j) Candidates set up by a party recognized as a State Party in another State or by a registered unrecognized party which was a recognized party not earlier than six years may be allotted the reserved symbol of the State party/ the symbol which was its reserved symbol when it was a recognized party IF AND ONLY IF the Commission has issued a specific direction under paragraph 10 or 10A;

(k) Under paragraph 10B of the Symbol order, 1968

a registered un-recognised Party may submit application to the Commission for allotment of a common symbol from the list of free symbol, at a general election to the Lok Sabha or Legislative Assembly if it is fielding candidates from a minimum of 10% of the constituencies. If the application is made to the Commission as per the requirements of para 10 B, the Commission will issue directions for allotment of common symbol to the candidates of such Parties. In such cases, the candidates set up by such Parties shall be allotted the symbol specified in the Commissions directions in the Constituencies mentioned in the direction. In the other constituencies such symbol will be open for allotment to other candidates as per the provisions of para 12 of the Symbol Order, 1968

(l) Candidate not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the

list of free symbols and no other symbol.

- (m) Where any free symbol has been chosen by only one candidate at such election, you will allot that symbol to that candidate and to no one else.
- (n) Where the same free symbol has been chosen by several candidates at such election, then -
 - (i) If of those several candidates only one is a candidate set up by a registered unrecognized political party, and all the rest are independent candidates, you will allot that free symbol to the candidate set up by the registered-unrecognized political party and to no one else, and if of those several candidates two or more are set up by different registered unrecognized political parties and the rest are independent candidates, you will decide by lot as to which of the two or more candidates set up by the different registered-unrecognized 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. Where, of two or more such candidates set up by different registered unrecognized political parties only one is or was immediately before such election, a sitting member of the House of People or as the case may be, the Legislative Assembly that free symbol shall be allotted to him in preference over the other candidates irrespective of the fact whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member;
 - (ii) If of those several candidates no one is set up by any registered unrecognized 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, you will allot that free symbol to that candidate and to no one else; and
 - (iii) If of those several candidates being all independent candidates no one is or was a sitting member as aforesaid, you will decide by lot as to which of those independent candidates that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else.
- (o) A candidate shall be deemed to be set up by a political party, whether recognized as National or State party or a registered unrecognized party, if, and only if,-

- (i) The candidate has made a declaration to that effect in any of his nomination papers;
 - (ii) A notice in writing (Form B) to that effect has, not later than 3 p.m. on the last date for making nominations, been delivered to you;
 - (iii) The said notice is signed by the President, the Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorized by the party to send such notice; and
 - (iv) The name and specimen signature of such authorized person are communicated to the Returning Officer of the constituency and to the Chief Electoral Officer of the (in Form A) State not later than 3.00 p.m. on the last date for making nominations.
- (p) Specimen Signatures under clause (iv) of para (o) above of the office bearers of each political party, who are authorized to send the notice referred to in clause (ii) should be furnished to you by the political party concerned in Form 'A' prescribed by the Commission for the purpose which is reproduced in **Annexure 25**, Part-II. Printed cyclostyled and photocopies of aforesaid form 'A' may be used by political parties but these must bear the signature in ink of the authorized office bearers of the political party. Facsimile signature shall not be accepted. Similarly, fax copies of such forms are also not acceptable.
- (q) For the purposes of clauses (ii) of paragraph (o) above, person(s) authorized by the party shall send to you individual notice (authorization letter) in Form 'B' prescribed by the Commission for the purpose, which is reproduced in **Annexure 25** Part III. Printed, cyclostyled and photocopies of form 'B' may be used by political parties; but these must be signed in ink by authorized office bearer(s) of the political party concerned. Similarly, fax copies of such forms are not acceptable. **[N.B.** The notices in Form A and Form B signed in original must reach you not later than 3 p.m. on the last date for making nominations. The presentation of these Forms to the Chief Electoral Officer alone will not be treated as compliance with the provisions of para 13 of the Election Symbols (Reservation and Allotment) Order, 1968. It shall be the responsibility of the candidate or the political party concerned to ensure that the documents reach the Returning Officer in time. However, the submission of these Forms to you within the prescribed time will be considered as substantial compliance of the legal requirements, even if the same have not reached the Chief

Electoral Officer.]

- (r) A substitute candidate of political party will step in only in the event of nomination of main candidate being rejected on scrutiny, or on the withdrawal of the candidature by the main candidate (and if the nomination of the substitute candidate was otherwise valid and accepted and he is still in the field). If the nomination paper filed by the main and substitute candidates of a recognized National/State party is accepted, and if the nomination of the substitute candidate is signed by only one proposer then the nomination of the substitute candidate shall be rejected. If his nomination paper is subscribed by ten proposers and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate
- (s) Political parties are, permitted to cancel the authorization in Form B given in favour of one candidate and give a revised notice in Form B, in favour of another candidate subject to following conditions namely:-
- i. Such revised notice in Form B cancelling or substituting the authorization in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations;
 - ii. Such revised notice in Form B is signed by the authorized office-bearer referred to in clause (d) of paragraph 13 of Symbols Order (see also sub-para (o) (iii) above);
 - iii. The Returning Officer is satisfied about the genuineness of the revised notice; and
 - iv. The candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.
- (t.1) If a political party submits notice in Form B in respect of more than one candidate for the same constituency and the party does not state in such notices that the earlier notice(s) has/have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted to you shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that party.
- (t.2) If a candidate claims in his nomination papers to be set up by

two or more political parties and both/all such parties have submitted Forms A and B in his favour, the Returning Officer will, at the time of scrutiny, examine the facts as to which of the political parties the candidate belongs to as its member and whether the candidate has ceased to be a member of the other political party/parties mentioned in his nomination papers, and decide the party affiliation of the candidate accordingly.

- (u) The Symbols Order does not recognize electoral alliances which are often entered into by political parties. Therefore, a registered or recognized political party, should not be allotted by you any reserved symbol of another recognized political party even with the consent of such latter party with whom it has entered into an electoral alliance for the purpose of contesting an election. You should be strictly guided by the provisions of paragraph 13 and 13A of the Symbols Order in all cases of allotment of symbols, to candidates set up by political parties.
- (v) Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives you intimation to that effect in Forms A and B, and he shall not be allotted the symbol reserved, if any, for that party.
- (w) Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party.
- (x) An explanatory note for allotment of symbols to candidates is given in **Annexure 26** for your guidance. In case of any doubt or reference please refer to the Symbols Order. You should refer to the latest list of political parties and election symbols issued by the Commission. You should obtain the list from Chief Electoral Officer well before the date of notification of election.

8.5 INCORRECT ALLOTMENT OF SYMBOLS

8.5.1 The allotment of a symbol made by you to a candidate shall be final except where it is inconsistent with any direction issued by the

Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit. You should, therefore, ensure that no mistake occurs in allotting symbols. You may also refer to above referred explanatory note for further guidance in the matter especially in regard to procedure to be followed while dealing with registered unrecognized parties.

8.6 REVISION OF SYMBOLS

8.6.1 Where the allotment of any symbol has been revised by the Commission, you should revise the list of contesting candidates accordingly by amending such list suitably in respect of candidates in whose cases the Commission has decided to revise the symbols already allotted by you. If the earlier list has already been published such revised list should again be published and copies furnished to each contesting candidates.

8.7 SUPPLY OF COPY OF ELECTORAL ROLL

8.7.1 Under Rule 85D of Conduct of Election Rules, 1961, the Commission has directed that the Returning Officer shall supply one copy of the electoral roll, free of cost, to the candidate of every recognized political party at a general election to the Lok Sabha or Legislative Assembly. Such copy should be supplied within 3 days after the last date of withdrawal of candidatures. It should be noted that the list of Classified Service Voters for the constituency is also required to be given along with the copy of the electoral roll.

8.7.2 The copy of the electoral roll is to be given free of cost only to the candidates set up by the recognized National and State Parties. The candidate of a party which is recognized in some other State is not entitled to get a free copy of the electoral roll though he might have been given concession by the Commission under para 10 of the Symbols Order to use his party's reserved symbol at the election. Similarly, a candidate set up by an unrecognized party who has been permitted to use the party's earlier reserved symbol under para 10A of the Symbols Order will also not get free copy of the electoral roll.

CHAPTER - IX

UNCONTESTED ELECTION

9.1 UNOPPOSED RETURNS

9.1.1 If in any constituency, there is only one contesting candidate, that candidate should be declared to have been duly elected immediately after the last hour for withdrawal of candidature. In that event, a poll is not necessary.

9.2 FORM OF DECLARATION

9.2.1 The result of election should be declared under sub-section (2) of Section 53 of R.P. Act, 1951 in Form 21 or Form 21-B as may be appropriate.

9.3 RETURN OF ELECTION

9.3.1 After making the declaration (see paragraph 9.2) complete the return of election in Form 21-E after suitable adoptions and deletions, as necessary. Mention that the election was uncontested.

9.4 REPORT OF RESULT OF UNCONTESTED ELECTION

9.4.1 Report the result of such uncontested election by sending a copy of the declaration to-

(i) the Election Commission of India:

(ii) the Government of India in the Ministry of Law & Justice (if the election is to the House of the People) or the State Government (if the election is to the State Legislative Assembly);

(iii) the Secretary General to the Lok Sabha or Secretary to the State Legislative Assembly, as the case may be; and

(iv) the Chief Electoral Officer of the State / Union Territory.

[N.B. It is only after this report is received that the appropriate authority will be able to publish the declaration in the Official Gazette as laid down in Section 67 of R.P.Act, 1951. In a bye-election, any delay on your part in forwarding the report to the Secretariat of Lok Sabha or State Legislature, as the case may be, may also entail delay in the concerned Secretariat taking further action to admit the elected member into the House and administer (When the House is in session), oath for that purpose.]

9.4.2 The date to be given in the declaration should be the date on which the result of the election is declared and not the date on which the declaration is despatched. Even if an occasion arises when you have to rectify some error in

the original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

9.5 CERTIFICATE OF ELECTION

- 9.5.1 As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by you personally before dispatch. (The acknowledgment form is given in Chapter XVI). Immediately thereafter, send the acknowledgment by registered post to the Secretary General to the House of the People, or as the case may be, to the Secretary to the Legislative Assembly. This is very important, as otherwise the elected candidate will not be able to take his seat in the House.
- 9.5.2 This acknowledgment is required by the authorities concerned for verifying the identity of the elected candidate at the time of the making and subscribing the oath or affirmation by him as member of the House concerned.
- 9.5.3 If the elected candidate is not present at the time of declaration of result and also does not visit the locality shortly thereafter, the certificate should be handed over to a person duly authorized by him in this behalf and personally known to you. The acknowledgment (duly signed by the candidate) must also be obtained through the same person.

CHAPTER – X

ARRANGEMENTS FOR POLL

10.1 POLL ARRANGEMENTS TO BE MADE FINAL

- 10.1.1 As soon as the list of contesting candidates has been published, you should make your arrangements for the poll final and check up that everything is ready for taking the poll on the scheduled date(s).
- 10.1.2 You must have already calculated the exact number of voting machines required for taking the poll in your constituency, including the reserve machines. The machines are kept at some selected places in your State/Union Territory under the charge of the Chief Electoral Officer or the District Election Officer. You should immediately obtain the required number of machines if you have not already done so. Each and every machine has to be thoroughly tested for its 100% (hundred per cent) error- free functioning and commissioned for poll. The details regards EVMs are dealt with in Chapter XII.
- 10.1.3 You should also get printed immediately the required number of ballot papers which are to be used on the ballot units of the voting machines and also for supply to the polling stations for use as tendered ballot papers, in accordance with the instructions given in this behalf in the following chapter XI.
- 10.1.4 Likewise, you must procure urgently all other polling materials, statutory and non-statutory forms and other stationery that you will require for taking the poll.
- 10.1.5 You should maintain a forward diary of the different items of work that you have to attend to from time to time and keep it up to-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive but only illustrative) of your tasks during this period: -
- a. Obtaining the required number of voting machines and getting each machine thoroughly tested;
 - b. Printing and dispatch of postal ballot papers;
 - c. Printing of ballot papers for use on ballot units of voting machines and for use as tendered ballot papers;
 - d. Reviewing of your requirement of polling materials, including statutory and non-statutory forms, etc., in the light of actual number of contesting candidates and the total number of polling stations;

- e. Meetings with contesting candidates with a view to seeking their cooperation and removing their misapprehensions, if any;
- f. Supplying the contesting candidates with (i) lists of polling stations and the areas covered by each polling station and (ii) forms of appointment of polling and counting agents;
- g. Supply of copies of 'Instructions to Electors' for recording their votes by means of voting machines to political parties/candidates for distribution among electors;
- h. Publicity about the location of polling stations;
- i. Ensuring that formal appointment orders for the Presiding Officers and Polling Officers for each polling station in your constituency have been issued by the District Election Officer;
- j. Organizing comprehensive and exhaustive training of polling personnel as well as Police personnel on conduct of elections on EVMs;
- k. Issuing of forms of application (Form 12 and 12A) for postal ballot papers and election duty certificates to the polling personnel including the police and drivers/cleaners of the requisitioned vehicles;
- l. Requisitioning of vehicles required for the poll including the vehicles required for transport arrangements of polling personnel and polling materials;
- m. Finalizing the transport arrangements for polling personnel and polling materials; and for Zonal Officers depending on the No. of Routes Videographer, Technical persons for Web Casting and Micro Observers.
- n. Checking up the deployment of police forces and their movement to synchronize with the movement of the polling parties;
- o. Dispatching of postal ballot papers along with connected papers to voters entitled to vote by post and the Election Duty Certificate to such of the voters on election duty who want to vote on the strength of such certificates;
- p. Setting the ballot papers on the EVMs (Commissioning of EVMs)
- q. Preparing required number of working copies of the relevant parts of the electoral roll for use in each polling station;

- r. Provision of screened voting compartments at each polling station in which a voter can record his vote on the ballot unit of the voting machine in complete secrecy;
- s. Distribution of polling materials to the polling parties;
- t. Arrangements at reception centre for the return of the polling parties after the poll and the receipt of the voting machines and other materials and election papers from them;
- u. Arrangements to be made to collect sealed EVMs, Presiding Officers Diaries, Form-17A (Register of Voters), Form-17C and other important statutory items including Additional information in (19) Column proforma at special counters duly verifying by the Officer in the special counters. (ECI Lr.No.464/INST/2012-EPS, dt.24.01.2012)
- v. Arrangement for downloading photos from digital cameras/videos to be made.
- w. Arrangements for the safe custody of these voting machines and other election papers on completion of poll;
- x. In addition to deployment of CPF, State police force shall also be deployed in adequate number for each hall of the strong room to guard the Strong Room containing polled EVMs and election related documents. Video Cameras or CCTV cameras should be installed outside the strong rooms and such video recordings should be kept in safe custody. (ECI No. 464/INST/2011/EPS Dt.19.3.2011)
- y Arrangements for setting up the counting centre(s).

10.1.6 You should meet the contesting candidates as often as you can and keep them informed of the arrangement you have made.

10.1.7 The Commission has been preparing and supplying Electoral Photo Identity Cards (EPIC) to every eligible electors, aimed at preventing impersonation during the polling. The Commission has also made it mandatory that identification of an elector shall be done at the polling station before allowing such an elector to vote. For this purpose, the Commission has instructed that the electors who have been issued the EPIC shall produce the same at the polling station before the polling officer. Any minor discrepancies in the entries in the EPIC relating to its serial number, elector's name, father's/mother's/husband's name, sex, age or address shall be ignored and the elector allowed to vote so long as the identity of the elector can be established by means of that card.

10.1.8 If an elector produces an EPIC which has been issued by the Electoral Registration Officer of another Assembly Constituency of any State/UT, such card shall also be accepted as for identification provided the name of the elector finds place in the electoral roll pertaining to the polling station. However, to ensure that the elector does not vote at more than one place, his forefinger should be thoroughly checked for indelible ink before he is allowed to move to the second polling officer. In order that no elector is denied of his right to vote the Commission issues instructions at each election prescribing alternative documents of identification for the benefit of those electors who have not been issued EPIC or the electors who have lost the EPIC or are not able to produce them. You should, therefore, make yourself fully conversant with the latest instructions of the Commission in the matter. The Chief Electoral Officer will inform you of these before every election on the specific orders of the Commission. You must give adequate publicity to the orders relating to compulsory identification and the alternative identification documents prescribed by the Commission.

10.1.9 In addition to the EPICs, Voter Slips should be printed by the Dist. Election Officer, as per Voter Lists and these Voter Slips have to be distributed to the Voters by visiting door to door by the BLOs concerned personally, one week before the Poll day under proper acknowledgement and keep one additional set outside the Polling Stations for convenience of the Voters. After completion of distribution of Voter Slips, the BLO shall prepare the list of absentees, shift and duplicate Voters lists from the left over undistributed Slips and hand over to RO 2 days before the day of Poll, so as to hand over the same to the P.O. for use on the day of Poll. (ECI Lr. No. 464/INST/2011/EPS dated 19.3.2011 and Dt.20-01-2012.

10.2 COOPERATION FOR LAW AND ORDER

10.2.1 The contesting candidates, if tactfully approached, will also be of great help to you in maintaining law and order at and before the poll. If you can secure their cooperation, many of your other difficulties would also be easily solved.

10.3 MODEL CODE OF CONDUCT AND ITS OBSERVANCE

10.3.1 It hardly needs to be emphasized that for the smooth conduct of an election, an atmosphere for free and fair election should prevail during the election period. The most important factor which tends to mar the conduct of the election and disturbs the atmosphere of friendly competitiveness that should prevail, is the violation of statutory provisions of election law relating to corrupt practices and electoral offences and malpractices by some or the other political parties or the candidate or their workers. This, apart from vitiating the general atmosphere in the constituency, creates problems for the authorities responsible for the maintenance of law

and order as well. The Model Code shall also apply to the content being published /posted on the internet, including social media websites, by candidates and political parties.

10.3.2 To enable a conducive atmosphere for ensuring a free and fair election, the Commission has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates. A copy of that Model Code of Conduct is reproduced at **Annexure 31**.

10.3.3 The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in your constituency. You should familiarize yourself fully with the Model Code and also with the instructions of the Commission as contained in the relevant volume of Compendium, with a view to maintaining a healthy and peaceful atmosphere during the election. The Model code shall also apply to the content being published.

10.4 STANDING COMMITTEES

10.4.1 For ensuring compliance with the model code by all political parties and contesting candidates and for considering specific cases of violation of that code, the Commission has issued instructions in the past that a standing committees should be constituted in each district under the chairmanship of the head of the district administration with the Deputy District Election Officer as the Convener and a representative each of all recognized and registered political parties at the district level as its members.

10.4.2 The Commission, subsequently, instructed that such standing committees should also be formed in each constituency. Such committee in your constituency will be in addition to the committee functioning at the district level and will be presided over by you. In this committee you could associate the representatives of all National parties, State parties in your State as well as the Registered parties functioning in your constituency. The independent candidates contesting the election from the constituency should also be made members of the committee. The representatives of law and order enforcement authorities should also be associated with such committee.

10.4.3 The committee may meet as often as may be convenient and necessary. In such meetings, you should address a special appeal to the members to co-operate in the observance of the Model Code of Conduct and to take active steps to ensure that no one, in an excessive zeal and excitement, may overstep the limits laid down by law and at the same time render himself liable to penalties, prescribed by law. It should be impressed upon the members that any violation of the code committed on behalf of any party or candidate cannot, but create a feeling of bitterness and resentment in the minds of the other parties and candidates and their supporters. Moreover, to the extent that any such violation is made, the

election falls in its standard of morality and cleanliness. In the cases of the violation of the code brought to the notice of the Committee, which resulted in the breach of the Provisions of election law, you should seek the co-operation of local magistracy and the police in dealing with such election offences. The Election Commission has already requested the State governments to take all necessary steps during the election period for preventing and checking promptly and strictly, any instance of the commission of election offences.

10.4.4 The Committee may also consider, apart from the Model Code, any matter of common interest to the members and intended to further the object of holding free and fair election from the constituency.

10.4.5 Whenever such meetings are held, proper minutes thereof should be maintained.

10.5 IMPLEMENTATION OF MODEL CODE

10.5.1 For implementation of Model Code one Dist Level Nodal Officer and 3 or more Gazetted Officers should be appointed by the DEO for an effective implementation of Model Code and for conducting of Election in a smooth manner. Each Model Code Officer will engage one videographer to record the violation of Model Code wherever violations found. Model Code Officer should submit report along with videography and if any immoral criticism, communal provocative and derogatory speeches, defacement of public properties etc., made by the contesting candidates / political parties to the R.O. for taking legal action under R.P. Act,1951.

10.5.2 For evaluation of violations of expenditure incurred by the contesting candidates, the DEO should constitute the following statutory committees and R.O.Level Teams:

- (i) Media Certificate and Monitoring Committee,
- (ii) Expenditure monitoring control room call centre,
- (iii) Expenditure Monitoring Cell comprising of Income Tax, Central Excise, Audit and Accounts Department,
- (iv) District Expenditure Monitoring Committee
(Instructions on Election Expenditure Monitoring issued by Election Commission of India)
- (v) Returning Officer Level Teams:
 - a. Assistant Expenditure Observers
 - b. Video Surveillance Team
 - c. Video Viewing Team

d. Flying Squad & Static Surveillance Team

e. Accounting Team

(i) Media Certificate and Monitoring Committee (MCMC): The Dist. Election Officer has to appoint one Media Certification Monitoring Committee at Dist. Level. All the contesting candidates should get prior approval from the Media Certification and Monitoring Committee for any advertisement to be made in the print and electronic media and other printed material for their campaign. MCMC will also review the paid articles published in print and electronic media.

since social media websites are also electronic media by definition, therefore these instructions of the Commission shall also apply mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification

(ii) RO should ensure that the RO lend teams as mentioned above are constituted and functioned properly.

10.6 PREPARATION OF WORKING COPIES OF ELECTORAL ROLLS

10.6.1 Prepare 4 working copies of the electoral roll for each polling station for distribution as follows:

First Polling Officer responsible for identification of electors	1 copy
Presiding Officer	1 copy
For circulation among polling agents /Exhibition	1 copy
Polling Station Reserve	1 copy

Note: Only 4 copies need be prepared even in the case of simultaneous elections.

10.6.2 In addition to the working copies of Electoral Rolls, after distribution of Voters Slips to the Voters, A.S.D. (Absentees, Shifted and Dead) list has to be prepared by the BLOs. The said list is also to be furnished to the Presiding Officer along with Voters list to avert bogus voting e (ECI Lr. No. 464/INST/2012/EPS, Dt.25-01-2012)

10.7 TRAINING OF POLLING STAFF

10.7.1 The staff must have already been trained at earlier polling rehearsals. Brush up their knowledge and experience by more rehearsals as necessary especially on EVMs. All Presiding Officers and polling officers should be given hands-on training, if not already done earlier. Invite the candidates to such rehearsals and encourage them to secure the attendance of their prospective polling agents at these rehearsals. Explain at these rehearsals the vital points for the polling agents to remember at the poll.

10.7.2 Proper intensive and hands on training should be given to all the concerned

polling and counting personnel for preparation and operation of EVMs as well as their sealing after poll and counting.

10.7.3 Officers preparing the machines after preparing them, should give a certificate that they have prepared the machines as per the instructions given and checked them, and that they understand fully that in case of any error found, they would be held responsible for lapse.

10.7.4 During training, proper instructions should be given to polling personnel regarding the correct manner of application of indelible ink.

10.7.5 All Presiding Officers and Sector Magistrates may be asked to give a certificate that they have been properly trained in the working of EVM and they are confident of using them at the time of poll and that they understand fully that in case they are unable to operate them at the time of poll, they would be held responsible for lapse.

10.7.6 All the Presiding Officers and polling officers should be instructed to ensure that the electors at the time of casting their vote put on this Register of Electors Form 17(A) either their full signature or their thumb impression. Under no circumstances, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A). (ECI Lr.No 464/inst/2008/EPS, Dt.21-1-2009)

10.7.7 The Commission has recently issued instructions that police officers and police personnel deployed on election related duties should also be imparted training. Ensure that the instructions are duly complied with and proper training imparted to the police officers and police personnel.

10.7.8 Training should be imparted to the Zonal Officers and Micro Observers for discharging their duties effectively.

10.8 Training of polling parties on EVM

10.8.1 The Commission has intimated that there were some difficulties in the operation of Electronic Voting Machines at few polling stations due to the fact that they were not prepared correctly as per the operational manual at the time of initial preparation at the Returning Officers' level. While in some 'slide switch' on the balloting unit was found to be in wrong position, in others, certain other preparatory defects were noticed. It has further come to the notice of the Commission that some of the Presiding Officers/Sector Magistrates do not take EVM training seriously with the result that they fail to operate the machine at the time of poll. It has also been noted that some Polling Officers do not apply indelible ink on the elector's left finger properly in the manner prescribed by the Commission and apply it in a very casual manner leaving ample scope for electors to wipe off the ink mark. Furthermore, it has

been observed that in many cases ,impression of various fingers of illiterate electors have been obtained on the Register of Electors (Form 17A) instead of their thumb impression as required under the rules. The Commission has noted these irregularities seriously.

10.9 DUMMY BALLOT PAPERS

10.9.1 There is no objection to a candidate printing a dummy ballot paper to be used on the ballot units using his own name and symbol indicating the place where they would appear in the ballot paper to be used at the election. But it should not contain the names and symbols of any other contesting candidates in the constituency. The dummy ballot paper may be printed in any colour such as brown, yellow or gray, but not pink and white, and should not resemble the genuine ballot paper in size or colour.

10.10 DUMMY BALLOT UNITS

10.10.1 There is also no objection to the candidates/ political parties 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 gray. These dummy ballot units may have provision for showing the serial number, name and symbol of the candidate as in the dummy ballot paper. It may also have a battery operated button and a lamp which may burn on the button being pressed.

10.11 UNOFFICIAL IDENTITY SLIPS

10.11.1 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) Part number of the electoral roll; and
- (iii) The serial number and name of the polling station.

10.11.2 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 his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station, which is not permissible. The circulation of any slip containing any such slogan or exhortation within 200 meters of the polling station would amount to canvassing which is not permissible under the law. The sample of slips which may be issued by the candidates are given below: -

SAMPLE OF UNOFFICIAL IDENTITY SLIP

PC/AC name----- Polling Station number and name----- (location detail)..... Voter's Sl.No. in Electoral Roll.....- Part No..... Name:.....
--

10.12 VOTERS' SLIPS (Not to be confused with Voter's Slip issued during poll)

10.12.1 Voter Slips including photograph of the voter where available in the Photo Electoral Roll shall be distributed by the District Administration to facilitate the voter to know where he is enrolled as a voter at given location of polling station and voters serial number in the said roll. The Commission has also issued instructions that this voter slip should only be in the languages in which voter roll is published for the assembly constituency. (ECI No. 464/inst/2011/EPS Dt 18-2-2011)

10.12.2 The Voters slips should be authenticated by the Electoral Registration Officer/BLO concerned before distribution, so that they can be used as an alternative identification document by a voter for the purpose of casting one's vote in the poll. (ECI No. 464/INST/2011/EPS Dt.19-3-2011.)

10.12.3 On the poll day there is a possibility that a voter misplace the EPIC/PVS. Hence, the Commission directs that the BLO assigned to a polling station, shall be available at the polling station at Voter's Facilitation Counter, along with 2nd copy of PVSs and give it to a voter, if he/she ask for it.

_____ ASSEMBLY CONSTITUENCY
No. & Name of the Assembly Constituency : _____
Polling Station No. : Voter Sl. No. :
H. No. : Name of the Voter :
Sex :
S/o W/o D/o :
EPIC No. :
Name of the Polling Station

PHOTO

10.13 REGULATION PLYING OF VEHICLES ON THE POLL DAY:

10.13.1 Follow carefully the instructions issued by the Commission on the regulation of vehicular traffic during the election period and particularly on the day of poll with a view to cordoning off the polling areas from vehicular traffic to prevent voters from being carried in the vehicles arranged by candidates and their supporters. Permits should be issued to vehicles to be used by candidates, their election agents, etc. strictly according to the norms prescribed by the Commission.

CHAPTER – XI

POSTAL BALLOT PAPERS AND BALLOT PAPERS FOR VOTING MACHINES

11.1 INTRODUCTORY

11.1.1 This chapter deals with the various aspects of Postal Ballot Papers, ballot papers for voting machine and tendered ballot papers.

11.2 POSTAL BALLOT PAPERS

11.2.1 Entitlement for postal ballot papers ---

You as RO of an AC or ARO of a PC must clearly understand to whom you are required to issue postal ballot papers.

11.2.2 The Following class of electors are entitled for postal ballots-

- a) Service voters, other than those who opt for proxy voting (Classified Service Voters);
- b) Special voters;
- c) The wives of persons referred to in clauses (a) and (b) above;
- d) Electors subjected to preventive –detention;
- e) Voters on election duty; and
- f) Notified voters;

11.2.3 The above terms are further elaborated-

- a.. A “Service Voter” means any person mentioned in clause (a) of Section 60 of the Representation of the People Act, 1951 i.e. (a) members of the armed forces of the Union, (b) members of a force to which the provisions of Army Act, 1950 (46 of 1950) have been made applicable whether with or without modifications (c) members of an armed police force of a State who are serving outside that State, and (d) persons who are employed under the Government of India in a post outside India (e.g. Ambassadors of India abroad, their staff etc.). Their names are registered in the last part of the electoral roll. Service voters who have opted for proxy voting are called Classified Service Voters.
- b. “Special Voter” means any person holding an office declared by the president to be an office to which the provisions of sub-section (4) of Section 20 of the Representation of the People Act, 1950 are declared to apply and the wife of

such person, if she has been registered as an elector by virtue of a statement made under sub-section (5) of the said section.

- c. "Elector subjected to Preventive Detention" means any person subjected to preventive detention under any law for the time being in force.
- d. "A voter on election duty" means a Polling Officer, or Presiding Officer a, security personnel, or any other such public servant who is an elector in the constituency and by reason of his being on election duty, not able to vote at the polling station where he is entitled to vote. Thus, the observers appointed by the Commission and the staff members accompanying them are also voters on election duty.
- e. "Notified voter" means a voter who belongs to the class of persons notified by the Election Commission under clause (c) of Section 60 of the Representation of the People Act, 1951. (As and when Commission issue any notification in this regard, special instructions are also issued. Hence not part of this book)

11.2.4 However it is further clarified-

- a) Domestic servants accompanying Diplomatic Officers from India are not entitled to the concession of voting by postal ballot. So also, sons and daughters of Government of India employees residing with their parents at that place of posting outside India, are not entitled to the above concession. Even the husband of a female service voter is not entitled for this facility under the law.
- b) Under sub-section (6) of Section 20 of the Representation of the People Act, 1950, the word "wife" means wife and should not be taken to include the husband of a lady holding an office referred to in sub-section (4) of the said section.
- c) The drivers, helpers, cleaners, etc, actually employed on vehicles requisitioned for election purposes may be treated "voters on election duty" and may be provided with facility of voting by postal ballot.

11.3 ASSESSMENT OF REQUIREMENT OF POSTAL BALLOT PAPERS

11.3.1 You should assess your requirement of postal ballot papers keeping in view the number of service electors, polling personnel to be drafted on election duty and number of vehicles likely to be requisitioned and the number of police personnel who would not be able to cast vote in their polling station due to election duty and also adding for number needed as reserve.

11.4 POSTAL BALLOT PAPERS - FORM AND LANGUAGE

11.4.1 It may be noted that postal ballot papers for all categories of voters are uniform now.

11.4.2 In pursuance of sub-rule (1) of Rule 22 of the Conduct of Elections Rules, 1961, the Election Commission has directed that the postal ballot papers for service voters at an election to the House of the People or to the Legislative Assembly of a State shall be prepared as indicated below: -

- (i) Every postal ballot paper shall have a counterfoil attached to it. The counterfoil shall be at the top of the ballot paper and its depth shall not ordinarily exceed 15 cms. (2.5 cms are equal to 1 inch (1") approximately). The particulars on the counterfoil shall be printed in English only and it shall contain the following: -
 - a) Space for stitching at the top of the counterfoil;
 - b) A black border of 1 cm at the top of the counterfoil;
 - c) The particulars of the election, as mentioned in sub-para (iv) below, printed immediately below item (b) above;
 - d) The words "Electoral Roll Part Number and Serial Number of Elector," which shall be printed one below the other on the left hand side or right hand side as may be convenient;
 - e) Serial number of the ballot paper on the left hand side either on the front or on the back as may be convenient.
 - f) One block of lines of 1 cm with a perforated rule/disjointed straight lines below, separating the ballot paper from the counterfoil.
- (ii) There shall be one block of lines 1cm below the perforated rule/disjointed lines on the ballot paper.
- (iii) The width of the postal ballot paper and its counterfoil shall be between three inches(3") and four inches(4") as may be considered convenient by the Chief Electoral Officer for printing the ballot papers. The width of the space allotted to each candidate will uniformly be one inch (1"). After the panel containing the name and particulars of the candidate on the ballot paper, there shall be a panel with the words "none of the above" written there in. Where the number of contesting candidates exceeds 8, the postal ballot paper shall be printed differently. The ballot paper, in such a case, shall be printed in two or more columns depending upon the number of candidates. Ordinarily, the number of candidates along with provision for "None of the above" panel in one column should not exceed nine, but it should not exceed fifteen in any case. If the number of columns is two, three or more, the width of the ballot paper and its counter-foil shall be dependent on the number of columns, which are provided on the ballot paper. Each column shall be separated from the other by a shaded area of half an

inch width from top to bottom. The names of the contesting candidates and their party affiliation, if any, will appear in the same order in which they appear in the list of contesting candidate in Form 7A (but without the headings of the three categories of candidates mentioned therein) These names will be printed below the other in those columns, starting with the name of the candidate at S. No. 1 in the list of contesting candidates appearing at Serial Number 1 in the first column, candidate at Serial Number 10 in the list of contesting candidates as the first candidate in the second column (if each column has nine names), and so on. If the number of contesting candidates is 10 (if each column has nine names) then the panel showing "None of the above" will be at Sl.No.11 as the second panel in second column. If the number of contesting candidates including the provision for "None of the above" panel is not exactly divisible by the number of candidates in each column, the end panels on the right side of the ballot paper will be completely shaded. No symbol is to be printed in postal ballot paper. (Instruction No 576/3/2013 dated 11.10.2013)

- (iv) On the top of the front face of the ballot papers, the particulars of the constituency and the election shall be printed. The particulars of the constituency will contain the serial number and the name of the Parliamentary or Assembly Constituency, as the case may be, as given in the delimitation of the Parliamentary and Assembly Constituencies Order. In the case of State/Union Territories the whole of which form a Parliamentary Constituency, their names will not find mention in the Delimitation Order. The name of each State/Union Territory shall be mentioned as the name of the Parliamentary Constituency. The year of election and the legend "Genl." or "Bye" will also be printed after the year depending on whether the ballot paper is intended for a general election or a bye- election. The word "Postal Ballot Paper" shall be endorsed below that entry. The following illustrations will make the position clear:
- a) For General Election to the House of the People Postal Ballot Paper (on white paper)
"8-Rampur PC./2004 Genl.Postal Ballot Paper"
 - b) For Bye-election to the House of the People Postal Ballot Paper (on white paper)
"8 - Rampur PC. /2005 Bye Postal Ballot Paper"
 - c) For General Election to the Legislative Assembly Postal Ballot Paper (on pink paper)
"11-Almora AC./2004 Genl.Postal Ballot Paper"
 - d) For Bye-election to the Legislative Assembly Postal Ballot Paper (on pink paper)
"11-Almora AC./2005 Bye Postal Ballot Paper"

- (v) The name of each candidate and his party affiliation, if any, shall be inscribed in a panel, the panels being separated from each other by shaded area of 3 cms width. There will be a thick black border of 1 cm at the bottom.
- (vi) 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 "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 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 (ECI instruction No 576/3/2013/SDR dt 11.10.2013)
- (vii) The names of contesting candidates and their party affiliation, if any, on the ballot papers shall be printed in the official language of the State or the Union Territory concerned and also in English where English is not such official language of that State or Union Territory. The particulars in the official language shall appear first over those in English in the ballot papers where such particulars are printed, into the languages as aforesaid. The name of the constituency shall be printed in English only. The particulars on the counterfoil of the ballot paper shall be printed in English only.
- (viii) The serial number of the ballot paper shall be printed on the left hand side either on the front or on the back as may be convenient.
- (ix) There is no objection to the postal ballot papers being typewritten if the number required is too small for printing; but the serial numbers of such ballot papers should, however, be given by means of hand- numbering machines.
- (x) The postal ballot papers will be stitched into convenient bundles, with consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

[**N.B.** The Election Symbols (Reservation and Allotment) Order, 1968 has classified political parties into two broad categories viz. registered recognized political parties and registered-unrecognized political parties. A recognized party may be a National or a State Party. As party affiliation of National and State Parties are shown in postal ballot papers for service voters, it is necessary that the party affiliation of candidates set-up by registered- unrecognized parties should also be shown in such ballot papers though they may not be recognized. In case of independent candidates, including those set up by political parties not registered by the Commission the word 'Independent' should be printed in the postal ballot papers for service voters.]

11.4.3 A specimen of the postal ballot paper (Revised as per letter No 576/3/2013 dated 11.10.2013) is contained at **Annexure 27**.

11.5 COLOUR OF POSTAL BALLOT PAPERS

11.5.1 The postal ballot papers shall be printed on paper of white colour in the case of parliamentary election, and of pink colour in the case of assembly election.

11.6 PRINTING AND DISPATCH OF POSTAL BALLOT PAPERS –

Postal Ballot Papers to Service Elector to be given overriding priority Printing-

11.6.1 Postal ballot papers have to be sent to all service electors, whose names are included in last part of electoral roll, provided they have not opted for proxy voting. Such service electors are called Classified Service Voters (CSVs). Centralized printing of postal ballot papers for all ACs or PCs comprised within that district is now the responsibility of DEO. As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, District Election Officer shall get postal ballot paper for 'service voters' printed and arrange to dispatch postal ballot papers to service voters for all Assembly Constituencies in his district. Therefore, the printing of postal ballot papers for 'service voters' shall have to be completed within 24 hours after the last hour for withdrawal of candidatures and their dispatch to service voters be completed within the next 24 hours.

11.6.2 If expeditious printing in Government Press is not possible, postal ballot papers for service voters should be got printed locally in private printing press, in view of the emergency. This should be done under close supervision of a senior officer appointed as nodal officer by the DEO for the purpose, ensuring adequate foolproof security arrangements should be made.

11.6.3 The Commission has enjoined upon DEO the responsibility of centralized printing and dispatch of postal ballot papers from district HQ itself to -

- a) service voters other than classified service voters (CSVs) who have appointed proxy
- b) other voters eligible to vote by post for all ACs or Assembly segment of a PC comprised in his district.

11.6.4 Before any postal ballot paper is issued, the facsimile signature of the Returning Officer, shall be stamped on the reverse side of the postal ballot paper two times. One will appear in full and other in such a manner that part of the signature appear in counterfoil portion and part in ballot paper side.

SAMPLE

SIGNATURE

11.6.5

106

*(Reverse side of
counterfoil)*

(Perforation)-----
----- (Reverse side of postal ballot)
(Reverse side of counterfoil) (Perforation)

- 11.6.6 Since the issue of postal ballot papers has to be completed within a pre-determined deadline, you shall depute a team of officers with one of your AROs along with already prepared envelopes, a stamp containing facsimile signature of the RO etc and with an updated copy of electoral roll of last part along with other papers required well in advance. They shall report to a centralized place fixed by DEO well in time. As stated in the beginning, the printing of the postal ballot papers with counterfoils shall have to be completed within 24 hours after the last hour fixed for the withdrawal of candidatures. Any delay in adhering to the schedule will make the entire process of using postal ballot papers by service voters nugatory (ineffective) depriving them of their valuable right to vote. Hence, you should prepare address covers in Forms 13-B and 13-C complete for each service voter sufficiently in advance and, in any case, before the last date for the withdrawal of candidatures. Keep ready Form 13-D containing instructions for the guidance of voters and form 13A which is the form of declaration by electors in respect of each service voter. Also remember to fill up correctly hour and date by which polled postal ballot papers should return back to you in the last para of Form 13-D.
- 11.6.7 The senior most observer of the Commission posted in that district head quarters shall personally monitor the entire process and send a detailed report to the Commission as soon as the dispatch of postal ballots meant for service voters is completed. Necessary videography should be done.
- 11.6.8 As soon as the postal ballot papers with counterfoils are received by your ARO deputed to centralized place at district head quarters for issue of postal ballot papers to service electors, the following should be done -
- a. Note down the electoral part number and serial number of the elector as entered in the marked copy of electoral roll on the counterfoil of the postal ballot paper and detach the ballot paper from the counterfoil and then.
 - b. Write the letter "PB" against the entry of the elector in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him without, recording therein the serial number of the ballot paper issued to the elector.
 - c. Serial number of postal ballot paper being issued shall be mentioned in Form 13 A. Simultaneously, the serial number of the ballot paper shall be written on the front of the cover in Form 13-B. Due care is needed in filling up in ink correctly the serial number of the postal ballot paper in Forms 13-A and on the cover in Form 13-B. This is very important as at the time of counting of votes you will have to compare these numbers on Forms 13-A and 13-B and see that they tally. If they do not tally in the case of any voter, the postal ballot paper will have to be rejected. Also remember to fill up correctly

hour and date in Form 13-D.

- d. Note the letter "W" on the envelope in Form 13- C, i.e., the envelope addressed to the Returning Officer in case of women service elector. It will help to ascertain the statistics of men and women voters, who cast their votes by postal ballot paper.
- e. Then place the ballot paper inside that cover.
- f. Thereafter, the cover in Form 13-B containing the ballot paper, the declaration in Form 13-A, the instructions for the guidance of electors in Form 13-D and the cover in Form 13-C will be put inside a larger cover which will be addressed to the service voter concerned.

NB: - It should be noted that postage stamp of the appropriate value should be affixed on the larger cover addressed to the service voter.

- g. Thereafter, all the covers addressed to the service voters attached to each Record Office will be put inside one packet and the packet dispatched to the Record Office.
- h. Proper account of postal ballot paper issued to each service voter shall be maintained in an issue register and the signature of postal official giving date and time should be obtained in relevant column of the register as receipt.

11.6.9 The postal ballot paper for the wife of a service voter should be sent in a separate cover and not in the cover addressed to her husband.

11.7 ACCOUNT

11.7.1 The ARO deputed for the purpose shall seal the counterfoils of the ballot papers issued to electors entitled to vote by post in a separate packet and record on the packet a brief description of its contents and the date on which it was sealed. Similarly, the electoral roll part relating to service voters should also be sealed in a separate packet and a brief description as above should be recorded on this packet also. Both these packets should be kept in your safe custody.

11.7.2 When the Returning Officer starts receiving the polled ballot papers from the service voters, he shall give a daily report indicating the number of such polled ballots received during the day and also indicating the cumulative figure to the observer concerned. When the observers leave the constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.

11.8 MODE OF DISPATCH

- 11.8.1 The postal ballot papers will be printed locally by the District Election Officer. Postal ballots for service electors have to be dispatched within a deadline of 48 hours after the last hour for the withdrawal of candidatures using Registered Post only. It is pertinent to mention that the Commission has directed that the DEO shall co-ordinate with postal authorities to make such arrangement that postal officials are present at the dispatch centre to receive envelopes containing postal ballot papers to service electors 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 assembly constituency 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. The dead line for the whole process of printing and dispatch is within 48 hours of the last hour fixed for the withdrawal of candidature.
- 11.8.2 In the case of Foreign Service voters, the postal ballot papers will be sent by ordinary airmail and not in the diplomatic bags, unless specially authorized to be sent in diplomatic bags in any particular case. Ordinary postage stamps will be used for the purpose. The Foreign Service voter will return the postal ballot paper by diplomatic bag or by ordinary airmail service direct to you.
- 11.8.3 The postal officials forward these bags or packet, in the case of postal ballot papers for Defence Service voters to the Record office(s) concerned on high priority basis would according to the instructions issued by the Director General of Posts.

11.9 DIFFICULTIES FACED BY SERVICE ELECTORS

- 11.9.1 The Army Headquarters had in the past, brought the difficulties experienced by the Record Offices in dealing with postal ballot paper to the notice of the Commission; They are
- (a) Dispatch of one or more individual ballot papers without postage stamps in a packet addressed to the Record Offices, thus involving use of service labels and their accounting by the Record Officers;
 - (b) Full address of Returning Officers not shown on cover in Form 13- C, thus resulting in difficulty in returning the cover to the sender;
 - (c) Dispatch of ballot papers in respect of soldiers' wives without furnishing the army number and name of husband, resulting in their return to sender;
 - (d) Incomplete/Omission of army numbers on the ballot papers, thus delaying their re- direction;
 - (e) Use of poor quality envelopes, necessitating their repair before redirection;
 - (f) Receipt of ballot papers without covers/directions for voters; and
 - (g) The postal ballot paper for the wife of a service voter sent in the same cover with the postal ballot paper for the service voter.

11.9.2 Despite repeated instructions of the Commission to all concerned not to commit any mistake, the Ministry of Defence has brought to the notice of the Commission certain more serious deficiencies in the processing of postal ballot papers which deprived a number of genuine service voters. These deficiencies are: -

- (a) Personal Number and Name of the Service Officers were either not quoted or had been wrongly quoted on the Postal Ballot envelope, making it difficult to redirect such postal ballot papers to the concerned Service Voters within the available short span of time.
- (b) On some of the postal ballot papers belonging to the wives of Service Voters, the complete particulars of their husbands, i.e., personal number and name of the Officer, which are essential pre-requisites for redirecting, were not given.
- (c) Ballot Papers for Army Medical Corps/TA Officers/Naval/Air HQs Officers and JCOs/Ors whose records are not kept in Army HQs were also dispatched to Army HQs whereas those should have been addressed to their respective Record Officers for re- direction to the Service Voters, which would have saved considerable time.
- (d) In some cases, the envelopes did not bear the stamp of the State and Constituency properly.
- (e) Some postal ballot envelopes were not properly printed which made it difficult to find out whether it was for Assembly or Parliamentary Elections.
- (f) In some cases, JC numbers were written instead of IC numbers.

All election officials in general and DEO in particular may note that such defects not recur in future. It shall be ensured by all officials in general and DEO in particular that such defects do not come in future. Any recurrence shall be viewed upon with serious disciplinary actions.

11.9.3 The covers containing the postal ballot papers for Assembly and/or for Parliamentary elections in the case of members of Armed Forces and other eligible voters should invariably contain the elector's rank and regimental number or other full particulars so that no difficulty is experienced by the Record Officers, etc. in transmitting the ballot papers to the electors concerned. This will enable Record Offices, etc. to send the cover straight to the elector at the unit or stations of posting where he is serving even if there is a change of address.

11.10 CLASSIFIED SERVICE VOTERS: PROXY VOTING

11.10.1 As an additional facility, service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act 1950 applies, have been provided 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 CSV is 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 is to be made in Form 13F, newly inserted (**Annexure 28-A**). An appointment of a proxy 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 (**Annexure 28-B**).

11.10.2 On receipt of intimation of appointment of proxy by a CSV, you are required to 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 you by the last date for making nomination at that election. You are also required to maintain a separate list of CSVs and their proxies with their complete addresses in the form and manner specified by the Commission. The Form specified by the Commission in this behalf is given as **Annexure 28-C**. After the last date for filing nominations, you have to 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 28-D**. These sub-lists are to 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.

11.10.3 A CSV who has appointed a proxy shall not be issued a postal ballot paper.

11.11 ISSUE OF POSTAL BALLOT PAPERS TO POLLING STAFF AND OTHER CATEGORIES

11.11.1 You shall follow the following procedures for receiving of applications, issue of postal ballot papers and receiving back the polled postal ballot papers from government officials other than police and security personnel appointed on polling duty.

Polling Personnel-

11.11.2 The database of the such officials to be used as polling personnel shall contain electoral registration details i.e. the AC Number and Name, Part Number and Serial Number of each such official, where 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. If it is not provided, then on the basis of address of such official, the DEO office may locate name by using help-line or other computer tools. The letter of appointment sent to the polling personnel asking them to attend the training class should contain AC/Part/Serial Number detail of each staff.

11.11.3 You, as RO should ensure the following:

- a) in order that the postal ballot system works well, you may take steps to spread awareness by preparing a checklist to ensure that PB voters do not miss out on some crucial aspects that may render the postal ballot invalid, provide easy access to Form 12 and make proper arrangement for attestation procedure.
- b) all polling officials should, without exception, be provided Form 12 for applying for postal ballot paper along with their appointment letter with a request to submit duly filled Form 12 on the first day of training. They may be told that there is no need to fill up "address" column of Form 12 since postal ballot papers will be issued to them personally at the training venue itself.
- c) You should further make adequate arrangement to receive Form 12 at the training centre. Adequate number of Form 12 should also be kept at the training venue so that any polling personnel who are in need of Form 12 can get it.
- d) When any such person submits a duly filled Form 12, he shall be required to produce his appointment letter and also the EPIC issued to him or a copy of any official identity card issued to him by his department. Your official, who receives such Form 12 should see that it is filled up correctly and, if not, then the concerned polling official should be asked to help to correct the same. All duly filled applications (Form 12) received shall be processed immediately by the concerned Returning Officer/Assistant Returning Officer well 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. On the day of second round of training, you ensure separate and proper arrangements for issuing the postal ballot to the persons concerned. As the trainees may be electors of different ACs, it becomes imperative that all R.Os/ A.R.Os along with their staff will remain present at the training venue for the above purpose.

- e) Identification of the trainee official to whom PB is being issued shall be verified thorough EPIC or any other photo ID as well as appointment order.
- f) The cover containing the postal ballot paper will be handed over to him after obtaining his signature in the register for maintaining account of issue of PB to polling staff in Format XXIX. Simultaneous entry (PB) shall be made using red ink in the marked copy of the electoral roll. It should be made clear to him that 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. Considering the postal delays and inconvenience caused to such electors in returning back the PB after recording his vote, the Commission now encourages the system in which such electors, on receiving the PB from R.O/A.R.O record their preference on the postal ballot paper, then and there at "PB Facilitation Centre". For this, you should provide for some enclosure at some distance from training centre, with some chairs and a table with facility to record vote in complete secrecy.
- g) When elector reaches the said facilitation centre, some Govt officer, as is authorized under law to attest Form 13A.
- h) The polling official (trainee), then records his vote on postal ballot, folds it and then drops it in a duly locked and sealed "drop box" pertaining to his AC. The drop box shall be kept under close supervision of concerned RO/ARO and ECI Observer.

Note- 1. The D.E.O / SP / SDM shall personally inspect the training venue cum postal ballot facilitation centre 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. When the voters mark the ballot with their preference, the secrecy of ballot shall be enforced without compromise. If the authorized representatives of contesting candidates remain present at the facilitation centre proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register. The entire process including the arrangements made for this purpose shall be videographed. The contesting candidates should be informed in advance, about the postal ballot voting at the facilitation centre.

11.11.4 The above system of issuing PB and enabling the polling personnel to mark their preference at the facilitation centre shall be equally applicable to other civil staff to be engaged in election duty on the poll day as micro observers, sector or zonal officers, liaison officers of observers and so on.

11.11.5 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. 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 placed inside the envelope in Form 13B, which is meant only for the marked ballot paper.

11.11.6 Applications from voters on election duty for permission to vote by postal ballot are required by law to be made in Form 12 at least seven days or such shorter period as you may allow before the day of poll or the first day of the poll in the constituency. This is to enable you to send the postal ballot papers in time and to make the necessary entries in the working copies of the electoral rolls for the respective polling stations. If you have appointed the officers and supplied them with the application forms in time, you need not relax this seven-day rule. A Presiding Officer, Polling Officer or policeman or other public servant may be appointed for duty at a polling station so late that though he is otherwise entitled to apply for a postal ballot paper, he cannot do so seven days before the first date fixed for the poll. You should, whenever practicable, exercise your discretion in favour of such officer or public servant and allow him the facility of postal ballot when he applies for such facility.

11.11.7 The ECI has issued formats for accounting of postal ballot papers and instructions for the smooth management of postal ballot papers for employees on poll duty as per letter Nos 52/2012/SDR dated 16.10.2012 and 52/2012/SDR dated 13.08.2013

Security persons

11.11.8 You should note that the police personnel who will be engaged in election related duties on the day of poll shall only be eligible for obtaining PB. Hence, you have to obtain the list of such police personnel, well in advance, from Police Department. SP of the district should be requested to appoint nodal officers for preparing data on such police personnel. The data shall indicate the names of each such police personnel, service ID number, details of AC No, Part No, serial no etc. Similar nodal officers shall be identified Battalion HQ wise for State Armed Police Forces. Such lists are to be prepared very carefully lest the names of police personnel not connected with the election related duties also find place in the lists. SP of the district or Commandant of SAP shall carefully look into this aspect before such lists are submitted by them to the DEO concerned. On being accepted by the DEO, that list will become an approved list of

police personnel on election duty.

11.11.9 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, the Commission has decided to enable the police personnel to exercise their voting right by issuing their PB using postal services and receive back the same by Post or through drop box kept in the office of R.O This cannot be achieved without an efficient coordination between the election authorities and postal authorities. Unlike in the past, it has been decided to send the PB by Registered Post and not by under postal certificate(UPC) and the police personnel will also send their marked PB through registered post and the stamp 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.

11.11.10 In order to cut down on 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. The SP or Commandant of SAP should be asked to nominate one of his seniors as Police nodal officer. Similarly the DEO will also nominate one of his officers as a nodal officer.

- a) The initial task of such Police nodal officer will be to arrange to disburse blank applications in Form 12 along with guideline for filling up the said Form 12 for issue of postal ballot papers to the entitled security personnel i.e. who are going to be deployed on election duty .The electors should be specifically be alerted that (a) while filling up the Form 12, in the space provided for indicating the address for the dispatch, they should invariably mention only the full postal address of their present place of posting.(b) They should also mention the address where they are registered as an elector in the vacant space available in the Form and (c) They should mention the serial number and part number as well as the name of the constituency where he is registered as an elector. In case he does not know correctly these details, he should mention the complete address where he is registered so that attempt will be made by DEO/RO to locate his name and fill up the details.
- b) The next duty of the said Police Nodal Officer shall be to arrange to collect duly filled Form 12 from the security personnel without any delay.
- c) He will sort out applications pertaining to other districts and without any delay, make district wise parcels containing AC wise envelopes having Form 12 applications and send the parcel to the other districts through special messengers. The special messenger

shall meet the nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such envelopes from various districts the nodal officer of DEO of that district shall take the follow up action in the same manner in which the Form 12 applications received from within the district have been dealt.

- d) Remaining applications shall be sorted out AC wise and district wise, as there is possibility of a polling personnel having been registered in a district to be posted in another district. All Form 12 applications pertaining to any AC within the same district shall be dealt with at the district HQrs itself without physically sending the same to the R.O's HQs located outside the district HQ. For this purpose an authorized A.R.O of each AC should be deputed by you to go with sufficient officials, 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. A clear instruction need to be issued to Postal authorities that the PB sent to a particular elector (by name) by Registered Post shall be handed over to him and under no circumstances to any other person.
- e) The elector on receiving the PB may mark his preference and send the same to the Returning Officer by Registered Post or he may, personally, put the marked PB in the 'drop-box' kept in the office of the Returning Officer. The voter while recording his vote has to follow the instructions contained in Form 13D.

Drivers, Cleaners and Helpers

11.11.1 There will be a time limit up to which the duly filled in Form 12 can be received from drivers, cleaners and helpers, etc of vehicles requisitioned for election. 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 throughout the state. The Returning officer shall prepare a statement indicating the details of such persons and give a copy to the observer. The C.E.O shall fix up a timetable for appointment of such drivers and cleaners and fix up a clear deadline up to which the applications for PB can be received. It shall be made clear to such voters that the address to be mentioned in Form 12 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 paper will be issued to them by the R.O only by the registered post with A/D. In case, any such voter instead of opting to receive his PB by post and 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 he may follow the procedure contained in Form 13D and exercise his voting right within stipulated time.

PLEASE NOTE -

- i. For the benefit of such 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 with secured lock duly sealed so that any such voters, other than the service voter, can come and drop their marked PB in the sealed cover (provided to each voter along with PB). Necessary arrangements for attestation of Form 13A of such persons who wish to record their votes after collecting their PB personally shall be made.
- ii. Apart from marking 'PB' against the name of each and every elector in whose favour 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. 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. Apart from one ink -signed copy adequate number of photocopies of the AIS (as are the contesting candidates) shall also be handed over to the presiding officer who may hand over the same to polling agents for their information. 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.

11.12 POSTAL BALLOTS FOR SIMULTANEOUS ELECTIONS

- 11.12.1 The postal ballot papers in respect of Parliamentary Constituencies are to be returned to the Returning Officers of the constituency and not to the Assistant Returning Officers. With that end in view at a simultaneous election, all the Forms viz., Forms 13-A, 13-B, 13-C and 13-D must be sent in two sets, one pertaining to the Parliamentary and the other to the Assembly Constituency. Each of these sets can be put in the respective covers, viz, Form 13-C, with the address of Returning Officer concerned specified thereon. While sending out to the Record Office, etc. the larger envelopes, each containing the two separate sets of forms, can be put in a single outer cover.

11.12.2 ENVELOPES – To distinguish between two types of postal ballot papers different colours will be used as detailed below: -

The covers in Forms 13-B and 13-C

A) For an Assembly election may be printed in pink colour and

B) For a Parliamentary election in green colour.

Note: Full designation of Returning Officer and complete office address should be printed or written on the covers in Form 13-C.

11.13 POSTAL BALLOT PAPERS FOR ELECTORS UNDER PREVENTIVE DETENTION AND SPECIAL VOTER

PRINTING

11.13.1 The printing of postal ballot papers, for issue to special voters, electors under preventive detention and voters on election duty should also be done, if possible along with the postal ballot papers for 'Service Voters'. If it is, however, considered that the printing of postal ballot papers for 'Service Voters' which is required to be completed within 24 hours after the last hour fixed for the withdrawal of candidatures may get delayed if postal ballot papers for other categories of person eligible to vote by post is also simultaneously done, then the printing of postal ballot papers for the latter categories may be done in the second phase. This second phase of printing should also be completed within 72 hours after the last hour fixed for the withdrawal of candidatures.

PROCEDURE

11.13.2 The names of special voters and electors in preventive detention will not be found in the last part of the electoral roll. If they are eligible to vote, their names would have been entered in one or the other parts of the electoral roll for the constituency. The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to you the names of the electors, if any, under preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention. An elector under preventive detention may himself also give the intimation of the above effect to you within fifteen days of calling the election.

11.13.3 A special voter who wishes to vote by post is required to intimate you at least ten days before the date of poll. If you receive any such intimation in respect of a special voter or an elector under preventive detention, send a postal ballot paper to such elector.

11.13.4 Postal ballot papers shall be issued to them in the same manner as given above for service electors.

11.14 ISSUE OF EDC TO VOTERS ON ELECTION DUTY

11.14.1 A voter on election duty in a constituency, where he is registered as elector, will also have the option to vote in person at a polling station although the polling station is different from the one where he is entitled to vote, if he so desires. If he chooses to vote in person at the polling station where he is on duty on the polling day, he should send application(s) in Form 12A to the Returning Officer concerned so as to reach you at least four days before the date of poll or such shorter period as you may allow. If you are satisfied that the applicant is such public servant and voter on election duty in the constituency, you will allow the request and issue an election duty certificate (EDC) in Form 12-B.

11.14.2 The above concession is admissible only for such public servants as are posted for poll duty in the same constituency as the one in which they are registered as voters and not in other cases. A polling agent is not entitled to this facility. Further, as per latest instructions, a polling agent must be an elector of that polling station.

11.14.3 The application in the case of election to the House of the People shall be made to the Assistant Returning Officer for the Parliamentary Constituency and separately for Assembly election to the Returning Officer of that constituency.

11.14.4 Under Rule 20 of the Conduct of Elections rules, 1961, a Presiding Officer, Polling Officer or other public servant on election duty may in some cases be able to vote in person only for the Parliamentary election and may have to obtain a postal ballot paper for voting at the Assembly election. This will be the case whenever he is on election duty outside the Assembly Constituency but within his Parliamentary Constituency. In such cases, he should be advised to apply in Form 12 A for Election Duty Certificate for the Parliamentary election and in Form 12 for postal ballot paper for voting at the Assembly-election.

11.14.5 Presiding Officers, Polling Officers, polling assistants and other public servants on election duty who have applied to you for permission to vote in person in Form 12-A will be issued an Election Duty Certificate in Form 12-B. Before the issue of the certificate you should ensure that such persons are not allowed to vote at the polling stations where they would otherwise have been entitled to vote, by noting the word 'EDC' against the entries of their names in the marked copies of the electoral rolls pertaining to the particular polling stations. They need not be supplied with any other documents.

All persons on election duty (in case of Assembly Election) should apply for postal ballot paper rather than EDC

11.14.6 Under the present system, duty to polling persons is assigned by the method of random selection and normally the persons are assigned

duty outside their home constituencies (where they are registered as elector), but within the same district. Further, the persons on polling duty come to know about the place of duty only at the last moment. Therefore, applications for “EDC” from those who may be put on duty in their own constituencies can get delayed considerably. Hence, to enable all persons on polling duty to exercise their franchise, they all may be asked to apply for and obtain postal ballot papers for voting. Under the law, there is no bar to vote by postal ballot papers, even if the person is put on duty in the same constituency where he is registered as an elector.

- 11.14.7 Additional instructions regarding smooth management of postal ballot paper for employee, police officer, drivers/conductors & cleaners requisitioned on for duty may kindly be seen in commission’s letter No. 52/2012/SDR dated 13-08-2012.

11.15 RECORD OF POSTAL BALLOT PAPERS

11.15.1 In the office of the each R.O., there should be a responsible officer (preferably one of the AROs) who should be available with the copy of the electoral roll to help any person on election duty to come and verify his name in the electoral roll

- a) The same officer should be deputed to training venue also to receive duly filled in Form-12 submitted by the persons on election duty.

Note: As stated above Postal ballot paper to polling personnel is to be issued in person. A separate register will be maintained for keeping proper track of postal ballot papers issued to each category of electors. The register should have the following columns:

- i. Name of the Person drafted for election duty and who has applied for Postal Ballot Paper in Form-12
- ii. Name and Number of the Assembly Constituency in which the person is serving
- iii. Whether the person is registered in the electoral roll of the Constituency. (Yes or No)
- iv. If yes, Part No. and serial number of the person in the electoral roll of the constituency.
- v. Whether postal ballot paper has been issued to him and necessary entry made in the marked copy of the electoral roll against the name of the person (Date of issue and making such entry).
- vi. Whether the person collected the Postal Ballot Paper in person from the R.O’s Office.(Yes or No)
- vii. If yes, the signature of the person with date.
- viii. If no, whether the R.O. has taken action to deliver the Postal

Ballot Paper at the person's address (Date of delivery)

ix. Remarks

b) The Register should be prepared in the format given at **Annexure 29**.

11.16 SEALING MARKED COPY OF ELECTORAL ROLL

11.16.1 Seal the marked copy of the electoral roll including the sub-list of polling station-wise CSVs and proxies appointed after all the postal ballot papers for voters entitled to vote by post and Election Duty Certificates have been issued, and arrange to give it to the concerned Presiding Officer to be used as the marked copy of the electoral roll at the polling station. It is very important that this copy of the electoral roll on which the letters 'PB' and 'EDC' have been recorded should be used as the marked copy of the electoral roll at the polling station along with polling station-wise list of CSVs; otherwise such a voter may vote at the polling station in addition to voting by postal ballot or on the EDC. Place the counterfoils of the postal ballot papers issued to the electors in a separate packet, seal it and keep in your safe custody.

11.17 SUPPLY OF SECOND SET OF POSTAL BALLOT PAPERS, ETC. IN EXCHANGE FOR FIRST SET

11.17.1 You may issue a second postal ballot paper to a voter (along with the other connected papers) only if the latter (a) returns to you the entire set of paper already issued to him, and (b) further satisfies you that through inadvertence he has spoilt the first set of papers so that they are incapable of being used. Cancel the returned papers, seal them in a packet noting the serial numbers of the postal ballot papers thus returned to you on the packet.

11.18 ATTESTATION OF DECLARATION OF VOTER CASTING POSTAL BALLOT PAPERS

11.18.1 Sub-rule (2) of Rule 24 of the Conduct of Elections Rules, 1961, requires that the elector voting by post shall sign the declaration in Form 13-A in the presence of and have the signature attested by,

- (i) a stipendiary magistrate
- (ii) such officer as appointed by the Commanding Officer of your unit or establishment if a service voter,
- (iii) the concerned diplomatic or consular representative if employed under Govt of India in a post outside India,
- (iv) officer not below the rank of Dy Secretary to Govt of India or a state
- (v) any Gazetted officer or Presiding Officer of the polling station where posted
- (vi) Superintendent of the jail or Commandant of the detention camp.
- (vii) such other officer specified in this behalf by ECI.

It is sometimes alleged that candidates and their supporters get the postal ballot papers from the voters without the vote having been recorded thereon after merely getting their declaration signed later on and get them attested by obliging attesting officers even when the electors are not present in person, thus violating the existing law. To guard against such malpractices, if they really exist, the Commission has requested all State Governments and High Courts to suitably alert every stipendiary magistrate and insist that the formal legal requirements regarding the identification of such elector and the attestation of his signature on the declaration in connection with his postal ballot paper must be strictly complied with whenever they have occasion to attest such signature.

You may note that honorary magistrates are no longer competent under the law to attest any postal ballot paper. A member of the Parliament or the State Legislature will not be deemed to be a 'Gazetted Officer' for purposes of attestation of the declaration relating to postal ballot papers.

11.18.2 If an elector is unable to record his vote on a postal ballot and sign the declaration because he is illiterate, blind or on account of other infirmity, he shall take the ballot paper together with declaration and covers received by him to an officer competent to attest his signature under Sub-rule 2 of Rule 24 of the Conduct of Election Rules, 1961 and request the officer to record his vote and sign his declaration on his behalf. 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 13 A.

11.19 RETURN OF POSTAL BALLOT PAPERS-

11.19.1 To facilitate speedy return of Postal Ballot Papers, each R.O. should have a special box with secure locks in his office, so that persons on election duty and others who have received Postal Ballot Papers may drop their marked ballot papers in the sealed covers (provided to each elector along with the Postal Ballot Paper) in that box.

11.19.2 Everyday a designated officer should take out the contents of the box, make necessary entries in the Register maintained for the purpose, and keep the Register and the sealed covers of Postal Ballot Papers under proper lock and key. 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 indicating the cumulative figure. When the observers leave the constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.

11.19.3 If any elector on election duty opts to send the Postal Ballot Paper through normal prepaid postal service, there is no objection since the existing system allows this.

11.19.4 A separate register should be maintained to keep a record of issue of postal ballots to service voters, special voters, voters on election duty and voters on preventive detention. The names of electors to whom the postal ballots have been issued, and the category of the elector (i.e. service voter, special voter, voter on preventive detention, voters on election duty) should be entered in the register. When the postal ballots are received back, a record of the number of ballots received back should be entered in the register, indicating how many were received back in time and how many were received back after the prescribed time, under each category of electors.

11.20 POSTAL BALLOT PAPERS RETURNED IN TIME

11.20.1 Keep all the covers containing the postal ballot papers, which are received back by you in time in safe custody. Postal ballot papers should be returned to you latest by the hour fixed for the commencement of counting of votes of the constituency.

11.20.2 The number of postal ballot papers received should be duly entered in the register maintained for the purpose for keeping correct account of the postal ballot papers received back in time and ensuring that no such ballot paper is lost or misplaced. The entries in this register should be made from day to day and should be countersigned by you or Assistant Returning Officer at the end of each day.

11.21 POSTAL BALLOT PAPER RETURNED LATE

11.21.1 You should not decline to receive any cover containing postal ballot paper delivered after expiry of the hour fixed for its return. Postal ballot papers received by you in their covers too late (i.e. after the hour fixed for the commencement of the counting of votes of the constituencies or on any subsequent date) cannot be counted and must be rejected. Note the date and time of its receipt on each such cover received too late. These covers are not to be opened and should be kept together for future reference, if required. However, the number of each postal ballot received back late should be noted in the register. The ballot papers contained in those covers need not be included in the total number of rejected votes in the Return of Election in Form 21-E. The final result sheet (Form 20) also does not provide any space to show the number of postal ballot papers not counted because they were received after the prescribed hour and date.

11.22 DELIVERY OF POSTAL BALLOT PAPERS

11.22.1 The Director-General of Posts and Telegraphs has been requested to

instruct all postal authorities regarding the provision of law making it their legal duty to arrange for the prompt delivery of every cover containing postal ballot paper to the correct addressee so that the system of postal ballot may work satisfactorily. Under the rules, postal ballot paper can be returned to you as 'Service Unpaid' and you have to pay cash against each such delivery. Since it will be very difficult to pay cash every time the covers are delivered, it is suggested that you should open a deposit account at the nearest post office from which you will receive delivery of the covers so that the postal authorities can adjust the charges, against the deposit every time the covers are delivered. However, the question of postal ballot papers from Foreign Service voters being returned to you, as 'Service Unpaid' does not arise as postage stamps would have been affixed by the office in which the voter is serving. However, if their postal ballot papers are returned through diplomatic bag, then it will come to you in cover super scribed 'Service Unpaid'. An account of such covers so received may be kept. The expenditure involved on account of certificate of posting for redirected postal ballot papers to service voters will be met from the grants of Ministry of Defence.

11.22.2 The Director-General of Posts will also instruct all postal authorities regarding prompt delivery of postal ballot papers to you on the polling day irrespective of Sundays and post office holidays.

11.23 BALLOT PAPERS FOR ELECTRONIC VOTING MACHINE

11.23.1 The elections in the country are now conducted using Electronic Voting Machines. The Commission has approved the designs of machines produced by Bharat Electronics Ltd, Bangalore and Electronic Corporation of India, Hyderabad. The details of the working of the machine are given in Chapter XII. Every machine has a control unit and a ballot unit. On every ballot unit, a ballot paper shall be displayed in the space meant for the same. Under Rule 49B of the Conduct of Election Rules, 1961, the ballot paper on the ballot unit (referred to as label) in sub-rule (4) of that rule) shall contain such particulars and shall be in such language or languages as the Commission may specify.

11.24 OPERATIONAL DETAILS

11.24.1 Complete details of operation of voting machines are contained in the Manuals of Electronic Voting Machines produced by the above-mentioned two manufacturing companies. You should find out in advance as to whether the machines produced by Bharat Electronics or Electronics Corporation of India are going to be used in your constituency. You should study very carefully the manual relevant to the machines being used in your constituency so that you become fully conversant with the operation of the machines. You should also operate the machine yourself so as to be familiar and thorough about all aspects of its operation.

11.25 DESIGNING OF BALLOT PAPERS FOR VOTING MACHINES

11.25.1 On every ballot unit, a ballot paper shall be displayed in the space meant thereof. Under rule 49B of the above referred rules, the ballot paper on the ballot unit [referred to as label] in sub- rule (4) of that rule] shall contain such particulars and shall be in such language or languages as the Election Commission may specify.

11.25.2 The Commission has specified that the said ballot papers shall be in the following form and language(s) :-

- i. The total length of the ballot paper will be 460 mm and its width shall be 140 mm in the case of machines manufactured by Electronics Corporation of India, Limited (ECIL). For machines manufactured by Bharat Electronics Limited (BEL), the length of the ballot paper will be 461.5 mm and the width will be 140 mm.
- ii. At the top of the ballot paper, there shall be a space provided for indicating the particulars of the election and the name of the constituency, of the size 12.7 mm (length) x 140 mm (width) in the case of ECIL - manufactured machines, and of the size 7.5 mm x 140 mm in the case of BEL – manufactured machines.
- iii. In the space so provided, on the top left hand corner, the serial number of the ballot paper shall be printed. On the top right hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet, where the number of contesting candidates exceeds fifteen. The particulars of the election shall also be printed in the said space. These particulars will contain the serial number and name of the Parliamentary or Assembly Constituency, as the case may be, the year of election and the nature of election and shall be printed in English alone. The following illustration will make the position clear:-

(a) For General Election to the House of the People;

'1-New Delhi PC. 2004- Genl.';

(b) For Bye-Election to the House of the People;
'1-New Delhi PC. /2005-Bye";

(c) For General Election to the Legislative Assembly;
'304-Etawah AC./2004-Genl.

(d) For Bye Election to the Legislative Assembly;
'304-Etawah AC /2005-Bye'.

Provided that where the number of contesting candidates is less than fifteen, the above particulars may be printed either at the top or at the bottom most portion (space meant for the candidate at serial number sixteen), as may be

considered convenient from the point of view of printing.

Provided further that where the number of contesting candidates is fifteen or more, the above particulars may be printed in a vertical column, on the left hand side of the ballot paper, with a thick line dividing the said column and the panels containing the serial numbers and names of the contesting candidates and option of NOTA.

- iv. Below the space provided at the top for printing the particulars of the election, there shall be a thick black line of 2.1 mm in the case of machines manufactured by ECIL and of 1.00 mm in the case of machines manufactured by BEL.
- v. Below this line, there shall be printed the serial number of each contesting candidate, his name and the symbol allotted to him, in a separate panel for each candidate. And after the panel containing the name and symbol of the last candidate, there shall be a panel below the said panel with the words non of the above "NOTA" written therein. Against "none of the above", the notation NOTA shall be printed.
- vi. The size of the panel for each contesting candidate shall be 25.4 mm (length) x 140 mm (width) in the case of ECIL – manufactured machines and 27.5 mm (length) x140 mm (width) in the case of BEL – manufactured machines.
- vii. The panels of the candidates shall be separated from each other by a thick black line of 2.1 mm in the case of ECIL – manufactured machines and 1.00 mm in the case of BEL – manufactured machines.
- viii. The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.
- ix. The names of not more than fifteen candidates shall be arranged on one sheet of a ballot and NOTA option will come after the last name of the panel. If the number of contesting candidate together with NOTA option is less than sixteen, the space below the panel after this shall be kept blank, except where the particulars of election, etc., are printed at the bottom under clause (iii) above.
- x. If the number of contesting candidates exceeds fifteen, the ballot paper shall be printed on two sheets of the above mentioned size and dimensions. If the number of candidates exceeds thirty one, on three sheets and if the number of contesting candidates exceeds forty seven, on four sheets.
- xi. In such cases where the ballot paper is printed on more than

one sheet, the names of the contesting candidates from S. No. 17 to 32 shall be printed on the second sheet, from S.No. 33 to 48 on the third sheet and from 49 onwards on the fourth sheet. If the number of candidates is less than 32, the space below the panel from the last contesting candidate in the second sheet, after NOTA shall be kept blank. Similarly for the third and fourth sheets of the ballot papers.

- xii. On each such sheet, in the space provided for indicating the particulars of the election, its number shall be indicated in bold words and letters, e.g., 'Sheet No.1', 'Sheet No.2', etc.
- xiii. The names of the contesting candidates including NOTA option shall be printed in the same language or languages in which the list of contesting candidate panel has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.
- xiv. Serial number and the name of the candidate panel shall be printed on the left hand side and his symbol on the right hand side in the panel meant for him.
- xv. After the panel containing the name and symbol of the last candidate, there shall be a panel below the said last panel with the words "None of the Above" 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 for "None of the Above" shall be the same as for the candidates. For example, if there are 12 candidates contesting the election, there shall be provided the 13th panel with the words "None of the Above" and the ballot button against such 13th panel shall also be kept open. If there are sixteen candidates in the fray, an additional balloting unit shall be attached to the first balloting unit for the 'None of the Above' panel. Thus, in case more than one balloting unit is used, "None of the Above" panel shall be only in the last balloting unit below the panel for the last candidate.
- xvi. 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.

11.25.3 Sample of Ballot Paper is given at **Annexure 30. (Letter No 51/8/NOTA/2013 -EMS dated 30.10.2013)**

11.26 PRECAUTIONS FOR PRINTING OF BALLOT PAPERS

11.26.1 The ballot papers shall be printed in such a way that after fixing the ballot paper on the ballot unit in the space provided for the purpose, dividing line drawn below the space in which the particulars of election are printed and the dividing lines below the panel of each candidate shall be in complete alignment with the corresponding grooves or lines engraved on the ballot unit. Utmost care will, therefore, have to be taken

while printing the ballot papers and to ensure that the ballot paper have been correctly printed, the ballot unit should be shown to the technicians of the printing press. They may be asked to take the exact measurements of the space meant for printing the particulars of election and the panels of candidates and the thickness of the dividing lines so that the ballot papers are printed in exact alignment.

11.26.2 It is not necessary to get the ballot papers which are to be fixed on the ballot units, stitched into bundles.

11.27 TENDERED BALLOT PAPERS

11.27.1 Under Rule 49P of the Conduct of Elections Rules, 1961, 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 supplied with a tendered ballot paper instead of being allowed to vote through the voting machine. That rule provides that the tendered ballot paper shall be of such design and the particulars of that ballot paper shall be in such language or languages as the Commission may specify.

11.27.2 The Commission has specified that the tendered ballot paper shall also be of the same design and shall be printed in the same language or languages as the ballot paper to be used for display on the ballot unit. In other words, the ballot papers to be used on the ballot unit and the tendered ballot papers shall be the same. However, the words 'Tendered Ballot Paper' shall be stamped on the back of each ballot paper to be used as tendered ballot paper.

11.28 ASSESSMENT OF REQUIREMENT OF BALLOT PAPERS

11.28.1 The number of ballot papers to be printed depends upon the number of polling stations to be set up, number of voting machines to be used including reserve machines and the number of ballot papers to be supplied to each polling station for use as tendered ballot papers. The total requirement of ballot paper to be printed thus has to be made on the following basis:-

(i) One ballot paper shall be required for display on each ballot unit. Therefore, the number of ballot papers required for this purpose will be equal to the number of voting machines to be used, including the reserve machines, in the constituency.

(ii) Each polling station may be supplied with twenty ballot papers to be used, if necessary, as tendered ballot papers. The total requirement of ballot papers to be supplied to the polling stations for use as tendered ballot papers shall accordingly be worked out depending upon the number of polling stations in the constituency.

(iii) In addition to the total requirement of ballot papers worked out

in accordance with Paragraphs (i) and (ii) above, 10% of the above number may be printed as extra ballot papers to meet the contingencies, like mutilation at the time of fixing the ballot papers in the ballot units, defective ballot papers, supply of additional tendered ballot papers to the polling stations, were necessary, through the zonal or sector officers, etc.

11.29 ARRANGEMENTS FOR PRINTING OF BALLOT PAPERS

11.29.1 The arrangements for printing of ballot papers required for your constituency will be made by the Chief Electoral Officer as for the other constituencies. It is therefore, necessary that you should furnish to the Chief Electoral Officer the list of contesting candidates in Form 7A immediately after the same has been prepared after the last hour fixed for the withdrawal of candidatures and the allotment of symbols to the candidates. The list should be sent to the Chief Electoral Officer by the fastest means of communication available like Fax, E-mail, or by sending a special messenger.

11.29.2 You should also make special arrangements to collect the ballot papers from the printing press immediately after the same have been printed. The arrangements for the transport of ballot papers from the press to your headquarters shall be made in a closed vehicle under proper security guard. You should keep all ballot papers under lock and seal in the treasury till you require them for the purposes of the poll.

11.30 VERIFICATION OF BALLOT PAPERS

11.30.1 You should also make special arrangements to check the ballot papers while the same are under print at the printing press to ensure that the names of all the contesting candidates and the symbols respectively allotted to each of them have been correctly printed. Impression of symbols should exactly conform to as approved by ECI.

11.30.2 On receipt of the printed ballot papers from the Press, the ballot papers should be checked so as to ensure that there is no discrepancy in the number of ballot papers as supplied by the press and the number found on actual counting at your end. If on such checking any ballot paper is found defective in any manner or with duplicate number or the serial number of any ballot paper is missing, the same should be clearly noted in a register and also published on the notice board of your office as well as at the distributing centre. A copy of the notice should be sent to each of the contesting candidates also.

11.31 SAFE CUSTODY OF UNDISTRIBUTED BALLOT PAPERS

- 11.31.1 Some ballot papers may remain undistributed with you after the same have been fixed on the ballot units of the voting machines and supplied to the polling stations for use as tendered ballot papers. Such undistributed ballot papers should be kept by you at some central place on the day of poll for supply to any polling stations as may be required according to the exigencies of the situation. Proper safeguards must be taken to ensure that such undistributed ballot papers remain either in your custody or that of one of your Assistant Returning Officers specifically nominated by you and do not fall in unauthorized hands.
- 11.31.2 After completion of the election, such undistributed or surplus ballot papers should be put inside a steel trunk or receptacle. That steel trunk or receptacle should be sent to the Chief Electoral Officer or kept in the treasury under the orders of the Chief Electoral Officers as contemplated in Chapter XIX, until these undistributed ballot papers are destroyed in the manner indicated in that Chapter.

CHAPTER - XII

PREPARATION FOR THE POLL – COMMISSIONING OF ELECTRONIC VOTING MACHINES

12.1 PRELIMINARY

12.1.1 You must have already assessed your requirement of voting machines, including reserve machines for use at the election in your constituency. You must have also obtained the required number of machines through the Chief Electoral Officer of your State/Union territory. Immediately after the list of contesting candidates is prepared, you will know the number of ballot units which you will have to supply to each polling station as one ballot unit can cater up to fifteen candidates, as one row after the last candidate shall be kept for NOTA. Therefore, you should make an immediate reassessment of the ballot units required for use in your constituency and obtain immediately, the additional ballot units.

12.1.2 As per the amendment in the Conduct of Election (amendment) Rules, 2013, after rule 49A the proviso is added that a printer with a drop box of such design as approved by the ECI, may be attached to a voting machine for printing a paper trail of the vote, in such constituency or Constituencies or part thereof as the ECI may direct. This instrument is known as the Voter Verifiable Paper Audit Trail (VVPAT). In constituencies or part thereof where VVPAT is used, you must get printers and drop boxes set as per the number of contesting candidates including NOTA in the control unit

12.2 ASSESSMENT OF THE REQUIREMENT OF VOTING MACHINES

12.2.1 The assessment of the requirement of voting machines for use in the constituency shall be made on the following basis:-

- i. One control unit shall be required to be supplied to each polling station. (In some rare cases, the Commission may as a special case provide under Rule 49C(4) of the Conduct of Election Rules 1961, one common voting machine for two or more polling stations located in the same premises. Ordinarily, a separate voting machine shall be used for each polling station.) Therefore, the requirement of control units for use at the polling stations shall be equal to the number of polling stations provided in the constituency.
- ii. The requirement of ballot units for use at the polling stations will be dependent upon the number of contesting candidates at the election. If the number of candidates is up to fifteen only one ballot unit is required for each polling station. Thus, the requirement of ballot units will be equal to the number of polling stations. Such requirement will become double if the number of contesting candidates is up to thirty one. This requirement will

likewise become three times or four times if the number of contesting candidates is up to forty seven or sixty three respectively with the last column after the final contesting candidate reserved for NOTA option.

- iii. Over and above, the requirements of control units and ballot units for actual use at the polling stations as worked out above, 10% of such numbers in rural areas and 5% in urban areas or such percentage as may be directed by the Commission, of control units and ballot units shall be procured extra to be kept as reserve machines.
- iv. In the case of a simultaneous elections to the House of People and the Legislative Assembly of the State, two separate sets of ballot unit and control unit will be required, i.e., one set of ballot unit and control unit for the elections to the House of People and another set of ballot unit and control unit for the election to the Legislative Assembly.

12.3 FIRST LEVEL CHECKING AND RANDOMIZATION OF MACHINES

12.3.1 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 owing 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, all EVMs available in the district shall be brought to the district headquarters under proper escort.

12.3.2 The first level checking shall be carried out by the BEL/ECIL engineers under the managerial control of the DEO in the presence of the representatives of the recognised political parties, as the case may be, at the district/Sub-divisional headquarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name and other particulars including phone numbers of such officer to the CEO. The first level checking involving the checking of the functionality of the machines, mock poll with 1000 votes in 5% of the total machines, sealing of the Control Unit by Pink Paper Seal (PPS) and preparation of Registers thereof will be done in accordance with the existing instructions and procedures as laid down in order No. 51/8/16/4/2010-EMS dated 4.8.2010 of the Commission and through EVM tracking software also.

FIRST RANDOMIZATION

12.3.3 For the purpose of tracking the 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. (This can be organized centrally by the CEO or the DEO can print at their level as per the decision of CEO in this regard). A sample model of such label is given below:-

Name of the State/UT:				
Name of the election:				
District Name:				
Control Unit No.				
Current				
First Level			CU Randomization 1	
Date	Sign of BEL/ ECIL technician	Sign of D.E.O representative	Date	Sign of D.E.O/ R.O Representative
Randomization 2	Deployment Status	Polling Station No.		Sign of R.O. /ARO.
Date				

12.3.4 As soon as the first level check is over, the sticker will be pasted on the back of the CU and the engineer in charge of checking will put his signature indicating the date in the relevant slot 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.

12.3.5 Simultaneously, a representative of DEO duly authorized for this purpose will also sign in the relevant slot. After this, CUs shall be stored under proper lock and key with due precaution and care. Any CUs found defective during checking shall be isolated and kept separately for follow up action for rectification of defect. The above procedure will also be applicable for the Ballot Units, which will be verified, signed and numbered. CUs and BUs found fit for use in election shall also be marked FLC OK in EVM Tracking Software. The First Level Checking should be completed well in advance.

12.3.6 A database of the CUs and BUs verified and certified will be prepared separately and kept in readiness for randomization. The data base structure will contain details of CUs and BUs indicating the machine number (original number given by the manufacturer as inscribed on a metallic plate on the back side of the CU/BU as the case may be.)

12.3.7 The DEO will fix up a schedule for the randomization of CUs / BUs for

their distribution to various ACs. It is to be done in the presence of the representatives of recognized political parties. The randomization will be done in such a way using computer software (to be supplied by the CEO of the state/UT) that the CUs /BUs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. The surplus CUs/Bus shall also be randomly grouped and distributed AC wise for the purpose of training and awareness programmes (for the training of the polling staff as well as for the purpose of voter awareness). A green- coloured sticker shall be affixed on the CUs and BUs assigned to ACs for polling. A yellow-coloured sticker shall be affixed on the CUs and BUs assigned for training and awareness programmes. The sticker shall clearly indicate the name of State/UT and the number and name of Assembly Constituency. "Training/Awareness" will be written on the sticker of CUs and BUs assigned for training and awareness. "Election" will be written on the sticker of CUs and BUs assigned for polling. No current ID will be given during randomization. After randomization, the CUs and BUs will be marked "Election" or "Training/Awareness" in the EVM tracking software. (ECI Lr.No.51/8/7/2012-EMS, dt.19.01.2012)

12.3.8 After first randomization, separate lists of CUs and BUs allotted to each AC for use at polling stations as well as the training shall be prepared and signed by the DEOs representative and the R.O and such lists 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 be sent to the party office and a receipt obtained. After first randomization list of randomized CUs and BUs clearly indicating which CUs and BUs are to be used in which AC for polling and which CUs and BUs are to be used in which AC for training and awareness should be given to each recognized political party and a written acknowledgement obtained. A copy of this list should be given to all the candidates after the last date of withdrawal of candidatures.

12.3.9 Thereafter, the R.O of the constituency, shall take charge of the CUs/BUs randomly allotted to his constituency. The CUs/BUs meant for use at polling station shall be taken separately to the strong room of the RO under proper escort and will be guarded by suitable force round the clock. 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.

SECOND RANDOMIZATION

12.3.10 Second randomization of EVMs has to be done before preparing the EVMs for poll by candidate setting as the address tag of EVM is sealed at the time of preparation of EVM (Candidate Set). The purpose of second randomization of EVMs is to allocate EVMs randomly to polling stations. The Returning Officer should fix the date of preparation of EVMs for poll (Candidate set) and intimate all candidates to remain present or

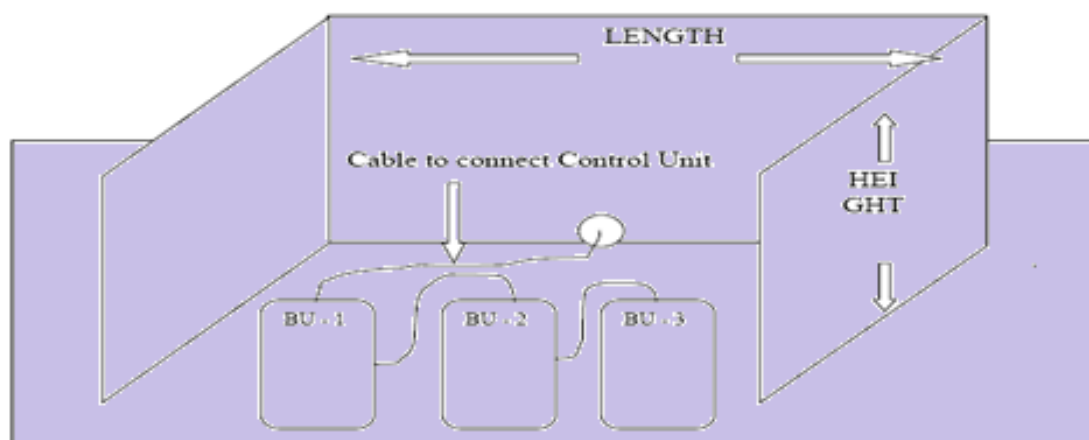
send their representatives during the process. The date should be fixed as early as possible after the last date of withdrawal of candidatures and finalization of ballot papers. On the date so fixed second randomization of EVMs also should be done before doing the process of preparation of EVMs for polls so that CUs and BUs should be randomly allocated to polling stations. After second randomization polling station number should be marked in the EVM tracking software, against those BUs and CUs which have been assigned polling stations. Those BUs and CUs which have not been assigned polling stations but are meant to be used in elections should be marked "Reserve" in the EVM tracking software. A list of CUs and BUs along with the number of polling stations assigned to them should be given to all the candidates. Similarly a list of CUs and BUs kept in reserve should also be given to the candidates and written acknowledgement taken.

Where more than one Ballot Unit is being used, the Chief Electoral Officers will ensure that the additional Ballot Unit is also allocated randomly to the polling stations. For this purpose there may be two Scenarios –

Scenario 1- Preparation of EVMs and second level randomization is already over before the additional Ballot Units reach the Returning Officers' Headquarters. In this case another randomization for allocating Ballot Units No.2/3 will be done to allocate the Ballot Units to the polling stations and the list of such allocation may be supplied to the Political Parties/Candidates.

Scenario 2-Preparation of EVMs and second level randomization is done after the arrival of additional Ballot Units. In such case the randomization will be done in such a way that against the polling stations number the Control Units number is shown first and then the Ballot Unit No.1 and Ballot Unit No2 and so on.

- 12.3.11 In the constituencies where additional Ballot Units are being used for having the number of contesting candidates more than 15, the Presiding Officers should be specifically instructed to arrange the Ballot Units in the manner as shown in the following figure. For this purpose the size of Voting Compartment should be increased proportionally in such a way that the electors are not put to any kind of inconvenience and at the same time the secrecy of ballot is not compromised in any way.



NOTE: Ballot Unit placed as 'BU-1' will contain the names of candidates 1 –16;
 Ballot Unit placed as 'BU-2' will contain the names of candidates 17 –32; and so on..

12.3.12 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 be specifically instructed to keep the printer along with the ballot unit in the voting compartment. The printer shall be connected to the EVM in the manner as directed by Election Commission. For this purpose the voting compartment should be increased proportionally.

(A picture of Ballot unit with printer and drop box to be shown here)

12.3.13 At this stage, the CU and BU randomly earmarked PS wise as above shall be identified by matching the PS no. and will be kept in pair by tagging them together. Any candidate/ agent present at the preparation hall may choose to get the CU/BU checked again 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 pro-active measure, do a random verification of at least 5% of such CU-BU pairs to test the working status of the EVMs.

12.3.14 After preparation of the Ballot units it should be sealed with Pink Paper Seal (PPS) having signature of the Candidates. Both types of address tags – one for use on CU and another on BU would slightly be modified to indicate on it the current ID no. as given in adhesive sticker (as mentioned earlier). The address tag attached to reserve CU/ BU shall indicate the 'Reserve' status of the unit. The tagging of address tags shall also be done at this stage itself – in the presence of candidates/ agents/ observer. All the CUs/ BUs 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.

12.3.15 When the EVMs are taken out of the strong room for dispatch to polling stations, the usual practice of informing the date and time of opening of strong room in writing to the candidates/ agents shall be

followed.

- 12.3.16 The Presiding Officers should be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS Number indicated on the sticker compared with PS Number 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 reconciled.
- 12.3.17 The candidates may be advised to share the machine number of the EVM (both CU/ BU) 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 should be advised to display the sticker containing the machine number 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; number of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary. All the stages of randomization of EVMs as enumerated above, shall invariably be fully videographed and records kept properly.
- 12.3.18 In case of replacement of CU and BU owing to any reason at any polling station, it has to be done in pairs and the Sector Officer or any authorized officer who effects such replacement, shall prepare a special report indicating the machine number of CU/BU and new CU /BU separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU 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.
- 12.3.19 In case replacement of EVMs becomes necessary, the entire set including the CU and all the BUs shall be replaced. Before starting poll with the new EVM, a mock poll will be done according to the instructions for the same at the beginning of the poll and a mock poll certificate will be given by the presiding officer separately for this EVM.
- 12.3.20 In case of replacement, the unique ID numbers of the CU and BUs which have been used after replacement should be marked against the concerned polling station in the EVM tracking software.
- 12.3.21 After the poll is over the machines shall be transported back to the reception centres under proper escort. After all formalities are completed, the EVMs shall be kept in the strong room and the room sealed in the presence of the candidates/their agents and the observer.

12.4 EVMs USED FOR REPOLL

- 12.4.1 In case of repoll, the EVM required for the same shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU and BU clearly mentions it to be the EVM for use in the repoll indicating the date and PS no.
- 12.4.2 After repoll, the strong room shall be re-opened in the presence of the candidates/ their agents and observer for the storage of the EVMs used. This EVM used in repoll should be placed together with the respective old EVM that was used earlier in the original poll. A tag 'Not to be counted' shall be put prominently on the respective old EVM and another tag 'Repoll EVM -to be counted' shall be put on the new repoll EVM. RO shall sign on both the tags.
- 12.4.3 In case of re-poll, the unique ID number of the CU and BUs used in re-poll should be entered in the EVM tracking software.
- 12.4.4 The political parties/candidates should be advised in writing to properly train their counting agents. They should also be asked to bring 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 (for tallying purpose). Besides, the candidates have also been given a consolidated list of polling station wise list of CUs used during the polls. 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 all the EVMs used at polling stations. In order to further facilitate, 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.
- 12.4.5 The above instructions should be strictly complied with, and brought to the notice of all concerned, viz. the political parties, contesting candidates, all field officers concerned and the observers.(The instructions for the preparation of voting machines have been issued by the commission vide No 51/87/2007-EMS dated 12.10.2007 and 51/87/2010-PLN-IV dated 23.9.2010)

12.5 COMMISSIONING OF MACHINES

- 12.5.1 Before a voting machine is supplied to a Presiding Officer for use at a polling station, some preparations, as detailed below, are to be at your level in the presence of the representatives of candidates. The Returning Officer shall draw a schedule for preparation of EVMs. Preparation of EVM should start as soon as possible after the last date of withdrawal of candidatures. Sufficient time should be provided for preparation of EVMs for each Assembly Constituency in the case of Assembly Elections and for

each assembly segment in the case of Parliamentary Elections. It may be noted that the time required for preparation of EVM under the new instructions will be sufficiently more than the time required earlier. Therefore, the schedule should be fixed in such a manner that preparation of EVM is not done in a hurried manner. Ideally, the Returning Officer should fix between 3-5 days for each assembly segment for this purpose. In case of Parliamentary Elections, preparation of EVM for assembly segment should be supervised by Assistant Returning Officers. The schedule should be made in such a manner that preparation of EVMs is done for all the assembly segments in separate halls and is completed at least 8 – 10 days before the poll. Candidates should be informed in writing of the schedule for preparation of EVMs and should be requested to be present or send their representatives at the time of preparation of EVMs. On the day of the preparation **Annexure – 51** will be kept by the Returning Officer in which the signature of candidates or their representatives will be taken as token of their presence. These preparations have to be made in the presence of the candidates and/or their agents.

12.5.2 Preparation shall be carried out in a large hall which can accommodate all EVMs to be prepared. The hall should be able to accommodate officers nominated by the District Election Officer, engineers of Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) and also representatives of candidates. The hall used for preparation shall be fully sanitized to ensure that it is free from any other electronic device or components of electronic devices. Every entry to the hall shall be guarded by police force. Every hall shall have a door- frame metal detector. Every person entering the hall shall be frisked at every entry. Entry to this hall shall be on production of Identity Card of the authorized officials/passes issued by the District Election Officer (DEO). Nobody will be allowed to carry any electronic device inside the hall including cell phones, camera and spy pens. Similarly, nobody will be allowed to carry anything out of the preparation hall.

12.5.3 Only the authorized engineers of BEL and ECIL shall be associated with the preparation of EVMs. BEL and ECIL shall be fully responsible for integrity, efficiency and competence of their engineers. The list of engineers deputed by BEL and ECIL for carrying out task during the preparation of EVM in a district along with their identity card numbers etc. shall be communicated in writing by BEL and ECIL to the DEO. No engineers, technicians or other technical staff except authorized engineers/technical staff of BEL and ECIL shall be allowed to enter the preparation hall. Authorized persons will be allowed to enter the hall only after proper identification using photo identity documents. It may be noted that a separate team will be required for 5% EVM in which 1000 votes are cast during mock poll because the time required for casting of 1000 votes will be at least 4 hours.

12.5.4 Outer cover of BUs shall be opened and the inside of BU, shown to

candidates and their representatives at the time of preparation of EVMs. BUs shall be examined by BEL and ECIL engineers who will certify as that all electronic parts/components of BUs are original. If any BU is found defective, it will be kept aside to be taken back to the factory of BEL and ECIL for repairs. No repair shall be carried out in the field. Changing of components in the field is strictly prohibited. Detailed instructions of checking of BU shall be issued separately by BEL and ECIL for their respective machines. These instructions will include a list of equipment which the engineers will be required to carry within the preparation hall. Security personnel will not allow any other equipment to be carried into the preparation hall.

12.5.5 Casting of votes against all 16 candidate switches, observation of result and clearing of mock poll data will be done for each EVM. In 5% (five percent) of EVMs, at least 1000 votes shall be polled during the mock poll. In rest of the machines number of votes polled during the mock poll should be to the satisfaction of the representatives of candidates. Representatives of candidates shall be allowed to do the mock poll themselves. Signature of representatives of candidates shall be taken in a register as a token of having done mock poll themselves. It may be ensured that the pink paper seal of the CU which has been stuck on the CU at the time of FLC is not damaged in any manner in this process.

12.5.6 A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll shall be taken out for at least 5% of EVMs and shown to the representatives of political parties. Representatives of candidates shall be allowed to pick machines randomly for this purpose. Signatures of representatives of candidates shall be taken in a register as a token of having seen the print out and confirmed that there is no discrepancy between the votes polled during the mock poll and results in the print out.

12.5.7 In addition to the sealing of BU with thread seals, the BU shall be sealed with a special "pink paper seal" supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal. After affixing the pink paper seal, BEL / ECIL engineer shall sign on it. Candidates or their representatives shall also be allowed to sign on the pink paper seal indicating the name of the candidate and party against the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the CU. A register in **Annexure - 52** shall be maintained to note down the serial no. of the pink paper seal used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photocopies of this register will be given free of cost to all candidates once preparation is over.

12.5.8 Preparation shall be supervised personally either by the RO or one of the AROs deputed by the RO for this purpose. The process of preparation of EVM should be fully video-graphed.

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

12.6.1 At least one week before the date on which the preparation of the voting machines is to be taken up, you should give notice of the same in writing to 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. Proper acknowledgement/receipt should be obtained and kept as record. You should inform the candidate/his election agent the number of representatives that every 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. The whole process of preparation of the machines done in the presence of observers shall be videographed.

12.6.2 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, you should not postpone the process of preparing the voting machines. You should go ahead even if no candidate or agent is present. However, announcements should be made through the public address system fitted in the building before starting the preparation. If any candidate/ his election agent or person duly authorized by the candidate in writing comes late, he will be allowed to witness the process from there on.

12.6.3 When the candidates and their agents are present, you should explain the procedure to be followed by you for preparing the voting machines to them. You should allow them to inspect the control units and ballot units during the process of their preparation.

12.7 PREPARATION OF THE BALLOT UNIT

12.7.1 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 (detailed step-by-step operations during sealing of EVM may be seen at **Annexure 32**).

12.7.2 The technical details about the operations mentioned at (A), (B) and (C) above are given in Chapter III of the Electronic Voting Machine Manual published by the manufacturing company. You should carefully read the instructions given in that chapter and also the instructions given in the following paragraphs and each instruction should be meticulously followed at the time of carrying out the above operations.

12.8 FIXING THE BALLOT PAPER

12.8.1 There is provision for fixing the ballot paper on the ballot unit under a transparent acrylic sheet (ballot paper screen). The Returning Officer shall either sign/affix his facsimile signature on the back of every ballot paper before it is fixed in a ballot unit.

12.8.2 For fixing the ballot paper under that screen, you have to first open the top cover of the ballot unit. 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, you should open the ballot paper screen, which is hinged to the top cover on the extreme left side. 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. While opening the screen, every care should be taken to ensure that it does not get damaged in the process. After so opening the ballot paper screen, the ballot paper should be placed in the space provided for the purpose on the upper side of the top cover of the ballot unit. The ballot paper should 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 exactly in line with the corresponding grooves on the ballot unit. It should be noted that alignment of the ballot paper is a very important step. There should not be any misalignment as this will create confusion in the minds of the voters and might lead to serious complications. After ensuring such alignment, you should close and press-fit the ballot paper screen to secure the ballot paper firmly underneath that screen.

12.8.3 After ballot paper has been firmly fixed and the ballot paper screen has been pressed-fit on the upper side of the top cover, the screen should be sealed on the inner side of the top cover. This should be done by passing a thread through the two holes on the screen specially provided for the purpose on the inner side. The thread should be tightened and given a firm knot. The two ends of the thread should be placed on an address tag and you should put your seal on the thread and the address tag. The address tag should contain the following particulars: -

<p>SAMPLE OF ADDRESS TAG FOR B.U. of EVM</p> <p>Election to the</p> <p>From..... constituency</p> <p>Serial No. of ballot unit</p> <p>Date of poll/ Re-poll</p> <p>Number and name of polling station--</p>

12.9 MASKING OF CANDIDATE’S BUTTONS WHICH ARE NOT TO BE USED

12.9.1 On the ballot unit, the unmasked buttons will be equal to the total Number of candidates and NOTA option which should be visible and used by voters. For example, if the number of candidates is nine, the first ten from the top (i.e., 1 to 10) buttons should be visible and the remaining six buttons (i.e., 11 to 16) should be masked.

12.9.2 The masking of the unwanted buttons can be done by moving the white masking tabs on to the candidate’s buttons, when the ballot unit is open like a book as explained earlier.

12.10 SETTING OF SLIDE SWITCH

12.10.1 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.

12.10.2 Where the number of contesting candidates is up to fifteen, only one ballot unit will be used. Since NOTA will be in sixteenth position. In such a case, the slide switch shall be set to the position marked 1. Where the number of contesting candidates is more than fifteen and up to thirty one, two ballot units will be used. In the first ballot unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, the slide switch shall be set to the position marked ‘1’ and the second ballot unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set to the position ‘2’. Likewise, if three ballot units are to be used in a constituency where the number of contesting candidates exceeds thirty one and is up to forty seven, the slide switch will be set to the position marked ‘1’ in the first ballot unit in which the names of candidates at serial nos. 1 to 16 appear, to the position marked ‘2’ in the second ballot unit in which the names of contesting candidates at serial nos. 16 to 32 appear and 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 forty seven, then the slide switch will be set to the position marked ‘4’ in the last ballot unit.

Note: It is absolutely essential to ensure that the slide switch is set in the

appropriate position in each ballot unit as any wrong linking of the ballot units will render the machine non-functional and on pressing any buttons on the control unit the letters 'LE' indicating linking error will appear on the display panel of the control unit. The linking error should be set right by interlinking the ballot units in the proper sequential order.

12.11 SEALING OF THE BALLOT UNIT

12.11.1 After that, the ballot unit should be closed by bringing the top cover back to its original position. The ballot unit should then be sealed. For this purpose, pass 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, give a firm knot to each thread and seal each thread with the Returning Officer's seal by placing its two ends on an address tag after duly filling up the particulars.

12.11.2 The candidates or their agents will be permitted to affix their seals also, if they so desire, in addition to the seal of the Returning Officer.

12.11.3 Additionally, the BU shall be sealed with a special "pink paper seal" supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal. After affixing the pink paper seal, BEL and ECIL engineer shall sign on the pink paper seal. Candidates or their representatives shall also be allowed to sign on the pink paper seal with name of the candidate, party before the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the BU. A register in **Annexure E** of Instruction no 51/8/16/4/2010-EMS dated 4.8.2010 shall be maintained to note down the serial no. of the pink paper seal used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photocopies of this register will be given free of cost to all candidates once preparation is over.

12.11.4 After the ballot unit has been so prepared and sealed it should be kept back in its carrying case. Another address tag containing the above particulars should be attached to the handle of the carrying case.

12.12 INTER-LINKING OF BALLOT UNITS AND CONTROL UNIT

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

- 12.12.2 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.
- 12.12.3 For linking one ballot unit with another, there is a socket provided in a compartment at the back of the ballot unit. The connector of the interconnecting cable of the second ballot unit will be plugged into the abovementioned 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.
- 12.12.4 Sector Officer oscillates with spare machines for replacement in case any defect is reported from any polling station.
- 12.12.5 The 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 power to the control unit as well as to all the ballot units when linked to the control unit in the manner described above.

NOTE :

- A. Where more than one ballot unit is used, utmost care should be taken to ensure that they are interlinked in the proper sequential order as explained in paragraph 12.12 above.
- B. The connector of the interconnecting cable - one end of which is fused with the ballot unit - is a multi-pin connector. The connector goes into the socket of the other ballot unit or of the control unit only one way, which can be found out easily by looking at the orientation of the pins and the word 'Top' written or inscribed on the hood of the connector.
- C. The connector of the interconnecting cable can be disconnected from the control unit or from the other ballot unit only by releasing the spring type clips on both sides of the connector hood. These spring type clips will be released when pressed inward simultaneously and the connector should then be pulled out while keeping the spring type clips so pressed.
- D. The pins of the connector are quite delicate and the connector should not be forced in the socket in such a way as may damage or bend the pins. The machine will work only when the connection is made properly.
- E. Connecting/disconnecting the ballot units and the control unit properly requires some practice so as to avoid any damage to the machine. This aspect should be clearly impressed and stressed upon during training to all election officers, including Presiding Officers and Polling Officers, who

handle and operate the voting machines.

12.13 PREPARATION OF CONTROL UNIT

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

- i. installation of the battery,
- ii. setting the number of contesting candidates along with NOTA, and
- iii. sealing that section of the control unit, which is called 'Candidate Set Section'.

(Refer **Annexure 32** for detailed step-by-step operations during sealing of EVM).

12.13.2 The details of these operations are given in Chapter 3 of the Electronic Voting Machine Manual published by the manufacturing company. The instructions given in that manual should be meticulously followed in the above operations. These operations are explained below.

12.14 BATTERY INSTALLATION

12.14.1 As mentioned above, the Electronic Voting Machine operates on a special battery, which is supplied by the manufacturing company. Only a new battery should be used whenever a machine is used at any election. There is provision for installation of the battery on the top side of the control unit in the 'Candidate Set' Section. For installing the battery in the compartment specifically provided for the purpose in the 'Candidate Set' Section, the cover of that section may first be opened by pressing the latch provided on the left side slightly inwards. The battery has a socket in which a plug can be inserted in the battery compartment in the 'Candidate Set Section'. The socket of the battery is covered with a small strip of adhesive tape. Remove this tape and install the battery by inserting the plug in the socket and ensure that the battery is pressed tight.

12.15 SETTING THE NUMBER OF CONTESTING CANDIDATES

12.15.1 A control unit of the voting machine can cater up to sixty three candidates and a NOTA option. i.e. a total of 64 . 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 a NOTA option.

12.15.2 For setting the number of contesting candidates, the following operations shall be performed: -

- i. The number of contesting candidates and a NOTA option 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. The process of linking the ballot units with the control unit has already been explained above.

- ii. After the control unit and the ballot unit(s) have been linked, lift the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.
- iii. Press the button marked 'C and Set' in the 'Candidate Set Section' of the control unit. Thereupon, the two-digit Display Panel on the left side of the Display Section of the control unit will flash the letters 'Cd' blinking and the four-digit Display Panel on the right side will flash in case of pre-2006 EVMs. In post-2006 EVMs Display Panel will flash 'SET CANDIDATE - -'
- iv. When the letters 'Cd/ SET CANDIDATE - -' start flashing on the Display Panels on the control unit, the candidate's button against NOTA option in the ballot unit should be pressed. For example, if there are nine contesting candidates and the machines is to be set for nine candidates, candidate's button of the tenth candidate on the ballot unit against NOTA option should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button against the name of the contesting candidate at serial no.24 and a NOTA option in the second ballot unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'Cd/ SET CANDIDATE - -' and instead the full panel will display the number of candidates for which the machine has been so set, like 'Cd 10/ CANDIDATE 10' or, as the case may be 'Cd 24/ CANDIDATE 24'.

12.15.3 If by mistake, a wrong button on the ballot unit has been pressed e.g. instead of 10, either 9 or 11 was pressed, such wrong setting can be corrected by pressing the 'Cand Set' button again. The machine will again flash the letters 'Cd/ SET CANDIDATE - -' and the correct button on the ballot unit should be pressed so as to set the correct number of contesting candidates.

NOTE :

- A. 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). To ensure that no wrong button is pressed, mask all the candidate's buttons except the button of the NOTA option on such ballot unit or set of ballot units. In the above example, mask the button 1 to 9 and 11 to 16 and leave only the button of NOTA number 10 unmasked, if the number of contesting candidates is nine; or mask all the sixteen buttons on the first ballot unit and all the buttons, except the button of NOTA option at button 24, on the second ballot unit where the number of contesting candidates is 23.

- B. Where the work of setting the number of contesting candidates in different control units is distributed amongst different officers, each such officer may use a separate ballot unit, or as the case may be, a separate set of ballot units (where more than one units one used) for setting the number of contesting candidates in all the control units allotted to him.

12.16 CLEARING THE MACHINE

12.16.1 After the number of contesting candidates has been set in the control unit in the manner described above, all the data recorded in the machine relating to votes polled for mock poll during the first level checking of EVMs, if any, should be cleared. For this purpose, the button marked 'Clear' in the Result Section of the control unit should be pressed. On the 'Clear' button being pressed, all the counts in the machine will 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).

12.16.2 After the control unit has been set according to the number of contesting candidates at the election, the power should be switched off and the control unit and the ballot unit(s) should be delinked by removing the interconnecting cable from the control unit.

12.17 SEALING THE 'CANDIDATE SET SECTION'

12.17.1 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 'Candidate Set Section' should be closed and sealed so that nobody can have access to the battery and the 'Cand Set' button in the 'Candidate Set Section', thereafter.

12.17.2 The 'Candidate Set Section' shall be closed by replacing the cover and pressing it tight. It should be sealed by passing a thread through the two holes provided for the purposes on the left side, giving a tight knot to the thread and placing the two ends of the thread on an address tag which should be sealed with the Returning Officer's seal. The address tag shall contain the following particulars: -

<p>SAMPLE OF ADDRESS TAG FOR C.U. of EVM</p> <p>Election to the Current ID No.</p> <p>From..... constituency</p> <p>Serial No. of Control unit</p> <p>Date of poll/ Re-poll</p> <p>Number and name of polling station--</p>
--

12.17.3 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 should then be put in its carrying case, which will now be ready for transportation to the polling station. On the handle of the control unit also, an address tag should be attached containing the above particulars.

12.18 SETTING UP OF VVPAT

12.18.1 Where the printer for the paper trail is used, set the printer as per the number of contesting candidate including NOTA option set in the Control Unit by-

- i. Loading in the printer the serial numbers and the names of candidates and symbols allotted to them and NOTA Option and its symbol as given in the balloting unit,
- ii. Loading paper in the printer, and
- iii. Sealing the printer in such manner as directed by the ECI.
(details in the Commission's No. 3/1/2013/VVPAT/SDR dated. 15.10.13 of the Commission)

12.19 SAFE PRESERVATION OF PREPARED VOTING MACHINES

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

12.19.2 The strong room should 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 should be given a prior notice in writing of such date and time of opening of the strong room. A proper logbook should be maintained giving details of closing and opening of the strong room.

12.19.3 If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, you should send notice for the candidates or their authorized representatives 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 should be video graphed.

12.19.4 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.

(The instructions regarding security measures for voting machines are contained in letter No 464/OBS/EVM/2007 /PLN-iv dated 12.10.2007)

12.20 MAINTENANCE OF RECORDS OF VOTING MACHINES

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

12.20.2 For the above purpose of maintenance of complete record of the voting machines, a master register should be kept containing the following particulars: -

- i. The total number of control units in the stock of the Returning Officer;
- ii. The total number of ballot units in such stock;
- iii. Total No. of VVPAT in such stock
- iv. The total number of polling stations in the constituency;
- v. The total number of control units required for use at the polling stations (total number of polling stations multiplied by one);
- vi. The total number of ballot units required for use at the polling stations (Total number of polling stations multiplied by number of ballot units to be used at each polling stations);
- vii. The total number of printer units required for use at the polling station.
- viii. Total number of control units in reserve stock;
- ix. Total number of ballot units in reserve stock;
- x. A Total number of VVPAT in reserve stock
- xi. Number and name of each polling station in the constituency;
- xii. Against such number and name of the polling station serial number of the control unit put to use at that polling station;
- xiii. Serial numbers of ballot units put to use at that polling station;
- xiv. Serial number of the ballot paper fixed on each ballot unit;
- xv. Serial number of each control unit and ballot unit kept in reserve stock.

12.20.3 In the above register, a 'Remarks' column should be provided against the number and name of each polling station for the indication whether any control unit or ballot unit has been used at that polling station from

out of the reserve stock and if so, for what reason.

12.21 SUPPLY OF VOTING MACHINES TO POLLING PARTIES

- 12.21.1 The voting machines should be supplied only to the Presiding Officer of the polling station against a proper receipt to be obtained from each Presiding Officer. For this purpose, you should keep a separate register showing the number and name of the polling stations, the name of the Presiding Officer and serial numbers of control unit and ballot unit(s) supplied to him and his full signature in token of having received the same.
- 12.21.2 That register should have further provision for keeping proper account of the machines received back from the Presiding Officers. The officer who receives the machines back after the poll from the Presiding Officer should clearly note down the serial numbers of the control unit and ballot unit(s) so received back and should append his full signature in token of having received those units backs.
- 12.21.3 If any machine is received back in a damaged condition, full record of each such machine should be maintained.
- 12.21.4 The reserve machines should be kept at a central place or places in the constituency on the day of poll so that the same may be supplied with the least possible delay to any polling station where an emergent need arises for replacement of any control unit or ballot unit(s). These machines should be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by you.
- 12.21.5 These reserve machines or machines used for training should not be moved from their place of storage after conclusion of poll as it may give unnecessary doubts in minds of some persons as if polled EVMs are being shifted.

12.22 POLLING MATERIALS REQUIRED FOR VOTING MACHINES

- 12.22.1 A list of various items of polling materials which will be required for use at polling stations where voting machines are used is given at **Annexure -9**. It will be seen from that list that there are some items, which are not used at a polling station where the conventional method of voting by means of ballot papers and ballot boxes is followed. Some such items are mentioned below:-

12.23 REGISTER OF VOTERS (FORM 17A)

- 12.23.1 Under Rule 49L (1) of the Conduct of Elections Rules, 1961, there shall be a Register of Voters at every polling station. The form of that Register has been prescribed in Form 17A appended to the said Rules. The

Presiding Officer has to record in that Register the electoral roll serial number of the elector as entered in the marked copy of the electoral roll and has also to obtain the signature or thumb impression of the elector on that Register. This Register is in fact the substitute for the counterfoil of the ballot paper, which is used in the conventional system of voting.

12.23.2 This Register of Voters should be in a book form and should be printed on good quality paper of A4 size. Each Register should have a cover page containing the following particulars: -

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.....

Serial No	Serial Number of elector in	Signature/Thumb impression	Remarks @
1			
2			
3			
4			
And so on till 20			

@ Here polling officer is required to fill up details of the identification document used by the voter e.g. last four digits of EPIC etc.

Signature of the Presiding Officer.

12.23.4 On each page of the Register, there should be provision for recording the electoral roll serial numbers and obtaining of the signatures/thumb impressions of the electors.

12.23.5 Both sides of the paper should be used for printing the Register.

12.23.6 The Register should be got bound in advance in two sizes, namely, (1) Containing 25 sheets and (2) containing 50 sheets. The Register containing 25 sheets will have provision for recording electoral roll numbers and obtaining signatures of 500 electors and the other with 50 sheets will have similar provision for 1000 electors. Each page of the Register shall be machine numbered. Each polling party will be supplied one or more of such Registers depending upon the number of voters assigned to the polling station.

12.23.7 You should get the above Registers printed in sufficient quantity well in advance.

12.24 VOTER'S SLIP

12.24.1 The record of every elector who comes to vote at a polling station and is allowed to vote shall be maintained in the above-mentioned Register of Voters. The first column in that Register will show the order in which the

electors have been identified and allowed to vote after putting their signatures/thumb impressions on that register. It is absolutely essential that they record their votes in the voting machine exactly in the same sequence in which they have been entered in the Register of Voters. In order to ensure this, each elector after he has signed/put thumb impression on the Register of Voters should be given a voter's slip by the Polling Officer in- charge of the Register of Voters.

12.24.2 The slip should contain the following particulars: -

VOTER'S SLIP	
Serial number of elector as per Column 1 of the Register of Voters	
Serial number of elector as entered----- in the electoral roll .	Initials of Polling Officer

12.24.3 The elector will go to the Presiding Officer or Polling Officer in-charge of the control unit of the voting machines with this Voters' Slip and the latter will allow him to vote exactly in the same serial order as in the Register of Voters on the basis of that slip.

12.24.4 These voters' slips should be got printed in sufficient numbers well in advance on a paper of half the dimension of a post card. These slips should also be got stitched into bundles of 50 slips and 100 slips and should be supplied to the polling parties having regard to the number of electors assigned to the polling station.

12.25 ADDRESS TAGS

12.25.1 You must have observed that two types of address tags have been prescribed by the Commission - one for use on Control Units and the other for use on Ballot Units. You should get these address tags printed from Indian Security Press, Nasik in sufficient quantity well in advance for use at the time of preparation of the machines and for use at the polling stations, the details whereof are given in following chapter.

12.26 SPECIAL TAG

12.26.1 The Commission has prescribed a special tag to seal the inner door of the Result Section of the control unit. The Chief Electoral Officer will get the Special tag prepared at the Government Press and supply them to you. You shall not procure or print them locally. High quality twine thread should also be supplied to the Presiding Officers for sealing with the Special tag.

12.26.2 Specifications of the Special tag are given below:-

- (i) Size of Special Tag

For ECIL machines: 7 cms x 5.5 cms

For BEL machines: 7.5 cms x 5.5 cms

Each special tag must have a specific serial number printed upon it.

- (ii) Thickness of Tag: Post-card thickness
- (iii) There shall be a hole with a metal ring to pass thread for sealing on the right corner of front side. Further, on the right hand side, a groove will be cut in the tag to fit with the door knob of Result compartment.
- (iv) There shall be an opening in the middle so that when this Tag is fixed in the "CLOSE" button compartment of the Result Section, the "CLOSE" button should be visible so that button can be reached to operate it without disturbing the Tag.

CHAPTER XIII

THE POLL

13.1.GENERAL

13.1.1 Polling is the most important event in the election process. In a democracy, it is through the poll that the electors express their choice of the candidate to represent them. Any irregularity in the conduct of poll may vitiate the election and, therefore, it should be ensured that the poll is conducted strictly in accordance with law and the prescribed procedure.

13.1.2 If the operation of conducting the poll has been planned in advance according to District Election Plan and necessary arrangements made, a reasonably free fair and peaceful poll will take place in a constituency.

13.2 LEGAL PROVISIONS

13.2.1 The legal provisions for the conduct of poll in a Parliamentary or Assembly Constituency where voting machines are to be used are contained in Sections 56 to 62, particularly Section 61A, of the Representation of the People Act, 1951; necessary changes in the Conduct of Election Rules, 1961 were also made by way of Conduct of Election (Amendment) Rules, 1992. A new chapter II in Part IV containing Rules 49A to 49X has been inserted after Rule 49. Further a new Rule 66A has been inserted after Rule 66, making provisions for counting of votes recorded by means of voting machines. New forms 17a,17B and 17C have also been inserted after Form 17 appended to the Conduct of Election Rules, 1961.

13.3 POLLING STATIONS

13.3.1 Poll is conducted at polling stations located in different places spread all over the constituency. For this purpose, the polling stations must have already been set up by the District Election Officer with the prior approval of the Election Commission, under Section 25 of the Representation of the People Act 1951. As RO, you should interact with DEO and obtain a list of polling stations of your constituency well before the date of poll and ensure that all arrangements for the setting up of polling stations at the places approved by the Commission are made.

13.3.2 A copy of the updated list of polling stations for use in election should be supplied, free of cost, to all contesting candidates within 3 days from the last date of withdrawal. It should be noted that no changes can be

made in the buildings or location of any polling station without the prior approval of the Commission.

13.3.3 Poll conducted at any other place shall be null and void *ab-initio* and repoll should be recommended in such cases.

13.4 POLLING PARTIES

13.4.1 Polling parties for conducting the poll at a polling station are appointed by the District Election Officer. You should ensure well in advance that this arrangement is foolproof. Please check that appointment orders have been served on each of the polling personnel so appointed.

13.4.2 It is imperative that more than one session of intensive hands-on training regarding the operation of EVM is imparted to the polling parties particularly the Presiding Officers, and the Senior Polling Officers, who have been specifically designated to act as Presiding Officer (in appointment letter) in case the Presiding Officer is not able to be present owing to unforeseen circumstances. Similar training should also be imparted to Sector/Zonal magistrates/Micro-observers.

13.5 POLLING MATERIALS

13.5.1 You must ensure that all the polling parties have been supplied with necessary polling materials, including voting machines. A standard list of polling materials is given in **Annexure 9**. The Presiding Officers must be instructed to take utmost care of the safety and security of the voting machines. It should be made clear to them that they will be held personally responsible for any damage to the machine caused on account of their negligence.

13.5.2 To facilitate quick and easy work at the dispatch centre as well as to ensure that all the required forms (statutory and non-statutory) and envelopes are supplied to the polling parties, the forms and envelopes are colour coded as follows for easy identification of the same:

- a. The colour of Statutory Forms and covers should be **Green**.
- b. The colour of Non Statutory Forms and covers should be **Yellow**.
- c. The Colour of the Forms and covers in Third Packet should be **brown**
- d. The Colour of the Forms and covers in fourth Packet should be **Blue**

All the forms of statutory and non-statutory group should be bunched separately and stitched. They should also be pre-perforated to make them

easily detachable so that after properly filling up the forms, the Presiding Officer can put them in the relevant envelopes quickly.

13.6 LAW & ORDER AND FREE & FAIR ELECTIONS

13.6.1 You must ensure that proper law and order is maintained in and around the polling stations, in consultation with the authorities concerned, so that free and fair poll takes place. Adequate measures should be taken to provide full security to the polling personnel, the voting machines and other election materials till the polling parties reach the collection/counting centres after the close of poll.

13.6.2 You must have ensured that all standing instructions and directions of the Commission aimed at achieving a peaceful atmosphere in the constituency on the date of poll, like, the identification of sensitive areas/polling stations and taking special preventive and security measures to avoid any untoward incident in those areas/polling stations.

13.6.3 Critical polling stations should be identified and action taken to ensure a peaceful, free and fair poll. See para 2.15 of Chapter II

13.6.4 The district election administration/police administration shall ensure that all political functionaries/party functionaries who have come from outside the constituency for campaigning and who are not voters of the constituency leave the constituency immediately after the campaign is over as their continued presence may undermine the atmosphere for free and fair poll.

13.6.5 You have to ensure that instructions relating to restrictions on the plying of vehicles on the day of poll, prohibition of sales of liquor during a specified period including the day of poll and counting, deposit of fire arms by the licensed arms holders, unearthing of the unlicensed arms and weapons, declaration of day of poll as a holiday in the constituency, have been strictly followed and fully complied with by the authorities concerned. Copies of such standing instructions/directions are contained in a separate compilation, published by the Commission titled "Compendium of Instruction on Conduct of Elections". Study the latest edition of the compilation of those instructions and directions carefully for ensuring their strict compliance. Strict vigil should be kept over the movement of undesirable elements and vehicles. Wherever possible, Central Police Forces should be deployed in sensitive areas and the Central Government/Central Government Public Sector employees should be chosen to man the polling stations in those areas.

13.6.6 CPF personnel to keep a watch on the proceedings in the polling stations

In the polling stations where CPF personnel have been deployed, one of the CPF personnel shall be stationed at the entrance of the polling station in such a manner that he can have an unrestricted view of the polling procedure in the polling station.

13.7 ARRIVAL OF POLLING PARTIES AT POLLING STATIONS

13.7.1 The Commission has directed that each polling party should be dispatched so as to reach their assigned polling station on the day previous to the day of poll, that is on (D-1), where is one clear day before the poll day. If due to difficult geographical terrain or any specific L&O problem, polling parties need to be dispatched earlier than that, then after discussing with Commission's observer, specific approval of CEO should be obtained who will decide in consultation with the Commission. After reaching there, the polling party should set up the polling station with the help of sector/zonal magistrate and local official like BLO or such other official as may be present there for the purpose, properly. The voting compartment, of such specification as the Commission has prescribed, should be set up in such corner of the room that the voter is able to record his vote in that compartment in complete secrecy, it should not be placed in front or (near) a window lest any person from outside should see a voter casting vote. The area must have sufficient lighting. A model lay out of the polling station for a single election is given in **Annexure 33-A**. For a simultaneous election, the layout is given at **Annexure 33-B**.

13.7.2 The distance between the voting compartment where the ballot unit(s) will be kept and the table of the Presiding Officer on which the control unit of the voting machine will be placed should not exceed 3 meters as the length of the interconnecting cable is 5 meters. It should be ensured that things should be arranged in such a way as no voter while going to voting compartment, has to tread over the interconnecting cable and the entire length of the cable remains visible to the polling agents throughout the poll.

13.7.3 On the day of poll, each member of polling party must take up his position in the polling station at least one hour before the time fixed for the commencement of poll.

13.7.4 The voting machine should be set up in the polling station not earlier than one hour before the time fixed for commencement of poll. It should not be left in the polling station on the night previous to the day of

poll. If the Presiding Officer is not staying in the polling station during that night, it must, however, be ensured that the EVM is kept under adequate security at the polling stations at all times.

NB :-Unnecessary handling of the machines can drain out the batteries and create doubts in the minds of candidates/electors

13.8 DUTIES OF PRESIDING OFFICERS AND POLLING OFFICERS

13.8.1 Normally, a Presiding Officer will be able to conduct the poll in an orderly manner with the assistance of two polling officers where EVM is used. In such a case, the Presiding Officer will himself be in charge of the Control Unit. However if it is considered that the Presiding Officer may not be able to give undivided attention to the control unit because he has to deal with several other matters like, for instance inquiries into challenged votes, completion of formalities with regard to assistance to blind or infirm electors, issue of tendered ballot papers etc, the charge of the control unit may be given to a senior polling officer. In such a case, one polling party will consist of three polling officers, in addition to the Presiding Officer.

13.8.2 For details of duties of Presiding Officer and each Polling Officer please consult Handbook for Presiding Officers, which has, been brought out by the Commission as a separate book. The broad distribution of the duties among the three polling officers may be described as follows--The 1st Polling Officer will be in-charge of identification of electors and the marked copy of the electoral roll. The 2nd Polling Officer will be responsible for application of indelible ink on the elector's left forefinger and maintenance of the Register of Voters (Form 17A). The 3rd Polling Officer will be in-charge of the control unit of EVM. Where the number of voters assigned to a polling station is small, the duties of the Third Polling Officer can be performed by the Presiding Officer himself. Polling stations having electors 1500 and above, one additional polling officer may be provided.

13.8.3 Even at the risk of repeating, it is once again emphasized that intensive hands-on training should be given to the Presiding Officers and the polling officers so that they are fully conversant with their duties.

13.9 SEATING ARRANGEMENTS FOR PRESIDING OFFICER AND POLLING OFFICERS

13.9.1 Inside the polling station, the Presiding Officer should be seated in such a

place as from which he can observe the entire proceedings in the polling station. The polling officers should be so seated that an elector after entering the polling station straightway proceeds to the 1st Polling Officer who is in charge of identification of electors and the marked copy of electoral roll, and from there to 2nd and then 3rd Polling Officer and finally to the Presiding Officer in a systematic manner. No criss-cross movement of electors should be permitted.

13.10 ARRIVAL OF POLLING AGENTS

13.10.1 As per the Commission's recent instructions, only a person residing in the polling area of a polling station can be appointed as a Polling agent and he/she should possess a valid EPIC to establish his identity. As and when a polling agent at that Polling Station reports at a polling station, the Presiding Officer shall check for his appointment later issued by his candidate or his election agent and verify the signature of candidate or his election agent from the document given by the R.O. This is essential to eliminate any chance of mischief by anyone. The polling agents shall display their appointment order and EPIC on their body during their presence in polling station. You should bring this to the notice of each contesting candidate or his election agent, in advance, through written communications to avoid any controversy intimating further that his polling agents should reach the polling station at least an hour before the time fixed for the commencement of poll because during that one hour's time, the Presiding Officer will prepare the EVM, particularly the control unit, and will also conduct the mock poll for the satisfaction of their polling agents. Hence, if they reach late, they will miss these critical actions of the Presiding Officer; the Presiding Officer would not wait for any agent since he has to prepare and commission the machine for polling well before exact time of commencement of poll.

13.10.2 Though each candidate is entitled to appoint one more polling agent as relief polling agent, but at a given point of time both should not be allowed in polling station. Presiding Officers should, in no circumstances, allow the replacement of any polling agent by his relieving agent within two hours before the end of the poll. Under no circumstances, the polling agent should be allowed to bring his copy of the electoral roll outside the polling station before the end of poll.

13.10.3 To regulate the presence of polling agents in the polling station during poll hours, the Commission has prescribed for Entry Pass system. The Presiding Officer shall issue one Entry Pass as per format given

below, for one polling agent of each candidate. That polling agent or his relief agent shall display on his body during his presence in the polling station. Proper account of entry passes issued to polling agents will be kept by Presiding Officer in the following format—

-
1. Number and Name of Assembly Constituency
 2. Number and Name of Polling Station
 3. Total Number of contesting candidates
 4. Number of entry passes received with poll material
 5. Details of entry passes issued to poling agents

Name of candidate	Whether entry passes issued	Signature of the polling agent/relief agent.

6. Unused entry pass

Signature and seal

Presiding Officer

Specimen of entry pass

To be issued by Presiding Officer on poll day

Sl. No. _____
ENTRY PASS OF POLLING AGENTS
AC No. & Name: _____
Polling Station No. & Name: _____
Name of Candidate: _____
Name of Polling Agent: _____
Name of Relief Agents, if any: _____
Signature of Presiding Officer

13.11 SEATING ARRANGEMENTS FOR POLLING AGENTS

13.11.1 Suitable seating arrangements should be made for polling agents when they attend the poll. Their seats should be so provided that they have adequate opportunity to identify the electors, see the entire operation

at the Presiding Officer's or the 3rd Polling Officer's table where the control unit is kept, and also see the movement of the voter from the Presiding Officer's or the 3rd Polling Officer's table to the voting compartment and his exit after recording his vote on the ballot unit kept inside the voting compartment.

13.11.2 The seating arrangement at the polling station for the polling agents of candidates shall be guided by the following order of priorities, namely, (i) candidates of recognized National parties, (ii) candidates of recognized State parties, (iii) candidates of recognized State parties who have been permitted to use their reserved symbols in the constituency, (iv) candidate of registered unrecognized parties, and (v) independent candidates.

13.12 CHECKING BEFORE MOCK POLL

13.12.1 Before an EVM is used at the polling station for taking poll, its control unit needs to be prepared further by taking the following steps in the presence of the candidates/their agents. The Presiding Officer should 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 should not be postponed so as to await the arrival of the polling agent. If any polling agent turns up late there is no need to do the preparations again. Any polling agent arriving late will be able to watch subsequent stages of preparation only.

13.13 CHECKING OF BALLOT UNIT

13.13.1 The ballot unit is already duly prepared in all respects at the RO's level and as such Presiding Officer is not required to do anything more at the polling station on the day of poll, except that its interconnecting cable has to be plugged carefully into the control unit.

13.13.2 Where, however, more than one ballot units is to be used at a polling station, these ballot units have to be interconnected in the correct sequential order as explained in Para 12.3.11 of Chapter XII. In such a case, only the first ballot unit will be connected with the control unit.

13.13.3 However, the Presiding Officer should check that

—

- i. the ballot paper is properly fixed in the ballot display panel under the ballot paper screen; and
- ii. the two seals affixed by you at the top and bottom portion on the

- right hand side of the ballot unit are intact.
- iii. pink paper seal is fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal.
 - iv. the cable connecting the ballot unit to the control unit should be visible to be polling agents throughout its entire length.

13.14 CHECKING OF THE CONTROL UNIT

13.14.1 The Presiding Officer should be first asked to check that the seal put by the Returning Officer on the 'Candidate Set Section' on the left side of the control unit is intact.

13.14.2 The following preparations are then to be made by him on the control unit:

- i) Connecting the control unit with the ballot unit
Presiding Officer should plug the interconnecting cable of the ballot unit or the first ballot unit where more ballot units than one are used into the socket provided for the purpose in the rear compartment of the control unit.;
- ii) Switching the 'Power' switch to 'ON' position;
The 'Power' switch provided in the same compartment of the control unit should then be put to 'ON' position, whereupon there will be a beep sound and the 'ON' lamp on the display section of the control unit will glow green.
- iii) Closing the rear compartment after performing the functions at (i) and (ii) above
For the purpose of keeping it firmly closed, a piece of thin wire may be run through the two holes provided for the purpose and the ends of the wire may be screwed for a few turns. However, 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(s).

13.15 SETTING UP OF VVPAT

13.15.1 Where the printer for the Voter Verifiable Paper Trail (VVPAT) is used, set

the printer by

- i. Loading paper in the printer, and
- ii. Sealing the printer in such manner as directed by the ECI.

(ECI Communication No. 3/1/2013/VVPAT/SDR dated. 15.10.13)

13.16 VOTING COMPARTMENT

13.16.1 Voters have to cast their vote in secrecy and for this purpose, the Ballot Units are required to be kept in Voting Compartments. Where the printer for paper trail is used the printer shall also be kept along with the balloting unit in the voting compartment. The Voting Compartment has three sides covered. The Ballot Unit is to be placed inside the Voting Compartment on a Table. The Ballot Unit is to be placed in such a way that voters do not find any difficulty to record their votes. The VVPAT printer should be so placed that paper trail showing symbol of candidate to whom the elector has voted by pressing the button of choice candidate in BU, should be clearly visible to the voter, before the paper trails drops in the drop box of the VVPAT device. The connecting Cable, which is permanently attached to the Ballot Unit, has to come out from the back portion of the Voting Compartment through an aperture cut out at the bottom of back portion of the Voting Compartment. This aperture should be wide enough so that that portion of the Ballot Unit through which the Cable comes out is visible from outside. This is necessary to keep a watch that no voter tries to tamper or damage the Cable while inside the Voting Compartment. However, this aperture in the Voting Compartment should not be too wide as to violate the secrecy of voting. For this purpose, it must be ensured that it is not near the window or the door of the polling station. It must be ensured that the voting compartment has been made only of cardboard and is of the dimension 21"x21"x21" and has been placed away from the window/door.

13.16.2 **Conducting the mock poll:** The Presiding Officer shall start mock poll one hour before the commencement of poll. If none of the polling agents are present at that time or only one agent of a candidate is present the Presiding Officer can wait for another 15 minutes before commencing with the mock poll. Mock poll is to be done for at least 50 votes and at least one each for every unmasked button. With a view to satisfy himself and the polling agents present that the voting machine is in perfect working order and that no votes have already been recorded in the machine the Presiding Officer should proceed as follows—

- i. show to all present that all counts have been set to ZERO by pressing the 'Clear' button in the Result Section of the control unit. On pressing this button, the display panels will show that the number of votes recorded for each candidate as

ZERO.

- ii. conduct a mock poll by recording a few votes at random for each of the contesting candidates. These votes may be recorded by asking each of the polling agents as present to press any of the candidates' buttons on the ballot unit according to their own choice. A careful note should however be kept of the votes. This is necessary so that the votes so recorded can be tallied with the votes recorded by the machine when the result is ascertained at the completion of the mock poll.
- iii. Press 'Close ' button to end the mock poll.
- iv. show to all agents present the result of mock poll.
- v. ascertain the result of the mock poll by pressing the button marked 'Result 1' in older version of machines and "Result" in the new version of machine. in the Result Section of the control unit. On that button being pressed, the display panels will show the number of votes recorded for each candidate sequentially beginning with the contesting candidate number 1.
- vi. After ascertaining and tallying the result, clear the machine and set all counts to ZERO by pressing the 'Clear' button. This is very essential step and in this Presiding Officer must not fail. Show to all agents present that machine has no vote.
- NB- The detailed instructions as to the operations on the voting machine for conducting the mock poll are given in Chapter 4 of the 'Electronic Voting Machine Manual' brought out by the manufacturing company. These instructions should be carefully studied and meticulously followed because these very instructions will apply when the actual poll is taken
- vii. Thereafter prepare a mock poll certificate as detailed in para 14.4 below.

* Switching the 'Power' switch to 'OFF' position.

* Fixing the green paper seal(s) to secure the inner compartment of the Result Section

* 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. (In the case of voting machines manufactured by BEL before 2006, the said frame provides for fixing two paper seals and accordingly two paper seals are to be used in such control unit.)

The seal should be so fixed that its white surface is seen from the outer side. It requires practice and skill acquired during hands on training on operation of EVM. Before paper seal is inserted in the aperture, it should be signed in full on white side by the Presiding Officer and such candidate or polling agents as are desirous of it. If any seal gets damaged in the process, do not use it. Replace by another. Further do not throw the damaged paper seal as it is required to be kept in an envelope, then sealed and returned to RO after poll. Another important point is that the polling agents should be asked to note down the Sl.No. of paper seal for their record.

- * After fixing the paper seal, the door of the inner compartment should be closed. It should be closed in such a manner that the two open ends of the paper seal project outwards from the sides of the inner compartment.
- * Closing and sealing the outer cover of the 'Result Section'
After the Green Paper Seal has been fixed and secured, the door of the inner compartment over the "Clear" Button and "Result" Buttons should be pressed fit and closed. Then the inner door should be sealed with the Special Tag. Before the Special Tag is used, the Presiding Officer is required to write the serial number of the Control Unit on the Special Tag and put his signature on the BACK SIDE of the Special Tag and also ask the candidates/polling agents present in the polling station at that time to put their signatures below his signature, 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.
- * After the outer cover has been closed, the Result Section should be sealed by (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover, (ii) putting a thread seal with the seal of the Presiding Officer, and (iii) attaching a label (address tag) similar to the one which is attached to the Candidate Set Section at ROs level. The candidates or their polling agents should also be permitted to affix their signature/ seals, if they so desire, on the address tag along with the seal of the Presiding Officer.
- * Sealing the control unit with the Outer Paper Strip seal.
Next, after the inner compartment of Result Section of the control unit has been closed and sealed, the outer cover of the Result Section should be pressed fit for closing that Section. Before pressing the outer cover, the open ends of the green paper seal(s) will protrude from either side of the outer cover for securing by

the outer Strip Seal .The result section should be sealed from outside completely with the Outer Strip Seal so that this section cannot be opened without damaging the strip seal. The outer strip seal, thus, provide additional security to green paper seals. The strip seal shall be positioned carefully just below the “close” button in such a way that if cap of close button is taken out, the strip seal is not torn. The detailed procedure to fix the outer strip seal is given in the **Annexure 34**.

- Where the printer for paper trail is used as ordered by ECI, set the printer to the CU. After the entire process of Mock Poll and sealing of CU the Presiding Officer should ensure drop box of the printer is empty and seal the drop box as instructed by the Commission.

Now the machine is ready for taking poll. So switch on the machine.

13.16.3 Immediately after conducting the mock poll, the Presiding Officer will sign a mock poll certificate prepared in the following format: -

Mock Poll Certificate (Pre2006 EVM)

This is certified that I.....Presiding Officer at the Polling Station No.....of.....Assembly Constituency(or theAssembly 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 ofvotes 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 one contesting candidate was present/no polling agent 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
1		
2		
3		

Date: -----Time: ----- Name & Signature of the Presiding Officer

Mock Poll Certificate(Post 2006 EVM)

This is certified that I Presiding Officer at the Polling Station No -----of -
--

Assembly Constituency conducted the mock poll at ---- AM today, the poll day i.e. ---
-----, following scrupulously all 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 of the mock poll and the total votes polled
showed '0' after clearing the memory. At the end of Mock Poll, I checked the date
and time as shown in the display of the Control Unit (The CU showed the date and
time as: Date..... Time.....The actual date and time at that point
of time was:

Date..... Time.....Discrepancy between the above date and
time, if any:..... The above mentioned process has been
performed in the presence of the following agents of the political
parties/candidates whose signatures are obtained below :-

Sl.No. Name of Polling Agent Name of Party Signature of Polling Agent

- 1.
- 2.
- 3.
- 4.
- 5.

Date:

Time:
Officer

Name & Signature of the Presiding

Polling Station No.....

13.16.4The 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 30 minutes. Non-confirmation of mock poll could be
indicative of some problem on the part of presiding officer or the EVM
needing immediate intervention of the RO

13.16.5After 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. While doing scrutiny of papers after poll, such polling station will be given special attention. The Observers as well as zonal /sector magistrate shall give more attention to this aspect during their field visits to such polling stations.

13.17 ACCOUNT OF PAPER SEALS

13.17.1 The Presiding Officer should keep a correct account of the green paper seals supplied to him for use at the polling station and the paper seals 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 I of Form 17C appended to the Conduct of Elections Rules, 1961.

13.17.2 The Presiding Officer should allow the candidates or their polling agents present to note down the serial numbers of paper seals so supplied for use and actually used.

13.18 PLACING THE BALLOT UNIT IN THE VOTING COMPARTMENT

13.18.1 Before commencing the poll, the Presiding Officer should place the ballot unit(s) inside the voting compartment. While placing the EVM in voting compartment, it must be ensured without fail, that secrecy of voting is not compromised.

13.19 DEMONSTRATION OF MARKED COPY OF ELECTORAL ROLL AND REGISTER OF VOTERS

13.19.1 Before commencing the poll, the Presiding Officer should be asked to demonstrate to the candidates and polling agents present that the marked copy of the electoral roll to be used at the polling station does not contain any entry or mark other than those made in pursuance of Rule 20(2) (b) or Rule 23(2) (b) of the Conduct of Elections Rules, 1961 to show that the Postal Ballot Paper or Election Duty Certificate has been issued to any elector. He should also show them the list of CSVs who have appointed proxies as per the list annexed to the electoral roll.

13.19.2 Likewise, he should also demonstrate to them the Register of Voters (Form 17A) to show that the register is blank and no entry in respect of any elector has already been made therein.

13.20 DECLARATION BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF THE POLL

13.20.1. In order to ensure that the Presiding Officer has duly carried out the foregoing instructions about the demonstration of the marked copy of the electoral roll and the Register of Voters and obtaining the signatures of the candidates/polling agents on the green paper seal and allowing them to note down their serial numbers, which are necessary safeguards for ensuring free and fair election, he is required to read out a declaration prescribed by the Commission in **Annexure 35** before the commencement of the poll. The Presiding Officer should read out the declaration aloud to the hearing of all person present in the polling station and sign the declaration. He should also obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. If any polling agent declines to affix his signature on the declaration, the Presiding Officer should record the name of such polling agent in that declaration.

13.21 WARNING ABOUT SECRECY OF VOTING

13.21.1 Before commencing the poll, the Presiding Officer should also explain to all present the provisions of Section 128 of the Representation of the People Act, 1951 regarding their duty to maintain the secrecy of the vote and warn them of the penalty for any breach thereof.

13.22 COMMENCEMENT OF THE POLL

13.22.1 The Presiding Officer should commence the poll at the stroke of the hour fixed for the purpose. He must complete all formalities before the said hour. If for any unforeseen or compelling reason he is not in a position to commence the poll at the appointed hour, he has no authority to extend the polling hours and the poll must close at the appointed closing time. When some electors are found present at the polling station premise at the closing time and all such electors shall be allowed to vote even if polling continues for some more time.

13.23 PERSONS TO BE ADMITTED INSIDE THE POLLING STATION

13.23.1 Only the following persons shall be admitted into the polling station by the Presiding Officer.

- a) The electors;
- b) Polling officers;
- c) Each candidate, his election agent and one polling agent of each

- candidate at a time;
- d) Persons authorized by the Commission;
 - e) Public servants on duty;
 - f) A child in arms accompanying an elector;
 - g) A person accompanying a blind or an infirm voter who cannot move or vote without help &
 - h) Such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting him in taking the poll.

13.23.2 In case of necessity, the Presiding Officer can demand for photo identity cards of contesting candidates bearing their photographs. Similarly, the election agents of the candidates are required to produce their identity cards, i.e. the attested duplicate copy of their appointment letter. The attestation is made by the Returning Officer.

13.23.3 It should be noted that the expression 'public servants on duty' does not include Ministers, State Ministers and Deputy Ministers of Centre and States. According to the instructions of the Commission, they cannot be allowed to be appointed even as election agents or polling agents, as they have to be escorted by their security guards who cannot be allowed entry into the polling station. For the same reason, no person having security cover can be appointed Election/Polling /Counting Agent

13.23.4 The above expression 'public servant on duty' also does not normally include police officers. Such officers whether in uniform or in plain clothes should not as a general rule be allowed to enter into a polling station, unless the Presiding Officer decides to call them inside in unavoidable circumstances for the maintenance of law and order or some similar purpose.

13.23.5 No security personnel accompanying any candidate, or any agent or any elector should be permitted to enter the polling station. Only security personnel of a Z+ protectee can enter a polling station in plain clothes and arms kept in concealed manner

13.23.6 To keep a track of any person covered under (d) and (e) of Para 13.23.1 above, the Commission has directed that such persons like Commission's observer, Sector or Zonal Magistrate, Commission's micro-observer, any media personnel with due Media Pass issued by ECI, candidate or his election agent or you, your ARO or DEO or any other person shall sign a visitor sheet, each time they visit the polling station. After poll is over, this sheet will be, in a sealed cover handed over at

Reception Centre after poll. Format of visitor sheet has been given below.

VISIT SHEET

Day of Poll: _____

Name and Number of Assembly: _____

Name and Number of Polling Station: _____

Number of Electors: _____

S N	Name & Designation of the officer visiting (Observer/DEO/RO/ ERO/ Sector Magistrate/ Zonal Magistrate/ Patrolling Magistrate	Tim e of Visit	Brief description of polling process (Peaceful/I ncidents, if any)	Number of votes polled till the time of visit	% polled till the time of visit	Remarks, if Any	Signature of Officer

Signatures of Presiding Officers
(with date)

13.24 REGULATION OF ENTRY OF VOTERS

13.24.1 There should be separate queues for men and women voters. The persons who regulate the queues will allow three or four voters into the polling station at a time as the Presiding Officer may direct. Other voters waiting to come in should be made to stand in queue outside. Infirm voters and women voters with babies in arms may be given preference over other voters in the queue. **Men and women voters should be admitted into the polling station in alternate batches.**

13.24.2 The Commission has further directed, with a view to encourage voters to bring their EPICs or the Photo Voter Slips, that a separate queue such voters who turn up to vote on the basis of any of the alternative documents. Additional polling officer who may be provided in a polling station having more than 1200 voters, or Presiding officer should come out an every 30 minutes and verify the documents which they may be carrying and thereafter, allow them to go inside polling station. Non- EPIC/non Photo Voter Slip voters will wait in the queue till such time.

13.25 FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS

13.25.1 There is no objection to any photographer taking photographs of voters lining up outside the polling station provided peace and order is maintained. However, the number and manner of their facilitation/access are to be decided by Returning Officer concerned depending on the local situation and circumstances. No one including the publicity officials of the State Government should be allowed inside a polling station without a letter of authority from the Election Commission. Under no circumstances, any photograph be allowed to be taken of a voter recording his vote. If Commission ever comes to know violation of this, most stringent action will be taken against the Presiding Officer.

13.26 IDENTIFICATION OF ELECTORS

13.26.1 The electors are required to produce the Electoral Photo Identity Card (EPIC) or the Photo Voter Slip, handed over by the BLO to establish their identity irrespective of the fact that the constituency may be having photo electoral rolls in place. Those electors who have not been issued with the identity card, or those of them who are unable to produce the identity card for reasons beyond their control should produce one of the alternative documents of identification specifically permitted by the Commission. The Commission issues orders in this behalf at the time of

every election. You must refer to the order issued by the Commission and bring it to the notice of all Presiding Officers and give a copy of the order during training and also inform the contesting candidates, political parties, etc. Wide publicity by print and electronic media may also be done for the information of electors.

13.26.2 For compulsory identification of electors through EPIC or alternative identification documents, the polling officer in-charge of identification must satisfy himself about the identity of the elector after examining the EPIC or the alternative documents, as the case may be, and in case of any doubt the elector should be directed to present himself before the Presiding Officer who should make a further enquiry to satisfy himself about the identity of the elector. The Presiding Officer should hand over the person to the police with a written complaint in case he is proved to be an impersonator.

13.26.3 As a measure to prevent bogus voting, the Commission has directed that the DEO shall get prepared, using BLOs and such other officials as considered necessary, separate lists of absentee voters, shifted electors with family linkage and shifted electors without family linkage. If any electors whose name also figures in such list, then his identity shall be very thoroughly verified by the Presiding Officer and after getting satisfied, the photo of such elector will be taken by camera person, if posted at that polling station. The Presiding officer shall maintain an account of such voters separately.

13.26.4 It may also be made clear that those who have been issued EPIC will be required to produce EPIC only and no other document to establish their identities. There may be some cases, where the photo roll to be used at the polling station may not contain the photo of a particular elector. Also there may be stray cases of photo mismatch. The production of EPIC or alternate documents with photographs will in such cases help the Presiding Officer to establish the identities of the electors concerned.

13.26.5 It should be noted that for identification of the elector the Presiding Officer and his team of Polling Officers would only rely on the EPIC or the Photo Voter Slip issued to the elector or their absence, the alternative documents prescribed by the Commission for the purpose and no other document. Though, Sub-rule (1) of Rule 49H permits a Presiding Officer to employ at the polling station such persons as he thinks fit to help in the identification of electors or to assist him otherwise in taking the poll, in view of the Commission's directions on use of EPIC for identification, the Presiding Officer should take recourse to the provisions of this rule only in

cases where there are pardanshin women and the services of a local lady is required to identify such electors. Further, under Sub-rule (2) of Rule 49-G, the Returning Officer or the Presiding Officer may also appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors. Such woman attendant will also help the Presiding Officer in frisking any woman elector in case it becomes necessary.

13.26.6 Any village chowkidar/Revenue Officer or the like who may be employed as identifying Officer by the Presiding Officer should be normally posted outside the entrance of the polling station and should be admitted into the polling station only when he is required for the identification of a particular elector or for assisting the Presiding Officer for a particular purpose in connection with the taking of the poll.

13.27 SEQUENCE OF EVENTS INSIDE THE POLLING STATION

The Sequence of events when an elector enters the polling station is as follows

- 13.27.1 A) When an elector enters the polling station, he will first go to 1st Polling officer, who shall
- (i) First, check whether his name is in the electoral roll being used for the poll. An elector may bring with him an unofficial voter slip provided to him by a candidate having particular of Sl.No. and Part number of electoral roll where his/her name exist or the Voter's Slip issued by the ERO. This may help 1st Polling Officer.
 - (ii) then check for his EPIC or other identity document prescribed by the Commission at the time of voting.

The identity of the overseas voters has to be verified by checking the particulars in their passports (ECI Communication No.576/3/2011 dt 22.3.2011)

- (i) Read out aloud the name and Sl.No.of the elector so that the polling agents may note down in their copy of electoral roll.
- (ii) Having established the elector's identity, underline the entry relating to his name in the marked copy of the electoral roll and a tick mark (✓) also be put on the left hand side of the name of elector if she is a female elector. This will help to count the number of women voters at the end of the poll.

- B) Then elector will move to 2nd Polling Officer who will
 - i. Note down the serial number of electoral roll of that elector as it is read out aloud by 1st Polling Officer.
 - ii. Apply indelible ink on the left forefinger of the elector in such a way to make a line from the top end of the nail to the bottom of the left forefinger. 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. After the ink has been duly applied, then
 - iii. obtain elector's signature or thumb impression in the Relevant column of Register of voters in Form 17 A. Particulars of EPIC or other alternate identification as prescribed by ECI, shall be mentioned in Remarks column.
 - iv. prepare a voter's slip (para12.91) filling all required particulars and
- C) Thereafter, the elector will move to 3rd Polling Officer or Presiding Officer, who is in charge of Control Unit –
 - i. Who will first recheck that the indelible mark is clear on the finger of the elector. If it is found that it is not clear or has been wiped off then, apply once again.
 - ii. Thereafter, he will take voters slip and allow the voter to go to voting compartment so that he may cast vote. For this, he will press "Ballot" button of the machine. The voter shall be allowed to vote exactly in the same sequence in which, his details have been recorded in Register of Voters (Form 17A).
- D) The voter shall record his vote and then immediately leave.
- E) Before leaving, a group 'D' employee posted in polling station once again may check for indelible ink mark on voter finger.
- F) Where VVPAT is used.

13.28 CHALLENGED VOTES

13.28.1 The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs.2 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow

the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall handover such person to the police with a written complaint. All such complaints to the Police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.

13.28.2 The Presiding Officer shall keep a record of such challenged votes in Form 14 appended to the Conduct of Elections Rules, 1961.

13.29 APPLICATION OF INDELIBLE INK

13.29.1 Under Rule 49K, of every elector whose identity the Presiding Officer or the concerned polling officer, as the case may be, is satisfied shall be marked with indelible ink. The application of indelible ink is a vital safeguard against impersonation and ensures that the same voter does not vote more than once. If an elector has no left forefinger, then indelible ink should be applied on any such finger, which he has on his left hand starting with his left forefinger. If he does not have any fingers on his left hand, the ink should be applied on his right forefinger and if he has no right forefinger, any other fingers which he has on his right hand starting with his right forefinger. If he has no fingers on either hand, ink should be applied on such extremity (stump) of his left or right hand, as he possesses.

13.30 RECORD OF ELECTORAL ROLL NUMBER OF ELECTOR IN REGISTER OF VOTERS AND OBTAINING SIGNATURE OF VOTER

13.30.1 Under Rule 49-L, before an elector is permitted to record his vote in the voting machine, his electoral roll number as entered in the marked copy of the electoral roll shall be recorded in the Register of Voters (Form 17A). Second Polling Officer has been enjoined upon this duty In addition to obtaining signature or thumb impression of the voter, he shall also note the name of the document used by the electors for his identification in the remarks column i.e. last column of the register along with the serial number of the document. However, if such document is having a serial number running into more than four digits, the polling officers can note down the last four digits of the serial number of the document i.e. EPIC or other alternate document.

13.30.2 The signature or thumb impression of every elector must be obtained in the fourth column of the Register of Voters against the entry made in that register relating to him by 2nd polling officer. If any elector refuses to put his signature or his thumb impression on the Register of Voters, he

shall not be allowed to vote. An entry shall be made in the Remarks column "Refused to sign".

13.30.3 In the third column of the Register particulars of the candidates documents produced by the voter is to be mentioned. In the case of EPIC the last four digit of the EPIC shall be entered.

13.30.4 The Observers/Zonal/Sector magistrate etc during their field visit shall give special attention to this aspect.

13.31 MEANING OF SIGNATURE

13.31.1 A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person, while signing on the Register of Voters, will be required to write his name, i.e., both his name or names and his surname in full or in any case his surname in full or name either in full or by means of initials of that name or names. The preferable course in the case of a literate voter will be to request him to sign his name, i.e., both his name or names and his surname in full. If a literate person puts simply a mark and insists that mark should be taken as a signature while claiming to be a literate person, then that mark cannot be taken to be his signature because, as stated, signature means, in the case of a literate person, the writing of the name of that person by himself in authentication of a document on which he writes his name. In such a case, if he refuses to sign his name in full as indicated above, then his thumb impression should be taken. If he refuses to give his thumb impression also, then he shall not be allowed to vote.

13.32 MEANING OF THUMB IMPRESSION

13.32.1 In conformity with Rule 49K (4) of Conduct of Elections Rules, 1961, if the left thumb of the voter is missing, then the impression of the right thumb should be taken. If both thumbs are missing the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of one of the fingers of the right hand starting from the forefinger should be taken. If no fingers are available, the voter being unable to record his vote will necessarily have to seek assistance of a companion under Rule 49N of the said rules. In that case the signature or thumb impression of the companion should be taken on the Register of Voters and in Form 14A (as explained below in paragraph 13.101 to 13.104). A tendency to obtain thumb impression of the literate voters with a view to enhance voting pace, has been seen in a number of cases. This is not acceptable and must be discouraged. The Returning

Officer/Observer & Sector Magistrate etc. must check it during their visit to polling station.

13.33 ISSUE OF VOTERS' SLIPS

13.33.1 After the electoral roll number of an elector has been entered in the Register of Voters and his signature/thumb impression obtained on that Register, the Second Polling Officer should prepare the voter's slip for that elector, which is a small slip containing the details.

13.33.2 The elector will go to the Presiding Officer or Polling Officer in-charge of the control unit of the voting machine with this voter's slip who will allow him to vote only on the basis of such voter's slip.

13.33.3 It is absolutely essential that the voters record their votes in the voting machine in exactly the same order in which they have been entered in the Registers of Voters. Presiding Officer or third polling officer in-charge of control unit should therefore, allow a voter to proceed to the voting compartment strictly according to the serial number mentioned in the voter's slip.

13.33.4 If due to any exceptional circumstance or unforeseen or unavoidable reason, it has not been possible to follow the exact serial order in respect of any elector, a suitable entry showing the exact serial number at which he has voted should be recorded in the remarks column of the Register of Voters against the person concerned. Similar entries should also be made in respect of the subsequent voters whose serial order has been disturbed thereby.

13.34 RECORDING OF VOTE BY ELECTOR IN THE VOTING COMPARTMENT

13.34.1 After all procedural requirements relating to identification of a voter, application of indelible ink on his left forefinger, obtaining his signature/thumb impression on the Register of Voters and verification of the voter's slip by the Presiding Officer or polling officer in-charge of control unit have been completed, the voter concerned shall be directed to go to the voting compartment where the ballot unit(s) is/are kept for recording the vote. For that purpose, the 'Ballot' button on the control unit shall be pressed by the Presiding Officer or the third polling officer in-charge of that unit which would make the ballot unit kept in the voting compartment ready for recording his vote. On the 'Ballot' button being pressed, the 'Busy' lamp in the control unit will glow Red and simultaneously the 'Ready' lamp on the ballot unit in the

voting compartment will also start glowing Green.

13.34.2 The voter will record his vote by pressing the button provided against the name and symbol of the candidate of his choice. When he presses that button, the lamp provided on the ballot unit against the name and symbol of that candidate will start glowing 'red' and the 'green' light on the ballot unit will go off. Also, a beep sound will be heard emitting out from the control unit. After a few seconds, the beep sound and the red light in the candidate's lamp on the ballot unit and the red light in the 'Busy' lamp on the control unit will also go off. These visual and audio signs are indicative of the fact that the voter inside the voting compartment has recorded his vote. He should then come out of the voting compartment and leave the polling station.

13.34.3 The above procedure will be repeated each time a new voter is to be allowed to record his vote. It should be ensured that only one voter goes at a time inside the voting compartment to vote. It should also be ensured that the ballot button on the control unit is pressed only when the earlier voter has come out of the voting compartment.

13.35 PROCEDURE IN CASE OF COMPLAINT ABOUT PARTICULARS PRINTED ON PAPER TRAIL

13.35.1 Where printer for paper trail is used, if an elector after having recorded his vote alleges that the paper trail generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the Presiding Officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration. If the elector gives the written declaration, the Presiding Officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer. If the allegation is found to be true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that machine and act as per the direction that may be given by the Returning Officer. If, however, the allegation is found to be false and the paper slip so generated matches with the test vote recorded by the elector, then, the Presiding Officer shall-

- (i) make a remark to the effect against the second entry, relating to that elector in Form 17 A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- (ii) obtain the signature or thumb impression of that elector against such remarks; and

- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.

13.36 TALLYING OF NUMBER OF VOTES POLLED PERIODICALLY

13.36.1 At any time, if the total number of votes polled up to that time has to be ascertained, the 'Total' button on the control unit should be pressed. The display panel on the control unit will then show the total number of votes polled till that time. This should be periodically done and tallied with the number of voters allowed to vote up to that time as reflected in the Register of Voters. In any event, the Presiding Officer must ascertain and tally the number of votes polled during every two-hour interval and record the number of votes polled in the relevant columns in the Presiding Officer's diary.

13.37 MAINTENANCE OF SECRECY OF VOTING

13.37.1 Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the voting procedure mentioned above. If he refuses even after warning given by the Presiding Officer to observe the voting procedure, such an elector shall not be allowed to vote by the Presiding Officer or a polling officer under the direction of the Presiding Officer. If the elector has already been issued the voter's slip, such slip should be from him and cancelled.

13.37.2 Where an elector is not allowed to vote for violation of voting procedure, a remark to the effect that voting procedure has been violated shall be made by the Presiding Officer in the remarks column in the Register of Voters (Form 17A) against the entry relating to that elector in that Register. The Presiding Officer shall also put his full signature below that entry. It shall however not be necessary to make any change in the serial number of that elector or of any succeeding elector in column 1 of the Register of Voters.

13.38 VOTING BY BLIND & INFIRM VOTERS AND PROXY VOTERS

13.38.1 If the Presiding Officer is satisfied that owing to blindness or other infirmity, an elector is unable to recognize the symbol on the ballot unit or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit that elector under Rule 49N to take with him a companion who is not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes.

13.38.2 The new model of EVMs procured in 2006-07 has a Braille signage on the extreme right side of the ballot unit indicating the serial number of the candidate. A dummy ballot paper showing the name of the candidates, their political affiliations and the serial numbers will be supplied to the polling stations depending on the requirement of the same felt by the Commission. In such cases, the Presiding Officer will, on the request of the visually handicapped voter, hand over to him the dummy ballot sheet to enable him to note down the serial number of the candidate of his choice so that he can cast the vote on his own with the help of Braille signage without depending on the companion. The dummy ballot paper will be returned to the Presiding Officer for subsequent use by similar visually handicapped voters. At the end of the poll the dummy ballot paper will be deposited with the collection centre along with other polling materials.

13.38.3 No person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

13.38.4 Before any person is permitted to act as the companion of the elector, he shall be required to declare that he will keep the vote recorded by him on behalf of the elector secret and that he has not already acted as the companion of any other elector at any other polling station on that day. The Presiding Officer shall obtain the declaration from the companion in the form prescribed by the Commission for the purpose vide **Annexure 36**.

13.38.5 The Presiding Officer shall also keep a record of all such cases in Form 14A.

13.39 VOTING BY PROXY VOTERS

13.39.1 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.

13.40 ELECTORS DECIDING NOT TO VOTE

13.40.1 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 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 of the Conduct of Election Rules, 1961. It shall, however, not be necessary to make any change in the serial number of the elector or of the succeeding electors in column 1 of the Register of Voters.

13.41 TENDERED VOTES

13.41.1 If a person presents himself at the polling station and seeks to vote representing himself to be a particular elector after another person has already voted as such elector, the Presiding Officer shall satisfy himself about the identity of the elector concerned. If the Presiding Officer is satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, he shall allow the elector concerned to vote by means of a tendered ballot paper, but not through the voting machine.

13.41.2 Under Rule 49P of the said Rules, a tendered ballot paper shall be of such design and particulars thereon shall be in such language or languages as the Election Commission may specify. The Election Commission has specified under that rule that the tendered ballot paper shall be of the same design as the ballot paper, which shall be used for display on the ballot unit of the voting machine at the polling station. The words 'tendered ballot paper' will be stamped on its reverse side.

13.41.3 You should, therefore, provide to each polling station twenty (20) ballot papers, which you have got printed, for use in the ballot units of voting machines to be used as tendered ballot papers. In case it becomes necessary to supply any additional ballot papers to any polling station for the above purpose, the same should be arranged to be supplied to the Presiding Officer of the polling station concerned on demand through the zonal officer in-charge of that polling station.

13.41.4 The Presiding Officer shall keep a correct account of all ballot papers (i) received by him for use as tendered ballot papers, (ii) issued as such to

electors, and (iii) not used and returned to R.O., in Item 8 of Part I of Form 17C.

13.41.5 The Presiding Officer shall also maintain the record of the tendered ballot papers issued to electors in Form 17B. He shall also obtain the signature or thumb impression of the elector in column 5 of that Form before delivering a tendered ballot paper to him.

13.41.6 On receiving the tendered ballot paper, the elector concerned will mark his vote thereon in the voting compartment by placing a cross mark 'X' on or near the symbol of the candidate for whom he intends to vote. He should put the cross mark by means of the arrow cross mark rubber stamp which is used for marking ballot papers where the conventional system of ballot papers and ballot boxes is used.

13.41.7 If owing to blindness or infirmity such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion in accordance with the procedure mentioned above.

13.42 PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT DURING POLL

13.48.1 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 49Q of the said Rules 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 in an orderly manner.

13.42.2 Whenever the Presiding Officer enters the voting compartment, he should permit the polling agents present to accompany him if they so desire.

13.43 MAINTENANCE OF DIARY BY PRESIDING OFFICER

13.43.1 The Presiding Officer of every polling station should be asked to maintain a diary in which he should record the proceedings connected with the poll in the polling station. The proforma of the diary to be maintained by the Presiding Officer is given at **Annexure 37**. He should

be asked to go on recording the relevant events in the diary as and when they occur.

13.43.2 The Commission has directed that all Presiding Officers Diaries to be used at any election should be serially numbered and such serial numbers on those diaries should be given by numbering machines and not by hand. The Presiding Officers must record their observations in such machine numbered diaries and not in any other diary. Proper account must be maintained of every diary supplied to a Presiding Officer.

13.43.3 It has been observed in many cases that the Presiding Officers do not make the entries in the relevant columns of the diary at regular intervals or from time to time as envisaged, and fill in all entries and complete the diary at the end of the poll. This is highly objectionable and it should be impressed upon all Presiding Officers that any lapse on their part in the proper maintenance of diary at all points of time during the process of poll will be seriously viewed. The Observers / Zonal/Sector magistrate etc during their field visit shall give special attention to this aspect.

13.43.4 The Commission has recently directed that in addition to Presiding Officer diary, Presiding Officer will be required to submit additional inputs as in **Annexure – 37-A**

13.44 Micro-observers-

13.44.1 The Commission, in view of limited availability of central police forces, has decided to appoint and deploy micro observers at a polling station or group of polling stations, which are rated sensitive. The micro- observer will be an official from central Govt offices or central Govt PSUs. Please refer to Commission's instructions in this regard. They are required to give their reports in **Annexure – 37-B** to Commission's observers only.

13.45 CLOSE OF POLL

13.45.1 The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat later than the hour appointed for the commencement of poll. However, all electors present at the polling station at the hour appointed for the close of poll should be permitted to cast their vote even if the poll has to be continued for sometime beyond the appointed closing hour. For this, he should distribute pre-numbered slips to all electors standing in queue, starting from the last person in queue at the prescribed time for end of

polling.

13.45.2 For closing the poll after the last voter has recorded his vote, the voting machine has to be closed so that no further recording of votes in the machine is possible. For that purpose, the Presiding Officer should press the 'Close' button on 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 total number of votes recorded in the machine should be immediately noted in Item 5 of Part I of Form 17C.

13.45.3 Once the close button is pressed, the voting machine will not accept any further votes. The Presiding Officer should therefore be extremely cautious and absolutely certain before pressing the close button that no elector who was present at the time fixed for the close of poll remains to vote.

13.45.4 The Commission has recently directed that after all electors have cast their votes and no one is left, then the Presiding Officer shall put a red line after entry of last voter sign on Register 17A giving date and time. All polling agents may also be allowed to put their signature if they desire so. Before that they should ensure that "CLOSE".

13.46 PREPARATION OF ACCOUNT OF VOTES RECORDED

13.46.1 After the close of poll, the Presiding Officer is required to prepare under Rule 49S, an account of votes recorded in the voting machine. Such account shall be prepared in Part I of Form 17C. This should be prepared in duplicate.

13.46.2 A sample account of votes recorded as prepared in Part I of Form 17C is given for your guidance at **Annexure 38**.

13.46.3 The account of votes recorded in Form 17C should be kept by the Presiding Officer in a separate sealed cover with the words 'Account of Votes Recorded' super-subscribed thereon. Another copy of it shall be given in another envelope not sealed at reception centre.

13.47 SUPPLY OF ATTESTED COPIES OF ACCOUNT OF VOTES RECORDED TO POLLING AGENTS

13.47.1 Under the said Rule 49S, every Presiding Officer is also required to furnish to every polling agent present at the close of the poll, a true attested copy of the account of votes recorded as prepared by him in Form

17C, after obtaining a receipt from those polling agents. As such, the Presiding Officer should be asked to prepare such number of additional copies as the number of polling agents present in the polling station. Copies of the accounts should be furnished to every polling agent present even without his asking for it.

13.48 DECLARATION TO BE MADE AT THE CLOSE OF POLL

13.48.1 In order to ensure that abovementioned requirements of Rule 49S regarding furnishing of copies of account of votes recorded by polling agents are fulfilled by the Presiding Officer, the Commission has devised a declaration (Part III, **Annexure 35**), which should be made by the Presiding Officer at the close of poll.

13.49 SEALING OF THE VOTING MACHINE AFTER THE CLOSE OF POLL

13.49.1 After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, the voting machine should be sealed and secured for transportation to the counting/collection centre.

13.49.2 For sealing and securing the voting machine, the ballot unit(s), the control unit should be disconnected and the power switch in the control unit should be switched 'OFF'. The ballot unit(s) and the control unit should be put back in their respective carrying cases. The carrying cases should then be sealed by passing a thread through the two holes provided for the purpose on both sides of the carrying cases and putting thread seal with the Presiding Officer's seal on an address tag showing the particulars of the election and the polling station. The particulars on the address tag shall be the same as mentioned in Para 16.2 of Chapter XII. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.

13.49.3 Where printer for paper trail is used, the drop box shall be sealed separately.

13.49.4 The names of the candidates/polling agents who have affixed their seals on the carrying cases of the ballot unit(s) and control unit should also be noted by the Presiding Officer in the declaration which he makes at the close of the poll vide Part IV of **Annexure 37**.

13.50 SEALING OF ELECTION PAPERS

13.50.1 After the close of poll, all election papers relating to the poll should

be sealed by the Presiding Officer in accordance with the provisions of Rule 49U.

13.50.2 Each packet containing election papers shall be sealed with the seal of the Presiding Officer. The candidates or their agents present at the polling station shall also be allowed to affix their seals on such packets if they so desire.

13.51 TRANSMISSION OF VOTING MACHINE AND ELECTION PAPERS TO THE RETURNING OFFICER

13.51.1 After the voting machine and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as R.O. may direct.

13.51.2 R.O should make proper arrangements for the safe transportation and custody of voting machines and other election papers and materials after the close of the poll from the polling stations to the storage centre, where the voting machines and election papers will be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed:-

(a) It will be desirable to take the sealed voting machines and other election papers and materials after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed voting machines are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of voting machines.

(b) You should inform the candidates or their election agents sufficiently in advance

about the programme of the collecting parties being sent by you, if any, and the route chart for the collection of the voting machines and other election materials from the polling station after the conclusion of the poll, so that the candidates may make arrangements, if they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and they, in no case, should be allowed to travel in the same vehicles in which the voting machines and other election materials and polling parties are transported.

13.51.3 Please follow the detailed instructions issued by the Commission on management of Reception Centres. Sufficient number of counters should

be opened and polling station numbers should be so distributed that at any time neither one counter should be crowded nor any counter free. However, for the polling stations where mock poll was held without any party candidate or where complaint of a serious nature was received during day etc, a special counter should be opened. The observer and RO should be present there.

13.52 SAFE CUSTODY OF VOTING MACHINES AFTER POLL

13.52.1 All Presiding Officers or the Collecting Parties should deposit the voting machines and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself liable to disciplinary action.

13.52.2 You may earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the voting machines received from particular polling stations. The arrangement for this should follow the serial number of polling stations.

13.52.3 All ballot unit(s) and control unit received from one polling station must invariably be kept together at one place on the same square. The control unit should be kept on top of the ballot unit(s). One copy of the part I of Form-17 C, as filed by the concerned Presiding Officer of each polling station should be kept on top of the control unit pertaining to the polling station. Sealed envelope containing the declarations made by the Presiding Officers before the start of the poll and at the end of the poll should also be kept in the strong room with polled EVMs. The duplicate copy of the account of votes recorded and the paper seal account should be kept under your safe custody along with the Presiding Officers Diary and other records like Register of Voters(17A), reports of Sector/Zonal magistrates, Additional inputs provided by the Presiding Officer (refer ECI instruction in this regard) etc. Under no circumstance, these papers/records should be put in strong room where polled EVMs are kept.

13.52.4 Sufficient space should be left between rows of voting machines as they are being stacked so that other machines received subsequently out of turn (from the point of view of serial numbers of the polling stations) may be kept at their appropriate allotted space without the necessity of having to shift any of the voting machines received and stacked in earlier point of time.

13.52.5 If any of the contesting candidates so desires, he may be permitted to post

an agent to keep watch at the place where the voting machines are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which voting machines have been stored in addition to the seals that may be affixed by you. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval, for some unavoidable reason, the room has to be opened you should send for the candidates or their authorized representatives by giving them intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened is over, the candidates or their representatives should again be allowed to put their seal on the door lock and windows.

13.52.6 Whenever it is necessary to open the room in which the voting machines are stored, proper entries should be made in the logbook giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc. The form in which the logbook should be maintained is given in **Annexure 39**.

13.52.7 These instructions will also apply mutatis mutandis to the storage of the voting machines during the interval between the original count and the recount, if any.

13.53 SAFE CUSTODY OF METAL SEALS, RUBBER STAMPS, ETC.

13.53.1 According to the instructions issued by the Commission, (1) the metal seal of the Presiding Officer and (2) the arrow cross mark rubber stamp for marking the tendered ballot papers used at the polling station will be put by the Presiding Officer inside the second bigger envelope containing non- statutory items. Before placing them inside the bigger envelope, these items of election materials should be first put inside separate envelopes on the outside of which the names of the articles should be super scribed and you should arrange to collect the packets containing these articles and deliver them as soon as may be practicable after the poll to the District Election Officer for safe custody. These articles after they are returned by the Presiding Officers and duly accounted for, can be used at any subsequent election, if still serviceable.

13.54 ALLEGATION AGAINST POLLING STAFF

13.54.1 Whenever specific allegations of a serious nature are made in writing against the Presiding Officer or the polling staff about his conduct

during polling at an election, you should inquire into the matter as soon as practicable and send the papers together with your report to the Chief Electoral Officer and the Commission. Where, however, the complaint is anonymous, you should exercise your discretion in deciding whether it deserves to be inquired into or not.

13.55 RETURNING OFFICER TO BE IN HEADQUARTERS ON POLL DAY

13.55.1 You or your Assistant Returning Officer should be available on the polling day at a definite place in the constituency or as near the constituency as possible. The Election Commission, Chief Electoral Officer, Observers, candidates, Presiding Officers and zonal officers should know where you will be available either on Land Phone or mobile phone for contact and instructions as and when necessary.

13.56 DEATH OF A CANDIDATE BEFORE POLL

13.56.1 The law (Section 52 of R.P. Act, 1951), which earlier provided for countermanding of election on the death of a 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 recognized 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 nominations 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.

13.56.2 You, on being satisfied about the fact of the death of the candidate, should order the adjournment of the poll to a date to be notified later by the Election Commission. You should immediately report the fact to the Commission and to the appropriate authority, i.e., the Government of India in the Ministry of Law, Justice and Company Affairs in the case of election to the House of the People, and the Government of the State in the case

of Election to the Legislative Assembly of the State.

- 13.56.3 In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll should 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 a recognized 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 recognized 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.
- 13.56.4 Another important point to note in this connection is that recognized political party, for the purpose of Section 52 of Representation of the people Act, 1951, means a recognized National party or party recognized as a state party in the State concerned. A party recognized as a State party in a particular state will be treated only as a registered un-recognized party in other states where it is not recognized as State party even if that party has been granted concession under Para 10 of the Symbol Order to use its symbol in other states. Therefore, poll will not be adjourned on the death of candidate set up by such a party in such other state.
- 13.56.5 On receipt of the report from you about the death of the candidate set up by a recognized 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, and withdrawal of candidature in respect of such candidate have also to be followed.

13.56.6 A person who had given a notice of withdrawal of his candidature under sub-section (1) of Section 37 of the RP Act, 1951 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.

13.56.7 If the list of contesting candidates had already been published under Section 38, before the adjournment of poll, you should prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.

13.56.8 Further stages of the election will continue as per the revised schedule as notified by the Commission.

13.57 ADJOURNMENT OF POLL

13.57.1 Under section 57(1) of the Representation of the People Act, 1951, the Presiding Officer of a polling station is empowered to adjourn the poll on account of

- (i) a natural calamity like flood, heavy snowfall, a severe storm and the like, or
- (ii) non-receipt or loss or damage to essential polling materials like EVMs, ballot boxes, ballot papers, authentic copy of electoral roll and the like, or
- (iii) disturbance of peace at the polling station making it impossible to take the poll; or
- (iv) non-arrival of the polling party at the polling station due to obstruction on the way or any other serious difficulty, or
- (v) any other sufficient cause.

13.57.2 Whenever the poll is adjourned at any polling station, the Presiding Officer is required to report it to the Returning Officer who shall forthwith report the matter to the Commission for further directions.

13.58 PROCEDURE FOR COMPLETING THE ADJOURNED POLL

13.58.1 For completing the adjourned poll, you shall

- (i) report the circumstance immediately to the Election Commission,

the Chief Electoral Officer and the appropriate authority, (The appropriate authority has been defined in Section 2 of the Representation of the People Act, 1951, to mean, in relation to an election to either House of Parliament, the Central Government and in relation to an election to the Legislative Assembly or Legislative Council of a State, the State Government. It is an obligation cast by law upon you to report the circumstances of the case to the appropriate authority and the Election Commission.);

- (ii) seek the approval of the Election Commission of the date, hours and place, which you propose for holding the adjourned poll;
- (iii) formally fix the date, hours and polling station as approved by the Election Commission;
- (iv) inform the contesting candidates or their election agents accordingly in writing, but only after the receipt of the Commission's formal approval;
- (v) affix a notice on your notice board notifying the date, hours and the polling station so fixed (;) and
- (vi) announce by beat of drum or otherwise in the polling area concerned the date, hours, and the polling station so fixed.

13.58.2 For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said Section 57(2), the Commission has prescribed a format of such report (vide **Annexure 40-A**). You should send a consolidated report in that format in respect of all the polling stations where the poll has been adjourned. The Commission will not accept any piece-meal reports in this behalf

[N.B. While suggesting the hours for holding an adjourned poll in the particular polling station, you may propose any period sufficient for completing the poll being conducted Section 57(2) is independent of Section 56 and it is, therefore, not necessary when fixing the hours for the adjourned poll to deduct the hours during which the poll had already taken place before the adjournment.]

13.58.3 Where the poll has been adjourned at a polling station under the provisions of Sub-section (1) of section 57, the adjourned poll will recommence from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll

was adjourned will alone be permitted to vote at the adjourned poll. You should provide the Presiding Officer of the polling station, at which such adjourned poll is taken, with the sealed packets containing the marked copy of the electoral roll and the Register of Voters in Form 17C and a new voting machine. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and the Register of Voters should 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 of the electoral roll and the Register of Voters should be used for adjourned poll.

13.58.4 The provisions of Rules 28 and 49A to 49V of the Conduct of Election Rules, 1961 will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

13.58.5 Where the poll could not be commenced due to non-arrival of the polling party or other reasons, the provisions of abovementioned rules will apply to every such adjourned poll as they apply to the original poll. Where the poll could not commence within two hours from the scheduled time due to malfunctioning of EVM or any other reason, adjourned poll should be recommended to the Commission.

13.58.6 - Annexure -38(Form 17C)

13.59 PROCEDURE FOR HOLDING FRESH POLL

13.59.1 Under Section 58 of the Representation of the People Act, 1951, the Election Commission is competent to declare the poll at a polling station to be void, if at that polling station -

- (i) any voting machine has been unlawfully taken away by an unauthorized person, or
- (ii) any voting machine has been accidentally or intentionally destroyed or lost or damaged or tampered with and you are satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or
- (iii) any voting machine develops a mechanical failure during the course of the recording of votes, or
- (iv) any error or irregularity in procedure as is likely to vitiate the poll has been committed.

13.59.2 You should report the facts forthwith to the Election Commission and the Chief Electoral Officer. For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said Section 58(1) of the R.P.Act, 1951, the Commission has prescribed a format of such report (**Annexure 40-B**). You should send a consolidated

report in that format in respect of all the polling stations where the poll has been vitiated. The Commission will not accept piecemeal reports in this behalf.

13.59.3 After considering all the material circumstances, the Commission will, if necessary—

- (i) declare the poll at the polling station to be void; and
- (ii) formally fix the date and hours for a fresh poll.

13.59.4 On receiving intimation from the Commission, you should inform in writing the contesting candidates or their election agents of the date, time and place fixed for the fresh poll and affix a notice on your notice board, notifying the date and hours so fixed. Also, you should announce by beat of drum or otherwise in the polling area concerned about the place, date and hours so fixed.

13.59.5 All electors entitled to vote at the polling station or stations in question will be entitled to vote at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at the original poll, the Commission directs that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

13.59.6 A new voting machine [the ballot unit(s) as well as the control unit] and a new marked copy of electoral roll shall be used at the fresh poll.

13.59.7 The provisions of the Representation of the People Act, 1951, Conduct of Elections Rules, 1961 and orders made there under will apply to the fresh poll in exactly the same way as they apply to the original poll. All the voting machines used for the original poll at the polling station(s) where fresh poll has been directed by the Commission should be preserved carefully, unopened and with the seals intact.

13.60 PROCEDURE FOR HOLDING FRESH POLL IN CASE OF BOOTH CAPTURING

13.60.1 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 a 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 stations involved in booth capturing the result of the election is likely to be affected.

13.60.2 In order to enable the Commission to take appropriate decision in case booth capturing has taken place at any polling stations, the Commission has prescribed a format in which the Returning Officer should send his report to the Commission in the matter. The said format has been reproduced in **Annexure 40-C** for facility of reference. It should be a consolidated report in respect of all polling stations involved in booth capturing. The Commission will not accept any report in piece-meal.

13.60.3 If the Commission directs fresh poll to be taken at any polling station, you should proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.

13.60.4 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.

13.61 CLOSING OF VOTING MACHINE IN THE CASE OF BOOTH CAPTURING

13.61.1 Rule 49X of the Conduct of Election Rules, 1961 provides that where the Presiding Officer of a polling station is of the opinion that booth capturing is taking place at the polling station, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and he shall detach the ballot unit(s) from the control unit.

13.61.2 As soon as may be after a Presiding Officer has closed the voting machine under rule 49X, he should report the matter with full facts to the Returning Officer. The Returning Officer shall, in turn, report the full facts of such case to the Election Commission through the fastest means of communication available.

13.61.3 The Election Commission, on receipt of the report from the Returning Officer and after taking into account all material circumstances, may-

- (i) either decide to have the adjourned poll completed from the stage it was adjourned by providing a new voting machine, if it is satisfied that the poll up to that stage was not vitiated, or
- (ii) declare the poll at the polling station as void, if it is satisfied that the poll was vitiated and direct a fresh poll at that polling station.

13.61.4 Further steps to complete the adjourned poll or, conduct a fresh poll as directed by the commission as the case may be, shall be taken in accordance with the procedure prescribed in Paras 58.1 to 59.7 above.

13.62 REPORTS TO THE COMMISSION ABOUT POLLING

13.62.1 The Commission should be kept informed of the progress of poll on the polling day. The Commission has accordingly instructed that each Returning Officer should send three comprehensive reports giving details of every important event in the format at **Annexure 41**. The first report should reach the Commission by 1300 hours on the day of poll, and the second by 1900 hours after the close of poll. The third and final report should reach the Commission by 07:00 hours next morning, i.e., the day immediately following the day of poll. It should be submitted in the formats prescribed by the Commission. These reports should be sent by the quickest available means of communication.

13.62.2 It should be noted that the failure to send any of the reports in time will be viewed as a gross failure of statutory duty on the part of the Returning Officer concerned by the Commission and will lead for serious consequences.

13.62.3 It is only after the receipt of these reports that the Commission shall decide whether the counting of votes should be allowed to be taken up by the Returning Officer in each individual constituency. You should, therefore, ensure that your reports reach the Commission well in time to enable it to take decision about the counting in your constituency. Though it is not mandatory now to take prior approval of the Commission to commence the counting of votes, your failure to furnish your report may lead to postponement of counting of votes in the constituency.

CHAPTER - XIV

SIMULTANEOUS ELECTIONS

14.1 GENERAL

14.1.1 The Electronic Voting Machines which are now in use, are used for poll at a single election. For conducting simultaneous elections, two separate sets of Voting Machines are to be used – one set for Lok Sabha election and the other set for Assembly election.

14.2 TWO SETS OF EVMS FOR SIMULTANEOUS POLL

14.2.1 For simultaneous elections – that is to say holding of poll from a parliamentary constituency and its component assembly constituency on the same day – it is necessary to use two separate sets of EVMs. Therefore your requirement of ballot units and control units will be double of the polling stations in the parliamentary constituency plus the reserve machines that are required to be kept as per the directions of the Commission.

14.3 EVM – IDENTIFICATION STICKERS

14.3.1 In order to clearly identify and recognize which set of EVMs belongs to Lok Sabha election and which to State Assembly Election, it is absolutely necessary to fix/paste distinct Identification Stickers on the Control Units and Ballot Units. Apart from the Identification Stickers, there shall be separate set of “Address Tags”. The details are given below :

(A) Colour of stickers & address tags

Lok Sabha Election

The colour of the Identification Sticker and Address Tag shall be WHITE (same colour as that of Ballot Paper).

Legislative Assembly Election

The colour of the Identification Sticker and Address Tag shall be PINK (same colour as that of Ballot Paper).

(B) Size of stickers

(i) For Control Unit 3 cm x 6 cm

(ii) For Ballot Unit 6 cm x 6 cm

(C) Format of identification sticker

The Identification Sticker shall be a self-adhesive sticker pasted on the top of the cover of the “Battery Cand. Set Section” as described

below:

I. STICKER ON CONTROL UNITS FOR LOK SABHA ELECTION:

The stickers shall have the legend “LOK SABHA” printed in bold letters so as to identify that the Control Unit is being used for Lok Sabha election.

II. STICKER ON CONTROL UNITS FOR ASSEMBLY ELECTION:

- The stickers shall have the legend “VIDHAN SABHA” printed in bold letters so as to identify that the Control Unit is being used for State Assembly election.
- The language of the legend on the stickers may be either in English or the regional language.
- While pasting this sticker, care should be taken to ensure that it does not obstruct the opening of this outer cover of the “Battery – Cand.Set” Section.

14.4 BALLOT UNITS

14.4.1 In view of the fact that the Ballot Paper fixed under the transparent screen of the Ballot Unit for LOK SABHA ELECTION is WHITE in colour and that for ASSEMBLY ELECTION is PINK in colour, there will ordinarily be no difficulty in identifying the for which election, the Ballot Unit is being used. However, thin strips of distinguishing stickers should be pasted on the outer thin frame of each Ballot Unit below NOTA if one BU is used; below the last candidate of each BU and below the NOTA in the last BU in case more than one BU is used. These stickers shall also be identical in colour and content to those, which are pasted on the respective Control Units.

14.5 ACTION BY THE RETURNING OFFICER

14.5.1 PREPARATION OF EVMS

The detailed procedure for the preparation of Voting Machines by the Returning Officer in his office has already been given in Chapter XII. For the preparation of the Voting Machines for conduct of simultaneous elections, the Returning Officers shall follow the procedure detailed below:

14.5.2 PREPARATION OF EVM AT DIFFERENT PLACES

Preparation of Voting Machines for Assembly Election and Lok Sabha Election shall be done in separate rooms or halls and shall NOT be done in

the same hall or room. This is all the more important, because while preparing the machines, the Returning Officer has to give notice to the candidates and their election agents to be present. Since the contesting candidates will be different for elections to Lok Sabha and State Legislative Assembly, the preparation of the machines for both elections should be done at different places and there should not be any mix up. Further, if the preparation of the EVMs for both the elections are done at the same place, there may be mix up of Lok Sabha Ballot Paper being fixed on the Ballot Unit meant for Assembly election and vice-versa. Similar mix-ups cannot be ruled out in the matter of setting up the number of candidates in the Control Units earmarked for the two elections.

14.5.3 FIXING IDENTIFICATION STICKERS & ADDRESS TAGS

14.5.3.1 The first task of the Returning Officer is to paste the Identification Sticker on each Unit. After pasting this sticker, he should proceed to set up the Control Unit for the required number of candidates, seal the Battery Section and put an address tag, thereon. The Units prepared shall be kept in their carrying cases and the corresponding coloured Identification Stickers and address tags shall be pasted on the carrying cases also.

14.5.3.2 An identification sticker (similar to the one used on the control unit and ballot unit) shall be fixed/pasted on the top of the carrying cases of both control unit and ballot unit.

14.5.4 STORAGE OF UNITS PREPARED FOR LOK SABHA ELECTION

In case sufficient number of Rooms or Halls are not available to prepare the EVMs for each election separately, the work of preparation of the EVMs shall be taken up one after the other. First, the EVMs meant for the Lok Sabha Election may be prepared and after kept in safe custody in a room or hall. A sign board shall be fixed outside such room or hall clearly indicating that the prepared EVMs for Lok Sabha Election are stored inside.

14.5.5 STORAGE OF UNITS PREPARED FOR ASSEMBLY ELECTION

Thereafter, preparation of EVMs for Assembly Election shall be taken up and the Units prepared be stored in different rooms or halls with a board outside to indicate that Assembly EVMs are stored, therein.

14.5.6 REGISTER FOR ALLOCATION OF EVMs

14.5.6.1 The Returning Officer should open a Register to enter, the distinct Identification Numbers of the Control Unit and Ballot Unit(s) allocated to each polling station.

14.5.6.2 There should be separate registers maintained for Lok Sabha Election and Assembly Election.

14.5.7 TRAINING TO POLLING PERSONNEL

14.5.7.1 During the training classes for the Presiding and Polling Officers, the difference between the Voting Machines for each Election shall be explained in detail, so that they do not have any doubt about the following respects –

- i. Identification of the machines earmarked for Lok Sabha and Assembly Elections. Show them prepared models.
- ii. Clear understanding that in the polling station, they have to connect the Ballot Unit and printer for paper trail belonging to Lok Sabha Election to the Control Unit earmarked to Lok Sabha Election and similarly connect the Ballot Unit and printer for paper trail of the Assembly Election to the Control Unit of the Assembly Election.(where VVPAT is used as per the directions of the commission.)
- iii. After fixing the green paper seal in the 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 for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the green paper seal fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone, are allowed to affix their signatures.
- iv. After fixing the Special Tag in the frame provided after closing the inner side of the door of the inner compartment of the Result Section of the control unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Special Tag fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures.
- v. On Outer Strip Seal for the control unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Outer Strip Seal for the Control Unit for Assembly election, the candidates for Assembly election

or their polling agents alone are allowed to affix their signatures. They should be warned about the consequences of connecting wrong Units, which will result in cancellation of the poll from such polling stations.

14.5.8 ELECTION MATERIALS FOR POLLING STATION

14.5.8.1 The essential items required for each polling station have been mentioned in greater detail in the Handbook for Presiding Officers and at **Annexure XII**. However, there are certain items of election materials, which are exclusively required for the conduct of poll with the use of EVMs.

14.5.8.2 For the conduct of simultaneous elections, such materials required are detailed below:

14.5.9 VOTERS' REGISTER

14.5.9.1 For the conduct of poll for both the elections, only ONE Voter's Register is to be used. The signatures of voters for both the elections shall be taken in the same register.

14.5.10 VOTERS SLIPS

14.5.10.1 After signing the Voter's Register, each voter is to be supplied with a Voter's slip as detailed in Chapter XII. In the case of simultaneous elections, each voter shall be supplied with TWO such slips. While printing these slips, it shall be ensured that the name of the House for which the election is being held and the name of the constituency are correctly printed. For the sake of easy identification as to which election each of the slips belongs, the Voter's Slip for Lok Sabha election be printed on WHITE paper and that for Assembly election on PINK paper.

14.5.11 MARKED COPY OF ELECTORAL ROLL

14.5.11.1 There is no change in the number of working copies of the electoral roll to be supplied to each polling station. The polling officer in charge of marked copy of the electoral roll will maintain only ONE marked copy of the electoral roll for both the elections.

14.5.11.2 Before commencing the poll, the Presiding Officer should be asked to demonstrate to the candidates and polling agents present that the marked copy of the electoral roll to be used at the polling station does not contain any entry or mark other than those made in pursuance of Rule

20(2) (b) or Rule 23(2) (b) of the Conduct of Elections Rule, 1961 to show that the Postal Ballot Paper or Election Duty Certificate has been issued to any elector. He should also show them the list of CSVs who have appointed proxies as per the list annexed to the electoral roll.

14.5.11.3 Likewise, he should also demonstrate to them the Register of Voters (Form 17A) to show that the register is blank and no entry in respect of any elector has already been made therein.

14.5.12 COMPOSITION OF POLLING PARTIES

14.5.12.1 For the conduct of poll in the conventional method with the use of ballot papers and ballot boxes, the existing instructions allow appointment of one Presiding Officer and 5 Polling Officers at simultaneous elections. Similarly, for the conduct of poll at simultaneous elections with the use of Electronic Voting Machines also. One Presiding Officer and 5 Polling Officers may be appointed for each Polling Station. For Polling Stations with more than 1200 voters, an extra Polling Officer may be appointed.

14.6 DUTIES OF POLLING PARTY

- (a) First Polling Officer: He will be identifying the electors and will be in charge of marked copy of the electoral roll.
- (b) Second Polling Officer: He will be in charge of the indelible ink and voter's register.
- (c) Third Polling Officer: He will be in charge of the Voter's Slips.
- (d) Fourth Polling Officer: He will be in charge of the Control Unit for Lok Sabha election.
- (e) Fifth Polling Officer: He will be in charge of the Control Unit for State Assembly Election.
- (f) Presiding Officer: He will be over all in-charge of the polling station and supervise the smooth conduct of poll.

14.7 LAYOUT OF POLLING STATION

14.7.1 A model lay out of the Polling Station for single election is given in **Annexure – 33-A**. A layout plan of the polling station where TWO sets of EVMs are to be used for taking simultaneous polls is given at **Annexure 33-B**. In the layout, only one door for entry and exit of voters has been shown. However, if the room where the polling station has been

set up has two doors, the entry and exit may be arranged from different doors.

14.7.2 It may be noted that there shall be TWO separate Voting Compartments – one for keeping the Ballot Unit(s) of the Lok Sabha election and the other to keep the Ballot Unit(s) of the Assembly Election.

14.7.3 A Notice with bold letters on each of the Voting Compartments with the words ‘VOTING COMPARTMENT – LOK SABHA ELECTION’ and ‘VOTING COMPARTMENT – ASSEMBLY ELECTION’ shall be pasted on each of the Voting Compartments.

14.8 VOTING COMPARTMENT

14.26 See para 13.16

14.9 VOTING PROCEDURE

14.9.1 The voters, when they enter the polling station will proceed to the first polling officer who will identify the electors and make necessary entries in the marked copy of the electoral roll.

14.9.2 The voter will then move to Second Polling Officer who will first apply the indelible ink mark on his **left hand forefinger** and ask him to sign or put thumb impression in the Voter’s Register. If the Voter puts his thumb impression, the polling officer should ask the voter to wipe off the residuary stamp pad ink from **his** thumb on a piece of wet cloth kept on the table for this purpose.

14.9.3 When the Second Polling Officer is applying the indelible ink mark and taking the signature or thumb impression of the voter in the register, the Third Polling Officer who will be sharing the Table with the Second Polling Officer, will prepare two identical voters slips – one on white paper and the other on pink paper and after examining the finger of the voter to ensure the indelible ink mark is duly applied and not erased, will hand over both the voter’s slips to the voter and direct him to the Fourth Polling Officer.

14.10 VOTING FOR LOK SABHA

14.10.1 After receiving the two voter’s slips, enabling him to vote for Lok Sabha and Assembly elections respectively, the voter will go to the Fourth Polling Officer who is in charge of control unit for Lok Sabha election. He will hand over the white voter slip to the Fourth Polling Officer. The Fourth Polling

Officer who that it is the turn of that voter to vote, shall then press the Ballot Button of the Control Unit for the Lok Sabha Election kept on his table, and direct the voter to go into the Voting Compartment for Lok Sabha Election. While doing so, the Fourth Polling Officer should inform the voter that after voting for Lok Sabha, he should go with the Pink Voter Slip to the Fifth Polling Officer to vote for Assembly Election.

14.10.2 The voter will then enter the Voting Compartment for Lok Sabha Election and vote for Lok Sabha Election by pressing the Blue Button of the candidate of his choice on the Ballot Unit kept inside.

14.11 VOTING FOR ASSEMBLY ELECTION

14.11.1 After the voter has voted for Lok Sabha election, it shall be ensured that he goes to the Fifth Polling Officer in-charge of Control Unit for Assembly election. After taking the Pink Voter Slip from the voter and ensuring that now it is his turn to vote, the Fifth Polling Officer shall activate the machine by pressing the Ballot Button on the Control Unit for Assembly Election and direct the voter to go inside the Voting Compartment for Assembly Election to vote. **The fifth polling officer will also inspect the indelible ink mark to ensure that same is intact.**

14.12 IMPORTANT DUTIES OF FOURTH AND FIFTH POLLING OFFICERS

14.12.1 It may appear that the Fourth and Fifth Polling Officers have been given a very easy job. On the contrary, the success of simultaneous elections depend on their alertness. Their job is not only to simply press the Ballot Button to activate the Voting Machine, they have to ensure that each voter votes in his/her turn in the exact serial order as given in the Voter's Slip. They have also to keep a constant watch to ensure that when they direct any voter to go and vote, the voter goes into the correct Voting Compartment and votes accordingly. Owing to ignorance or otherwise, if any voter appears to be unsure of where to go and what to do after he has been allowed to vote, it is the duty of these two polling officers to ensure that the voter follows the correct procedure. During the first hour of poll when there is usually a lot of rush, the officers should keep their cool and see that the voting proceeds smoothly. Whenever there is a respite and in any case after every one-hour of poll, they should tally the total votes polled till then with the Voter's Register and also with the total displayed in both the Control Units.

14.13 PRESIDING OFFICER

14.13.1 The Presiding Officer is over all in-charge of the Polling Station. His duties

in brief are, to -

- i. Place the Ballot Units and printer for paper trails if provided, in their respective Voting Compartments; **In no case the Ballot Unit or the Control Unit be placed on the floor. It must be kept on a table.**
- ii. Connect the Ballot Units and printer for paper trails if provided with their respective Control Units;
- iii. Switch on the power;
- iv. Demonstrate before the hour fixed for actual commencement of the poll to the, candidates/agents present that the Voting Machines are clear and do not contain any votes;
- v. Conduct mock poll to ensure that the vote cast for any particular candidate is actually counted in his favour;
- vi. Conduct first the mock poll for Lok Sabha Election using the Control Unit and Ballot Unit(s) prepared for Lok Sabha Election;
- vii. Conduct, then, the mock poll for Assembly Election using the Control Unit and Ballot Unit(s) prepared for Assembly Election;
- viii. Ensure that only the candidates for the Lok Sabha election or their polling agents as are present affix their signatures on the green paper seal fixed in the control unit for Lok Sabha election, and similarly, only the candidates for Assembly election or their polling agents affix their signatures on the green paper seal fixed in the control unit for Legislative Assembly election,.
- ix. See that voting compartments have been properly arranged with appropriate posters pasted outside to indicate clearly the Election pertaining to which the Ballot Unit is kept inside:
- x. Ensure that the cables to connect the Ballot Units with their respective Control Units are placed in such a way that voters are not required to cross over them during their movements inside the polling station. At the same time the entire length of the cable should be visible to the polling agents present.
- xi. Ensure, that all the members of the polling party are in position well before the commencement of the poll and all materials and records

- are kept handy and ready to commence poll at the appointed hour:
- xii. Prevent any member of the polling party or any polling agent from wandering inside the polling station and to keep them seated in their allocated seats:
 - xiii. Commence the actual poll at the hour fixed for commencement of poll.
 - xiv. Keep, during the progress of poll, a close watch on the movements of the voters and to be alert and watchful so that no voter goes away without voting for both or either of the elections.
 - xv. Ensure that during the first hour of the poll when polling is generally brisk, no member of the polling party shows any slackness in the duties allocated to him.
 - xvi. Check periodically the total for each control unit to ensure that the voting is going as per the serial order of electors.
 - xvii. Ensure that copies of Form 17C for parliamentary election are supplied to polling agents of the candidates in parliamentary constituency only and copies of Form 17C for the assembly election are given only to the agents of candidates of assembly constituency.
 - xviii. Check the ballot unit at regular intervals to ensure that the voter has not tampered with it in any manner. The voter already in queue at the time fixed for close of poll should be allowed to vote.

14.14 CLOSING THE POLL

14.14.1 The Presiding Officer should ensure that the poll is duly closed at the end of the polling hour, as per the prescribed voting procedures. After the last voter has voted as per the above procedure, he should press CLOSE BUTTON of the Control Units for both the Elections. He should then carefully and duly fill in the prescribed forms for both the elections, disconnect the Ballot Units from the Control Units and seal them in their respective carrying cases. In the case of simultaneous election, the papers should be prepared and sealed separately.

14.14.2 **At simultaneous election:** The Presiding Officer should ensure that the carrying cases of all the units have identity stickers of the concerned elections prominently pasted on the outside. He should also ensure that the ballot units and control units are placed only in their respective

carrying cases with the election identity label firmly pasted. Further, he should also fix the duly filled in address tags of correct colour (white for Lok Sabha election and pink for assembly election) to the respective carrying cases.

14.14.3 Presiding Officer should ensure that all the sealed Units and election records are duly handed over to the Returning Officer, at the reception centre, as per the prescribed procedure.

14.15 ACCOUNTS OF VOTES RECORDED

14.15.1 After the close of poll, the Presiding Officer is required to prepare, under Rule 49S of the Conduct of Election Rules 1961, an account of votes recorded in the voting machine. Such account shall be prepared in Part-I of Form-17C. This should be prepared in duplicate. It should be noted for that accounts of votes in Part-I of Form- 17C shall be prepared separately for the Parliamentary and Assembly elections.

14.15.2 A sample account of votes recorded as prepared in Part-I of Form-17C is given for your guidance at **Annexure-38**.

14.15.3 Under Rule 49S of the Conduct of Election Rules 1961, every Presiding Officer is also required to furnish to every polling agent present at the close of poll, a true and attested copy of the account of votes recorded as prepared by him in Form-17C after obtaining a receipt from them. Copies of the account of votes are to be given for the assembly constituency to the polling agents of the candidates contesting the assembly poll and copies of the account prepared for parliamentary constituency are to be given to the polling agents of the candidate contesting the parliamentary poll. Copies of the account should be furnished to every polling agent present even without his asking for it.

14.16 STORAGE PLACE

14.16.1 A suggestion has been made that due to shortage of space, the Commission may relax the conditions and allow the storage of Control Units and Ballot Units used at polling stations in separate rooms before the counting is taken up. In the directions, it has been provided that the used Voting Machines may be stored in a room or building. The building means that more than one room in the same building can be used for the purpose of storage of Voting Machines. Therefore, the Commission does not find any reason to allow storage of Ballot Units and Control Units separately. If space is constraint, more than one room may be used in the

building. However, outside all such rooms, a notice be pasted indicating the particulars of Election and Serial Numbers of Polling Stations where the EVMs stored inside were used for taking poll.

14.16.2 All relevant records and the EVMs used for Lok Sabha election and state Legislative Assembly election shall be stored in separate rooms. They shall, under no circumstances stored in the same room.

CHAPTER - XV

COUNTING OF VOTES

15.1 GENERAL

15.1.1 Counting of votes is one of the most important stages of the election process. The result of the entire election may be nullified by wrong, irregular or careless counting. You should therefore exercise great vigilance not only on the actual counting of votes but also in maintenance of discipline inside the counting hall.

15.1.2 The EVM records correctly each vote cast by a voter and keeps an exact and up-to-date account of each vote so cast candidate-wise. All votes cast by means of voting machines are valid votes and as such there is no invalid or rejected vote. Thus, the process of counting has become simple, easier and quicker. Nonetheless, you must follow the instructions given in the following paragraphs to the minutest detail so that the counting of votes takes place perfectly and there is no doubt in the minds of any candidate or his agent with regard to the result of the election.

15.1.3 Counting of votes is to be done by you. Assistant Returning Officers are also legally empowered to supervise counting of votes. If you are the Returning Officer for more than one Parliamentary or Assembly Constituency, your Assistant Returning Officers can take up the counting of an Assembly segment separately. Such counting should be arranged in near-by buildings so that you can keep an effective check at all such places of counting.

15.2 LEGAL PROVISIONS

15.2.1 The counting of votes at an election where voting machines are used is regulated by the provisions of Rule 66A of the Conduct of Elections Rules, 1961 as inserted by the Conduct of Elections (Amendment) Rules, 1992.

15.2.2 By the said rule 66A, the provisions of rules 50 to 54 relating to time and place for counting of votes, appointing of counting agents and revocation of such appointments, admission to the place fixed for counting and maintenance of secrecy of voting have been made applicable as they apply in relation to counting of votes in such constituencies where the system of ballot papers and ballot boxes is followed. The provisions of Rule 54A relating to the counting of postal ballot papers also apply in the case of a constituency where voting machines are used, because the system of postal ballots is the same. By the aforesaid Rule 66A, three new rules, namely, Rules 55C, 56C and 57C have been added which provide for scrutiny and inspection of voting machines before the counting, actual counting of votes recorded in the voting machines and sealing of voting machines after the

counting. In order to remove any doubt or ambiguity, it has also been clarified by the abovementioned amendment rules that rules 60 to 66 (providing for continuous counting, recommencement of counting after fresh poll, recount of votes, declaration of result of election, counting at two or more places and grant of certificate of election to returned candidate) shall also apply in relation to voting by voting machines and any reference in those rules to ballot paper shall be construed as including a reference to the voting machine.

15.2.3 You should study the above mentioned Rules 50 to 54A, 55C, and 57C and 60 to 66 very carefully and refer to them whenever in doubt.

15.2.4 In case of adjournment of poll at any or some polling stations u/s 57 of the Act the counting of votes shall not commence, till the adjourned poll is complete.

15.3 PREPARATION FOR COUNTING OF VOTES

15.3.1 DATE, PLACE AND TIME FOR COUNTING

15.3.1.1 You are required to decide, the place or places where the counting of votes will be done and the date and time at which counting will commence and to intimate the same to all contesting candidates or their election agents in writing at least one week before the date of poll (or first of the dates if poll is to be taken on more than one day). For the sake of uniformity, the date and time of counting of votes is fixed by the Commission.

15.3.1.2 However, the place of counting is to be decided by you in the light of Commission's instructions issued in this regard. Preferably, it should be at your HQ within the constituency. There will be no legal objection even if the place so fixed is outside the limit of the constituency.

15.4 SELECTION OF PLACE OF COUNTING

15.4.1 The counting of votes for the entire Assembly constituency should be done at one place under your direct supervision. The Commission will favour counting of votes to take place at district HQ, if possible.

15.4.2 Each Assembly Constituency or an Assembly segment of a Parliamentary Constituency is to be counted in separate hall and under no circumstances, can the counting of more than one AC be taken simultaneously in a hall. In a Parliament election, if the total number of halls available for counting purposes is less than the total number Assembly segments for a PC, the sequence of counting will be as per the ascending AC numbers.

15.4.3 Each counting hall should have sufficient space and have a separate entry and a separate exit. Counting of votes will be done at counting centers

comprising one or more counting halls. Each counting hall shall be a separate room walled on all sides preferably with separate exit and entry facilities.

15.4.4 Where pre-constructed separate rooms are not available but large rooms are proposed to be divided for creating halls, each part constituting a hall will be separated by temporary partitions. These partitions will be of strong material, preferably CGI sheets. 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 partitioning, each hall is an independent room walled on all four sides. It should not be possible for anybody to move from one hall to another without coming out of the hall. Further the partition should be so erected that it should be impossible to slip any material from one hall to the other through the partitions. Guards should be posted on both sides of the partitions to ensure that the partitions are not disturbed.

15.4.5 For an Assembly Constituency or an assembly segment in case of Parliamentary Elections, counting of votes should be done in one hall in the normal course. In any event, the number of counting halls should not exceed TWO. However, if sufficiently big halls are not available, then the counting of one assembly constituency / segment may be taken up in two Halls. Counting in two halls should be considered only if the size of one hall does not allow placing of more than 8 tables (including the table of the RO/ARO). In exceptional cases where the size of the electorate in an Assembly segment is unusually large, counting may be taken up in two halls with a maximum of 15 tables each in each hall for that Assembly constituency / 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.

15.4.6 If, for any peculiar reasons, more than two counting halls are considered necessary in any particular case, then specific prior permission of the Commission should be obtained, giving the reasons for which more than two Halls are considered necessary for a single Assembly Constituency or Assembly Segment.

15.4.7 In cases where two or more halls are used for counting of votes of an Assembly Constituency/segment, allot the polling station numbers to be counted in each hall well in advance and intimate to candidates /election agents.

15.4.8 Each counting center should have a distinct number and each counting hall coming under each counting center should also have a distinct number. Assembly constituency/segments, which are to be counted in a counting hall,

must be decided and pre-allotment details intimated to all candidates in advance.

15.4.8 In case the number of contesting candidates is more than fifteen, you may, with the prior approval of the Commission, increase the number of counting halls even in respect of one Assembly Constituency or assembly segments of a Parliamentary Constituency depending on the number of contesting candidates and the size of the counting halls, so that dispersal of counting agents can be made in such a manner as to avoid overcrowding in one counting hall. Such additional counting halls should be provided in the same building and should be near or adjacent to each other, as far practicable.

15.4.9 In the case of election from a Parliamentary Constituency, the counting of votes may have to be done at different places for the various Assembly segments comprised within that Parliamentary Constituency. Such counting may be done under the supervision of your Assistant Returning Officers, as they are also legally competent to take up the counting.

15.4.10 If you decide to count the votes at more than one place in the case of a Parliamentary Constituency, you should communicate it to each of the candidates or his election agent sufficiently in advance so that they may make necessary arrangements for attending such places of counting and appointing separate sets of counting agents for each such place of counting. Counting of votes of an Assembly Constituency or Parliamentary Constituency at more than two places should be avoided to the extent it is possible.

15.4.11 Further, while deciding the number of constituencies to be counted in a building, factors like availability of space, requirement of force for efficient law and order arrangements, possibility of crowd and crowd management outside counting places, hassle-free movement of polled EVMs from strong room to counting hall, etc have to keep in mind. The counting hall must be spacious enough to accommodate you, the counting personnel, the candidates and their election/counting agents. It should have proper lighting arrangements with necessary stand-by arrangements such as generator or gaslight to tide over emergencies on account of power failure. Adequate fire extinguishers should also be arranged. As far as practicable, the counting of votes in temporary structures should be avoided as dust storms or rains etc, would affect the process of counting in such places. If it is unavoidable, specific permission from ECI has to be taken.

15.5 LAY OUT OF COUNTING HALL

15.5.1 Counting of votes should be done on tables arranged in rows The number of counting tables in a counting hall is to be decided by you keeping in view the number of polling stations, size and available space of the hall, the number of

candidates/counting agents, the total number of counting personnel to be deployed and security aspects. But the Commission has directed that there cannot be more than 14 counting tables plus your table, under any circumstance, in a counting hall. **The upper limit of 14 counting tables (excluding the Table of Returning Officer) in a counting HALL can be increased only with prior approval of the Commission.**

- 15.5.2 In each counting hall, barricades should be provided for each counting table so that counting agents are prevented from handling the control unit. However, the counting agent must be given all reasonable facilities to witness the whole counting process at the counting table. This can be achieved by ensuring that barricades are transparent or that the space in between or above the bamboo or other material used for purpose of erecting barricades is adequate to permit full and unobstructed viewing of the counting process. The counting tables should be placed against the barricade of woodblock and wire-mesh behind which the counting agents of candidates shall sit/ stand. The exact manner in which barricades may be erected is left to your discretion but you shall have to ensure that the agents, etc. do not get any opportunity of handling the control units in any manner to eliminate any chance of tampering by them.
- 15.5.3 In case the counting of votes is to be done for both Lok Sabha and Legislative Assembly elections, then half of the counting tables in a counting hall shall be allotted for counting of votes from polled EVMs used for Lok Sabha poll and half of the tables for Assembly poll. The Counting agents will be made to sit accordingly.
- 15.5.4 The RO's table shall be in the counting hall itself. It should be a separate table with a demarcated area. Candidates and their Election Agents will also be seated at this table and watch the counting proceedings. However from the RO's table, they shall not be allowed to access the counting tables on the inner side of the wire-mesh.
- 15.5.5 In order to ensure proper watch over the counting process, the Commission has decided that the Observers shall be provided a table and a chair next to the table of the Returning Officer instead of providing a separate room for them. The seating arrangements of counting supervisors, counting assistants and micro-observers should be made in a sequence. They should not be allowed unnecessarily to roam here and there in the counting hall
- 15.5.6 Similarly the table and the computer on which the computation and compilation of data from each table at the conclusion of a round shall be done shall be in the counting hall alongside the RO's table where the candidate/agent will also be seated.. In case the table is a separate one from RO's table then one additional counting agent besides a micro-observer shall

be allowed to sit at that table. This should not be in any other room under any circumstance.

15.5.7 In addition, in each counting hall there shall be a sufficiently large blackboard/whiteboard on which the candidate's name and round number will be pre-written (since the numbers of rounds are already planned). After every round, once the Observers have certified, the results of that round should be written on that board.

15.5.8 ONLY after that the EVMs for the next round shall be brought from the strong room to the counting hall.

15.5.9 A layout of a model counting hall is given in **Annexure 42A and 42B**.

15.5.10 You should intimate to the Commission the place fixed for the counting of votes as soon as may be after the last date for the withdrawal of candidatures for its approval. The Commission has prescribed a proforma in which the proposals are to be sent, which may please be seen at **Annexure 42C**. The CEO of a state/UT shall forward to the Commission, after his satisfaction, a summary of counting centers proposed in **Annexure- 42D**

15.5.11 The Counting Halls, including partitions as planned, should be got ready at least three clear days ahead of the date of counting and a report sent by each RO to the CEO. CEOs shall send a consolidated report to the Commission.

15.5.12 The Observers of the Commission will undertake detailed inspection of counting centres 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 will send a specific report on this to the Commission. They should also obtain relevant drawings of each counting centre and keep it as a part of the record for their final report.

15.5.13 Mandatory notice to candidates about the date, time and place of counting, should be given in the forms prescribed by the Commission vide **Annexures 43A or 43B**.

15.5.14 If, for any unavoidable reason, you are unable to proceed with the counting on the date or time or at the place so fixed and communicated to the candidates, you can postpone the counting and fix another date or time or, if necessary, another place for the counting of votes. You should intimate the Commission forthwith of any such change in the place, date or time of counting. In case of change of place of counting, you should also obtain prior approval of the Commission. You should give notice of every change in writing to each candidate or his election agent.

15.6 OTHER ARRANGEMENTS TO BE MADE IN THE COUNTING CENTRE

- 15.6.1 At each counting center, there shall be a communication room for the officials with table /chairs, a telephone with STD, a fax, computer with printer and internet facility attached to it. A hotline, wherever possible, should be provided with CEO. A senior officer should be deployed in this communication room. A separate space / cubicle reserved for the exclusive use of the Observers should also be provided for their communication with the Commission, in confidentiality.
- 15.6.2 You should have a hotline, wherever possible with CEO and one more telephone with STD to keep in touch with CEO and Commission. You should have a good Fax machine at each counting center, as a lot of reports/papers need to be faxed to CEO/Commission during counting.
- 15.6.3 Media centres have to be set up at each Counting Centre. As far as possible, a separate room of adequate size should be set apart for these centres and reasonable facilities like telephone, fax, data communication network etc have to be provided. Each returning Officer is required to exclusively deploy one senior officer to be in charge of the Media Centre, preferably from the Public Relations Department. It is important that adequate number of officers/officials are available to assist the officer in charge of the Media Centre at each counting centre so that they can escort the media groups in small manageable numbers to visit counting halls from time to time. Such visits are to be of short duration only. All such visits will be escorted visits conducted by officers identified and earmarked for this purpose in advance. In the media room, adequate arrangements shall be made to keep the mobile phones safely because the mobile phones shall not be allowed to be taken inside the counting halls. Use of mobile phones and other communication equipment shall be allowed from the media centre. Mobile phones shall not be used from anywhere else within the campus.
- 15.6.4 Since nobody (not even the candidate or RO/ARO etc) except the observer shall be allowed to carry a mobile phone inside the counting hall, the DEOs and ROs will also arrange another room for the candidates, their agents etc to make use of their mobile phones in case of any need. Public Communication Room should also provide for a senior officer and arrangements for safe-keeping of the mobiles etc of the candidates and their agents/representatives.
- 15.6.5 Proper arrangement of loudspeaker should be made for dissemination counting trends and result to public and to the media.
- 15.6.6 You may also have proper computer facilities at counting center. Adequate arrangements for on line data transmission using GENSYS will also have to be made. Please refer to Commission's instruction in this regard.

15.6.7 Please provide every counting table with the following stationery and Information Sheet:-

- i. One ballpoint pen of blue ink;
- ii. A paper knife for breaking open the seals;
- iii Two sheets of paper.
- iv List of Contesting Candidates and round wise movement of EVM

15.6.8 A system of receiving counting related information and complaints in the CEO's place should be set up. For this purpose the CEO's control room helpline no. 1950 should be properly briefed and activated 72 hours in advance. These arrangements should be advertised through newspapers, radio and other media.

15.7 SECURITY ARRANGEMENTS IN AND AROUND COUNTING CENTERS

15.7.1 There should be smooth flow of EVMs between the respective strong rooms and the counting halls. A proper barricading of the path used for transporting EVMs between the strong room of an AC and the counting hall for that AC should be done so that the transportation is not interrupted by the presence of non-officials and media persons. No unauthorized persons should be able to breach that barricade and access the area/path nor should the path of two different ACs crisscross.

15.7.2 A 100 meter periphery around a counting premise/campus should be demarcated as "pedestrian zone". No vehicles shall be allowed within this perimeter. Proper barricading of this demarcated zone should be done and the alighting point (same as the pedestrian entry point) clearly made out by providing an entry gate into the premise. If a public road cuts across such sanitized zone, then proper traffic diversion plan should be prepared in advance for the counting day.

15.7.3 Three tier cordoning system should be set up in all counting centers to prevent entry of unauthorized persons inside the counting centers. The first and the outer cordon shall be at the start of the pedestrian zone. At this level adequate police force should be stationed to check the identity of the persons wanting to go in. No counting staff or candidate or his election agent or counting agents appointed by him or any other person without authorized photo identity card duly issued by the Election Commission/ District Election Officer displayed on his person, shall be allowed to cross the first cordon of security ring of the counting centre agents. A senior Magistrate with sufficient force should be posted there to control crowd and regulate entry to counting centre.

- 15.7.4 The second and the middle cordon will be at the gate of the counting campus/premise. This will be manned by the State Armed Police. Before allowing the entry of persons whose identities have been established by means of identity card to the second cordon, proper frisking should be made by the security personnel to ensure that no prohibited items like matchbox, arms etc. are carried inside. The frisking shall be done by state police force personnel only. Women shall be frisked only by women police personnel/women Home Guards. The forces responsible for enforcing second cordon shall also ensure that no one is loitering outside the counting halls and using mobile phones or other communication equipment (mobile etc can only be used from designated rooms arranged for the purpose by the DEOs at the counting centres)
- 15.7.5 The third and the inner cordon shall be at the door of the counting hall. This will be manned largely by Central Armed Police Forces (CAPF). There will be frisking arrangements at this stage too to ensure that no mobile phones and other prohibited items are carried inside the counting hall.
- 15.7.6 No camera- still or video of the media except for official recording of the entire counting process is allowed to be fixed inside any counting hall. No camera stand should therefore be allowed to be taken inside counting hall by media and journalists. Hand held cameras can be allowed to the authorized ECI pass holders. Further, while taking audio video coverage of the counting process, with camera carried in hand or on shoulders by the media/press, under no circumstances, the actual votes recorded on an individual EVM or ballot papers is to be photographed or covered by audio visual coverage. The exact location, up to which the still and video camera of the media and press can move, should be indicated by the Returning Officer in advance, marked by a line or a string for guidance of all concerned.
- 15.7.7 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.

15.8. COUNTING STAFF

- 15.8.1 Unlike polling staff, counting staff are to be appointed by you as a Returning Officer.
- 15.8.2 On the basis of number of counting halls and counting tables to be provided in each counting hall you should assess your requirement of counting staff for smooth and fool proof counting. There should be one counting supervisor and one counting assistant for each table. You should appoint required number counting agents and counting supervisors (with some reserve), and such other officials as you may require for assisting you in the counting from the available database of counting personnel. You should also appoint

sufficient number of Group D Government employees as counting assistants to carry the voting machines to and from the counting tables and also for sealing of EVMs after counting.

- 15.8.3 You should not appoint as counting supervisor or as counting assistant anyone who has been employed by or on behalf of, or has otherwise been working for a candidate in or about an election.
- 15.8.4 Counting staff appointments should be made in the form given in **Annexure 44**. Counting supervisors should necessarily be Gazetted officers of the Central or State Government or officers of comparable status from Central/State Government undertakings. The counting assistants also should similarly be drawn from officers of a comparatively higher level. In addition, one more counting assistant will be required for each AC as Additional counting Assistant for observer.
- 15.8.5 All counting staff should be given hands on intensive training in counting using good audio –visual techniques like power point presentation.
- 15.8.6 Counting personnel appointed for the purpose of counting for simultaneous elections should have a very clear understanding of the layout of the counting hall as well as the tables meant for counting of votes of Assembly election and Lok Sabha election. In case of simultaneous poll, there shall be a separate set of officials entrusted with the duty of supply of control units to the respective tables. A control unit used for recording the votes of Assembly election, under no circumstances, shall be supplied to the table meant for counting of votes for Lok Sabha election and vice-versa.

15.9 Randomization of counting officials

- 15.9.1 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.
- 15.9.2 A list of 120% of the required number of officials (Counting Supervisors/Counting Assistants/Micro Observers) required for counting in the district, should be generated (including reserve) randomly, using the software by the District Election Officers one week prior to the date of counting. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. This is only to identify and select the officials that would be given duty for counting as Counting Supervisors/ Counting Assistants/ Micro Observers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the Counting personnel are likely to be deployed will be known.

- 15.9.3 The Assembly Constituency wise randomization shall be done by the District Election Officers in presence of Observer(s) 24 hours prior to commencement of counting. Thereafter, the Returning Officer shall issue the appointment letters to these officials assigning them concerned allotted ACs.
- 15.9.4 Randomization for allotment of Tables in the counting hall to these Counting Supervisors/Counting Assistants/Micro Observers shall be done by the concerned R.O. in the presence of Observer at 5 AM on the day of Counting.
- 15.9.5 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 (during second randomization) and the table number (during third randomization) to the counting officials by the draw of lots. The District Election Officer would make all prior arrangements to ensure quick and smooth conduct of this randomization process. This would include preparing paper slips of the unique serial numbers assigned to counting officials and the constituency/table numbers.
- 15.9.6 Alternatively, the District Election Officer may make arrangements for carrying out the above mentioned 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.
- 15.9.7 The District Election Officers would ensure that videography of the process of randomization is carried out for record.
- 15.9.8 On reaching the control room at the counting center, the counting officials would be provided the posting details and directed to reach the counting hall of the assigned constituency at the respective table.
- 15.9.9 It must be ensured that the whole process of randomization is over by 6:00 am so that the counting officials are able to reach their assigned positions conveniently before the scheduled start of the counting process.

15.10 Reserve Pool

- 15.10.1 The officials who have not been assigned any Constituency/table would form a reserve pool.
- 15.10.2 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

15.11 Micro-observers

15.11.1 **Each counting table shall have one Central Government official as counting micro observer. The Observer should properly train the micro-observer. The micro-observer shall be responsible for the purity of counting process on his respective table.** The micro observer 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 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.

15.11.2 Further, two additional Micro-Observers should be deployed in each Counting Hall of every Assembly Constituency, who should be entrusted with the following responsibilities:-

i) One of these two Micro Observers shall keep a watch over the data entry in the computer placed in the Counting Hall for round-wise compilation of the votes recorded for each candidate. He should ensure that the entries in the Part II of the Form 17C are correctly entered in this computer by the data entry operator.

ii) The second Micro-Observer shall assist the Observer and re-check on the printout (of the data entry done in step 1 above) that all data which has been entered is fully correct and complete and in accordance with the original Part II of Form 17C received from each counting table.

15.11.3 Wherever adequate numbers 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 centre as above. The additional staff also will be provided an 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.

15.12 COUNTING AGENTS OF CANDIDATES

15.12.1 Appointment

15.12.1.1 Each candidate should be 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. Hence, you should inform the candidates total

number of counting agents they are entitled to appoint. The counting agents are required, under law, to be appointed in Form -18. Hence any request on a plain paper received from a candidate/election agents should not be accepted by you. Declaration of counting agents in Form-18 is to be signed by them in your presence.

15.12.1.2 A candidate for the Parliamentary election may also appoint one more counting agent to attend to the counting of postal ballot papers at the place fixed for the purpose by the Returning Officer of the Parliamentary Constituency if such counting is done at a place different from the counting hall for any Assembly segment of the Parliamentary Constituency.

15.12.2 Photo identity cards and Badges

15.12.2.1 Irrespective of the number of contesting candidates, you should obtain the list of counting agents in Form-18 with their photographs from all the contesting candidates by 1700 hours on the day three days prior to the date fixed for counting of votes. On furnishing the same, you should prepare the photo identity cards of the counting agents then and there under your seal and signature and should be issued to the contesting candidates and acknowledge thereof be obtained. On the date of counting of votes, only such counting agents as are holding the Photo card issued by you shall be allowed in counting hall. You should make this clear to all candidates/political parties in advance.

15.12.2.2 Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will observe the counting. Each counting agent should affix his signature in full on the badge immediately after it has been issued to him.

15.13. PERSONS ALLOWED IN THE COUNTING HALL

15.13.1 Only the following persons can 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; and
- iv. Candidates, their election agents and counting agents.

15.13.2 Before counting begins you should see that no one else is present in the counting hall.

15.13.3 You should note that expression of “public servant on duty in connection with election” does not normally include police officers; such officers whether in uniform or in plain clothes should not, as a general rule, be

allowed to enter inside the counting hall WITHOUT ANY EXCEPTION, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason has on occasions given rise to complaints by some candidates or parties who have alleged that their agents has been overawed by an unnecessary show of force.

15.13.4 You should also note that the above expression public servant on duty in connection with election does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States. They can come inside the counting hall only as candidates. According to the latest instructions of the Commission, they cannot be allowed to be appointed as election agents or counting agents as they have to be escorted by their security guards who cannot be allowed entry into the counting hall.

15.13.5 You should note that no counting agents is to be admitted into the place fixed for counting, unless he has delivered to you the second copy of his appointment letter after duly completing and signing the declaration contained therein, and has been issued by you an authority for such entry. Similarly the election agents of the candidates may also be asked to produce the attested duplicate copy of their appointment letters.

15.13.6 Entry of persons should be strictly regulated as detailed above. No unauthorized person should be allowed to enter the place of counting in any circumstance.

[N.B. No security personnel accompanying the candidates or their agents should be permitted to enter the counting hall.]

15.14 MAINTENANCE OF DISCIPLINE AND DECORUM AT COUNTING CENTRE

15.14.1 Seating Arrangement in the Counting Hall

15.14.1.1 The Commission has directed that the seating arrangements for the counting agents of candidates at the counting tables will be arranged by the following categories of priority:-

- i. Counting Agents of Candidates of recognized National parties;
- ii. Counting Agents of Candidates of recognized State parties;
- iii. Counting Agents of Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the Constituency;
- iv. Counting Agents of Candidates of registered-unrecognized political parties; and

v. Counting Agents of Independent candidates. They should keep seated near the table allotted to him and should not be allowed to move about all over the hall.

15.14.1.2 The extra counting agent may sit and watch the proceedings at your table. However, as far as possible in order to avoid overcrowding at your table, only one person whether the candidate himself or his election agent or his counting agent should be present at a time at that table on behalf of a contesting candidate. The candidates and their election agents will be free to go round to any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at your table may be allowed to go round to any part of the hall.

15.14.1.3 In the performance of your duties, you are only bound by the provisions of law and the instructions of the Election Commission. You are not, thus, to take orders from or show any favour to your official superiors or any political functionaries including Ministers. Even in the matter of request for entry into the counting hall from these, you should allow them only if they are in possession of a valid authority letter issued by the Commission.

15.14.1.4 In case you have a reasonable doubt about the presence of any person in the counting hall, you can have him searched, if necessary, even though the person concerned may be in possession of valid authority letter to enter the place of counting.

15.14.1.5 Post police constables on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without your permission. You must ensure that complete order and discipline prevail and counting takes place in a businesslike manner. You may send out of the counting hall any person who persists in disobeying your directions.

15.14.1.6 You should not allow, under any circumstance, any one to smoke inside the counting hall. The persons may go out, if they desire to smoke, without causing any dislocation in the counting process.

15.14.1.7 Mobile telephones are not to be allowed inside the counting centre. Only Commission's observers are allowed to carry mobile phone.

15.14.1.8 Entire counting process must be videographed. CD of the video should be kept in safe custody of the DEO. The video coverage shall be ensured at every stage of the counting. The Video coverage shall include the randomization process, the process of opening of strong room, transfer of EVMs from strong room to counting hall, counting hall arrangements, process of counting in general in the counting hall and process of tabulation in general at the Returning Officer's table, the process of counter checking of two EVMs as per the recent instructions of the Commission and security arrangements in and

outside the counting hall/centre, presence of candidates and their agents in the counting centres and the process of declaration of result, handing over of certificate of return and any other significant events that take place at any point of time during the counting process. The videography should indicate the date and time and the video cassette should be sealed after the counting process is over for future reference. Accordingly, adequate number of video teams may be deployed on the counting day.

15.14.1.9 A CD containing the record of complete videography of counting process should be given by the Returning Officer to all candidates or their election agents free of cost after the counting process is over.

15.15 COUNTING PROCESS

15.15.1 COMMENCEMENT OF COUNTING

15.15.1.1 Unless otherwise directed, you are not required to obtain any specific permission for commencement of counting of votes. However, you will have to ensure that all complaints received regarding polling have been duly looked into by you and nothing is pending. It has been instructed in the preceding chapter that you should keep the Commission informed of the progress of poll on polling day. For that purpose you are required to send three reports to the Commission, the third and final report reaching the Commission at seven hours on the morning following the day of poll. Though the instructions that you shall not commence the counting unless you have obtained prior clearance from the Commission has been relaxed, it is still very important that your said reports, particularly the third and final report, are received in the Commission on time. If the reports are not received, the commencement of counting can be stopped by the Commission.

15.15.1.2 Commence the counting at the hour fixed for the purpose. Everyone present in the counting hall should be instructed to maintain secrecy of vote. For that purpose, the provisions of Section 128 of the Representation of the People Act, 1951 should be brought to the notice of everyone by reading that section aloud.

15.15.2. STAMPING OF CANDIDATE'S NAME IN PART II OF FORM 17C

15.15.2.1 Election Commission has permitted use of a facsimile (rubber stamp) for putting names of contesting candidates in Part II of Form 17C by the counting supervisors. The facsimile of contesting candidate names should be with candidate's number and name, in the same order as in ballot paper /Form 7 A. Furthermore, the entire facsimile should be in one block / stamp as in sample below. In case, the number of candidates is more than 20, then another block / stamp should be made for candidates from no.21 onwards which would be stamped on the backside of the Form 17C. The stamping of

15.15.3 COUNTING OF VOTES RECEIVED BY POST

15.15.3.1 Under the law (Rule 54A of the Conduct of Election Rules, 1961) the postal ballot papers are to be counted first. It is clarified further that it is not necessary to wait for the counting of postal ballots to be completed before counting of votes recorded in EVMs starts. After a gap of **30** minutes from the commencement of counting of postal ballot papers, the counting of votes in EVMs can start. Counting of postal ballot papers shall be done at your Table. All postal ballot papers received by you should be brought before you. Only such postal ballot papers as are received before the hour fixed for commencement of counting shall be counted.

15.15.3.2 Covers in Form 13-C containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting the appropriate particulars there on.

15.15.3.3 The covers in Form 13C received in time should be opened one after another.

(i) On opening the cover "B" in Form 13C, two documents are required to be found inside. The first is the declaration by the voter in Form 13-A and the second the inner cover Form 13-B containing the postal ballot paper. As each cover is opened, you should take out the declaration in Form 13-A and the cover in Form 13-B and scrutinize the declaration. Before opening the cover Form 13-B containing the postal ballot paper, the Returning Officer must check the declaration (Form 13-A). He will reject a postal ballot paper without opening its inner cover (Form 13-B) if:

- a) the declaration in form 13-A is not found in the cover or
- b) the declaration has not been duly signed and or not attested by an officer competent to do so or
- c) it is otherwise substantially defective or
- d) the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form 13-B,

Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed back in the cover in form 13-C. All such covers in Form 13-C should be kept together in a separate packet duly sealed and full particulars such as the name of the constituency, the date of counting and a brief description of contents should be noted thereon for easy identification.

(ii) All the declarations in Form 13-A, which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot remains inviolate(undisturbed). The packet should then be sealed noting the particulars there on regarding the name of the constituency, the date of counting and brief description of the contents. This should be done before the covers in Form 13-B containing the ballot papers are opened.

15.15.3.4 Thereafter the covers in Form 13-B should be opened one after another and the validity of the ballot papers scrutinized and decisions arrived at. A postal ballot paper should be rejected if

i. no vote is recorded thereon; or

ii. votes are given on it in favour of more candidates than one; or

iii. it is a spurious ballot paper; or

iv. it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

v. it is not returned in the cover sent along with it to the elector by you; or

vi. the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given; or

vii. it bears any mark (other than the mark to record to vote) or writing by which the voter can be identified.

15.15.3.5 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 that candidate should be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper should not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote should be for a particular candidate clearly appears from the way the ballot paper is marked.

15.15.3.6 The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated, entered in the Result Sheet in Form 20 in the appropriate place and announced by you aloud for the information of the candidates.

15.15.3.7 Thereafter, all the valid ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packet and sealed with your seal and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon. Seal of the Commission's secret seal should also be affixed. The particulars such as the name of the constituency; the date of counting and a brief description of the contents should be recorded on the sealed packet for identifying it. Covers in Form 13-C referred to in sub rule (2) of Rule 54(A), i.e. received late, should be sealed separately with endorsement on the top of the packet.

15.15.4 Counting of Votes Received by Post for Parliamentary Constituency

15.15.4.1 The Assistant Returning Officer for the Parliamentary Constituency who will count the votes polled at a component Assembly Constituency will have nothing to do with counting of the postal ballot papers for the Parliamentary Constituency. According to rule 65 of the Conduct of Elections Rules, 1961, if votes are counted at more places than one (as in most cases they will be in the case of Parliamentary election), the provisions of rule 54-A of the said ruled will apply only to the counting at the last of such places. It is possible to regard the place at which the Returning Officer finally counts and declares the result as the last place of counting in point of time. In other words, the procedure for you as the Returning Officer of that Parliamentary Constituency will be to get Form 20 result sheet duly completed from your Assistant Returning Officers, then take up the counting of postal ballot papers as provided in rule 54-A and then proceed under rules 63 and 64 of the Rules.

15.15.5 Mandatory Recount of Postal Vote in Certain Cases

15.15.5.1 In case the victory margin is less than total number of postal ballots received then there should be a mandatory re-verification of all postal ballots. In the presence of Observer and the RO all the postal ballots rejected as invalid as well as the postal votes counted in favour of each and every candidate shall once again be verified and tallied. The Observer and the RO shall record the findings of re-verification and satisfy themselves before finalizing the result. The entire proceeding should be videographed without compromising the secrecy of ballot and the video-cassette/CD should be sealed in a separate envelope for future reference.

15.16. COUNTING OF VOTES RECORDED IN VOTING MACHINES, SCRUTINY AND INSPECTION OF CONTROL UNITS

15.16.1 You are required to take up more than one voting machines for scrutiny and inspection and counting of votes recorded in the machine

- 15.16.2 After 30 minutes of the commencement of postal ballot counting, the EVM counting can start. The EVMs can be brought under escort (agents can accompany) from the strong room to the counting hall even if the postal ballot counting is still going on. However, the penultimate round of EVM counting shall not commence unless the postal ballot counting is over.
- 15.16.3 While you may still be engaged in counting the postal ballot papers, the work of distribution of control units of voting machines on the various counting tables can be done. Distribution of control units to the counting tables should be done in the serial order of the polling stations, that is to say, in the first round of counting control unit used at polling station number 1 should be given to counting table number 1, that of polling station number 2 to counting table number 2, and so on. Similarly, for counting of votes for simultaneous elections, in the first round of counting, control unit for Assembly election used at polling station number 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 so on. Extra care has to be taken to ensure this arrangement and also to ensure that in case of simultaneous election to Lok Sabha and LA of a state/UT, be taken that the CU used at polling station for LA election are taken to its pre- allotted counting table and CU used at polling station for Lok Sabha election are taken to pre- allotted counting table for the same. A senior officer may be drafted to function as nodal officer for this purpose. Keep an account of such distribution with you for your information.
- 15.16.4 Another point to be taken care of is that only after EVMs brought for counting of a particular round are properly counted and parallel counting of two randomly selected machines by observer is over and round wise tabulation is completed, the EVMs for next rounds are brought in the counting hall after getting clearance of RO/ARO who supervise the process in counting hall.
- 15.16.5 It is to be ensured 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 the round completed are removed from the counting tables.
- 15.16.6 At the time of 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 used at a polling station is not required. The ballot units have to be kept in strong room. It may be taken to the counting hall only if its inspection becomes necessary in any particular case on demand by any candidate or his agent or otherwise.

15.16.7 The sealed cover containing the relevant Account of Votes Recorded in Form 17C pertaining to a polling station shall also be supplied to the counting table along with the control unit used at that polling station.

15.17 Opening of Carrying Cases of Control Units

15.17.1 The control units are received from the polling stations duly kept and sealed in their carrying cases by the Presiding Officers. As each carrying case is brought to the counting table, the seals put thereon by the Presiding Officer at the polling station should be examined. Even if the seal of a carrying case is not intact, the control unit kept therein could not have been tampered with if the seals thereon and particularly the paper seals on that unit are intact.

15.17.2 Remove the seals from the carrying case, take out the control unit and place it on the counting table for the inspection and checking of seals thereon by the candidates or their agents present at the counting table.

15.18 Checking Seals on Control Units

15.18.1 Before the votes recorded in the control unit of any voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the papers 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. You shall also satisfy yourself that none of the voting machines is tampered with. If you are satisfied that any voting machines has in fact been tampered with, you shall not count the votes recorded in that machine and report the matter to Commission immediately and shall follow its instructions on the same.

15.19 Checking of Seals And Identity Marks on the Control Unit

15.19.1 As each control unit is taken out of the carrying case, you shall first check its serial number and satisfy yourself that it is the same control unit, which was supplied by you to the Presiding Officer for use at that polling station. Then, check the Serial Number of Pink Paper Seal used for sealing the cabinet of Control Unit, the seal on the Candidate Set section of the control unit (which had been put at your level before the supply of the machine to the polling station) and also the Outer Strip Seal, and seal on Special Tag on the outer cover of result section which must have been put by the Presiding Officer at the polling station after mock poll. Even if any of these seals is not intact, the control unit could not have been tampered with if the paper seals put on the inner cover of the Result Section are intact.

15.20 Comparison of the Serial Number of the Paper Seal

15.20.1 Remove the outer strip seal and the seal on the outer cover of the Result Section and open that cover. On opening the outer cover of the Result Section you will see the inner cover sealed with the special tag and seal of the Presiding Officer. Check this seal also. Even if the seal is not intact, the control unit could not have been tampered with if the paper seal is **(Special Tag)** 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 before 2006 by Bharat Electronics Limited). Instructions have been issued that the green paper seal should be 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 should be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in Item 9 of Part I of Form 17C. Allow, without fail, the candidates or their agents present at the counting table also to compare such serial numbers of the paper seal and special tag and satisfy themselves that the paper seal and special tag are the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

15.20.2 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 mistake or there would be a prima facie suspicion that the voting machine has been tampered with. Decide the question by checking the serial numbers of the unused paper seal returned by the Presiding Officer and other relevant circumstances including complaints, if any, made by the candidates or their agents at the polling station. If you find it to be the case of clerical mistake, ignore the discrepancy.

15.21 Checking of Serial Number of Control Unit

15.21.1 Since the list of Control Units allotted to each polling station is already shared with all candidates and is available with the RO, the Control Unit No. and number of electors assigned to the polling station shall be filled up in advance in the round wise tabulation sheet. On the counting table, the counting supervisor shall verify and record on Form 17C-Part II itself that the serial no. of the control unit taken up for counting is the same as what is noted on the Part-I of Form 17C. In the case of EVMs procured in 2006 and thereafter, the C.U. will itself display its serial no. as soon as its power is switched on. The Micro-Observers will also note down the Serial No. of the Control Unit on the sheet maintained by him/her. If any discrepancy is noted, this should be brought to the notice of the RO and the Observer before counting the votes recorded in that Control Unit. When Individual counting

sheets (Form 17C-Part II) from counting tables will come to RO's table for filling up the round-wise tabulation sheet, the RO & the Observer will ensure (by tick marking) that the pre-filled serial number of CU noted down in the round-wise counting sheet is the same as mentioned in Part I of Form 17C as well as the control unit number actually verified/displayed during counting at the table. Extreme care will have to be taken by the RO to ensure that there are no errors in the list of polling station wise CUs shared with the candidates. Any anomaly will create doubt and confusion in the counting hall. In case any EVM had to be replaced during the poll, proper record of the same along with the serial number of the new control unit used shall be maintained and the fact mentioned clearly with full details in the round-wise counting sheet.

15.22 Control Units to be Kept Apart if Found Tampered With

15.22.1 On the other hand, if you are 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 should be kept apart and the votes recorded therein should not be counted. You should report the matter to the Election Commission. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found by you to have been tampered with. You should, therefore, proceed with the counting in respect of the other polling stations.

15.23 Ascertaining the Result

15.23.1 The Commission has further directed that during each round of counting, Counting Supervisors will ensure that at the time of pressing the result button on the control unit of the EVM, the counting agents of all candidates are shown the display panel of the control unit to their satisfaction so that they can note down the votes polled in favour of each candidate as displayed on the control unit display panel. For this purpose, the control unit may be kept lifted, if necessary, by one of the counting assistants in such manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistant and micro observer sitting on the counting table, and also to counting agents of candidates sitting across the wire-mesh/fence. In case, any counting agent desires to have the result displayed on EVM more than once, it shall be done by the Counting Supervisor to the satisfaction of the counting agents.

15.23.2 After satisfying that i) the paper seal is intact, ii) the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded therein shall be counted. The following procedure should be followed for counting of votes recorded in the machine:-

- i. Switch 'on' the control unit by **lifting** the power switch provided in the rear compartment to 'on' position. The On' lamp in the Display Section of the control unit will then glow green.
- ii. Pierce the paper seal over the Result I/**Result** Button provided below the upper aperture of the inner cover of Result Section.
- iii. Press the Result I/**Result** Button.
- iv. At the Result I/**Result** Button being so pressed, the total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the control unit. Supposing, there are nine contesting candidates and the total number of votes

In case of pre-2006 EVMs

cd	6
to	758
01	109
02	59
03	77
04	263
05	38
06	02
_____	_____

(This is only an example)

[N.B. Result II Button is not used as for a simultaneous polls a separate CU is used.]

In case of post-2006 EVMs

COMPUTING RESULT

POLL RESULT

PDT _ _ _ _ _

PST _ _ _ _ _

PET _ _ _ _ _

SL NO - _ _ _ _ _

CANDIDATES

6

TOTAL POLLED

VOTES - 758

CANDIDATE - 01

VOTES - 109

CANDIDATE - 02

VOTES - 59

CANDIDATE - 03

VOTES - 77

CANDIDATE - 04

VOTES - 263

CANDIDATE - 05

VOTES - 38

CANDIDATE - 06

VOTES - 02

v. The counting supervisor shall note down, carefully, the above result as displayed sequentially candidate-wise in 'Part II - Result of Counting' of Form 17C.

15.23.3 If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

15.23.4 After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

15.24 Completion of Part II - Result of Counting of Form 17C

15.24.1 As the votes secured by each candidate and NOTA are displayed on the Display Panels of the control unit, the counting supervisor should record the number of such votes separately in respect of each candidate in 'Part II - Result of Counting' of Form 17C. He should 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 I of that Form or any discrepancy has been noticed between these two totals. After completing that form in all respects, the counting supervisors should sign it. He should also get it signed by the candidates or their agents present at the counting table.

15.24.2 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 should handover that Form to the Returning Officer. The Commission has also directed that when tabulation sheet of each polling booth(form-17-C) is received at the RO's table, it will be the responsibility of the Returning Officer to show it to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. You should countersign the Form after satisfying yourself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form --20.

15.24.3 Further, you should either announce or cause the entries of votes polled by each candidate polling station wise as entered in Form 20 to be written on a **display-board of minimum size of 6x9 feet** to be put up conspicuously so that each counting agent can see and note down /cross check the entries **and announce through public address system**. This will enable you to proceed uninterruptedly with the counting of votes at other polling stations.

15.24.4 It is possible that a particular CU used at a polling station does not display result due to technical mal-functioning of the same, then technicians of BEL/ECIL, as the case may be, be called to retrieve data. If they also are not

able to do so, then that EVM shall be sealed and kept aside and be counted. It must, without fail, be brought to notice of Election Commission of India and CEO of your state/UT, for further directions. The counting of remaining machines will continue unabated. If any machine has been kept apart and not counted for this reason or for being found tampered with, then Commission's written prior approval will be needed before declaring the result of the election from that constituency.

15.25 PREPARATION /COMPILATION OF FINAL RESULT SHEET - FORM 20

15.25.1.PREPARATION

15.25.1.1 The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 should make entries on 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 17C in respect of each polling station. The number such votes separately in respect of NOTA also in Part II of From 17C. The number of test votes, if any in case of VVPAT is used and tendered votes polled, if any, at a polling station should also be noted in the appropriate column in Form 20 against the polling station concerned **including the number of tender vote recorded as per the report of the Presiding Officer**. Tendered votes are not counted.

15.26. CROSS CHECKING

15.26.1 In addition to above, on the basis Form 17C duly completed by counting supervisors, you shall get prepared a round wise statement in the following Proforma. A copy of the detailed polling station-wise round-wise breakup of the votes as shown in the said Proforma will be kept by the Observer in his folder. In addition, on the computer 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 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. The said date shall be entered in the excel sheet in the computer and a print out of the same shall be taken out and compared by the observer and also be signed by the officer.

Annexure for tabulating Trends/Results

Number & Name of Constituency _____ Round Number _____ Date _____

Table No.	1.	2.	3.	4.	5.	6.	Total	Brought from Previous Round	Cumulative Total
Polling Booth No.									
Sl. No. Name of Candidate									
Rejected Vote									
Total Vote									
	Initial of RC	Initial of RC	Initial of RC	Initial of RC	Initial of RC	Initial of RC	Initial of RC	Initial of RC	Initial of RC
	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer

Important: 1. All Over writings/cutting should be certified by observer.
2. Polling station Number whose votes are counted should be indicated below the table Number.
3. A copy of this is to be kept by observer in a separate folder for cross checking later.

15.26.2 Both you and the observes should be satisfied after due checking 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 17C (result of counting) pertaining to that counting table. Then it should be signed by you and observer. Thereafter you should announce the result of that round loudly or using loudspeaker for every body's information. The total etc. done manually may be tallied by entering all the counting data in an Excel sheet and computing the total.

15.26.3 As a measure to cross check the correctness of counting, the Commission has directed the observers to randomly select two EVMs counted in a round and with the help of additional counting staff provided to them to assist in this regard ascertain once again count of votes polled by each candidate and after getting satisfied, then only countersign the relevant column of above referred statement. The Additional Counting staff shall prepare the result of two randomly selected EVMs in following format---

**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:

SN	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.**

15.26.4 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.

15.26.5 The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round. A copy of the print out should be given to media room for information of press and another copy to communication room for uploading on GENESIS.

15.26.6 Next Round of counting should only start i.e. the next set of EVMs for the next round should be brought only after all tables of previous round have finished counting and the result of that round has been posted on the blackboard/whiteboard.

15.26.7 The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers.

15.26.8 The RO will fax round-wise data to the CEO. Wherever hot lines are available with the CEO, these will be utilized to orally confirm the contents of the fax message. CEOs would set up adequate number of fax lines with hunting facility to receive the faxes. For this purpose, they can hire faxes or temporarily borrow fax machines from various government departments and corporations. The total number of such fax machines required, including a few in reserve, should be decided in advance and these should be positioned and tested at least 72 hours before the start of counting. The CEOs should have blank forms to note down the round wise data, if received orally on phone or hotline.

15.26.9 As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the PC by combining the position of the rounds of different ACs available from time to time should also be announced over the public address system,, preferably from a centralized location where the public announcement booth is located. The public announcements could be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.

15.27 COMPILATION

15.27.1 If you are counting the votes of an Assembly constituency, you have to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the

number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

- 15.27.2 After the total number of votes polled by each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and residual votes thereon.
- 15.27.3 While striking this grand total, the entire Final Result Sheet should be carefully checked and it must be ensured that entries have been made therein in respect of each and every polling station and that the Form is not incomplete in any respect.
- 15.27.4 If the Commission has directed a fresh poll at any polling station, only the result of counting in respect of the fresh poll should be incorporated in the Result Sheet. The grand total should not be struck until the result of counting in respect of such fresh poll has been incorporated in the Result Sheet.
- 15.27.5 The grand total should also be correctly struck as any incorrect totaling may materially affect the result of election and the declaration of result, which has to be made on the basis of this Form. Any discrepancy in that Form will be very seriously viewed by the Commission and will result in severe disciplinary action.
- 15.27.6 If you are counting the votes of an Assembly segment of a Parliamentary constituency, you shall prepare the Result Sheet in respect of your Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. You are not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers as the counting of such votes will be done by the Returning Officer for the Parliamentary Constituency and the result of voting of postal ballot papers will be recorded by him in Part II of the said Form 20.
- 15.27.7 Immediately on the completion of counting of votes of an Assembly segment of a Parliamentary Constituency, Result Sheet in Part I of Form 20, all the relevant Forms 17C and all other papers and records relating to the counting of votes should be forwarded to the Returning Officer for the Parliamentary Constituency for consolidation of the result and completion of the Final Result Sheet in Part II of Form 20.
- 15.27.8 If you are the Returning Officer for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from your Assistant Returning Officers, you should incorporate the result in respect of each Assembly segment in the Final Result Sheet in Part II of the said Form 20. You shall also

record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike the grand total of the votes received by each candidate (both the votes recorded in the voting machines at the polling stations and the postal ballot papers), rejected postal ballot papers and tendered votes.

15.27.9 A sample Final Result sheet duly completed in Form 20 is given at **Annexure 45**

15.28 ACTION TO BE TAKEN IN CASE OF MALFUNCTIONING OF ELECTRONIC VOTING MACHINES (EVM) DURING COUNTING OF VOTES

15.28.1 In the case of malfunctioning of an EVM during counting of votes during General Election/Bye elections, the following action to be taken. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.

b. When counting of votes in other machines is complete, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in the malfunctioned machine (s).

c. In both the cases where the margin of votes is more or less than the total votes polled in the malfunctioned machine (s), the Returning Officer should try to retrieve the result from this machine, with the help of engineers of BEL/ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents. If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A below.

d. In case it is not possible to retrieve the result from the malfunctioned machine even by using ADU, then the returning officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of BEL/ECIL. If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case, also the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A below.

e. If the result from the malfunctioned machine cannot be retrieved even by using printer, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-B below, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the

malfunctioned EVM, and in Annexure – C below where such margin is less. In no case the machine should be opened, or its outer or inner seals disturbed in any manner. There should be no attempt to repair the machine. Replacement of any parts of the EVM in the field level is strictly forbidden.

f. After completion of counting, all the Control Units whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

Annexure-A

(Report on retrieving result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit/Printer in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Final statement showing votes polled by the winning and runner up candidates

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled

1			
2			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on non-retrieving of result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Statement showing votes polled by the winning and runner up candidates

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Unit (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on non-retrieving result data from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

As the margin of votes between the candidates having highest votes and the runner up is less than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest vote and runner up

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

15.29 ACTION TO BE TAKEN DURING COUNTING OF VOTES IN CASE PRESIDING OFFICER DOES NOT PRESS CLOSE BUTTON OF CU AT THE END OF POLL

15.29.1 In case a Presiding Officer is found to have not pressed the 'CLOSE' button of Control Unit at the end of poll, the following action should be taken during counting of votes in the presence of candidates/their authorised agents, under videography: -

a. In case any Control Unit does not display result due to not-pressing of "Close" button by the Presiding Officer in the polling station at the close of poll, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.

b. When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in such machine (s).

c. In both the cases where the margin of votes is more or less than the total votes polled in that machine (s), the Returning Officer/Counting Supervisor shall press the "Total" button of the Control Unit to see the total votes polled in that machine (s). In case, total votes polled in the machine (s) tallies with the total votes polled mentioned in the Form - 17 C, the Returning Officer/Counting Supervisor shall press the "Close" button of the Control Unit (s) so that "Result" button can be pressed for getting result data explaining the entire issue to the candidates and/or their authorised agents and recording a proceeding in this behalf with the signatures of the candidates/their authorised agents. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A below.

d. In case, total votes polled in the machine(s) does not tally with the total votes polled mentioned in the Form-17 C, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-B below, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the Control Unit in question, and in Annexure-C below, where such margin is less.

e. After completion of counting, all such Control Units whether result has been retrieved from it or not, the Control Unit should be kept back inside its carrying case. The carrying cases should then be sealed once again. The

Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

The aforesaid instructions should also be brought to the notice of all Political Parties and contesting Candidates in advance.

Annexure-A

(Report on getting result data from Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been obtained from the following Control Unit(s) after pressing CLOSE button in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up Candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

Final statement showing votes polled by the winning and runner up Candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Units (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

As the margin of votes between the candidate having highest votes and the runner up is less than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Final statement showing votes polled by the winning and runner up Candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

15.30. RECOUNT

15.30.1 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 the result of voting at any particular polling station properly when the control unit displayed that information. If necessity arises for re-verification, the Result Button can be pressed, whereupon the result of voting at that polling station will again be displayed in the Display Panels of that control unit.

15.30.2 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 Election Rules, 1961, still apply in relation to your constituency. Accordingly, when the counting is completed and the Final Result Sheet in Form 20 has been prepared, you should announce the total number of votes polled by each candidate as entered in the Final Result Sheet. You should then pause for a minute or two. If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, you should ascertain from him regarding the time required by him for applying for recount in writing. If you consider that the time applied for is reasonable, allow it and announce the exact hour and minute up to which you will wait for receiving the written application for recount. You should not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced.

15.30.3 When an application for recount is made, you should consider the grounds urged and decide the matter. You may allow the application in whole or in part if it is reasonable or you may reject it in toto, if it appears to you to be frivolous or unreasonable. Your decision will be final, but in every case you should record a brief statement of your reasons for your decision. A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations

15.30.4 If in any case, you allow an application for recount either wholly or in part, you shall have the votes recorded in the voting machines counted over again in accordance with your decision. The postal ballot papers will also be counted over again if so decided by you. After the recount, correct the final result sheet to the extent necessary. Announce the amendments so made, if any, by you. After the total number of votes polled by each candidate after recount has been announced by you, complete and sign the Result Sheet. No candidate has a right to demand a recount after you have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after you have completed and signed the Final Result Sheet.

15.30.5 Where printer for paper trail is used, any candidate or in his absence his election agent or any of his counting agents may apply in writing to the RO to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations after the entries made in the result sheet is announced. If such an application is received, the returning officer shall, subject to such general or special guidelines as may be issued by the ECI, decide the matter and may allow in whole or in part or may reject in whole, if it appears to him as frivolous or unreasonable. Every decision of the RO shall be in writing and shall contain the reasons thereof. If the RO decides the counting of paper slips either wholly or in part or parts, he shall

- a. do the counting in the manner as may be directed by the Commission,
- b. amend the result sheet in form 20 as per the paper slips count if there is discrepancy between the votes displayed on the Control Unit and the counting of Paper Slips,
- c. announce the amendment so made by him and,
- d. complete and sign the result sheet (ECI NO 3/1/2013 VVPAT/SDR dated 15.10.2013.)

15.30.6 As the Returning Officer, your duty is to count accurately the votes and you have therefore always the right to order your staff to recount the votes. But the right of a candidate to demand a recount under Rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a prima facie case that the counting was not accurate and recount is necessary in the interest of justice.

15.30.7 It would be unreasonable to demand second recount if the first recount showed only minor variations from the first count and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the

margin between first two candidates is close and where previous recount has shown differing results.

15.30.8 But you would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.

15.30.9 The Commission has decided that where the result of an election is going to be decided by difference of postal ballot received by the first two candidates, then there shall be mandatory and comprehensive recount of postal ballot papers, even though no candidate ask for it.

15.30.10 If votes are counted at more places than one, according to rule 65 of the Conduct of Elections Rules, 1961, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and completes Part II of the Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise.

15.30.11 As mentioned above, if votes are counted at more than one places, the recount can be demanded at the last place fixed for the purpose. This would be very inconvenient as the voting machines and all relevant papers would have to be taken to the last place of counting and in that way it will defeat the entire effort and the whole purpose of spreading out the counting at different places. Though generally it is intended that a recount of votes of a particular polling station should be done only after the counting for the entire constituency is over, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, it is desirable that you check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

15.31 ADJOURNMENT OF COUNTING

15.31.1 You should proceed with the counting at each place continuously. In case you have to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the voting machines and also all other papers relating to elections. Allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

[N.B. It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with your seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to yours on such room.]

15.32 ROLE OF OBSERVERS

15.32.1 As soon as the final result is declared, the data as contained in Form 21E, which is handed over to the winning candidate, will be handed over to the Observer also for immediate communication to the Commission.

15.32.2 The Observers will ensure that the Final Result Sheet in Form 20 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, 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.

15.32.3 Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Towards this end, neither the Observer nor the ARO/RO or any other election official should leave the counting hall till the counting is completed and result declared. Strict discipline should be maintained inside the counting premises and prompt action should be taken against anyone not observing the rules.

15.33 Power of Observers to Stop Counting

15.33.1 The observers appointed by the Commission under section 20B of the Act have the power to direct you 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 the 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 your custody or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or placed cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

15.34 PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC., OF VOTING MACHINES BEFORE COMPLETION OF COUNTING

15.34.1 Under the law (Section 64A) the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been

- i. Unlawfully taken out of his custody, or
- ii. Accidentally or intentionally destroyed or lost, or
- iii. Damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained. If any such occasion arises, you

should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

15.35 PROCEDURES TO BE FOLLOWED IN THE CASE OF BOOTH-CAPTURING AT THE COUNTING CENTRE

15.35.1 Under Section 58A(b) of the Representation of the People Act, 1951, if booth -capturing takes place at any place of counting in such a manner that result of the counting at that counting centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission.

15.35.2 On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once you have reported the matter to the Commission, under section 58A, you have to wait its directions in this regard and proceed further according to its directions when received.

15.36 COUNTING AFTER RE POLL DIRECTED AFTER COMMENCEMENT OF COUNTING

15.36.1 If any repoll has been held at a polling station in accordance with the directions given by the Commission, you should fix the date, time and place for counting the votes recorded in such repoll and give notice of the same in writing to every candidate or his election agent. You should follow the same procedure as detailed above for such further counting as far as it is applicable.

15.37. RESEALING OF VOTING MACHINES AFTER COUNTING

15.37.1 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 is required under Rule 56C of the Conduct of Elections Rules, 1961, to be resealed with your seal and the seals of such of the candidates or their election agents who may desire to affix their seals thereon. The resealing has, however, to be done in such a manner that the result of voting recorded in the control unit is not obliterated and the unit retains the memory of such result.

15.37.2 The aforesaid resealing of control units should be done in the following manner:-

- i. Remove the battery from the Candidate Set Section of the control unit by removing the seal. After the removal of the battery, the cover of the Candidate Set Section should be resealed.

[N.B. Removal of the battery is necessary so that it does not leak with the passage of time and damage the machine. Removal of the battery will not however obliterate the result of voting recorded in the control unit, as the unit will retain its memory even without the battery.]

ii. Close the outer cover of the Result Section and reseal it.

iii. Keep the control unit so resealed in its carrying case.

iv. Reseal the carrying case.

v. Attach firmly to the handle of the carrying case an address tag containing the following particulars: -

a) Particulars of the election;

b) Name of the constituency;

c) The particulars of polling station where the control unit has been used;

d) Serial number of the control unit;

e) Date of poll;

f) Date of counting;

vi. Put a secret seal of the Commission in addition to your own seals, on all the above mentioned seals. Allow the candidates or their agents also to put their seals if they so desire.

15.37.3 The control units so resealed should be kept in specially prepared bigger boxes for safe storage.

15.37.4 The ballot units must have been received by you from the polling stations duly sealed and secured in their carrying cases by the respective Presiding Officers. Normally, these units will not require to be opened at the time of counting. If any ballot unit is taken out of its carrying case for inspection or verification at the time of counting, it should be kept back in its carrying case after such inspection or verification and sealed.

15.37.5 The ballot units should also be kept in specially prepared bigger boxes for safe storage. All the control units and the ballot units used at the election are thus ready for transportation to the place of storage.

15.38 SAFE CUSTODY OF VOTING MACHINES

15.38.1 Under sub-rule (1A) of Rule 92 and sub-rule (1A) of Rule 93 of the Conduct of Elections Rules, 1961, the voting machines sealed as above under rule 57C shall be kept in the safe custody of the District Election Officer and shall not

be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines so sealed shall be retained intact for such period as the Commission may direct and shall not be used for next election without the prior approval of the Commission under clause (aa) of Rule 94 of the said rules.

15.39 SEALING OF OTHER ELECTION PAPERS FOR ENSURING SAFE CUSTODY

15.39.1 Apart from the voting machines, there are several other important election papers, which require to be sealed and secured for safe custody and storage. Under rule 93(1) of the Conduct of Elections Rules, 1961, the packets of election papers specified therein 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. Special care has thus to be taken for the safe custody of these papers. where voting machines are used these papers are as follows:-

- i. The packets of Registers of Voters in Form 17A, including the voter slips.
- ii. The packets of unused postal ballot papers with counterfoils attached thereto;
- iii. The packets of used postal ballot papers whether valid, or rejected (including the packets in which covers containing postal ballot papers received late are kept);
- iv. The packets of the counterfoils of used postal ballot papers;
- v. The packets of used and unused tendered ballot papers;
- vi. The packets of unused (surplus) ballot papers (printed for display on ballot units and for use as tendered ballot papers);
- vii. The packets of the marked copies of the electoral roll; and
- viii. The packets of the declarations by electors and the attestation of their signatures.

15.39.2 In view of the important nature of these election papers, the Commission has directed that these papers should also be sealed with the secret seal of the Commission.

15.39.3 The papers mentioned at items (iii) and (viii) above shall be made into packets at the time of counting. Such packets shall be sealed by you with your own seal immediately after the counting of the votes is over and with special secret seal, which will be supplied by the Commission for the election for each constituency. The secret seal will be in addition to the seals, if any, put on these packets by such of the candidates, their election agents or

counting agents, as may desire to affix their seals thereon. You should point out to the candidates or their agents present that it is in their own interest to affix their seals on these packets to avoid any possibility of tampering with these packets. They may also be permitted to note the number of the Commission's secret seal used.

15.39.4 The packets of papers mentioned at items (i), (v) and (vii) in Para 34.1 above will be received from the Presiding Officers of the polling stations in duly sealed packets. Though, these packets are not required for any purpose at the time of counting of votes, each of them should be immediately sealed with the secret seal of the Commission as soon as counting of votes is over and placed in steel trunk(s).

15.39.5 You should put a responsible officer-in-charge for the supervision of the sealing of all packets. Otherwise, there is possibility of important election papers going astray which would create complications and confusion if and when a competent Court orders the production of these papers.

15.39.6 Each steel trunk shall be locked with two locks and each lock shall be sealed. You should ensure that the secret seal of the Commission is put on packets only and not on any of the locks of the steel trunk or trunks.

15.40 DRAWING UP OF PROCEEDINGS

15.40.1 After the sealing of the voting machines and election papers at the counting place after the counting of votes, you should draw up proceedings mentioning therein:-

- i. the full particulars of the candidates/agents present in the counting hall;
- ii. the fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and
- iii. the particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

15.40.2 Then, you should sign the proceedings and obtain the signatures of such of the candidates/agents as are present and willing to sign on it. The proceedings should be placed inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

15.41 SAFE CUSTODY OF ELECTION RECORDS BY DISTRICT ELECTION OFFICER

15.41.1 Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting

machines and the sealed trunks(s) containing the packets mentioned in Para 34.1 should be dispatched to the District Election Officer at his headquarters. On receipt of the voting machines and the sealed trunks(s) the District Election Officer should forthwith arrange to deposit them for safe custody in the Treasury/Sub-treasury under double lock. The key of one of the locks of each trunk will be entrusted to the Treasury Officer or an Officer in the Treasury/Sub-treasury authorized under the Treasury Code and the key of the other lock of each trunk should be kept by the District Election Officer himself or a senior officer nominated for the purpose by the District Election Officer/you.

15.41.2 The armed police guard posted at the entrance of the room where the voting machines are stored before the counting of votes, should not be withdrawn even after the counting is over, but should continue to keep guard of the room till the transport of the voting machines and election records to the District Headquarters. As far as possible, the same guard should be used for protection during the transport also, and this fact should be mentioned in the logbook maintained by the guard.

15.42 RETURN OF SECRET SEAL OF THE COMMISSION

15.42.1 After the packets required to be sealed with the secret seal of the Commission are sealed, the secret seal or seals should be placed in a separate packet which should be sealed with the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. Thereafter, the packet containing the secret seal of the Commission should be returned immediately to the Commission by registered insured post and in any case not later than 24 hours after the counting of the votes is completed. If more than one seal had been supplied, the name of the constituency and the number of the seal that was used should be indicated.

CHAPTER XVI

DECLARATION AND PUBLICATION OF RESULT OF ELECTION

16.1 GENERAL

16.1.1 After the counting has been completed in all respects you have to proceed to make the formal declaration of result of election.

16.1.2 If any polled EVMs have been kept apart on account of technical malfunction or tampering with, then, Commission's permission is mandatory, before declaring the result. Hence, before declaring result, you must, verify and satisfy yourself that there is no such case or any other such case, which requires to be referred to the Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in your constituency. If that be so, send a detailed report to the Commission forthwith giving all the required information and obtain prior approval before making the declaration of result.

16.2 RESULT SHEET - FORM 20

16.2.1 Every Observer shall, after completely satisfying himself about the fairness of counting of votes and complete accuracy of compilation of result, shall issue an authorization to the Returning Officer concerned in the following format for the declaration of the result:-

" _____ Observer Code_ (_____), for
_____ Assembly Constituency /Assembly Segment of -----

Parliamentary 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 _____ "

16.2.2 No Returning Officer shall declare the result without receiving the authorization in the format as detailed 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 result.

16.2.3 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Election Rules, 1961, and after obtaining the necessary approval of the Commission, wherever required, and a No Objection from the Commission's observer in the above format, you may complete and sign the Result Sheet in Form 20 appended to the conduct of Election Rules 1961. The candidate obtained the largest number of valid votes should then be declared elected. You must declare the result by public announcement.

16.3 EQUALITY OF VOTES

16.3.1 If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by drawing lots. This will be in the rarest of rare cases and in such a case also, matter first be reported to the Commission for such directions as the Commission may like to give.

16.4 FORMAL DECLARATION OF RESULT - FORM 21C OR 21D

16.4.1 The formal declaration of result should be made by you either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate (**ANNEXURE 46**). The declaration shall be made in Form 21C in the case of General election. In the case of a bye-election to fill a casual vacancy, the declaration shall be made in Form 21D. Care is to be taken that in Form 21C or 21D, the name and address of the elected candidate shall be as given in list of contesting candidates. Name of the political party should be written as given in the latest Party and Symbol notification. You should authenticate your signature by affixing your seal.

16.4.2 The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

16.5 AUTHORITIES TO WHOM COPIES OF DECLARATION SHOULD BE SENT

16.5.1 Immediately after the declaration of result, you should send copies of the declaration of result in Form 21C or 21D. as the case may be, to thr :

- i. Election Commission of India ;
- ii. Chief Electoral Officer of the State;
- iii. (a) Union Ministry of Law and Justice (Legislative Department), New Delhi; and

(b) Secretary General of the Lok Sabha, New Delhi (in the case of election to the Lok Sabha);

OR

(a) State Government; and

(b) Secretary to State Legislative Assembly (in the case of election to the State Legislative Assembly.)

16.6 REPORT OF RESULT OF ELECTION

16.6.1 You should intimate by an immediate Fax, the result of election as soon as the same has been declared, to: –

- (i) The Election Commission of India, New Delhi (Fax No. 23713412);
- (ii) The Director of New Services, All-India Radio, New Delhi;
- (iii) A.I.R. Station in the Headquarters of the State;
- (iv) The Director, Doordarshan Kendra, Parliament Street, New Delhi-110001;
- (v) Doordarshan Kendras concerned, if any, in the headquarters of the State;
- (vi) The information Officer, P.I.B., New Delhi;
- (vii) The Ministry of Law, Justice and Company Affairs (Legislative department), New Delhi (in respect of election to the House of the People); OR the State Government; (In respect of election to be State Legislative Assembly)
- (viii) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People) OR the Secretary of the State Legislative Assembly (in respect of the election to the State Legislative Assembly); and
- (ix) The Chief Electoral Officer of the State/UT

16.6.2 The fax may be addressed to the Commission and repeated to the other addresses at (ii), (iv), (vi) and (vii).

16.6.3 The message communicating the result should indicate the following particulars;

- (i) Serial number and name of the constituency (State, Parliamentary / Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;

- (ii) Total number of electors in the constituency;
- (iii) Total number of votes polled;
- (iv) Total number of votes rejected;
- (v) Number of votes polled for 'NOTA':
- (vi) Names of contesting candidates with their party affiliations and votes polled by each; and
- (vii) Name of the candidate declared elected.

16.6.4 You should further ensure that whenever you refer to a woman candidate in a message/mail communicating the result you should add the prefix 'Kumari' or 'Srimati' to her name as the case maybe.

16.6.5 You should also ensure that the number of votes mentioned while reporting the result is given in words and not in numerals to avoid any confusion that may arise in transmission.

Sample Fax Message

16.16 To secure uniformity in communicating the result of election you should use the specimen form of fax/e-mail given below or adopt it suitably:-

SPECIMEN FAX MESSAGE
IMMEDIATE

To: The Secretary
Election Commission of India
New Delhi

Repeated to

1.-----

2.-----

3.-----

From: Returning Officer

..... Constituency

..... (State)

ELECTION AAA WEST BENGAL 40 RATUA ASSEMBLY CONSTITUENCY ELECTORATE FORTY-EIGHT THOUSAND AND FIFTY STOP VALID VOTES POLLED TWENTY-FOUR THOUSAND FOUR HUNDRED FIFTY-TWO STOP VOTES REJECTED TWO HUNDRED STOP MAHADEB CHANDRAKUMAR CONGRESS FOUR THOUSAN TWENTYSEVEN KESHAB CHANDRA INDEPENDENT EIGHTEEN THOUSAND SIX HUNDRED FIFTY-FIVE DWARIKA PATHAK INDEPENDENT ONE THOUSAND SEVEN HUNDRED SEVENTY STOP KESHAB CHANDRA INDEPENDENT DECLARED ELECTED STOP.
RETURNING OFFICER

Email if permitted, email id can be given.

16.7 CERTIFICATE OF RETURN OF ELECTIONS – FORM 21E

16.7.1 When you have declared the result of election in the manner indicated above, you should complete and certify the return of Election in Form 21-E

of the Conduct of Election Rules, 1961. Forward signed copies of the return to: the Election Commission and the Chief Electoral Officer of the State. **The name of the candidates should be written as given in the Form-7A**

16.7.2 If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. You may supply a copy of such return to an applicant on payment of fee of Rs. 2/- [Rules 93(3)].

16.8 CERTIFICATE OF ELECTION – FORM 22

16.8.1 As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally before dispatch. Thereafter, immediately send this acknowledgment by registered post to the Secretary General to the House of the People or as the case may be the Secretary of the Legislative Assembly. The acknowledgment shall be in the form shown below:

I acknowledge/ the receipt of the certificate of election in Form 22 in respect of my election to fromconstituency, declared on

Date

Signature of the Candidate returned

Attested and forwarded to the Secretary

.....

Returning Officer

16.8.2 The certificate of in respect of elections to the House of the People should be issued in English or Hindi, but such certificate of election in respect of the State Legislative may be issued in English or Hindi or in any of the languages used for official purpose of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes.

16.8.3 The certificate of election should be handed over to the candidate, and its acknowledgement obtained immediately after declaration of result, if he happens to be present at the counting. Where he is not so present he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath of affirmation by them.

16.8.4 In case the elected candidate is not present at the place of counting and does not visit 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 acknowledgement (duly signed by the candidate) may also be obtained through the same person.

CHAPTER
- XVII
RETURN AND FORFEITURE OF DEPOSITS

17.1 INTRODUCTORY

17.1.1 Every candidate whose nomination paper has been found valid must have deposited the requisite amount of `25,000 in the case of election from a Parliamentary Constituency or as the case may be, `10,000 in the case of election from an Assembly Constituency. The amount of deposit is half in the case of a candidate belonging to a Scheduled Caste or Scheduled Tribe. Deposits of (i) those candidates whose nomination paper found to be invalid and rejected, (ii) those validly nominated candidates who have withdrawn their candidatures in accordance with law before the expiry of the time limit for such withdrawals (iv) those candidates defeated at the poll and (iv) the candidate duly elected at the election may have to be returned to them or forfeited to Government in accordance with the law as described hereunder.

N.B. A deposit can be refunded only to the person in whose name it was made in the treasury, or his legal representative if he is dead.

17.2 LEGAL PROVISIONS

17.2.1 Section 158 Legal Positions of the Representation of the People Act, 1951 lays down the method of disposal of the deposits made by the candidates. Its provisions should be carefully followed in the disposal of applications for the return of the deposit by the candidates or by the persons who made the deposits on their behalf.

17.3 CONDITIONS FOR RETURN

17.3.1 The deposit made by a candidate shall be returned if the following conditions are

satisfied:-

- (i) the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdraws his candidature; or
- (ii) he dies before the commencement of the poll; or
- (iii) he is elected; or
- (iv) he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

N.B.

- (i) If the candidate has polled exactly 1/6th of the total number of

valid votes polled by all the candidates, the deposit will not be refunded.

- (ii) If the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

17.3.2 The votes polled against the NOTA option is not to be taken into account for calculating the total valid votes polled by the contesting candidates for the purpose of return of security deposit. Instruction No. 576/3/2013/SDR dated 7th December, 2013

17.4 DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY AT GENERAL ELECTIONS

17.4.1 Note that if a candidate was a contesting candidate at a general election to the House of the People or State Legislative Assembly in more than one Parliamentary or Assembly Constituency, he cannot get a return of more than one deposit made by him or on his behalf. Other deposits made by him or on his behalf will be forfeited to Government.

17.4.2 A contesting candidate at an election to the House of the People and also at an election to the State Legislative Assembly when simultaneously held, is entitled to the return of deposits made in both the elections, if he is otherwise entitled to such return, as the two elections are different.

17.4.3 Even if a declaration is made by the candidate to the effect that he was not a contesting candidate from more than one Parliamentary or Assembly Constituency, you are entitled to satisfy yourself from such other materials and information as may be available to you that he did not in fact, do so.

17.5 RETURN : WHEN TO RETURN THE DEPOSIT.

17.5.1 If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit should be returned as soon as practicable after the publication of the list or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as practicable after the result of election is declared.

17.6 FORM OF APPLICATION FOR REFUND

17.6.1 The law does not prescribe any form in which a candidate may apply to you for the return of his security deposit. However, in order to facilitate the candidate in making the application and to enable you to verify the claim for return easily, he may be asked to apply in the form given in **Annexure 47**. if the deposit was made by someone else on behalf of the candidate, the application may be obtained in the form given in **Annexure 47-A**.

17.6.2 If the candidate has died, his legal representative may make the application in the form given in **Annexure 47-B**.

17.6.3 The candidate or the legal representative should file his/her claim within 180 days from the date of declaration of result and the Returning Officer should make payment within 30 days from the date of claim. In the event of not being filed the claim within the prescribed time, the deposit amount shall stand forfeited to the Government.

17.7 PROMPT SETTLEMENT OF APPLICATIONS FOR REFUND

17.7.1 In the past, the commission used to receive complaints regards considerable delay in returning/refunding the deposit, possibly because the candidates did not comply with some, formality or the other. The Commission impresses upon you that all such cases should be promptly settled. Any discrepancy found in the application for return of deposit should be immediately brought to the notice of the candidate who should be given all help in the matter.

17.8 FORFEITURE OF DEPOSIT

17.8.1 Every deposit which is not refundable under any of the above paragraphs in this chapter should be forfeited to Government.

17.8.2 The forfeited amount of security deposit relating to elections to Legislative Assembly as well as to the House of the People shall be credited to revenues under the following head; *"0070 Other Administrative Services – 02 – Elections – 104 – Fees, Fines and Forfeitures. Other receipts – Forfeited amount of security deposits"*.

17.9 REFUND TO A CANDIDATE BELONGING TO THE SCHEDULED CASTE OR SCHEDULED TRIBE

17.9.1 Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe

contests an election from a general constituency, he is required under Section 34 (1) to make a deposit of only `12,500 instead of `25,000 in the case of an election from a Parliamentary Constituency and `5,000 instead of `10,000 in the case of an election from an Assembly Constituency. If he deposits by mistake or otherwise the full amount of `25,000 or `10,000 as the case may be instead of what he is required to deposit as above, he is always entitled to the refund of the excess amount actually deposited by him. you should satisfy yourself of his being a member of a Scheduled Caste or a Scheduled Tribe before allowing such a refund.

17.9.2 As all the papers relating to nominations, scrutiny and withdrawals, would have been sent by you to the District Election Officer after the declaration of the result, you may, before ordering refund, get the application and other details required for the purpose verified by the District Election Officer concerned.

CHAPTER - XVIII

ACCOUNTS OF ELECTION EXPENSES

18.1 LEGAL PROVISIONS

18.1.1 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. Failure to maintain the account is an election offence under Section 171-E of the IPC.

18.1.2 The total of the said expenditure shall not exceed such amount as may be prescribed under Section 77(3) of RP Act 1951. Rule 90 of the conduct of Election Rules, 1961 prescribes varying limits of election expenditure for the Parliament and Assembly Constituencies of each of the States & UTs. The incurring or authorizing of expenditure in excess of the limits prescribed is a corrupt practice under Section 123 of the R.P Act, 1951.

18.1.3 According to Section 78 of the said Act, every contesting candidate is required to lodge a true copy of the account of his election expenses with the District Election Officer in all States and Union Territories within 30 days from the date of declaration of result of the election. Failure to lodge the account of election expenses within the time and in the manner required by law without good reason of justification may result in the disqualification of the candidate concerned by the Commission under Section 10A of R.P Act, 1951.

18.1.4 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, you shall invite the attention of each candidate to the above provisions of law in writing. (see para 5.34.3 of chapter V) This should be done by addressing a letter to each candidate as in **Annexure 19**, as soon as he files his nomination paper..

18.1.5 Each candidate has to file his/her accounts of election expenses in the format prescribed in **Annexure 19**. The account shall contain such particulars as prescribed under section 7-7(2) of R P Act, 1951.

18.1.6 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 of Day to Day account has been given at **Annexure- 19** and the format of the Abstract Statement has been given in **Annexure 19**. The candidates are advised to acknowledge the receipt of day to day Expenditure Register in **Annexure 19** and receive acknowledgement from the District Election Officer in **Annexure 19** after lodging the account of election expenses with the District Election Officer.

18.1.7 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. (ECI No 76/2004/JSII dated 6.8.2004)

18.2 STAR CAMPAIGNERS- EXPENDITURE ON TRAVEL

18.2.1 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 star campaigners (leaders) of political parties covered under explanation 2 will be exempted from being included in the account of election expenses of a candidate. 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. Explanation 2 to Section 77(1) requires that the list of leaders of a political party (40 in the case of recognized parties and 20 in the case of registered unrecognized parties) is to be submitted by the political parties concerned within 7 days from the issue of notification to the Commission and to the Chief Electoral Officer of the State concerned for availing of the benefit of Clause (a) of Explanation 1. 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. To facilitate the communication,

the Chief Electoral Officer will also place the list on his website. The list of star campaigners may also be downloaded/ obtained from the Commission's website/ Zonal Secretary.

18.2.2 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) of the RP Act, 1951. 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) of that Act.

18.2.3 (a) If any attendant including security guard, medical attendant, or any other person including any member of the party, who is not a candidate in the constituency concerned, or any representative of the electronic or print media, travels with the leader (star-campaigner) of the political party in his vehicle/aircraft/helicopter etc., then the travel expenses of such leader shall be wholly booked to the account of political party, provided that such person(s) sharing the transport with the leader (star campaigner) does not play any role in election campaign for the candidate in any manner. However, if any such person(s) sharing the transport with the leader plays any role in election campaign for the candidate(s) in any manner then 50% of the travel expenditure of the leader shall be apportioned to such candidate(s).

(b) The names of leaders of the political party (star campaigners), as defined in Explanation 2 of section 77 (1) of the R. P. Act, 1951 are to be communicated to the Election Commission of India and the Chief Electoral Officer of the State by the political party, within a period of seven days from the date of notification for such election and such leaders are entitled to the benefits provided under section 77 of the R. P. Act, 1951, from the date on which the list including his name is received by the Election Commission of India and by the Chief Electoral Officer of the State concerned.

(c) If the leader (star campaigner) is a part of any rally, organised outside his constituency, he is entitled to the exemption provided under Explanation 1 of section 77(1) of the R. P. Act, 1951. However, if the leader (star campaigner) is also contesting election in any constituency, then he

is not entitled to any benefit u/s 77 of the said Act, for the travel expenses incurred within his own constituency and the expenses on meeting or rally organised by him in his constituency including the travel expenses are to be added to his account of election expenditure.

(d) If the rally/meeting is organised in the constituency of the leader (star campaigner), where the leader shares the dais with other contesting candidates, then the meeting expense is to be apportioned to the election expenditure of the leader and all such candidates. However, if, he (star campaigner) is taking part in a rally/ meeting, along with other contesting candidates of his party outside his constituency, then the meeting expense shall be apportioned to the election expenditure of all such candidates, for whose election campaign, such rally/meeting is organised and no part of such rally/meeting expense, organised outside his constituency shall be added to the election expense of the leader (star campaigner).(Commission's letter no. 76/Instructions/2012/EEPS Vol. I, dated 22nd January, 2014).

(e) If a star campaigner of another political party /a party in alliance with the party of the candidate attends the rally and takes the name of the candidate or shares dais with the candidate then the travel expense of that campaigner of allied party up to the constituency is not exempt and should be added to the candidate's expenses. In this regard Commission's instructions contained in its letter no.437/6/2008-CC & BE, dated 24-10-08, relating to use of helicopters are enclosed.

(f) All expenditure including lodging/boarding expenses of star campaigners in the constituency where they campaign for any candidate shall be included in the expenditure account of that particular candidate, provided that -

(a) the Star Campaigners/Campaigners have actually campaigned for the candidate, and

(b) the Star Campaigners/Campaigners have incurred such boarding and lodging expenditure while remaining in a commercial hotel or lodge for the purpose of election campaign of the candidate

irrespective of the fact whether the payment is made by such candidate or not.

The market value of such commercial boarding and lodging is to be calculated towards the election expenditure of the candidate, even if the boarding and lodging is provided as complimentary. If the star campaigner while availing the boarding and lodging in one constituency, travels to another constituency to campaign for other candidates, then the lodging and boarding expense will be proportionately distributed as the expense of those candidates. A notice may be issued in all such cases and it should be processed accordingly. (Commissions letter No.464/AP- HP & AP-LA/BE/2011/EEM dated 3rd June 2011,)

18.3 EXPENDITURE ON ADVERTISEMENTS

18.3.1 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.

18.4 THE ROLE OF RETURNING OFFICER

18.4.1 As soon as the nomination is filed the Returning Officer will issue the candidate or his duly attested agent against a proper receipt thereof a copy of the standard letter given in **Annexure 19**, along with the Expenditure Register (Day to Day Account Register, Bank Register) Abstract Statement (Part-I-IV), from of Affidavit and from of acknowledgement as given in **Annexure- 19**.

18.4.2 All the acknowledgements obtained from the candidates should be sent by you to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.

18.4.3 You will hold a meeting of all candidates immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of

these provisions. You will also issue the permission letter promptly to the candidates as required under the law or rules.

18.4.4 You, along with the Expenditure Observer shall arrange to inspect the expenditure register of each candidate at least three times during the campaign period, and will issue notices to the candidates to explain any discrepancy between the candidate's expenditure register and the Shadow Observation Register. You will also supervise the complaints monitoring system and ensure that every complaint is inquired into within 24 hours of receipt.

18.4.5 You will ensure that all documents required to be put on the notice board of the Returning Officer under these or any other instructions, rules or law are so done and copies of documents when demanded are given to the members of the public immediately on payment of the prescribed fee.

18.4.6 One day facilitation training programme will be organized by you along with the Asst. Expenditure Observers for training of all election agents of the candidate for explaining the procedure of maintaining registers on various expenses and dates of inspection.

18.5 ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS

18.5.1 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.

18.6 ELECTION FROM MORE THAN ONE CONSTITUENCY

18.6.1 If a candidate contests election from more than one constituency he has to keep and also lodge a separate return of election expenses for each election which he contests. The election for each constituency is a separate election.

18.7 AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED

18.7.1 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. Where the Returning Officer is not the District Election Officer, if any candidate approaches the Returning Officer for filing the account of his election expenses, the RO should direct the candidate to the DEO. The DEO shall designate a senior Official for receiving the accounts filed by the candidates. The accounts should be received only by such designated

Officer or the DEO.

18.7.2 As some of the Assembly and Parliamentary Constituencies in some State extend over more than one district, the question may arise as to 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.

18.7.3 The District Election Officer should also, for the convenience of the contesting candidates, 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.

18.8 MAINTENANCE OF ACCOUNT AND PARTICULARS TO BE ENTERED IN ACCOUNT

18.8.1 All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorised shall be obtained from day to day as the expenditure is incurred or authorised and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.

(1) the account of election expenses to be kept by a candidate or his election agent under Section 77 of the said Act 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 authorized;
- (b) the nature of expenditure (as for example, travelling, postage or printing and the like);
- (c) the amount of 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 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 who 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 item (f) of 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).

18.9 ACCOUNT TO BE MADE AVAILABLE BY CANDIDATE FOR INSPECTION AND DISPLAY

18.9.1 The Commission has directed that the day-to-day account as 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 during the process of election to the Returning Officer/ Election Observer appointed by the Commission or any other official appointed for this purpose. The Returning Officer shall prepare a schedule of inspection for the candidates in the constituency and give 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 there shall be a gap of about 4 days between each inspection.

18.9.2 Failures on the part of a candidate to produce the register and the supporting documents for inspection on demand should be treated as major default on his part and he should be proceeded against under section 171-1 of the IPC.

18.9.3 While inspecting the accounts of the candidates as per the schedule of inspection fixed, you 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 your notice board and the other copy will be retained in a separate file for each candidate constituency-

wise as proof of record with you and furnished to the District Election Officer on conclusion of the poll process. In this exercise you must 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.

18.9.4 The Commission has also directed that a copy of the day-to-day accounts retained by you may be provided to any person desiring a copy on payment of usual copying charges. You should make this known to the candidates and the general public for their information as soon as the process of nomination begins.

18.10 ARRANGEMENTS FOR SCRUTINIZING ACCOUNTS

18.10.1 In the meeting of all candidates holding immediately after the allotment of symbols, to explain the legal provisions relating to election expenditure and consequences of failure to comply with the provisions of law, a copy of the instructions on election expenditure monitoring shall be given to each candidate. You shall also prepare a schedule for inspection of Expenditure Register of each candidate by the Expenditure Observer or a senior officer designated by the you in consultation with Expenditure Observer for the purpose.

18.10.2 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 4-5 persons)
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.

18.11 EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.

18.11.1 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.

18.11.2 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.

18.11.3 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.

18.12 MANNER OF LODGING THE ACCOUNT

18.12.1 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.

18.12.2 Further, the candidate is also required to furnish the abstract statement in Parts I to VI of the proforma (**Annexure 19-E**) given to him by the Returning Officer along with the said Register(s). No column in the Register(s) or in the abstract statement of the proforma is to

be left blank. If no expenditure has been incurred or authorised on any item listed therein, a 'Nil' entry should be made in the appropriate column.

18.12.3 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 (**Annexure 19-D**) mentioned above.

18.12.4 The account filed should be a true and complete account kept by the candidate or his election agent and should be certified as such by the candidate himself. A certificate by the election agent of a candidate is not sufficient and even if hence election agent certifies the account, it should again be certified by the candidate himself.

18.13 VOUCHERS TO BE FILED WITH ACCOUNTS

18.13.1 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.

18.14 VOUCHERS TO BE SIGNED

18.14.1 Parts I-VI of the Abstract Statement and Affidavit should be signed by the candidate himself in full while the bills, vouchers, certified copies of the bank statement may be signed by candidate or his election agent in full.

18.15 LAST DATE FOR FILING ACCOUNTS

18.15.1 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 you declared the returned candidate elected should be excluded.
- (ii) If the 30th day so computed is a Sunday or other holiday and your office is closed on that day, the account of election expenses may be lodged on the next day on which your office functions. The account will be deemed to have been lodged in time in such a case.]

18.16 MEANING OF DATE OF ELECTION

18.16.1 The “date of election” of a returned candidate is the date on which you declare him to have been elected whether it was a contested or an uncontested election.

18.17 ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT

18.17.1 As soon as the account of election expenses is filed by a candidate, you should acknowledge its receipt in the proforma prescribed in **Annexure 19F**. If the account is received by you by post, you should send the acknowledgement forthwith by post. One copy of the acknowledgement should be kept by the DEO/Designated Official receiving the accounts.

18.18 NOTICE OF FILING ACCOUNTS

18.18.1 Within two days from the date on which the candidate lodges his account of election expenses, affix a notice on your 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

18.19 INSPECTION AND COPIES

18.19.1 Any person can, on payment of a fee of rupee one, inspect the account lodged with you by a candidate. According to Rule 88 of the Conduct of Election rules 1961, 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.

18.19.2 If inspection of an account of election expenses has been applied for at any time 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.

18.20 REPORT TO THE COMMISSION

18.20.1 DEO shall scrutinize the statement of accounts of election expenditure submitted by each candidate after the declaration of results with the help of the Expenditure Monitoring Cell and with the assistance and

support of the Election Observer and submit a report to the Commission through the CEO within 45 days of the declaration of the results in the prescribed format as per **Annexure- 53** along with the Summary Report. The comments of the Expenditure Observer should also be taken in the DEO's Report. DEO's Report may be prepared meticulously scanned copy of the Abstract Statement (Part-I to Part- VI) of all the candidates along with copy of all notices issued by the RO, if any, and replies thereto, during the election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.

18.21 SEPARATE REPORT FOR EACH CONSTITUENCY

18.21.1 Send a separate report in respect of each constituency. Each such report should cover all the contesting candidates in the constituency whether they have been elected or defeated at the poll. Care should be taken that in any such report, the names of the constituencies are spelt as in the Delimitation order and the names of the candidates spelt as in the list of contesting candidates.

18.22 ACCOUNTS FILED LATE

18.22.1 If a contesting candidate has lodged his account of election expenses after you have sent your report to the Commission, send a supplementary report in respect of him in the same Form.

18.23 NATURE OF EXAMINATION

18.23.1 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 **(Annexure 48)** 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 is in the manner prescribed.

18.24 PUBLICATION OF REPORT

18.24.1 Publish a copy of every report sent to the Commission by affixing a copy thereof to your notice board.

18.25 COMMISSION'S DECISION ON REPORT

18.25.1 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.

18.26 DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES

18.26.1 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 notices to the District Election Officer to cause the same to be delivered to the candidates concerned. Every effort should be made to effect the delivery of notice to the candidate concerned within three days of receipt of the same in your office from the Commission.

18.26.2 The notice should be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same.

18.26.3 If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same may 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 must be recorded on the spot and the signatures of the witnesses along with their addresses obtained thereon.

18.27 REPRESENTATION BY DEFAULTING CANDIDATE

18.27.1 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 you a copy of his representation together with a complete account of his election expenses if he has not already furnished such an account.

18.28 SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER

18.28.1 The DEO should send his supplementary report along with the acknowledgement obtained from the candidate in token of his having received the 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.

18.28.2 The supplementary report should be sent even where the candidate has not filed any representation.

18.29 FINAL ORDER BY COMMISSION

18.29.1 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.

18.30 REMOVAL OF DISQUALIFICATION

18.30.1 Under Section 11 of the Representation of the People Act, 1951, Election Commission may, for reasons to be recorded, remove any such disqualification or reduce the period thereof.

18.31 TIME LIMITS TO BE STRICTLY ADHERED

18.31.1 All such time limits as specified in the foregoing paragraphs for submission of reports to the Commission, service of notice on the defaulting candidates, forwarding of their representations with your comments to the Commission, etc. should be strictly adhered to. The Commission takes serious exception to any lapse in this regard.

CHAPTER - XIX

MISCELLANEOUS

19.1 SIGNING BY ILLITERATE PERSONS

19.1.1 Sub-rule (2) (e) of Rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall be deemed to have signed on 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.

19.2 MANUSCRIPT, TYPEWRITTEN OR PRIVATELY PRINTED FORMS TO BE ACCEPTED

19.2.1 Rule 2(1) (g) of the above mentioned Rules defines “form” as a form appended to the said Rules, including a translation thereof in any of the languages used for official purposes of the State. As sufficient number of any particular form printed officially by Government may not always be available to satisfy public demand, the public would be put to a lot of inconvenience if officially printed forms are insisted upon by election officers. In order to avoid any such inconvenience, the Election Commission has specified that although forms may have been printed by the Government, Returning Officers, Electoral Registration Officers, Presiding Officers and other Election Officers shall freely accept manuscript, typewritten, cyclostyled photo copied or privately printed copies of every form so long as they have been correctly copied and such officers shall not reject any document merely because it has not been drawn up on a form printed by the Government.

19.3 SUBMISSION OF REPORT BY THE RETURNING OFFICER

19.3.1 Immediately after the declaration of the result in the constituency, you should, through the Chief Electoral Officer of the State, forward to the Election Commission two copies of your report on the various item as shown in **Annexure-48-A** for preparation of the Report on the elections by the Commission. You should advise the Presiding Officers working under you to give detailed information on the various items with which they are concerned namely, items 13, 15, 16, 17, 18, 23, 24, 26, 30, 33, 34, 36, 37, 39, 40, 41, 43, 44 and 45 of the said **Annexure** in their Diary. (Please ensure

that this information is furnished by you to the Chief Electoral Officer within a fortnight from the declaration of the result. If you are a Returning Officer for more than one constituency, you should submit a separate report for each constituency). You should not, however, delay the submission of the report on the ground that any particular information is not readily available. Any information which could not be included in the report before the due date for submission should be sent by a supplementary report.

19.4 INDEX CARD

19.4.1 The Commission desires to prepare the statistical part of the report as early as possible after the completion of election. You shall provide the required information by filling in the 'Index Card' of **Annexure 49** as early as possible but not later than 15 days after the poll and send it through the Chief Electoral Officer of the State/Union Territory.

19.5 SAFE CUSTODY OF VOTING MACHINES AND ELECTION PAPERS

19.5.1 The District Election Officer concerned shall be responsible for the safe custody of all the voting machines used at an election, the packets containing registers of voters in Form 17A and all other packets containing election papers referred to in sub-rule (1A) and (2) of Rule 92 of the Conduct of Elections Rules, 1961. The list is as follows:-

- (1) All the voting machines used at the election;
- (2) The packets of unused ballot papers supplied for use as tendered ballot papers;
- (3) The packets of tendered ballot papers and postal ballot papers, whether valid or rejected (this also includes packets in which covers containing postal ballot papers received late are kept);
- (4) The packets of the counterfoils of used postal ballot papers;
- (5) The packets of the marked copies of the electoral roll;
- (6) The packets containing register of voters in Form 17A;
- (7) The packets of the declarations by electors and the attestation of their signatures; and
- (8) All other papers relating to the election which include the packets containing all papers and proceeding relating to nomination, scrutiny and withdrawal of candidature.

19.5.2 Under the said rule when an Assembly or Parliamentary Constituency extends over more districts than one, the election papers of that constituency will be kept in the custody of such one of the District Election Officers having jurisdiction over the constituency as the Election Commission may direct. Under this arrangement, normally, the District

Election Officer who had under the law provided the polling stations for the constituency will be responsible for the safe custody of these papers.

19.6 ARRANGEMENT FOR SAFE CUSTODY OF ELECTION RECORDS

19.6.1 According to the direction of the Commission, the District Election Officer will have to keep voting machines and the steel trunks containing papers referred to at items (2) to (7) under double lock in the District Treasury or Sub-Treasury, as may be convenient.

19.6.2 One set of keys of the sealed steel trunks kept in the Treasury/Sub-Treasury will be entrusted with the Treasury Officer or an officer in the Treasury authorised in the Treasury code. The other set of keys will be kept by the District Election Officer himself or by a senior officer nominated by him.

19.6.3 A date-wise logbook about the movement or disposal of the election records from the Treasury should be maintained. All these security arrangements are necessary because these election papers may be summoned at any time during the trial of an election position by the High Court or by the Supreme Court or other competent Court.

19.6.4 The box(es) containing the election records mentioned at item (8) in para (19.5) above should be kept by the District Election Officer in his own safe custody.

19.6.5 For proper maintenance and safe custody of these records, the Commission feels that the election records should be kept in separate and properly secured store rooms. A suitable register should be introduced to ensure that whenever an official is required to carry out his official duties in the record room in question he makes an entry showing the purpose for which a particular record was required and signs his name. The State Government may provide separate store rooms for election records where there are not already available. If separate rooms cannot be provided, arrangements should be made to store the records in steel almirahs in the charge of a responsible officer.

19.6.6 Special care is necessary with regard to the safe custody of the election records in respect of an election called in question by an election petition which is pending. In order to guard against any tampering or theft of such election records, they would be kept in a Government Treasury till the final disposal of the election petition.

19.7 PRODUCTION AND INSPECTION OF VOTING MACHINES

19.7.1 Sub-rule (1A) of Rule 93 of the Conduct of Elections Rules, 1961, provides that the control units of the voting machines which are sealed under Rule 57C after the counting of votes and kept in the custody of the District Election Officer shall not be inspected by or produced before, any person or authority except under the orders of a competent court.

19.8 PRODUCTION AND INSPECTION OF ELECTION PAPERS

19.8.1 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 conditions and to the payment of such fee, if any as the Election Commission may direct.

19.8.2 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 required;
- (b) An inspection of the documents shall be allowed to any person applying for the same on payment of fee of Rs. 5 per hour of inspection or part thereof, unless inspection is required to be made urgently in which case the fee shall be Rs. 10 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. Instructions for inspection of account of election expenses and supply of copies thereof are contained in Chapter XVIII.

(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 Officer. The procedure to be followed in respect of an application for it 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 document is required for official purposes.

19.8.3 Effective supervision by officials is necessary when election records are inspected by any interested person soon after the completion of the election. Simultaneous inspection by a large number of persons should not be allowed to avoid removal of any paper from the records

19.9 SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS

19.9.1 Copies of result sheet in Form 20 may be supplied, if asked for, on payment of fee as charged for supply of certified copies of other election records.

19.9.2 Copies of election return in Form 21-E may be supplied by the Returning Officer, District Election Officer, the Chief Electoral Officer, or the Election Commission on a payment of Rs. 2 for each copy under sub-rule (3) of Rule 93 of the Conduct of Election Rules, 1961,.

19.10 DISPOSAL OF ELECTION PAPERS

19.10.1 The Commission has made the following direction under Rule 94 of the Conduct of Elections Rules, 1961 for the disposal of election papers. The election papers may be disposed of as indicated subject to any direction to the contrary by the Commission or by a competent Court in any case and subject to the instructions contained in para 12 below:

19.11 DIRECTION UNDER RULE 94 (a)

(i) The packets of unused ballot papers returned by Presiding Officers after the poll is over shall be retained in the Treasury for a period of six months after the completion of the election and then destroyed.

(ii) The stock of undistributed ballot papers left with the Returning Officers should be returned to the Chief Electoral Officer

immediately after the poll and the latter should retain such ballot papers for six months.

- (iii) Where the Chief Electoral Officer has not got sufficient space to store the undistributed ballot papers, these may be kept in Treasuries/Sub-Treasuries under his orders.

19.12 DIRECTIONS UNDER RULE 94(aa)

Clause (aa) of Rule 94 provides that the voting machines kept in the custody of the District Election Officer under sub-rule (1A) of Rule 92 shall be kept intact for such period as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission. Accordingly, the District Election Officer should seek the express direction of the Commission in each case as soon as may be after the period for filing the election petitions is over.

19.13 DIRECTION UNDER RULE 94 (b)

- i. The sealed packets of used ballot papers (except the packets containing the counterfoils of used ballot papers) whether valid, tendered or rejected, the packet of the paper slips of the printer under the provisions of Rule 57 c, the packets of the marked copies of the electoral roll and the packets of declarations by elector and the attestation of their signatures, which are contained in the sealed steel trunks under the double lock and kept in the Treasury should be retained for a period of one year after the completion of the election and then destroyed.
- ii. The packets containing counterfoils of used ballot papers and Register of Voters in Form 17A shall be retained for a period of one year after the completion of the election and shall be destroyed thereafter in all cases except those in respect of which election petitions or election appeals or prosecutions for impersonation are pending.

19.14 DIRECTION UNDER RULE 94 (c)

- i. Papers specified in **Annexure 50** should be destroyed at the expiry of six months from the date of the declaration of the result.
- ii. The list of challenged votes (Form 14) and the receipt book used for collection of challenge fee, the dispatch register of postal ballot papers and forms of nomination papers should not be destroyed before the expiry of 5 years from the date of declaration of the result or till they are audited and audit objections, if any, settled whichever is earlier.

- iii. Every order appointing a person as a Presiding Officer or Polling Officer should not be destroyed before the expiry of three years from the date of the election to which the appointment relates.
- iv. Final Result Sheet (Form 20), Declaration of Result of Election (Forms 21, 21-A, 21-B, 21-C, 21-D, 23 and 23-A) and Return of Election (Forms 21-E and 23-B) should be kept as permanent records of election.
- v. The register of deposits may be destroyed in the same manner as revenue registers provided that in no case shall the register be destroyed before ten years.
- vi. All records relating to the account of election expenses of a candidate who has lodged it within the time and in the manner required by the Act and the Rules shall be destroyed at the end of one year from the date the return ought to have been lodged.
- vii. All records relating to the account of election expenses of a candidate who has failed to lodge it within the time and/or in the manner required by or under the Act and the Rules and thereby disqualified under Section 10A of the Representation of the People Act, 1951, shall be destroyed on the expiry of three years from the date on which the Commission's decision under sub-rule (8) of rule 89 of the Conduct of Elections Rules, 1961, is notified. If the disqualification has been removed by the Commission under Section 11 of the said Act, the records shall be destroyed on the expiry of one year after such removal.
- viii. If any candidate applies for the return of any vouchers filed with his account of election expenses, the vouchers may be returned to him after keeping a certified copy in the record; provided there is no election petition or recrimination petition pending in respect of the election in which the question of the applicant's election expenses is at issue.

19.15 RETENTION OF PAPERS WHERE ELECTION PETITION IS PENDING

19.15.1 Where an election petition is pending trial before a High Court or any other matter in respect of an election is pending adjudication by a Court, the papers relating thereto as mentioned in paragraphs 11.2, 11.4, 11.5(i), 11.5(ii), 11.5(iii) and 11.5(vi) should not be destroyed until the expiry of three months from the date of disposal of such petition or the matter finally.

19.16 MODE OF DISPOSAL OF ELECTION PAPERS

19.16.1 All election papers including restricted or confidential papers such as used and unused ballot papers and their counterfoils, copies of electoral rolls, etc., except surplus and waste ballot papers, should be shredded.

19.16.2 The shredding operation must be completed in Govt. premises where the election records are kept under safe custody. The entire shredding process should be done in the presence of a senior Gazetted Officer of the Office of Chief Electoral Officer at the place of storage and not at any private premises. The shredding of used ballot papers should be done in the presence of a Class- I Officer of the Office of District Election Officer; while election papers of other categories shall be shredded in the presence of a senior Gazetted Officer of the Office of Chief Electoral Officer. After completion of the shredding process, the officer concerned should certify that the entire process of shredding has been completed in his presence and that no unshredded paper has gone out of the campus. It should be strictly ensured that under no circumstance, any unshredded paper leaves the campus where these are kept.

19.16.3 Whenever shredders are not available, the District Election Officer should purchase a shredder out of his office expense budget.

19.16.4 The sale price of the shredded election papers to be charged from the purchasing companies and the shredding charges to be paid, if any, to the companies where they used their shredders should be settled separately by the Chief Electoral Officer himself after following the prescribed procedures under the relevant financial rules. If the cost of transport of shredded papers to the nearest paper-pulp making unit is more than the likely return of selling the shredded papers, the District Election Officer will have the discretion to sell the shredded papers to waste paper purchasers locally or dispose the same of by any other cost effective method.

19.17 DISPOSAL OF SURPLUS AND WASTE BALLOT PAPERS

19.17.1 The following instruction should be strictly followed in regard to the manner of disposal of surplus and waste ballot papers:

- (1) As soon as the poll in a constituency is over and it is ascertained that there is no need for an adjourned poll or a fresh poll in any polling station in that constituency, the surplus ballot paper(s), if any, and waste ballot papers along with the waste paper on the floor of the Government Press should be shredded and made into pulp instead of burning in the presence of the Chief Electoral Officer himself, or of a senior officer duly authorized in writing by the Chief Electoral Officer for the purpose. If the printing of the ballot papers is done at a Government Press situated at a District Headquarters, away from the State Capital, the destruction of the

surplus and waste ballot papers by shredding and making into pulp should be done in the presence of the District Collector/District Magistrate/Deputy Commissioner or a senior officer duly authorized in writing by him for the purpose.

- (2) The Officer in whose presence the surplus and waste ballot papers are destroyed in the manner given above should record a certificate regarding the number/quantity of such surplus and waste ballot papers destroyed in his presence. He should also obtain the counter signature of the superintendent of the Government Press on the certificate.
- (3) After the declaration of the result, as soon as practicable and in any case within ten days thereof, a report should be sent to the Commission by the Chief Electoral Officer certifying that all surplus and waste ballot papers printed for the election, have been destroyed in the manner indicated above.

19.18 FACILITIES ALLOWED BY THE POSTAL DEPARTMENT FOR THE CONDUCT OF ELECTIONS

19.18.1 The Postal Department has been requested to extend special facilities during period of elections for receipt and delivery of letters and other communications. The department will issue necessary instructions to all the postal authorities in the country.

19.18.2 Ministry of Home Affairs have issued instructions that police wireless facilities may be used wherever postal facilities are not available.

19.18.3 For receipt and issue of urgent communications a Fax machine has been installed in the office of the Commission. The number of the Fax machine is 23713412. This may be utilized for sending urgent messages to the Commission. This is open on all days for all the 24 hours. You can also send the fax messages to the Secretary to the Commission concerned with your State or communicate with him through his e-mail which is available on the website of the Commission i.e. www.eci.gov.in.

19.19 TWO UNUSED BALLOT PAPERS FOR RECORD OF THE COMMISSION

19.19.1 Two un-issued ballot papers each in the case of General Election to the House of the People and the state Legislative Assembly should be sent to the Commission for its record. The Chief Electoral Officer should direct the Returning Officers in his State/Union Territory to send two such un-

issued ballot papers in respect of each constituency to him with the words "Cancelled for record in the Election Commission" written on the reverse of each ballot paper under the signature of the Returning Officer as soon as possible, after election is over. The Chief Electoral Officer should then send the same to the Commission without delay.

19.19.2 The ballot papers in respect of bye-elections should also be sent to the Commission. The words "Cancelled for record in the Election Commission" should be written on the reverse of each ballot paper.

ANNEXURES

ANNEXURE -I
(CHAPTER - I, PARA 1.2.2)
NUMBER OF SEATS IN LOK SABHA

Serial number and name of State/ Union Territory		TOTAL	SC	ST
STATES				
1	Andhra Pradesh	42	7	3
2	Arunachal Pradesh	2	-	-
3	Assam	14	1	2
4	Bihar	40	6	-
5	Chhattisgarh	11	1	4
6	Goa	2	-	-
7	Gujarat	26	2	4
8	Haryana	10	2	-
9	Himachal Pradesh	4	1	-
10	Jammu & Kashmir	6	-	-
11	Jharkhand	14	1	5
12	Karnataka	28	5	2
13	Kerala	20	2	-
14	Madhya Pradesh	29	4	6
15	Maharashtra	48	5	4
16	Manipur	2	-	1
17	Meghalaya	2	-	2
18	Mizoram	1	-	1
19	Nagaland	1	-	-
20	Orissa	21	3	5
21	Punjab	13	4	-
22	Rajasthan	25	4	3
23	Sikkim	1	-	-
24	Tamilnadu	39	7	-
25	Tripura	2	-	1
26	Uttarakhand	5	1	-
27	Uttar Pradesh	80	17	-

28	West Bengal	42	10	2
	TOTAL	530	83	45
	Union Territories			
29	Andaman & Nicobar Islands	1	-	-
30	Chandigarh	1	-	-
31	Dadra & Nagar Haveli	1	-	1
32	Daman & Diu	1	-	-
33	NCT of Delhi	7	1	-
34	Lakshadweep	1	-	1
35	Pudducherry	1	-	-
	TOTAL	13	1	2
	GRAND TOTAL	543	84	47

ANNEXURE 2**(CHAPTER -I, PARA 1.2.2)****NUMBER OF SEATS IN STATE LEGISLATIVE ASSEMBLIES**

Serial number and name of State/ Union Territory	TOTAL	SC	ST	
STATES				
1	Andhra Pradesh	294	48	19
2	Arunachal Pradesh	60	-	59
3	Assam	126	8	16
4	Bihar	243	38	2
5	Chhattisgarh	90	10	29
6	Goa	40	1	-
7	Gujarat	182	13	27
8	Haryana	90	17	-
9	Himachal Pradesh	68	17	3
10	Jammu & Kashmir	87	7	-
11	Jharkhand	81	9	28
12	Karnataka	224	36	15
13	Kerala	140	14	2
14	Madhya Pradesh	230	35	47
15	Maharashtra	288	29	25
16	Manipur	60	1	19
17	Meghalaya	60	-	55
18	Mizoram	40	-	39
19	Nagaland	60	-	59
20	Orissa	147	24	33
21	Punjab	117	34	-
22	Rajasthan	200	34	25
23	Sikkim	32+	2	12++
24	Tamilnadu	234	44	2
25	Tripura	60	10	20
26	Uttarakhand	70	13	2
27	Uttar Pradesh	403	85	-
28	West Bengal	294	68	16

	TOTAL	4020	597	553
	Union Territories			
29	NCT of Delhi	70	12	-
30	Puducherry	30	5	-
	TOTAL	100	17	-
	GRAND TOTAL	4120	614	553

Notes : @ Excludes 24 seats for Pakistan occupied territory

+Includes 1 seat reserved for Sangha Constituency

++Reserved for Sikkimese of Bhutia Lepcha Origin

****Includes 12 seats reserved for Sikkimese of Bhutia-Lepcha origin.**

ANNEXURE 3

(CHAPTER -II, PARA 2.7.1)

LIST OF POLLING STATIONS

for..... (Assembly Constituency comprised within the)
..... Parliamentary Constituency.

SN of Polling Station	Locality	Building in which it will be located	Area of the Polling Station	Whether there is a separate entrance and exit if not reasons	Polling* Areas	Whether for all voters or men only or women only	Total Number of Voters assigned	Maximum distance that a voter will have to travel to reach the station	Remarks
1	2	3	4	5	6	7	8	9	10
				,					

1. Total number of voters
2. Total number of polling stations proposed
3. Average number of voters per polling station

Date.....

District Election Officer/Returning Officer

* Here give names of villages, wards, streets, localities, and house numbers and part NO. of the electoral roll assigned. In case part is split up into two polling stations, then the serial numbers (not the house numbers) of the voters assigned should also be mentioned.

* Will not apply in the case of Union Territories (1) Andaman and Nicobar Islands, (2) Chandigarh, (3) Dadra and Nagar Haveli, (4) Lakshadweep and (5) Daman and Diu.

ANNEXURE 4

(CHAPTER II, PARA 2.8.7)

SCRUTINY SHEET FOR LIST OF POLLING STATIONS

.....Assembly Constituency of
.....State /UT

1. Date of Poll
2. Total number of voters in the Constituency (a)
Men
(b) Women..... (c) Service
Voters
Total
3. Number of polling stations required on the basis of an average: of 1000 voters per polling station.
4. Total number of polling stations actually provided. :
5. Average number of voters per polling station:
6. Number of polling stations to each of which more than 1200 voters: have been assigned, indicating the highest number of voters assigned to a polling station.
7. The lowest number of voters assigned to a polling station. :
8. Whether the number of voters in respect of each component village: or other unit of the polling area has been shown in the list/map.
9. No. of polling stations for which the maximum distance that a voter: will have to travel is more than 2 kilometres.
10. Whether all the polling areas have been clearly demarcated:
11. Whether serial number of polling stations has been done in a systematic manner. :
12. (a) Whether there are any areas predominantly inhabited : by electors belonging to SC/ST and other weaker sections of the society
(b) If so, the number of polling stations set up separately for them and the total number of electors assigned to each of them
13. Whether any polling station has been proposed to be located in any: (a)
Private building
(b) Temporary structure, and if so, whether the exact site chosen : for the location of the polling

stations has been clearly indicated in the list

14. No. of polling stations which have less than 20 sq. m. area. :
15. Whether it has been certified that the private buildings do not : belong to any of the Candidates, his active workers or known sympathizers.
16. Details of Polling stations where more than 4 polling stations in : urban areas and more than 2 polling stations in rural areas have been located in the same building
17. Whether it has been certified that all the polling areas within the : constituency are covered by the proposed polling stations.
18. (a) Serial Nos. of separate polling stations provided for : women voters
(b) In case of (a) above, whether polling stations for men and women voters of a particular area have been located in the same building
19. Serial number of polling stations, which have not been situated in: the villages having the largest number of voters
20. Serial number of polling stations which have not been located in any of the villages attached to it :
21. Whether the list has been informally published and discussed with: the political parties, etc.
22. When the electoral roll of the Constituency was last intensively: revised; and whether there is any proposal of such revision again during the year
23. Any other remarks

District Election Officer

Note : Please specify the serial numbers in addition to total number of polling stations against items 6, 7, 12(b), 13, 14, 16, 18, 19 and 20.

ANNEXURE 5
(CHAPTER II, PARA
2.8.7)

CERTIFICATE TO BE FURNISHED ALONG WITH LIST OF POLLING STATIONS

- (i) That the draft, list was duly published, objections and suggestions were invited, and discussed with the party representatives and legislators on the lines indicated in the Commission's Directions;
- (ii) That all the polling areas within the constituency have been covered in the list;
- (iii) That no building, public or private, which is a temple, church, mosque, Gurudwara or has any religious significance or in respect of which any section of the public may have any legitimate objection or enter, has been proposed as a polling station;
- (iv) That no police station, hospital or dispensary is proposed as a polling station;
- (v) That separate polling stations have been set up in areas electors of which are predominantly SC/ST and other weaker sections of the society and that no such area has been either left out or linked with areas where electors predominantly belong to forward communities.
- (vi) Where the usual limit of 1500 voters per polling station or the limit of two kilometres beyond which a voter should not ordinarily be required to walk has not been maintained, no better arrangement is practicable;
- (vii) That no private building in the list of polling stations belongs to any political party or is known to belong to any prominent or active member of any of the political parties; and
- (viii) In cases where private buildings have been selected as polling stations, the written consent of the owner for the purpose has been obtained.

Place

Signature of the District Election Officer /

Date

Returning Officer

ANNEXURE - 6 (CHAPTER

II, PARA 2.9.1)

NOTICE OF PUBLICATIONS OF LIST OF POLLING STATIONS

In pursuance of the provisions of section 25 of the Representation of the People Act, 1951, I District Election Officer of District in the State /UT of / Returning Officer hereby provide for Parliamentary/Assembly Constituency with the previous approval of the Election Commission, the polling stations specified in the appended list for the polling areas or groups of voters noted against each.

District Election Officer/Returning Officer

Date-----

Constituency

List of polling stations for [Assembly Constituency comprised within the] -----Parliamentary constituency.

Serial No	Locality of Polling Station	Building in which it will be located	Polling Area	Whether for all voters or men only or women only
1	2	3	4	5

District Election Officer / Returning Officer

Date.....

Place.....

Note : Will not apply in the case of Union Territories of (1) Andaman and Nicobar Islands, (2) Chandigarh, (3) Dadra and Nagar Haveli, (4) Lakshadweep and (5) Daman and Diu.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001.

No. 464/Instructions/ EPS/ 2011

Date 5th March, 2011.

To,

The Chief Electoral Officers,

West Bengal, Assam, Kerala.

Sub :- SECURITY AND LAW & ORDER-SENSITIVITY

Ref :- Letter no. 464/Instructions/ EPS/ 2011 dated 3rd March, 2011 of ECI on the subject of
Vulnerability Mapping.

In continuation of the above referred letter no. 464/Instructions/ EPS/ 2011 dated 5th March, 2011 of ECI on the subject of Vulnerability Mapping, the following instructions on the subject of SECURITY AND LAW & ORDER-SENSITIVITY are being issued for timely compliance in the context of the ongoing Assembly Elections, 2011. 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.

The DEO is required to complete the entries of **Format on 'Security and Law & Order-Sensitivity'** provided as the Annexure of this letter latest by **19th March, 2011**.

It may be noted that 'Lists of Names and Other Details' are required to be appended with the Format on 'Security and L&O-Sensitivity' with reference to the information mentioned in the rows containing * (asterisk)-mark in the Table 1 of this format. Some inputs for filling up this format would be required to be taken from the information collected and filled in the formats on Vulnerability Mapping as outlined in the above referred circular. The exercise for filling up this format must be started in all districts immediately, and all information except for that which would be obtained through the exercise of Vulnerability Mapping must be duly and carefully compiled in advance on or before **15th March, 2011** by reference to records where ever necessary. In any case, every DEO is required to complete all entries

in the Format on 'Security and L&O-Sensitivity' for his district latest by 19th March, 2011 and make it available along with all appendices, lists etc. to the CEO latest by the same date i.e. 19th March, 2011.

The CEO must compile all the district formats on 'Security and L&O-Sensitivity' of the state into a book and make this compilation available to the Commission latest by **20th March, 2011**.

Subsequently, information in this format must be made available to ECI after compiling from all districts, on re-freshed basis on **31st March, 2011, 10th April, 2011, 20th April, 2011, 30th April, 2011 and 10th May, 2011** for such ACs which are remaining to go for polls on these dates. However, the lists to be appended with the Formats on 'Security and L&O-Sensitivity' on these subsequent dates should only carry additions, deletions, modifications over the original lists appended with the Formats on 'Security and L&O-Sensitivity' originally on 19th March, 2011, besides the details of the latest actions taken and progresses made on various points.

Sufficient copies of these instructions and formats must be made available immediately to all DEOs and other concerned officials for timely compliance and completion of the assigned tasks.

Yours sincerely,

Ashish Srivastava,

Director

Format on 'SECURITY and L&O-SENSITIVITY'

Name of the District –

Date –

Table 1

Item No.	No. and Name of AC	AC No.- AC Name – (Pl write AC totals)	AC No.- AC Name – (Pl write AC totals)	Distt Name – (Pl write Distt. totals)
1	Total no. of PS in the AC			
2	No. of PS affected by Left Wing Extremism			
3	<i>*No. of PS affected by Highly pronounced rivalry between political parties</i>			
4	<i>*No. of PS which are Highly politically sensitive</i>			
5	No. of PS affected by Pronounced presence of criminals			
6	No. of PS affected by Communal tension			
7	No. of PS affected by Caste based tension			
8	No. of PS affected by any other reason causing vulnerability [Mention detail]			
9	No. of PS with >80% polling in PS area during last AC or PC election			
10	No. of PS with >75% votes bagged by 1 candidate in PS area during last AC or PC election			
11	<i>*No. of PS with history of Re-Poll or Poll-Violence during last AC or PC election</i>			
12	No. of PS with <60% EPIC coverage			

13	* Number of PS identified as Vulnerable			
14	14 * Number of Persons who have been identified as potential intimidators			
15	* Number of Localities/ Pockets/ Voter Segments identified as Vulnerable			

Note 1 – For the Rows in the above Table with * (asterisk), I.e. Row Nos. 3, 4 11, 13, 14 and 15, Lists of Names and relevant details are required to be necessarily appended.

Note 2 - The Table can be extended by increasing columns according to the number of ACs.

Table 2

Cases of Election or Poll Related violence in the District

	No. of Cases	Total Killed	Total Injured	Damage to Property (Rs)
	No. of Cases	Total Killed	Total Injured	Damage to Property (Rs)
Last Assembly Election	Total no. of PS in the AC			
Last Parliament Election	No. of PS affected by Left Wing Extremism			

Table 3

L & O Comparison for the District –

Item No.	item	Number during last general elections	Expected number w.r.t the present elections	Cumulative progress till date in the run up to the current elections
1	Number of persons related to preventive actions [bound down under CrPC, externment etc].			
2	2 Licensed arms deposited/ impounded/ surrendered			
3	3 Unlicensed arms/ weapons/ cartridges/ explosives seized			
4	Illegal arms manufacturing units raided/seizures made			
5	Illicit liquor seizure – (No. of Cases/ Rs)			
6	No. of Illicit liquor making units raided			
7	Total number of pending Non Bailable Warrants in the District			
8	Number of pending NBWs in the District which are > 6 month old			

Signatures of the SP - ...

Name of the SP - ...

Signatures of the DEO - ...

Name of the DEO - ...

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001.

No. 464/Instructions/ EPS/ 2011

Date 5th March, 2011.

To,

The Chief Electoral Officers,
West Bengal, Assam, Kerala.

Sub :- Vulnerability Mapping

Ref :- Letters nos. 464/INST/2008-EPS dated 24-10-2008 and 22-03-2009 of ECI.

In continuation of the instructions of the Commission conveyed vide letters nos. 464/INST/2008-EPS dated 24-10-2008 and 22-03-2009, as well as other instructions on the above mentioned and related subjects conveyed from time to time from ECI, the following instructions relating to Vulnerability Mapping are being issued for timely compliance in the context of the ongoing Assembly Elections, 2011.

‘Vulnerability’ – in the context of elections - may be defined as the susceptibility of any voter or section of voters, whether or not living in a geographically identifiable area, to being wrongfully prevented from or influenced upon in relation to the exercise of his right to vote in a free and fair manner, through intimidation or use of undue influence or force of any kind on him.

The exercise of **Vulnerability Mapping (VM)** in the context of the Assembly Elections is to be undertaken with the point of view of clearly identifying in advance, such voters or sections of voters who are likely to be ‘vulnerable’, the persons or other factors causing such vulnerability, and taking adequate corrective action well in advance on the basis of such identification.

The first step in the exercise of Vulnerability Mapping has to be undertaken with immediate effect by the Sector Officer or the Sector Magistrate (who have to be appointed as per ECI instructions and posted to commence their assigned task). The Sector Officer must necessarily visit every Locality/ Pocket in the area of every Polling Station in his Sector, hold widespread discussions with people there, collect intelligence, and list the vulnerable households and families, as well as the persons and factors

causing such vulnerability there. He should, further carefully fill the **Format 'VM-SO'[Annexure I]** for each such Locality/ Pocket, preferably while he is touring the locality itself. All help, including vehicular support if needed, should be extended to the Sector Officer for this purpose. The Sector Officer must retain a copy of the filled Formats VM-SO with himself and submit all filled in Formats VM-SO to the Returning Officer within **14th March, 2011**.

Each Returning Officer must collect all Formats VM-SO for his AC by 14th March, 2011, and prepare and make available to DEO, the **Format 'VM-RO' [Annexure II]** by **16th March, 2011** after retaining a copy of the same.

The DEO, on the same lines must collect the Formats VM-RO by 16th March 2011, and prepare and make available to the CEO, the **Format 'VM-DEO' [Annexure III]** latest by **18th March, 2011**.

The CEO must compile all the district formats VM-DEO of the state into a book and make this compilation available to the Commission latest by **20th March, 2011**.

Sufficient copies of these instructions and formats must be made available immediately to all concerned officials for timely compliance and completion of the assigned tasks.

Yours sincerely,

Ashish Srivastava,

Director

Format VM-SO

(The Sector Officer/ Sector Magistrate has to fill a different Format VM-SO for each Polling Station in his Sector, and as many Formats VM-SO as is the number of Polling Stations in his Sector.

Each Format VM-SO must contain the details for all Vulnerable Localities/ Pockets/ Voter Segments in one Polling Station area of the Sector.

It must be ensured and certified that no locality/ pocket/ voter segment which is vulnerable has escaped or been missed from inclusion in this format for any polling station area).

Number and Name of the AC -

Number and Name of the Polling Station -

I. Name of the Locality -

Date of Information-

A. List of Vulnerable Houses/ Families

S. No.	House No./amily Name/other identifying details of the Household/Family which has Vulnerable Voters in the Locality	Number of Voters identified as Vulnerable in the house/ family identified in col-2	Contact No.of the House hold,if any	Action Taken/Proposed	Remarks
1	2	3	4	5	6
Total					

B. List of Persons to be Tracked/ Prevented from Intimidating/ Wrongly Influencing Voters:

S.No.	Name of the Person	ContactNo./Address of the person	Action Taken/Proposed	Remarks
1	2	3	4	5
Total				

[CONTINUED]

II. **Name of the Locality - ..**

Date of Information-..

A. List of ..

B. List of ..

III. **Name of the Locality - ..**

Date of Information-..

A. List of ..

B. List of ..

IV. ...CERTIFICATION BY THE SECTOR OFFICER/ SECTOR MAGISTRATE

IT IS HEREBY CERTIFIED THAT NO LOCALITY/ POCKET/ VOTER SEGMENT WHICH IS 'VULNERABLE' FROM THE POINT OF VIEW OF THE ASSEMBLY ELECTIONS, 2011 IN THE AREA OF THE POLLING STATION NO. -----, POLLING STATION NAME ----- WHICH IS INCLUDED IN MY SECTOR, HAS ESCAPED OR BEEN MISSED FROM INCLUSION IN THIS FORMAT.

Signatures of Sector Officer/ Sector Magistrate

Name and Mobile No. of the Sector Officer/ Sector Magistrate

Format VM-RO

Name of the District -

Number and Name of the AC -

Date -

A. AC Summary on Vulnerability

B.

S.No.	No. & Name of Polling Station	No. of Families/ Households identified as Vulnerable in the PS area by the SO	Total number of Voters identified as Vulnerable (in the families/ households identified as vulnerable) in the PS area in col 3	No. of Persons Causing Vulnerability in the PS area	Action Taken
1	2	3	4	5	6
Total					

C. List of Persons causing Vulnerability in the AC

S.No.	Name of the Person Causing Vulnerability	PS nos. in which he is causing vulnerability	Action Taken/	Remarks if any
1	2	3	4	5
Total				

Signatures of the Returning Officer

Name of the Returning Officer

Format VM-DEO

Name of the District – Date –

Table A

Identification of Vulnerability and Action thereon -

S.No.	AC No. & Name	Total number of Polling Stations	Number of Polling Stations in whose area Vulnerable Persons/ Families/ Households have been identified	Number of Vulnerable Voters identified in these Polling Station areas	Action being taken to prevent these Vulnerable Voters from being intimidated or wrongfully influenced before and during the poll
1	2	3	4	5	6
Total					

Table B

Report on Persons causing Vulnerability -

S.No.	AC No.and Name	Number of Identified Persons	Details of Action Taken against persons mentioned in col.3 [Numbers]				No. of Persons out of those mentioned in col.3 against whom no action has been taken	Reasons for no action as mentioned in col.8
			Bound over	Externment	In custody	Any other action (with description)		
1	2	3	4	5	6	7	8	9
Total								

Signatures of the DEO - ...

Name of the DEO - ...

Election Commission's Letter No.464/INST/2007-PLN-I Dated: 12th October, 2007 addressed to 1. The Chief Secretaries of All States and Union Territories.. 2. The Chief Electoral Officers of All States and Union Territories.

Sub: Measures to ensure free and fair elections- Prevention of intimidation to the voters of vulnerable sections of electorate- Mapping of Vulnerability regarding.

I am directed to state that the Commission has been issuing instructions regarding various measures to be taken to ensure free and fair elections. An atmosphere in which each and every elector is able to access the polling station without being obstructed or being unduly influenced by anybody is an important prerequisite to a free and fair election. Undue influence at elections is an electoral offence under section 171C of the IPC. Any voluntary interference or attempt at interfering with the free exercise of any electoral right constitutes the crime of undue influence at an election. Section 123 (2) of the R.P Act 1951 defines, 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, as a corrupt practice.

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 Commission has decided to issue 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.

1. 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 catchments area of the polling stations. The local Thane 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.

2. 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.
3. The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency, polling station wise in a format (enclosed).
4. 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.
5. 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.
6. 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. The DEO 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 favor towards any particular party.
8. 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.

9. 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.
10. 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.
11. At the time of Dispatch of the polling parties at the Dispatch Centers the RO 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.
12. 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.
13. 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.
14. The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF 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 intimation.

15. 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.
16. The Returning Officer shall take the inputs on mass scale intimidation/threat/obstruction if any into consideration while submitting their report after the poll.
17. 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.
18. The Commission directs that 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.

This shall be brought to the notice of all concerned.

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

ANNEXURE 8

(CHAPTER III, PARA 3.9.3)

ORDER OF APPOINTMENT OF PRESIDING AND POLLING OFFICERS

(To be made in duplicate at General Election)

General/ Bye-election 20-- to the House of the people Legislative Assembly
of.....state/UT

In pursuance of sub-section (1) and sub-section (3) of section 26 of the Representation of the People Act, 1963 (43 of 1951), I hereby appoint the officers specified in column 2 and 3 of the Table below as Presiding Officer and Polling Officers respectively for the polling station specified in the corresponding entry in column 1 of the Table provided by me for*.....Assembly Constituency/forming part of Parliamentary Constituency.

I also authorize the Polling Officer specified in column 4 of the Table against that entry to perform the functions of the Presiding Officer during the unavoidable absence, if any, of the Presiding Officer.

TABLE

*Polling Station number and name with complete particulars of its location	Name of the Presiding Officer	Names of the Polling Officers	Polling Officer authorized to perform the functions of the presiding officer in the latter's absence
1	2	3	4

The poll will be taken ondate) during the hours -----to-----

The Presiding Officer should arrange to collect the polling materials from.....(full address of the place) and after the poll, these should be returned to collecting centre at (full address of the place).

*For the purpose of filling this column, see Para 3.32 --- of Chapter III * Omit if not applicable.

Place Signature Date
 District Election Officer / Returning Officer#
 Place District Assembly Constituency-----

Note : The order will be signed by the District Election Officer/Returning Officer, as the case may be

ANNEXURE 9

(CHAPTER IV, PARA-4.1.1)

List of polling materials for a polling station where Electronic Voting Machine is used.

1	Control Unit	1	
2	Balloting Unit(s)		1 or more (Depending upon the Nos. of Candidates)
3	The Printer for paper slip with drop box(if ordered)	1	
4	Register of voters (Form 17A)	1/Actual requirement	
5	Voter's Slip	Actual requirement	
6	Marked copy of Electoral Roll	1	
7	Working Copies of Electoral Rolls	3	
8	Copy of list of contesting candidates Form 7A	1	
9	Ballot Papers (for tendered votes)	20	
10	List of CSV, if any	1	
11	Photo copy of signature of Candidates/ agents	1	
12	Indelible Ink each	2 Phial of 10 C.C.	
13	Address Tag for Control Unit	5	
14	Address Tag for Balloting Unit	4	
15	Special Tag	3	
16	Green Paper Seals for EVM	4	
17	Strip Seal	3	
18	Rubber Stamp Arrow Cross Mark	1	
19	Stamp Pad (Purple)	1	
20	Metal seal for Presiding Officer	1	
21	Match Box	1	
22	Presiding Officer's Diary	1	
23	Distinguishing Mark Rubber Stamp	1	
24	Commission's order of identification of electors through alternate documents		
25	FORMS		
	i. List of Contesting Candidates	1	
	ii. List of Challenged Votes (Form-14)	2	
	iii. List of Blind and Infirm Voters (Form-14A)	2	
	iv. List of Tendered Votes (Form-17B)	2	
	v. Accounts of votes Recorded (Form-17C)	10	

- vi. Record of paper seals used 2
 - vii. Receipt Book for deposit of challenged votes fee 1 Book
1 book
 - viii. Letter to S.SH.O 4
 - ix. Declaration by the Presiding Officer before the Commencement of Poll and at the end of poll (Part I to IV) 2
 - x. Declaration by Elector about his age 2
 - xi. List of Electors who voted after giving declaration/ refused to give declaration 4
 - xii. Declaration by the companion of 10 blind and inform voter
 - xiii. Entry Passes for Polling Agents
 - xiv. Format for presiding officer's Additional 16 point report to be submitted to constituency observer/Returning Officer
 - xv. Visit Sheet
 - xvi. Receipts of return of election Records and Materials after Poll (Form M1) 2
- 26. ENVELOPES**
- i. For smaller envelopes (Statutory Covers) (SE-8)
 - ii. For marked copy of electoral rolls (SE-8)
 - iii. For other copies of electoral rolls (SE-8)
 - iv. For Tendered Ballot Paper and Tendered Voters List
 - v. For Declaration by the Presiding Officer before and after the poll 1
 - vi. For account of votes recorded (Form 17C) (SE-5) 1
 - vii. For list of challenged votes 1 (SE-5)
 - viii. For unused and spoiled paper seals (SE-5) 1
 - ix. For appointment letters of Polling Agents (SE-6) 1
 - x. For list of blind and infirm voters 1 (SE-5)
 - xi. For Presiding Officer's Diary's 1 report (SE-6)
 - xii. For Election Duty Certificate 1 (SE-5)
 - xiii. For Receipt Book and Cash 1 forfeited (SE-6)
 - xiv. For declaration of comparisons 1 (SE-5)
 - xv. For smaller envelopes 1 (others) (SE-7)
 - xvi. For Register of Voters 1 containing signatures of voters 1 (Form 17A) (SE-8)
 - xvii. For other relevant papers (SE-5) 1
 - xviii. For smaller envelopes (SE-8) 1
 - xix. Cover for Presiding Officer's brief 1 record under rule 40 (SE-6)
 - xx. Plain envelopes (SE-7)-2 (SE-8) 3 5
 - xxi. For unused ballot papers (SE-7) 1
 - xxii. For any other paper that the R.O. 1 has decided to keep in the sealed cover 1
 - xxiii. Cover for unused and damaged 1 special tag (SE-7)
 - xxiv. Cover for

unused and damaged strip seal
(SE-7)

1 (Wherever the envelopes are smaller in size the packing paper may be used and where the relevant printed envelope is not available plain envelope can be used and purpose may be indicated with red ink)

27. SIGN BOARDS

- a) Presiding Officer
- b) Polling Officer
- c) Entry
- d) Exit
- e) Polling Agent
- f) Miscellaneous Notice specifying area etc.
as required by Rule 30(1)(a)

28. STATIONERY

- i. Ordinary pencil 1
- ii. Ball Pen 3 Blue+ 1 Red iii.
- Blank Paper 8 sheets
- iv. Pins 25 pieces v.
- Sealing Wax 6 sticks
- vi. Material for Voting Compartment 2+2 = 4
- vii. Gum paste 1 bottle viii.
- Blade 1
- ix. Candles sticks 4
- x. Thin Twine Thread 20 mtrs xi.
- Metal rule 1
- xii. Carbon Paper 3 xiii.
- Cloth or rag for removing oil etc. 3 xiv.
- Packing paper sheets 3
- xv. Cup/Empty tin/Plastic Box for 1
holding indelible ink bottle.
- xvi. Drawing pins 24 pieces xvii.
- Check lists 2
- xviii. Rubber Bands 20 xix.
- Cello tape 1

Lists of material to be returned by the Presiding Officer to the Sector Officer separately who is turn will deposit them in store at the office of the Chief Electoral Officer/District Election Officer –

1. Arrow Cross Mark Rubber Stamp
2. Metal Seal of Presiding Officer'
3. Stationery bag containing
4. Self inking pad
5. Material for voting compartment
6. Metal Rule
7. Plastic box for holding indelible ink
8. All other unused items

ANNEXURE 10

(CHAPTER V(Para5.4.1), Forms related to nomination under Conduct of Election Rules, 1961)

1[FORM 1

(See rule 3)

NOTICE OF ELECTION

Notice is hereby given that :_

(1) an election is to be held of a member to the House of the People /.....
.....Legislative Assembly/.....Legislative Council in the
..... constituency;

OR

(1) an election is to be held of a member(s) to the Council of State /.....
legislative Council/ by the elected members of the
.....Legislative Assembly.

(2) nomination papers may be delivered by a candidate or any of his proposer to the Returning
Officer or to Assistant Returning Officer, at
between 11 A.M. and 3 P.M. on any day (other than public holiday) not later than the
.....

(3) forms of nomination paper may be obtained at the place and times aforesaid;

(4) nomination paper will be taken up for scrutiny at on
..... at

(5) notice of withdrawal of candidature may be delivered either by a candidate or his proposer or his
election agent 2[who has been authorised in writing by the candidate to deliver it] to either of the
officers specified in paragraph (2) above at his office before 3 P.M. on the
.....

(6) in the event of the election being contested, the poll will be taken on between the hours
of and.....

PlaceReturning Officer.]
Date

1[FORM 3A

----- (See rule 7)

NOTICE OF NOMINATIONS

Election to the *House of the People/Legislative Assembly from the constituency.

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. today: _

Serial No. of nomination paper	Name of candidate	Name of father /mother /husband	Age of candidate	Address
1	2	3	4	5

Party affiliation	Particulars of castes, or tribes for candidates belonging to scheduled castes or scheduled tribes	Electoral roll number of candidate	Names of proposers	Electoral roll number of proposers
6	7	8	9	10

Place..... Returning Officer
Date

*Strike off the inappropriate alternative]

. Subs. by Notifn. No. S.O. 558(E) dated 9/8/96.

1[FORM 4

(See rule 8)

List of Validity Nominated Candidates

Election to the*

Serial	Name of candidate	Name of **father/mother/husband]	Address candidate	@Party affiliation
1	2	3	4	5

(i) Candidates of recognised National and State Political Parties

(ii) Candidates of registered political parties (other than recognised National and State Political Parties).

(iii) Other candidates.

Place.....

DateReturning Officer

*Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative.

@Applicable in the case of candidates mentioned under categories (i) and (ii) above.
N.B. Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.]

1. Subs. by Notifn. No. S.O. 558(E), dated 9/8/96.

FORM 5

[See Rule 9(1)]

Notice of withdrawal of Candidature

*Election to the**

The Returning Officer,

I,, a 1[candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Place

Date

Signature of 1[validly nominated candidate]

This notice was delivered to me at my office at
(hour) on (date) by
(name), the *

Date.....-----Returning Office

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by, a 1[validly nominated candidate] at the election to the* was delivered to me by the " at 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 theconstituency.
- (3) Council 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.

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 authorized in writing by the candidate to deliver it.

1. Subs. by Notifn. No. S.O. 565(E), dated the 4th August, 1984.

FORM 6

[See Rule 9(2)]

Notice of withdrawal of Candidatures

Election to the*

Notice is hereby given that the following 1[validly nominated "candidate]/candidates at the above election withdraw this candidature/their candidatures today.

Name of 1[validly nominated candidate]	Address of 1[validly nominated candidate]	Remarks
1.		
2.		
3.		
etc.		

Date Returning Officer,

*Appropriate particulars of the election to be inserted here.
 "Strike off the inappropriate alternative.

1[FROM 7A

[See rule 10(1)]

List of Contesting Candidates

Election to the House of the People/Legislative Assembly from the constituency

Serial	Serial Name of candidate	Address of candidate	*Party affiliation	Symbol allotted
--------	--------------------------	----------------------	--------------------	-----------------

1	2	3	4	5
---	---	---	---	---

- (i) Candidates of recognised National and State Political Parties.
- (ii) Candidates of registered political parties (other than recognised national and State Political Parties).
- (iii) Other candidates.

Place

Date Returning Officer,

*Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N.B. Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.]

1. Subs. by Notifn. No. S.O. 558(E), dated 9/8/96

I

**ANNEXURE 11-A
(CHAPTER V, PARA 5.7.1)
(STATUTORY RULES AND
ORDER)**

1*[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 name father's/mother's/husband's
name His postal address.....
.....

His names is entered at S. No. in Part No. of the electoral
roll for *(Assembly constituency comprised within)
..... Parliamentary constituency.

My name is and it is entered at S.N..... in Part No.
.....of the electoral rolls for.....

*Assembly constituency comprised within Parliamentary 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 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 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:-

1*Substituted by Notification No. SO 558(E), dt. 9.8.1996.

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES

Sl. No.	Electoral Roll No. of Proposer	Full Name	Signature	Date
	@Name of Assembly Constituency	Part No. of Electoral Roll	S.No. in that part	
1.	2.	3.	4.	5.
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 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 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 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 House of the People.

+ 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 House of the People from more than two Parliamentary Constituencies.

Date

Signature of the 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 Lakshadweep.*

+ *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 Island, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.*

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

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)

Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted

Date(s) of conviction(s)

Court(s) which convicted the candidate

Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]

Date(s) of release from prison

Was/were any appeal(s)/revision(s) filed against above conviction(s)

Yes/No

Date and particulars of
appeal(s)/application(s) for revision filed

Name of the court(s) before which the
appeal(s) /application (s) for revision filed

Whether the said appeal(s) / application (s)
for revision has/have been disposed of or
is/are pending

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 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 of..... a 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) at.....Place.

Date

Returning Officer

** Score out the word not applicable.*

ANNEXURE 11-B
(CHAPTER V, PARA 5.7.1)

1* 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

(To be used by candidate set up by recognized political party)

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 the Proposer

PART II

(To be used by candidate NOT set up by recognized 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. Noin Part Noof 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:-

1 Substituted by Notification No. SO 558(E), dt. 9.8.1996.*

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES

Sl. No.	Electoral Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	S.No. in that part			
1	2	3	4	5	6
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 recognized 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 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 the Candidate

**Score out this paragraph, if not applicable.*

***Score out the Words not applicable.*

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)

Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted

Date(s) of conviction(s)

Court(s) which convicted the candidate

Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]

Date(s) of release from prison

Was/were any appeal(s)/revision(s) filed against above conviction(s)

Yes/No

Date and particulars of appeal(s)/application(s) for revision filed

Name of the court(s) before which the appeal(s) /application (s) for revision

.....
.....

Filed

.....
.....

Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending

.....
.....

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 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 the.....
.....Assembly 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.)

**Score out the word not applicable.*

(CHAPTER V)

(NOTE- TO BE USED FOR GENERAL OR BYE ELECTION FOR SIKKIM LEGISLATIVE ASSEMBLY). *The Forms have been notified while Notification No. H-11019(31)/99-Leg. II dated 6th December, 1999 of Ministry of Law Govt. of India (Legislative Department)*

**FORM 2F (See Rule 4)
NOMINATION PAPER**

Election to the Legislative Assembly of Sikkim from a Constituency reserved for Sikkimese of Bhutia-Lepcha origin.

PART I*

(To be used by candidate set up by recognized political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from theAssembly Constituency.

Candidate's name.....

his postal address.....

His name is entered at serial number.....in part number.....
of the electoral roll for the.....Assembly Constituency.

My name is..... and it is entered at serial number.....in part number.....of
the electoral roll for the Assembly Constituency

Date:.....

(Signature of proposer)

PART II*

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the

.....Assembly Constituency.

Candidate's name Father's

/mother's/husband's name

His postal address

His name is entered at serial numberin part number.....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 nominations:-

Particulars of the proposers and their signatures

Electoral roll number of proposer					
Sl.No.	Part number of electoral	Serial number in that part	Full name	Signature	Date
1.	2.	3.	4.	5.	6.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B. There should be ten electors of constituency as proposers as required under the proviso to sub-section (1)

of section 33 of the Representation of the People act,1951.

* Strike out the part which is not applicable.

PART III

I, the candidate mentioned in Part I /Part II assent to this nomination and hereby declare-

- (a) that I have completedyears of age;
- (b) (i) * that I am set up at this election by theParty, which is recognized 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 theParty, which is a registered unrecognized political party*/that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are:-
 - (1)(2).....(3).....
- (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 Sikkimese of * Bhutia/Lepcha origin.

Date: (Signature of Candidate)

* Strike out which is not applicable.

N.B. : A ‘recognised political party’ means a political party recognized by the Election Commission under the Election symbols (Reservation & Allotment) order,1968 in the State of Sikkim.

PART IV

(To be filled by the Returning Officer)

Serial number of nomination paper

This nomination was delivered to me at my Office at(hour)

on(date) by the *candidate*/proposer

Date:..... Returning Officer

* Strike out which is not applicable .

PART V

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the

Representation of the People Act,1951 and decide as follows:-

Date :.....

Returning Officer

PART VI

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial number of nomination paper

The nomination paper ofa candidate for election from theAssembly 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) at(place).

Date:

Returning Officer

* Strike out which is not applicable

“ FORM 2G” (See Rule 4) NOMINATION PAPER

**Election to the Legislative Assembly of Sikkim from a General Constituency or a Constituency
Reserved for Scheduled Caste**

PART I*

(To be used by candidate set up by Recognized Political Party)

I Nominate as a candidate for election to the Legislative Assembly of Sikkim from the
.....Assembly Constituency.

Candidate’s name His

postal address

His name is entered at serial numberin part numberof the electoral roll
for theAssembly Constituency.

My name isand it is entered at serial numberin part number
.....of the electoral roll for the Assembly Constituency.

Date:

(Signature of proposer)

PART II*

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the

.....Assembly Constituency.

Candidate's name Father's
/mother's/husband's name

His postal address

His name is entered at serial numberin part numberof 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.

Electoral roll number of proposer					
Sr.No.	Part number of electoral roll of the	Serial number in the Part	Full Name	Signature	Date
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					
10.					

N.B.:There should be ten electors of constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People Act,1951.

* Strike out the part which is not applicable.

PART III

I, the candidate mentioned in Part I* /Part II* assent to this nomination and hereby

declare- (a) that I have completedyears of age;

(b) (i) * that I am set up at this election by theparty, which is recognized 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 theParty , which is a registered-unrecognised political party* /that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are;

(1).....(2).....(3).....

(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 theCaste which is a Scheduled Caste of the State of Sikkim.

Date : (Signature of Candidate)

* Strike out which is not applicable .

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 of Sikkim.

PART IV

(To be filled by the Returning Officer)

Serial number of nomination paper

This nomination was delivered to me at my Office at(hour) on(date) by the *candidate /*proposer

Date: Returning Officer

*.Strike out which is not applicable

PART V

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act,1951 and decide as follows:-

Date: Returning Officer

PART VI

Receipt for nomination paper and notice of scrutiny

(To be handed over the person presenting the nomination paper)

Serial number of nomination paper

The nomination paper ofa candidate for election from the Assembly 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) at(place).

Date: Returning Officer

* Strike out which is not applicable

**“ FORM 2H’ (See Rule
4) NOMINATION
PAPER
Election to the Legislative Assembly of Sikkim from Sangha
Constituency**

PART I*
(To be used by candidate set up by recognized political
party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the Sangha Constituency.

Candidate’s name His postal
address

His name is entered at serial numberin part number
of the electoral roll for theAssembly Constituency.

My name isand it is entered at serial number in part number
.....of the electoral roll for the Sangha Constituency.

Date:

(Signature of proposer)

PART II*

We hereby nominate as candidate for election to the Legislative Assembly from the Sangha Constituency.

Candidate's name
 Father's /mother's/husband's name His
 postal address
 His name is entered at serial numberin part number
 of the electoral roll for Sangha 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

Electoral roll number of					
Sl.No.	Part number of electoral roll of the Constituency	Serial number in that	Full name	Signature	Date
1.	2.	3.	4.	5.	6.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B. There should be ten electors of Constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People Act, 1951.

*.Strike out the part which is not applicable.

PART III

I, the candidate mentioned in Part I * /Part II* assent to this nomination and hereby

declare- (a) that I have completedyears of age;

(b) (I)* that I am set up at this election by theParty, which is recognized 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 theParty, which is a registered-unrecognized political party * /that I am contesting this election as an independent candidate * and that the symbols I have chosen, in order of preference , are;

(1).....(2)(3).....

(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 Sangha.

Date:.....

(Signature of Candidate)

N.B. A recognized political party 'means a political party recognized by the Election

Commission under the Election Symbols (Reservation & Allotment) Order, 1968 in the State of Sikkim.

* Strike out which is not applicable.

PART IV
(To be filled by the Returning Officer
)

Serial number of nomination paper

This nomination was delivered to me at my Office at
(hour) on(date) by the * candidate/*proposer

Date Returning Officer

* Strike out which is not applicable

PART V

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:-

Date : Returning Officer

PART VI

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the nomination paper)

Serial number of nomination paper

The nomination paper ofa candidate for election from the Sangha 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) at(place).

Date: Returning Officer

* Strike out which is not applicable

**ANNEXURE 11-C
(CHAPTER V, PARA 5.7.2)**

**ELECTION COMMISSION OF INDIA
NirvachanSadan, Ashoka Road, New Delhi-
110001**

No. 3/4/2012/SDR

Dated:-24th August, 2012

To,

Chief Electoral officers
of all State and Union Territories

**Sub:- Affidavit to be filed by the candidates with their nomination paper-
modification of format - regarding.**

Sir/Madam

The candidates at elections to the Parliament and the State Legislatures hitherto were required to file two affidavits: one, in Form -26 appended to Conduct of Elections Rules 1961 and the other, in the Form prescribed by the Commission, vide its Order No. 3/ER/2003 dated 27.03.2003, as subsequently modified by the letter of even number dated 25.02.2011. In the affidavits, the candidates are required to declare information about their criminal background, if any, assets, liabilities and educational qualifications.

2. On a proposal moved by the Commission for amalgamating the two affidavits into one format, the Govt. has amended Form 26 so as to include in it all the information that was sought in the two separate affidavits. The Ministry of Law and Justice have notified the revised format of Form 26 in the Gazette of India on 01.08.2012. A copy of the said notification dated 1st August, 2012 is enclosed herewith.

3. In view of the amendment to Form-26, all candidates shall, hereafter, file only one affidavit in the revised Form 26 notified on 01.08.2012(at elections to the Parliament and State Legislatures). The requirements to be followed while filing the affidavit have been mentioned in the notes given at the end of the format. Further, as already directed in the Commission's letter No. 3/ER/2011/SDR, dated 1st September, 2011, the affidavit should be on stamp paper of such denomination as prescribed under the State Act on the subject.

4. The Commission has directed that the revised format of the affidavit should be brought to the notice of the Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha and Legislative Councils (in the States having Legislative Council) with instructions to ensure that this is brought to the notice of all concerned. You may kindly ensure that all the Returning Officers, including Returning Officers for elections to Council of States and Legislative Councils, receive a copy of this letter along with thenotification of amended Form-26 and acknowledgement of receipt be obtained from every Returning Officer in the State. A consolidated certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter,

5. You are also requested to furnish a copy of this letter along with copy of the enclosed notification to every political party (including registered unrecognized parties) having headquarters in your State/UT, including the State Units of recognized National and State political parties.

Yours faithfully,
(Ashish Chakraborty)
Secretary

**ANNEXURE - 12
(CHAPTER V, PARA 5.7.2)**

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)
NOTIFICATION
New Delhi, the 1st August,
2012**

S.O. 1732(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. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2012. (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961, for Form 26 and the entries relating thereto, the following Form and entries shall be substituted, namely:-

**"FORM 26
(See rule 4A)**

Please affix your recent passport size photograph here

Affidavit to be filed by the candidate along with nomination paper before the returning officer for election to..... (name of the House) fromconstituency (Name of the constituency)

PART-A

I..... **son/daughter/wife of Agedyears, resident of..... (mention full

postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:

(1) I am a candidate set up by(**name of the political' party)/**am contesting as an Independent candidate. (**strike out whichever is not applicable)

(2) My name is enrolled in (Name of the constituency and the State), at Serial Noin Part No.....

(3) My contact telephone number(s) is/areand my e-mail id (if any) is

(4) Details of Permanent Account- Number (PAN) and status of filing of Income Tax return·

SL No.	Names	PAN	The financial year for which the last Income- Tax return has	Total income shown in Income- Tax return (in Rs.)
1	Self			
2	Spouse			
3	Dependent-1			
4	Dependent-2			
5	Dependent-3			

(5) 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) The following case (s) is/are pending against me in which charges have been framed by the court for an offence punishable with imprisonment for two years or more:-

A	Cash/First Information Report No./Nos. together with complete details of concerned Police Station/	
B	Section(s) of the concerned Act(s) and short description of the offence(s) for which charged	
C	Name of the Court, Case No. and date of order taking cognizance:	
D	Court(s) which framed the charge(s)	
E	Date(s) on which the charge(S) was/were framed	
F	Whether all or any of the proceeding(s) have been stayed by any Court(s) of competent jurisdiction	

(ii)The following case(s) is/are pending against me in which cognizance has been taken by the court

(The details of all pending cases in which cognizance have been taken by the Court, irrespective of the quantum of punishment or framing of charges should be mentioned)

A	Name of the Court, Case No. and date of order taking ./	
B	The details of cases where the court has taken cognizance, section(s) of the Act(s) and description	
C	Details of Appeal(s)/Application(s) for revision (if any) filed against the above order(s)	

(6) 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 cover 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: In the following cases, I have been convicted and sentenced to imprisonment by a court of law:

A	The details of cases, Section(s) of the concerned Act(s) and description of the offence(s) for	
B	Name of the Court(s), Case No. and date(s) of order(s):	
C	Punishment imposed	
D	Whether any appeal was/has been filed against the conviction order. If so, details and the present status of the appeal:	

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note: 1: Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given

Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. Dependent here has the same meaning as assigned in Explanation (v) under section 75A of the Representation of the People Act. 1951. .

Note: 5. Details including amount is to be given separately in respect of each investment

Sl No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
I	Cash in hand					
II	Details of deposit in , Bank accounts(FDRs. Term Deposits and all other types of deposits including saving accounts).					
	Institutions. Non-Banking financial Companies and Cooperative societies and the amount in each such					
III	Details of investment in Bonds debentures / shares and units in companies/mutual funds and others and the amount					
IV	Details of investment in NSS. Postal Saving. Insurance policies and investment in any Financial instruments in Post office or Insurance					
V	Personal loans/ advance given to any person or entity including firm. company. Trust etc and other receivables from debtors and the					
VI	Motor Vehicles/ Aircrafts/Yachts/ Ships (Details of Make. registration number etc. year of purchase and					

VII	Jewellery, bullion and valuable thing(s) (give 1 details of					
VIII	Any other assets such as value of claims/interest					
IX	Gross Total Value					

B. Details of Immovable Assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

Sl No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land Location(s) Survey number(s)					
	Area (total measurement in acres)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the\time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					

(ii)	Non-Agricultural Land: Location(s) Survey					
	Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the time of					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	Commercial buildings (including apartments) -Location(s)					
	Area (total measurement in sq.ft.)					
	Built-up Area (total measurement in sq. .ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of property (in case of purchase) at the time of					
	Any investment on the property by way of					
	Approximate current market value					
Iv	Residential Buildings (including apartments) :- Location(s)- Survey number(s)					

	Built up area (Total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of property (in case of purchase) at the time of					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
V	Others (such as interest in property)					
vi	Total of current market value of (i) to (v) above					

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

Sl No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
i	Loan or dues to Bank/financial institution(s) Name of the Bank or financial institution, Amount outstanding, Nature					
	Loan or dues to any Other individuals/entity other than mentioned above Name(s) Amount outstanding, nature					
	Any other liability					
	Grand total of Liabilities					

ii	Government dues: Dues to departments dealing with government accommodation					
	Dues to department dealing with supply of water					
	Dues to department dealing with supply of electricity					
	Dues to department dealing with supply of telephones/mobiles					
	Dues to department dealing with government transport (including aircrafts and helicopters)					
	Income tax dues					
	Wealth tax dues					
	Service tax dues					
	Municipal/Property Tax Dues					
	Sales Tax dues					
	Any other dues					
iii	Grand total of all Government dues					
iv	Whether any other liabilities are in dispute, if so, mention the amount involved, and the authority before which it is pending.					

(9) Details of profession or occupation:

(a) Self (b) Spouse

.....

(10) My educational qualification is as under:-

.....

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:

Sl. No.	Name of the Candidates			Sh./ Smt./Kum.			
1	Full postal address						
2	. Number and name of the constituency and State						
3	Name of the political party which set up the candidate (otherwise write 'Independent')						
4	(i) Total number of pending cases where charges have been framed by the Court for offences punishable with imprisonment for two years or more						
	(ii) Total number of pending cases where the court(s) have taken cognizance [other than the cases mentioned in item (i) above 1 --						
5	Total Number of cases In which convicted and sentenced to imprisonment for one year or more						
6		PAN of		Year for which last income Tax return filed		Total income shown	
		(a) Candidate					
		(b) Spouse					
		(c) Dependents					
7	Details of Assets and Liabilities in Rupees.						
	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3	Dependent-4
A	Moveable Assets (Total value)						
B	Immovable Asset						
	1	Purchase Price of self-					

		immovable property						
	II	Development / construction cost of immovable property after purchase (if applicable)						
	II I	Approximate Current market price						
		(a) self-acquired assets (Total Value) (b) inherited assets (Total Value)						
9	Liabilities							
	i	Government dues (Total)						
	ii	Loans from Bank, Financial Institutions and others (Total)						
10	Liabilities that are under dispute							
	i	Government dues (Total)						
	ii	Loans from Bank, Financial Institutions and others (Total)						
11	Highest educational qualification: (Give details of highest School/ University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/ University and the year in which the course was completed.)							

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 and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at..... this theday of.....,

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a
Notary Public.

Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned,

Note: 4. The Affidavit should be either typed or written legibly and neatly."

[F No. H-II019(6)/2012-Leg.
/I] Dr. SANJAY SINGH, Addl,
Secy.

Note: The principal rules were published *vide* notification number S.O.859, dated the 15th April, 1961 and last amended *vide* notifications-

(1) number S.O.728(E), dated the 8th May, 2007.

(2) number S.O. 425(E) dated 23rd February, 2011.

ANNEXURE 13
(CHAPTER V, PARA-5.20.2)

Memo No.

Dated..... From: Returning

Officer for

To (Name of the
candidate)

Sub: Election to from constituency — filing of the required affidavit.

You have filed your nomination paper for the above election today, but you have not filed, along with your nomination paper, the affidavit prescribed by the Election Commission vide its Order No.3/ER/2003/JS-II, dated 27th March, 2003 and/or the affidavit in Form 26 prescribed by Ministry of Law & Justice, Govt.of India vide notification No.SO.1732(E) dated 01.08.2012. A copy each of the said Form 26, Order and the format of the requisite affidavit is enclosed for your ready reference. You are required hereby to furnish the requisite information in the prescribed affidavit, duly sworn before a Magistrate of the First Class or a Notary Public or an Oath Commissioner appointed by the High Court.

It should be noted that the requisite affidavit must be furnished by you immediately and positively before 3.00 p.m. on the last date of filing of nominations i.e.....

You may also note the consequences of not filing the requisite affidavit prescribed by vide the above referred Order dated 27-3-2003 as explained in Para 16(3) of the said Order of the Commission.

(Returning Officer)

ANNEXURE 14

(CHAPTER V, PARA-5.21.1)

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/Shrimatiat
..... (Place) at(hour) this the..... day of200
..... before me.

Signature of authorized person Name
Designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized 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).

Signature of authorized person
Name Designation and Seal

Date.....

**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 the Legislative 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/Shrimatiat
..... (Place)at(hour) this the..... day of 200
..... before me.

Signature of authorized person
Name Designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized 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 authorized 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
the..... day of 200 before me.

Signature of authorized person Name
Designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized 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).

Signature of authorized 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
Puducherry)*

I having been nominated as a candidate to fill a seat in the Legislative Assembly of Puducherry 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 the day of
..... 200 before me.

Signature of authorized person
Name, Designation and Seal

Dated

(CERTIFICATE FOR RECEIPT OF OATH)

*(To be handed over to the candidate by the authorized
person)*

Certified that (name) a candidate for election to the Legislative Assembly of Pond cherry 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 authorized 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.

ANNEXURE 15
(CHAPTER V, PARA - 5.21.2)
ELECTION COMMISSION OF INDIA
NEW DELHI

Dated the 18th March 1968

NOTIFICATION

No 3/6/68 /(1) – In pursuance of clause (a) Article 84 and clause (a) of article 173 of the Constitution of India and in supersession of its notification No.3/3/66, dated the 25th April 1967, the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) All stipendiary presidency Magistrates of all first class, and all (iii) 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 or affirmation in 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 authorizes as the person before whom the candidate may make and subscribe the said 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 authorized 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 -
- (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 States by the elected members of the Legislative Assembly of a State the Returning Officer for that election.
 - (c) where a person has 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 State the Returning Officer for that election.
- (1-A) 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 expressions “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
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 authorizes (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 for the purpose in the First Schedule to said act.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said section 4 the Election commission hereby also authorizes 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 authorized by such diplomatic or consular representative.
- (e) Where the candidate is for any reason unable to appear or prevented from appearing before the Returning Officer concerned or any other 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 and Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly.
- (1-A) the expressions "district judge" and "judicial service" shall have the meanings 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 Territory Act 1963, (20 of 1963)

**By Order Secretary to the
Election Commission of the
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 (1of 1992) and in supersession of its notification No. 3/3/66(1), dated 2nd May, 1967 the Election Commission hereby authorizes (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 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 here by also authorizes 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 authorized 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 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

**Substituted by Election Commission's Notification No. 3/6/93- J.S.II, dt. 21-10-1993.*

ELECTION COMMISSION OF INDIA
NEW DELHI

Dated the 18th March, 1968

No. 3/4/J&K/68 - In pursuance of clause (a) section 51 of the Constitution of Jammu and Kashmir and in supersession of its notification No. 3/4/J&K/65, dated the 14th May, 1965, the Election Commission hereby authorizes-

- (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 person belonging to the judicial service of the State of Jammu and Kashmir 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 or in the Legislative Council of the State of Jammu and Kashmir, shall make and subscribe the oath or affirmation in the form set up for the purpose in the Fifth schedule to the said constitution.
2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (a) of the said section 51, 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 or 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 authorized 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 Officers 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-

- (a) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly Constituency or in the Legislative Council from a Council Constituency, the Returning Officer of that constituency,
 - (b) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly, the Returning Officer for that election,
- (1-A) the expression “district judge” and “judicial service” shall have the meanings respectively assigned to them in Section 112 of the Constitution of Jammu and Kashmir.
- (2) The expression “Assembly Constituency” and “Council Constituency” shall have the meanings respectively assigned to them in the Jammu and Kashmir Representative of the People Act, 1957.

By Order
Secretary to the
Election Commission of India

ANNEXURE 16
(CHAPTER V, PARA-5.25.1)

FORMAT IN WHICH THE RETURNING OFFICER MAY PUBLISH THE INFORMATION RELATING TO GOVERNMENT DUES

(To be published in two newspapers having local circulation)
General / Bye-election to from constituency

Public Notice

Information as furnished by the contesting candidates in their affidavits in respect of Government dues is hereby published for information of all electors:-

S. No.	Name of candidate	Party affiliation, if any	Government dues to departments dealing with					Other Government dues, if any
			Government accommodation	Supply of water	Supply of elements	Telephone	Government transport (including aircrafts and helicopters)	
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.								
2.								
3.								
4.								
5.								
etc.								

(Returning Officer forconstituency)

ANNEXURE 17
(CHAPTER VI, PARA-6.14.5)
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-
110001

D I R E C T I O N

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	8-Boath(ST) 10-Mudhole and 13-Jukkal(SC)	Telugu and Marathi Telugu and Urdu
	(b) *17-Nizamabd (Urban) * Added vide ECI Direction dated 28.1.2009	
	(c) 57-Musheerabad 58-Malakpet, 59-Amberpet, 60-Khairatabad, 61-Jubilee Hills, 62-Sanathnagar, 63-Nampally,	64 - Ka r w an ,

65-Goshamahala,

Telugu, English and
Urdu

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

- (b)44-Gulbarga
Dakshin
45-Gulbarga Uttar

- (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
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,

207-Bhosari,
208-Vadgaon
Sheri,

(d) All other assembly
constituencies
Kannada and Marathi

Kannada and Urdu

Kannada and English

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Kannada

12-Kerala	(a)1-Manjeswar 2-Kasaragod (b) 88-Devikulam(SC) (c) All other assembly constituencies	Malayalam and Kannada Malayalam and Tamil Malayalam
13-Madhya Pradesh	(a)150-Bhopal Uttar, 151-Narela, 152-Bhopal Dakshin-Paschim, (b) All other assembly constituencies	Hindi and Urdu 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,	

209-Shivajinagar,
210-Kothrud,
211-Khadakwasala,
212-Parvati,
213-Hadapsar,
214-Pune Cantonment(SC), and
215-Kasba Peth

(b)86-Nanded
North,
87-Nanded
South,
106-Phulambri,
107-Aurangabad Central,
108-Aurangabad
West(SC),
109-Aurangabad East,
114-Malegaon Central,
115-Malegaon Outer,
136-Bhiwandi West, and
137-Bhiwandi East

(c)174-Krula(SC),
175-Kalina,
181-Mahim,
184-Byculla, and
186-
Mumbadevi

(d)250-Akkalkot,
251-Solapur
South
271-Chandgad,
280-Shirol, and
288-Jat

Marathi and Urdu

Marathi, English and
Urdu

Marathi and Kannada

22-Sikkim	All assembly constituencies	English
23-Tamil Nadu	(a) 3-Tiruttani (b) 11-Dr. Radhakrishnan Nagar 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	Tamil and Telugu Tamil and English

	(c)54-Veppanahalli 55-Hosur 56-Thalli	Tamil, Telugu & Kannada
	(d)109-Gudalur(SC) 232-Padmanabhapuram 233-Vilavancode 234-Killiyoor	Tamil and Malayalam
	(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,

25-****

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,

Hindi and Urdu

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

*** Deleted vide ECI Direction dated
 28.1.2009

26-Uttarakhand

All assembly constituencies

Hindi

27-West Bengal

(a)22-Kalimpong

Bengali and

23-Darjeeling

24-Kurseong

25-Matigara

Naxalbari(SC)

26-Siliguri

27-Phansidewa(ST)

(b)29-

Islampur

30-Goalpokhar

31-Chakulia

(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-Beleghata

165-Jorasanko

166-Shyampukur

167-Maniktala

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Bengali and Hindi

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 (b) All other assembly constituencies	Hindi, Urdu and English
29-Puducherry	(a) 29-Mahe (b) 30-Yanam (c) All other assembly constituencies	Hindi and English Malayalam Telugu Tamil

ANNEXURE 18

(CHAPTER VI, PARA-6.14.5)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110
001.

D I R E C T I O N

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.

State / Union Territory	Parliamentary Constituency	Language/ Languages	
1 Andhra Pradesh	(a) 1 Adilabad (ST)	Telugu and Marathi	
	5 Zahirabad		
	(b) 4 Nizamabad	Telugu, English and Urdu	
			7 Malkajgiri
			8 Secunderabad
			9 Hyderabad
	(c) All other Parliamentary Constituencies	Telugu	
	2 Arunachal Pradesh	All Parliamentary Constituencies	English
	3 Assam	(a) 1 Karimganj (SC)	Bengali
(b) 3 Autonomous District(ST)		Assamese and	

State / Union Territory	Parliamentary Constituency	Language/ Languages
	(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
10 Jammu & Kashmir	(a) 5 Udhampur 6 Jammu	Urdu and Hindi Urdu
	(b) All other Parliamentary Constituencies	Urdu
11 Jharkhand	All Parliamentary Constituencies	Hindi
12 Karnataka	(a) 1 Chikkodi 2 Belgaum 7 Bidar 12 Uttara Kannada	Kannada Marathi
	(b) 23 Bangalore (Rural) 24 Bangalore North 25 Bangalore Central 26 Bangalore South 28 Kolar (SC)	Kannada English
	(c) All other Parliamentary Constituencies	Kannada
13 Kerala	(a) 1 Kasaragod	Malayalam and Kannada
	(b) 14 Idukki	Malayalam and Malayala
	(c) All other Parliamentary Constituencies	
14 Madhya Pradesh	(a) 19 Bhopal (b) All other Parliamentary	

State / Union Territory	Parliamentary Constituency	Language/
	Constituencies	
15 Maharashtra	(a) 10 Nagpur 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	Marathi and
	(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 2 Amritsar 4 Jullundur 6 Hoshiarpur 8 Patiala 9 Ludhiana 13 Ferozepur	Punjabi and Hindi
	(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

State / Union Territory	Parliamentary Constituency	Language/ Languages
	(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 (b) 5 Raiganj (c) 17 Barasat 21 Diamond 34 Medinipur (d) 23 Kolkata Dakshin 24 Kolkata Uttar (e) All other Parliamentary Constituencies	Bengali and Nepali Bengali and Hindi Bengali and English 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
33	NCT of Delhi	All Parliamentary Constituencies	Hindi and English

State / Union	Parliamentary Constituency	Language/ Languages
34 Lakshadweep	Entire Parliamentary Constituency	Malayalam
35 Puducherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam

Annexure 19

Chapter 5.34.2 to 5

(Part A)

Register for Maintenance of Day to Day Accounts of Election Expenditure by Contesting Candidates

Name of the Candidate:

Name of Political Party, if any:

Constituency from which

contested: Date of Declaration of

Result:

Name and address of Election Agent:

Total expenditure incurred /

authorized:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

1.	2.			3.	4.	5.	6.	7.	8.	9.
Date of expenditure/ event	Nature of expenditure			Total Amount in Rupees (paid + outstanding)	Name and address of payee	Bill No. / voucher No. and date	Amount incurred/ authorized by candidate or his election agent	Amount incurred/ authorized by political party and name of political party	Amount incurred/ authorized by other individual/ association/ body/any other (mention full Name and Address)	Remarks, if any
	Description	Qty.	Rate per unit							

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 result).

Signature of the candidate

Note :

1. This register must be maintained on a daily basis and shall be subject to inspection at any time by the Observer appointed by the Election Commission, the District Election Officer/Returning Officer or by any other officer authorized in this behalf.
2. The 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 (*Part I to IV and schedules 1 to 9*) of election expenses and supporting 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 Election Rules, 1961, like postage, travel by air. For any voucher not attached vide this rule, an explanation to the effect why it was not practicable to obtain the required vouchers must be given in the prescribed register.
4. The account and abstract statement shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be the correct copy of the account kept. The affidavit should be sworn by the candidate himself.
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 *with his consent* are also required to be included in the account. The only exception is the expenses incurred on travel of specified leaders of the political party on account of their travel for propagating the programme of the party. (See Explanation 1 and 2 of Section 77(1) of the Representation of the People Act, 1951).
6. If the expenditure on any item shown above in columns 2 and 3 above 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 columns 7 and 8.

7. The total expenditure referred in columns 2 and 3 of the above table should include all expenditure in cash and the value of all goods and services received in kind by the candidate or his election agent from any source.

8. This register should include Day to Day Account Register as is Part A in White Pages , Cash Register as mentioned in Part-B in Pink pages and Bank Register as mentioned in Part-C in Yellow pages, as per the formats prescribed.

(Part B)
Cash Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate: _____ Name of Political Party, if any : _____

Constituency from which contested: _____

Date of Declaration of Result: _____

Name and address of Election Agent: _____

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				Payment				Balance Amount	Remarks, if any
Date	Name and address of person/ party/ association/ body/any other from whom the amount received	Receipt No.	Amount	Bill No./ Voucher No. and Date	Name of payee and addresses	Nature of Expenditure	Amount	Places at which or person with whom the balance is kept (if cash is kept at more than one place/ persons, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-A should be clarified here.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

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 result).

Signature of the Candidate

(Part C)

Bank Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate:

Name of Political Party, if any :

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election

Agent: Name of the Bank:

Branch Address:

Account No. :

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Deposit				Payment				Balance	Remarks, if any
Date	Name and address of person/ party/ association / body/any other from whom the amount received/ deposited in Bank	Cash/ Cheque No., Bank name and Branch	Amount	Cheque No.	Name of Payee	Nature of Expenditure	Amount		Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-A should be clarified
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

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 result).

Signature of the Candidate

Guidelines for Maintenance of the Day-to-Day Accounts of Election Expenditure:

All cash, cheque, or draft or pay order received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.

1. For Cash received

- 1.1 For candidate's own cash to be used for election expenditure:- If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses. Then entry has to be made in Bank Register (Part C of day to day account register) by writing "Candidate's own Fund" in column 2, "Cash" in Column-3 and the amount in Column 4.
- 1.2 Cash received by candidate from any other person/party/association/body :- If cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side by writing date in Column-1, name and address of the person/party etc. from whom cash received in Column-2, receipt No. (if any) in Column-3 and amount of cash in Column-4. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. Once the amount is deposited in bank accounts, entries for the same have to be made in the cash register on payment side by writing date in Column-5, Account Number of bank A/c where cash deposited in Column-6, and "deposit" in Column-7 and amount in Column-8.
- 1.3 After the cash is deposited in Bank, the Bank Register (Part C) has to be updated, by writing date in Column-1, "Candidate's own cash" in Column-2, Cash in Column-3, amount in Column-4. This has to be done so that the bank balance can be drawn, to tally with the bank passbook.

2. For Cheques/Drafts/Pay-orders received

- 2.1 Cheques/Draft/Pay order received from any person/party/association etc. or from candidate's own bank account: If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said Fs opened for election expenditure. He shall make entry on the deposit side of bank register by mentioning date in Column-1, name and

address of the person/party from whom the cheque received in Column-2,
Cheque /Draft/Pay order No. and Bank name/branch in Column-3 and
amount of cheque/draft/pay

order in Column-4. If, it is cheque from his own bank account, then in Column-2 of Bank Register, "Candidate's own fund" is to be mentioned.

3. For Goods or Services received in kind

- 3.1 If some goods or services are received in kind like vehicles, posters, pamphlets, media advertisement, helicopters, aircrafts etc. from party or any person/body/association: If any person party /body/association provides some goods or services in kind, for election campaigning etc., of the candidate, then for these items, necessary entries are to be made in Part A of Day to Day accounts register by mentioning date in Column-1, description, quantity, rate per unit in Column-2, nature of expenditure and total value (Notional value of the items) in Column-3 of the said Register. Further, if the items in kind have been provided by the political party, then the total value and name of political party for that should be written in Column-7 and if such items have been given by any other person/association etc. then that amount and name, address of such persons/associations etc. shall be mentioned in Column-8 of this register.

4. For all Election Expenses

- 4.1 All election expenditure shall be entered in Register of Day to Day Accounts (Part-A). Whenever any expense is incurred, say, a taxi is requisitioned, then entry has to be made in Register of Day to Day accounts (Part A) as under: Date in Column-1, nature of expenditure like "taxi" No. _ _ _ _" under description total hours/days for which requisitioned and rate per hour/day in Column-2 and total amount in Column-3, name and address of the taxi provider in Column-4, bill/voucher No. in Column-5. If the amount is paid by the candidate, then the amount is mentioned in Column-6. If the amount is paid by political party directly to the taxi provider then name of party and amount is to be written in Column-7. If it is paid by any other person, amount and name and address of such person shall be written in Column-8.
- 4.2 For Payment for expenses made through cheques: All the payments for expenses (except petty expenses up to Rs.20,000/- to a single party during the entire election process) are to be made only through A/c payee cheques. For, making payment in cheques, the following entry has to be made in Bank Register (Part C)
:Cheque No. in Column-5, name of the payee to whom cheque issued in Column 6, nature of expenditure in Column-7 and amount in Column-8 is to be written.

4.3 For Payments of petty expenses made in cash: if any payment of petty expenses are to be made in cash (that too if total amount paid to a person during whole period of campaigning shall not exceed Rs. 20,000/-) then cash is to be withdrawn from the said bank account opened for election expense. For this, entries are to be made in Bank Register (Part C) mentioning cheque No. for withdrawal in Column-5, "self" column-6 nature of expenditure "withdrawal for petty expenses" in Column-7 and the amount in Column-8 of the Bank Register. After the withdrawal, this cash is to be introduced in cash Register (Part B) by making entry in the receipt side. For this, date is to be mentioned in Column-1, "self" in Column-2 withdrawal from Bank in Column-3 and amount in Column-4. If such petty cash is given to different branch offices or agents to incur petty expense, then the amount and names of persons/places are to be entered in Column-9. After payment is made for the petty expense, such expenses are also to be entered in Day to Day Accounts (Part A) as follows: date in Column-1, Nature of payment in Column-2, Total amount in Column-3, Name and Address of Payee in Column-4, Bill/voucher No. in Column-5 and "self" in Column-6.

ABSTRACT STATEMENT OF ELECTION EXPENSES

PART - I

I	Name of the Candidate	Sh./Smt./ Km.
II	Number and name of Constituency	
III	Name of State/Union Territory	
IV	Nature of Election (Please mention whether General Election to State Assembly / Lok Sabha / Bye- election)	
V	Date of declaration of result	
VI	Name and Address of the Election Agent	
VII	If candidate is set up by a political party, Please mention the name of the political party	
VIII	Whether the party is a recognised political party	Yes/No

Date:

Signature of the Candidate

Place:

Name

PART-II : ABSTRACT OF STATEMENT OF ELECTION EXPENDITURE OF CANDIDATE

S. No.	Particulars	Amt. Incurred / Auth. by Candidate / Election agent(in Rs.)	Amt. Incurred/ authorize d by Pol. Party (in Rs.)	Amt. Incurred / authorize d by others (in Rs.)	Total Election expenditure (3)+(4)+(5)
1	2	3	4	5	6
I	Expenses in public meeting, rally, procession etc.:- I. a : Expenses in public meeting, rally, procession etc. (ie: other than the ones with Star Campaigners of the Political party (Enclose as per Schedule-1)				
	I. b : Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) (ie: other than those for general party propaganda) (Enclose as per Schedule-2)				
II	Campaign materials other than those used in the public meeting, rally, procession etc. mentioned				

	in S.No. I above(Enclose as per Schedule-3)				
III	Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media (Enclose as per Schedule-4)				
IV	Expenditure on campaign vehicle(s), used by candidate(Enclose as per schedule-5)				
V	Expenses of campaign workers / agents (Enclose as per Schedule -6)				
VI	Any other campaign expenditure				
	Grand Total				

PART III : ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE

S No	Particulars	Amount (in Rs.)
1	2	3
I	Amount of own fund used for the election campaign (Enclose as per Schedule - 7)	
II	Lump sum amount received from the party (ies) in cash or cheque etc. (Enclose as per Schedule -8)	
III	Lump sum amount received from any person/ company/ firm/ associations / body of persons etc. as loan, gift or donation etc. (Enclose as per Schedule -9)	
	Total	

PART- IV

FORM OF AFFIDAVIT

Before the District Election Officer(District, State/Union Territory)

Affidavit of Shri/Smt/Ms(S/o, W/o, D/o)..... I
..... son/wife/daughter of aged 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 of from.....
.....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 incurred / authorised
by me / my election agent in connection with the above election 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 Returning Officer 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 77 (1) of the Representation of the People Act, 1951).

(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 by atthis day of 201before me.

(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath
Commission or Notary Public)

ACKNOWLEDGEMENT FORM

To

THE RETURNING OFFICER,

Sir,

I acknowledge receipt of your letter No.....dated..... along with its enclosures containing, among other documents, a Register bearing serial No..... for 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,

(Signature of Candidate with date)

* Strike off whichever is inapplicable.

.....

ACKNOWLEDGEMENT (To be filled up by Office)

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) and has been received by me today the (Date) of(Month).....(Year).

District_____

District Electoral Officer

Office Seal

Schedules- 1 to 9: Details of Elections Funds and Expenditure of Candidate

Schedule- 1					
Expenses in public meeting, rally, procession etc. (ie: other than those with Star Campaigners of the Political party)					
S. No	Nature of Expenditure	Total Amount in Rs.	Source of Expenditure		
			Amt. incurred / Auth. by Candidate / agent	Amt. incurred / by Pol. Party with name	Amt. incurred by others
1	2	3	4	5	6
1	Vehicles for transporting visitors				
2	Erecting Stage, Pandal & Furniture, Fixtures, poles etc.				
3	Arches & Barricades etc.				
4	Flowers/ garlands				
5	Hiring Loud speakers, Microphone, amplifiers, comparers etc.				
6	Posters, hand bills, pamphlets, Banners, Cut-outs, hoardings				
7	Beverages like tea, Water, cold drink, juice etc.				
8	Digital TV –boards display, Projector display, tickers boards, 3D display				
9	Expenses on celebrities, payment to musicians, other artists remuneration etc.				
10	Illumination items like serial lights, boards etc.				
11	Expenses on transport, Helicopter/ aircraft / vehicles/ boats etc. charges (for self, celebrity or any other campaigner other than Star Campaigner)				
12	Power consumption/ generator charges				
13	Rent for venue				
14	Guards & security charges				
15	Boarding & lodging expenses of self, celebrity, party functionary or any other campaigner including Star Campaigner				
16	Others expenses				
	Total				
Schedule- 2					
Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) as apportioned to candidate (ie: other than those for general party propaganda)					

S. No	Date and Venue	Name of the Star Campaigner(s) & Name of Party	Amount of Expenditure on public meeting rally, procession etc. with the Star Campaigner(s) apportioned to the candidate (As other than for general party propaganda) in Rs.	Remarks, if any
1	2	3	4	5
1				
2				
3				
4				
Total				

Schedule-3

Details of expenditure on campaign materials, like handbills, pamphlets, posters, hoardings, banners, cut-outs, gates & arches, video and audio cassettes, CDs/ DVDs, Loud speakers, amplifiers, digital TV/ board display , 3 D display etc. for candidate's election campaign (ie: other than those covered in Schedule- 1 & 2)

S. No.	Nature of Expenses	Total Amount in Rs.	Sources of Expenditure			Remarks, if any
			Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others	
1	2	3	4	5	6	7
1						
2						
3						
4						
Total						

Schedule- 4

Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media etc. for candidate

S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /sms / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rs. Col. (3) +(4)	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							

Total				
-------	--	--	--	--

Schedule -5

Details of expenditure on campaign vehicle (s) and poll expenditure on vehicle(s) for candidate's election campaign

S. No	Regn. No. of Vehicle & Type of Vehicle	Hiring Charges of vehicle			No. of Days for which used	Total amt. incurred/ auth. in Rs.	Source of Expenditure		
		Rate for Hiring of vehicle / maintenance	Fuel charges (If not covered under hiring)	Driver's charges (If not covered under hiring)			Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	4	5	6	7	8
1									
2									
3									
4									
Total									

Schedule- 6

Details of expenditure on Campaign workers / agents

S. No	Date and Venue	Expenses on Campaign workers			Total amt. incurred/ auth. In Rs.	Sources of Expenditure		
		Nature of Expenses	Qty.	No. Of workers / agents		Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	6	7	8	9
1		Campaign workers honorarium/ salary etc.						
2		Boarding						
3		Lodging						
4		Others						
Total								

Schedule- 7

Details of Amount of own fund used for the election campaign

S. No.	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rs.	Remarks
--------	------	------	---	---------------------	---------

1	2	3	4	5	6
1					
2					
3					
4					
Total					

Schedule- 8

Details of Lump sum amount received from the party (ies) in cash or cheque or DD or by Account Transfer

S. No.	Name of the Political Party	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rs.	Remarks, if any
1	2	3	4	5	6	7
1						
2						
3						
4						
Total						

Schedule- 9

Details of Lump sum amount received from any person/company/firm/associations/body of persons etc. as loan, gift or donation etc.

S. No.	Name and address	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Mention whether loan, gift or donation etc.	Total Amount in Rs.	Remarks
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Note :

1. In Schedule 5:-

(a) copy of the order containing list of all vehicles for which permit issued by the Returning Officer to be enclosed.

(b) If the vehicle is owned by the candidate/his relative/agent are used for election purpose, notional cost of hire of all such vehicles, except one vehicle if owned and used by the candidate, notional cost of fuel and drivers salary for such vehicle, shall be included in total amount of expenditure in the above table.

2. In all schedules if any expenditure on goods and services, provided by the Political Party; or provided by any person/ company/ firm /associations/ body of persons etc. on behalf of the candidate, then the notional market value of such goods or services are to be indicated, in respective columns.
3. In Part -III, the Lump-sum amount of fund received from the political party or others or the candidate's own funds, should be mentioned date wise. In all such cases such amounts are required to be first deposited in the bank account of the candidate, opened for election expenses.
4. Each page of the Abstract Statement should be signed by the candidate.

ANNEXURE -20
(CHAPTER V, PARA-5.36.2)

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001.

No.3/9/(ES008)/94-J.S. II

Dated: 2nd Sept., 1994

ORDER

Subject : Restrictions on the printing on pamphlets posters etc.

The printing and publication of election pamphlets, posters, etc., is governed by the provisions of Section 127A of the Representation of the 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 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 time 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, and 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 handbill, placard or poster merely announcing the date, time, place and other particular 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.*
- (5) The above restrictions on the printing of election pamphlets, posters, 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 an 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 unauthorized election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.
- (6) 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 127 A(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).
- (7) 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 takes 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 burden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation."
- (8) 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 powers under Article 324 of the Constitution and all other powers enabling it in this behalf, and in suppression 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 such other material printed by them:
 - (b) Asking the printing presses to send the copies of the printed material (along with 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 license of the printing press under the relevant laws of the State, would be taken.
- (9) The Chief Electoral Officers shall do likewise in respect of the printing presses located at the State capitals.
- (10) Before undertaking the printing of any election pamphlets or posters, etc., printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Appendix 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.
- (11) 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. Along with such printed material and the declaration, the printer shall also furnish the information regarding number of copies of document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Appendix-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.
- (12) 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.
- (13) 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.

- (14) The Chief Electoral Officers and District Magistrates shall initiate prompt action for investigation forth with 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.
- (15) 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.
- (16) 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

TO,

1. The Chief Secretaries of Government of all States and Union Territories.
2. The Chief Electoral Officers of All States and Union Territories.

APPENDIX - A

Proforma for declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See Section 127-A of the Representation of the People Act, 1951).

I,.....son/daughter/wife of (Name)
resident of(village/town).....
(District) (State), hereby declare that I as the publisher of
..... (give brief particulars of election poster, pamphlet, etc.)

Being printed by

(Name of the printing press)

Place

(Signature of Publishers) Date

.....

Full Address:

Attested by (person personally known to publisher)

Signature (name and
address) Signature (name
and address) Countersigned
by

Signature (Name and address of Printer)

.....

APPENDIX – B

**PROFORMA FOR SUBMISSION OF INFORMATION REGARDING
PRINTING OF ELECTION POSTERS, PAMPHLETS, ETC.**

1. Name and address of printer.....
.....
2. Name and Address of publisher.....
.....
3. Date of Printing order of the Publisher.....
.....
4. Date of 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

**ANNEXURE - 21 (CHAPTER
VII, PARA-7.6.1)**

(FOR USE AT GENERAL ELECTION)

ELECTION COMMISSION OF INDIA

*To be published in an Extraordinary Issue of the Gazette of India Part II, Section 3(ii),
immediately*

Dated the

NOTIFICATION

*No In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the
following is published for general information:*

FORM 7-A

LIST OF CONTESTING CANDIDATES

[SEE RULE 10(1)]

*Election to the House of the People from I-Madras North
Constituency*

Serial No.	Name of Candidate	Address of candidate	Party affiliation	symbol allotted
1	2	3	4	5
(i) Candidate of recognized National and State Political parties.				
(ii) Candidates of registered political parties (other than recognized National and State Political Parties).				
(iii) Other candidates.				
Place			Returning Officer***	
Date				

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

****Indicate name in capitals.**

*****Indicate designation in capitals.**

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

FORM 7-A
LIST OF CONTESTING CANDIDATES
[SEE RULE 10(1)]
Election to the House of the People from 2-Madras South
Constituency

Etc.

Etc.

Etc.

* Indicate name in capitals.

** Indicate designation in capital

FORM 7-A
LIST OF CONTESTING CANDIDATES
[SEE RULE 10(1)]
Election to the House of the People from 3-Sriperumbudur (SC) Constituency

()

Secretary
Election Commission of India

FORM 7-A
LIST OF CONTESTING CANDIDATES [SEE
RULE 10(1)]

Election to the House of the People from 39-Nagarcoil Constituencies

Etc.

Etc.

Etc.

()

Secretary
Election Commission of India

(FOR USE AT BYE - ELECTION)

ELECTION COMMISSION OF INDIA

To be published in an Extra ordinary Issue of Government Gazette,
part

.....Section.....on.....immediately

Dated.....

NOTIFICATION

No In pursuance of sub-rule(2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES [SEE RULE 10(1)]

ELECTION TO THE HOUSE OF THE PEOPLE FROM 1-MADRAS NORTH CONSTITUENCY

Serial No.	Name of Candidate	Address of Candidate	Party affiliation	Symbol Allotted
1	2	3	4	5

- (i) Candidate of recognised National and State Political parties.
(ii) Candidates of registered political parties (other than recognised National and State Political Parties). (iii) Other candidates

Place **

Date

Returning Officer***

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

** Indicate name in capitals.

*** Indicate designation in capitals.

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

(FOR USE AT BYE-ELECTION)
ELECTION COMMISSION OF INDIA

To be published in an Extraordinary Issue of the Gazette of India part
..... Section.....on.....immediately

New Delhi

Dated

NOTIFICATION

No In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES

[SEE RULE 10(1)]

**ELECTION TO THE HOUSE OF THE PEOPLE FROM 1-MADRAS NORTH
CONSTITUENCY**

Serial No.	Name of Candidate	Address of Candidate	*Party affiliation	Symbol Allotted
1	2	3	4	5

- (i) Candidate of recognised National and State Political parties.
(ii) Candidates of registered political parties (other than recognised National and State Political Parties). (iii) Other candidates

Place **

Date

Returning Officer***

()

Secretar

y
Election Commission of India

Indicate the number and name of the Parliamentary Constituency.

** Applicable in the case of candidates mentioned under categories (i) and (ii) above.*

*** Indicate name in capitals.*

****Indicate designation in capitals.*

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

ANNEXURE 22
(CHAPTER VII, PARA -7.9.1)

NOTICE TO CONTESTING CANDIDATES REGARDING PENAL PROVISIONS IN THE ELECTION LAW

Please take note that following are the provision relating to the corrupt practice and electoral offences in the Representation of the People Act, 1951, and the offences relating to elections in Chapter IX-A of the Indian Penal Code. The list enumerated below is not to be taken an exhaustive. You are advised to study also relevant provisions in the law. The proof of the commission of these corrupt practices and electoral offences may entail as per law the election being declared void and/or also award of punishment as laid down in the law.

(I) REPRESENTATION OF THE PEOPLE ACT, 1951

A. CORRUPT PRACTICES

Section 123- (i) Bribery, (ii) undue influence, (iii) appeal on the ground of religion, race, caste, community or language or the use of, or appeal to religious or national symbols, (iv) promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language (v) publication of false statement in relation to the personal character or conduct of a candidate or his candidature, (vi) the hiring or procuring of vehicles or use of such vehicle for the free conveyance of voters, (vii) the incurring or authorizing of election expenses in excess of the prescribed limit, and (viii) the obtaining or procuring of assistance from specified categories of Government Servants, and (ix) booth capturing.

B. ELECTORAL OFFENCES

1. Section 125 - Promoting enmity between different classes in connection with election.
2. Section 126 - Prohibition of public meetings during the prohibited period.
3. Section 127-Disturbance at election meetings.
4. Section 127-A Restrictions on the printing of pamphlets, posters, etc.
5. Section 128 - Maintenance of secrecy of votes.

6. Section 130 - Prohibition of canvassing in or near polling stations.
7. Section 131-Disorderly conduct in or near polling stations.
8. Section 132-Misconduct at polling station.
9. Section 133-Illegal hiring or procuring of conveyances at elections.
10. Section 134-B Prohibition of going armed to or near to polling station.
11. Section 135 - Removal of ballot papers from polling stations.
12. Section 135-A offence of booth capturing.
13. Section 135-C Liquor not to be sold, given or distributed on polling day.
14. Section 136-Fraudulent or unauthorized destruction of election papers, documents, ballot papers, ballot boxes etc.

(II) INDIAN PENAL CODE

15. Section 171-B-Bribery.
16. Section 171-C-Undue influence at elections.
17. Section 171-D-Personation at elections.
18. Section 171-G-False statement in connection with an election.
19. Section 171-H-Illegal payments in connection with an election.
20. Section 171-I-Failure to keep election accounts.

ANNEXURE - 23
(CHAPTER 5, PARA - 5.33)

**FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND
THEIR ELECTION AGENTS**

*General/Biennial/Bye-election.....(Month/Year)

No. & Name of *Assembly

Lok Sabha Constituency

.....
(*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 his/her	Name of Election Agent	Specimen signature
1. Shri/Smt./Ms. (Candidate No. 1)	Shri/Smt./Ms.
2. Shri/Smt./Ms. (Candidate No. 2)	Shri/Smt./Ms.
3. Shri/Smt./Ms. (Candidate No. 3)	Shri/Smt./Ms.
etc.			
etc.			

Place

SIGNATURE Date
(SEAL)

RETURNING OFFICER

ANNEXURE - 24

(CHAPTER VIII, PARA - 8.1.2)

PART I

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 Constitution ¹ [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;

¹ Substituted by Notification No. O.N. 56(E), dated 15.6.1989.

- (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;
- ¹[(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;
- ²[(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;]
- ³[(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;
- ⁴ [(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.
- ⁵[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.

¹ Inserted by Notification No. 56/97/Judl.III, dated 15.12.1997.

² Substituted by Notification No. O.N.56(E), dated 15.06.1989.

³ Substituted by Notification No. O.N.56/99/Judl.III, dated 08.06.1999.

⁴ Inserted by Notification No. 56/99/Judl.III, dated 08.06.1999.

⁵ Paragraph 3 omitted by Notification No. O.N.21(E), dated 23.3.1992 (w.e.f. 25.3.1992)

¹{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 unrecognised political parties.

(2) A recognised political party shall either be a National party or a State party.

²[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;] or

³{(v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the 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.]

¹ Substituted by Notification No. 56/2000/Judl.iii, dated 01.12.2000.

² Substituted by Notification No. 56/2005/Judl.iii, dated 14.05.2005.

³ Inserted by Notification No. 56/2011/PPS-II, dated 16.09.2011.

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 fulfillment by it of the conditions specified in the said paragraphs on the results of that general election.}

¹[7. **Savings and Interpretation** – ²{(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.

¹Substituted by Notification No. 56/2000/Judl.iii, dated 01.12.2000.

²Substituted by Notification No. 56/2005/Judl.iii, dated 14.05.2005.

- (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.

- ¹[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 –

- ²{(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.}]

- ²[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.]

¹ Substituted by Notification No. 56/97/Judl.iii, dated 15.12.1997.

² Substituted by Notification No. 56/99/Judl.iii, dated 8.6.99.

¹ [10A. **Concession to candidates set up by an unrecognised party which was earlier recognised as a National or State party** - If a political party, which is unrecognised 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, notwithstanding that such symbol is not specified in the list of free symbols 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].

² [10B - **Concession to candidates set up by registered (unrecognized) parties and to unrecognized parties which were earlier recognized parties more than 6 years back.**

The candidates set up by a registered unrecognized political party at the general election to the Legislative Assembly of a State or to the House of the People, may be allotted a common symbol, subject to fulfilment of the following conditions :-

- (A) At a general election to the Legislative Assembly-
- (B)

(i) The party sets up candidates at least in 10% (ten percent) of the assembly constituencies in the State, subject to a minimum of five constituencies in States having forty or less seats;

(ii) In the case of election on expiry of the normal term of the Legislative Assembly, the intimation with regard to its intention to contest election under sub-clause(i) is given by the party to the Commission at any time during the period commencing from the date six months prior to the date of expiry of the term of the Assembly and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

¹ inserted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

² Substituted by Notification No. 56/2013/PPS-ii, dated 10.7.2013.

(iii) In the case of dissolution of the Legislative Assembly before the expiration of its normal term, the intimation with regard to its intention under sub-clause (i) is given by the party to the Commission at any time from the date of dissolution of the Legislative Assembly and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iv) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission under paragraph 17 of this Order:

Provided that a party may, if it so desires, also propose three new symbols of their choice, with the names and clear design and drawings of symbol, in the order of preference, for allotment to its candidates, which the Commission may consider for allotment as its common symbol if there is, in its opinion, no objection in allotting such symbol:

Provided further that the symbols proposed by the parties shall have no resemblance to the existing reserved symbols or free symbols, nor shall have any religious or communal connotation or depict any bird or animal;

Provided also that no proposal for a new symbol shall be entertained by the Commission unless it is made at least three months before the date of expiry of term of the Assembly concerned, or within one month of the premature dissolution of the Assembly, as the case may be;

(v) The party also gives an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of a common symbol on the date of allotment of symbols to them; and,

in addition, the party shall be liable for such punitive action as the Commission may consider appropriate.

(vi) The list containing the serial numbers and names of the constituencies where the party is setting up candidates is submitted to the Commission latest by 5 clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(C) At a general election to the House of the People –

(i) The party sets up candidates at least in 10% (ten percent) of the parliamentary constituencies in the State, in which it seeks allotment of a common symbol to its candidates, subject to a minimum of two constituencies in States having less than twenty parliamentary constituencies allotted to the State (except the States having only one seat);

(ii) In the case of election on expiry of the normal term of the House of the People, the intimation with regard to its intention to contest election under sub-clause(i) is given by the party to the Commission at any time during the period commencing from the date six months prior to the date of expiry of the term of the House of the People and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iii) In the case of dissolution of the House of the People before the expiration of its normal term, the intimation with regard to its intention under sub-clause (i) is given by the party to the Commission at any time from the date of dissolution of the House of the People and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iv) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission under paragraph 17 of this Order;

Provided that a party may, if it so desires, also propose three new symbols of their choice, with the names and clear design and drawings of symbol, in the order of preference, for allotment to its candidates, which the Commission may consider for allotment as its common symbol if there is, in its opinion, no objection in allotting such symbol;

Provided further that the symbols proposed by the parties shall have no resemblance to the existing reserved symbols or free symbols, nor shall have any religious or communal connotation or depict any bird or animal:

Provided also that no proposal for a new symbol shall be entertained by the Commission unless it is made at least three months before the date of expiry of term of the House of the People, or within one month of the premature dissolution of the House, as the case may be;

(v) The party also gives an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of a common symbol on the date of allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as the Commission may consider appropriate;

(vi) The list containing the serial numbers and names of the constituencies where the party is setting up candidates is submitted to the Commission latest by 5 clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is scheduled to be issued.

Explanation -

For the removal of doubt, it is hereby clarified that -

(i) In cases where the period between the date of coming into force of this notification and the date of expiry of the term of a Legislative Assembly is less than six months, the provisions of this paragraph shall apply from the date this notification comes into force;

(ii) The concession of allotment of common symbol to the candidates of a registered unrecognized party under this paragraph shall be only a one-time facility either at a general election to the House of the People or to a State Legislative Assembly, as the party may choose, and a party that has availed of this concession once shall not be eligible for the concession in any subsequent general election:

Provided that those parties which have already availed of the concession under paragraph 10B, as it existed prior to this notification, shall also be eligible to a one-time concession of common symbol as per the amended provisions of this paragraph;

(iii) The free symbol allotted as a common symbol to the candidates of a party under this paragraph shall be available for allotment to candidates set up by the other parties or independent candidates in those other constituencies in which that party has not set up its candidates;

(iv) Allotment of common symbol under this paragraph shall be done on 'first-come-first-served' basis:

Provided that if applications of two or more parties giving preference for the same symbol are received in the Commission on the same date, then the question of allotment of the symbol to one of such parties shall be decided by draw of lots in such manner as may be directed by the Commission:

Provided further that if out of the two or more such parties giving preference for the same symbol whose applications are received on the same date, one party is such that it has Member(s) elected to the House of the People or the Legislative Assembly of the State concerned on the symbol for which preference has been given by the party, then the symbol shall be allotted to that party to the exclusion of the other parties;

(v) if it is not possible for the Commission for any reason to allot a common symbol to the candidates of a party from out of the list of symbols for which it has given its preference under this paragraph, some other symbol from the list of free symbols may be allotted to that party in consultation with that party;

(vi) notwithstanding anything contained in paragraph 10A, a political party which was earlier a recognized political party and which lost its recognition more than 6 years back will also be eligible under this paragraph to the one-time concession of allotment of the symbol which was earlier reserved for the party, at a general election to the House of the People or to the Legislative Assembly of a State, held after expiry of six years since the party lost its recognition, subject to the fulfilment of each of the conditions specified under clause(A) or (B), as the case may be, except the condition in sub-clause (iv) thereof.]

11. Restrictions on the choice and allotment of symbols allotted under paragraph 10¹ [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 10¹ [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 10¹[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.

²[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

³{ (c) a candidate referred to in paragraph-10 or paragraph-10A or paragraph-10B,}

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:

¹ inserted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

²Substituted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

³ substituted by Notification No. 56/2011/PPS-II, dated 16.09.2011

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.]

¹ [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;
- ² {(aa) the candidate is a member of that political party and his name is borne on the rolls of members of the party;}
- (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 authorised by the party to send such notice;
- (d) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the ³{State or Union Territory concerned}, not later than 3 p.m. on the last date for making nominations; and

¹ Substituted by Notification No. 56/99/Judl.iii, dated 20.05.1999.

² inserted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

³ Substituted by Notification No. 56/99/Judl.iii, dated 8.06.1999.

- (e) Forms A and B are signed, in ink only, by the said office bearer or person authorised by the party: Provided that no facsimile signature or signature by means of rubber stamp, etc., of any such office bearer or authorised person shall be accepted and no form transmitted by fax shall be accepted.]

¹[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 authorised 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 fulfillment of conditions specified in ²[paragraph 6A or paragraph 6B]. –**

The Commission may issue for the benefit of unrecognised political parties such instructions as it may think necessary for their expeditious recognition when they have ² [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.

¹ inserted by Notification No. 56/99/Judl.iii, dated 20.05.1999.

² Substituted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

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.

¹ [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;

¹ inserted by Election Commission's Notification O. N. 42[E], dated 18.02.1994.

¹ [(bb) xxxxxxxx]

² [(c) the un-recognised political parties and the addresses of their headquarters registered with the Commission;] and

³ [(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.

⁴ [19. * * *]

¹ Deleted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

² Substituted by Notification No. 56/2000/Judl.iii, dated 1.12.2000.

³ substituted by Notification No. 56/99/Judl.III, dated 8.06.1999

⁴ Paragraph 19 omitted by Notification No. 56/99/Judl.iii, dated 8.6.1999.

ANNEXURE - 25

(CHAPTER VIII, PARA -8.4.2(q))

PART II

FORM A

Communication with regard to Authorised 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 authorised 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.

PART III
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

¹ Inserted by Notification No. 56/97/Judl-III, dated 15.12.1997

- *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.
- ¹3. It is certified that each of the candidates whose name is mentioned above is a member of this political party duly borne on the rolls of members of this party.

(Name and Signature of the
Authorised person of the Party)

(Seal of the Party)

Place Date

** Score off, if not applicable.*

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.

¹ Inserted by Notification No. 56/2000/Judl III, dated 01.12.2000

ANNEXURE - 26

(CHAPTER VIII, PARA-8.4.2(x))

EXPLANATORY NOTE FOR ALLOTMENT OF SYMBOLS

1. The allotment of symbols has to be made immediately after the expiry of the time fixed for the withdrawal of candidatures. While drawing up a list of contesting candidates a different symbol has to be allotted to each contesting candidate as far as possible in conformity with his choice given in the nomination paper first filed by him. You should proceed to allot the symbols in the following order.

Firstly, you should pick up the candidates set up by National parties and allot to them the symbols reserved for them and no other symbol.

2. Secondly, you should pick up the candidates set up by State parties and allot them the symbols reserved for them. A party may be a State party in one State and not a State party in the State where it contests an election. If such a party sets up a candidate where it is not a State party, he should be allotted the symbol reserved for that party only if so specifically directed by the Commission in respect of your constituency on the fulfilment of the conditions laid down in paragraph 13 of the Symbols Order. In all other cases, the candidates of such party should be treated as candidates of registered un-recognised party.
3. Thirdly, you should take up the allotment of symbols to candidates set up by unrecognized political parties registered with the Commission. You should consult the latest list issued by the Commission. They should be allotted only free symbols according to the choice indicated in the nomination paper first filed.

You should adopt the following procedure for allotment of symbols to candidates set up by registered political parties and independent candidates. If there is only one candidate set up by an unrecognized but registered party, then you should allot the free symbol according to the choice expressed in the nomination paper first filed. If, however, two or more candidates belonging to registered parties ask for the same free symbol then you should draw lots. Then you should proceed to allot symbols to candidates set up by associations or bodies not registered with the Commission and independent candidates not having any party affiliation. If, of the several independent candidates one of them is or was immediately before the election, a sitting member of the House of the People or the legislative Assembly and was allotted a particular free symbol at the previous election when he was chosen as such member, you should allot that free symbol to him. Then you should allot the symbol to the remaining candidates. If more than one candidate has chosen the same symbol as his first choice you should draw lots.

Where election are held simultaneously in a parliamentary and in the Assembly Constituencies comprised in that Parliamentary Constituency and if a symbol is exclusively allotted under the Commission's direction to a candidate set up by a State party at an election in a Parliamentary

Constituency in a State in which that party is not a State party, that symbol shall not be allotted to any candidate at that election in any of the component Assembly constituencies unless such candidate is a candidate set up by that political party. Similarly, if a symbol has been exclusively allotted to a candidate set up by a State party at an election from one of the Assembly Constituencies comprised within a Parliamentary Constituency, that symbol shall not be allotted to any candidate at the election from the said Parliamentary Constituency, unless such a candidate is set up by that political party.

4. It must be noted and strictly observed that only those free symbols are allotted to candidates set up by registered unrecognized political parties and independent candidates which are included in the list of free symbols as notified by the Election Commission for your State. For this purpose, you must always consult the latest list notified by the Commission containing the names of recognised National and State parties and the symbols respectively reserved for them and also the list of free symbols for your State.

ANNEXURE - 27
(CHAPTER X1, PARA - 11.4.3)

Sl. No.

180-Burhanpur LA/2008-Genl.

POSTAL BALLOT PAPER

Electoral Roll Part No.

Serial No. of Elector

Sl. No.

180-Burhanpur LA/2008-Genl.

POSTAL BALLOT PAPER

Archana Didi (Bhartiya Janata Party)
Manoj Kumar Vishvabmbharnath Agrawal (Bahujan Samaj Party)
Nafees Mansha Khan (Samajwadi Party)
Sharif Rajgir (Communist Party of India)
Mohan Patil Baliram Patil (Independent)
Premchand Baliram Nagraj (Independent)
None of the Above

ANNEXURE - 28-A
(CHAPTER X1, PARA - 11.10.1)

'FORM 13F [SEE RULE
27N(3)]

APPOINTMENT OF PROXY BY CLASSIFIED
SERVICE VOTER TO GIVE VOTE.

I(name of the classified service voter) aged abouts/o, d/o, w/o
..... r/opresently working asand posted at
.....am entitled to appoint proxy under sub-rule (2) of rule 27N of the Conduct of
Election Rules, 1961. I hereby appoint(name of the proxy) aged about
.....s/o, d/ o, w/or/oas my proxy to give vote on my behalf
and in my name in*[..... Assembly constituency and] Parliamentary
constituency of the State/ Union territory of in which I am entitled to give vote
under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

.....
(Signature of proxy)

.....
(Signature of classified service voter)

**Serial number of his name on
last and part no. of electoral roll of the
concerned constituency**
.....

**Serial number of his name in the
part of electoral roll of the
Constituency**

Service Identity Card No.
Name of the Force to which he belongs.....

**Not applicable in Union Territories having no Legislative Assembly*

- Note:** (1) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act 1950 (43 of 1950).
- (2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary

verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter.

(3) Score out the words not applicable.

RECEIPT OF FORM 13F FOR THE APPOINTMENT OF PROXY BY CLASSIFIED SERVICE VOTER

Serial No.....

Received Form 13F of Shri / Smt. / Kum.

.....

Returning Officer

1. Ins. by Notification. No. S.O.903 (6), dt. 05.08.2003.

ANNEXURE - 28-B

(CHAPTER XI, PARA-11.10.1)

FORM 13G [SEE RULE 27N (4)]

**REVOCAION OF APPOINTMENT OF PROXY OR REVOCAION
OF APPOINTMENT OF PROXY AND APPOINTMENT OF SUBSTITUTE
PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE**

I(name of the classified service voter) aged abouts/o, d/o, w/o
.....r/opresently working as and posted at
had appointed(name of the proxy) aged abouts/o, d/o, w/
o r/oas my proxy to give vote on my behalf and in my name in the
*[..... Assembly constituency and }.....Parliamentary constituency of the
State/ Union territory of

I hereby revoke the appointment of my said proxy and do not wish to appoint any substitute proxy.

OR

Whereas such proxy has died/ I hereby revoke appointment of the said proxy and being entitled to appoint substitute proxy under sub-rule (4) of rule 27N of the Conduct of Election Rules, 1961, hereby appoint(name of the substitute proxy) aged about s/o, d/o, w/o
..... r/oas substitute proxy who shall hereafter give vote on my behalf and in my name in the aforementioned Assembly and Parliamentary constituency (ies)
..... of the State/Union territory ofin which I am entitled to give vote under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

.....
(Signature of proxy)

.....
(Signature of classified service voter)

**Serial number of his name on
part no. of electoral roll of the
concerned constituency**

**Serial number of his name in the last and
part of electoral roll of the concerned
constituency
Service Identity Card No.
Name of the Force to which he
belongs.....**

*Not applicable in Union Territories having no Legislative Assembly

- Note:**
- (1) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act 1950 (43 of 1950).
 - (2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter."
 - (3) Score out the word (s) which are not applicable.

RECEIPT OF FORM 13G FOR REVOCATION OF APPOINTMENT OF PROXY OR REVOCATION OF APPOINTMENT OF PROXY AND APPOINTMENT OF SUBSTITUTE PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE

(To be handed over to the person depositing the said form)

Serial No.....

Received Form 13F of Shri / Smt. / Kim. R/o

..... Dated

(Signature and Seal)

Returning Officer

ANNEXURE 28-C

(CHAPTER XI, PARA-11.10.2)

LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

(UNDER RULE 27P(2) OF CONDUCT OF ELECTIONS RULES 1961)

(1) Name of State : (2)

No. & name of Constituency :

S.No.	Name of the Classified Service Voter (CSV)	Name of the Force to which he belongs & Service ID No.	Age	Father's/ husband's/ Mother's/ Name	Address	S.No. of his name in the last part of the electoral roll of the constituency	Name of the Proxy	Age of the Proxy	Father's/ husband's/ Mother's Name	Full Address of the Proxy	Date on which	
											Intimation about appointment was received by R.O.	Intimation about revocation if any, was received by R.O.
1	2	3	4	5	6	7	8	9	10	11	12	13

Signature of Returning Officer

ANNEXURE 28-D
(CHAPTER X, PARA-11.10.2)

**POLLING STATION-WISE SUB-LIST OF CLASSIFIED
SERVICE
VOTERS AND PROXIES**
(SEE RULE 27P(3) OF CONDUCT OF ELECTIONS RULES 1961)

(1) No. & name of Constituency : (2)

Part No. of Electoral Roll :

S.No.	Name of the Classified Service Voter (CSV)	Name of the Force to which he belongs & Service ID No.	Age	Father's/ Husband's/ Mother's Name	Address	S.No. of his name in the last part of the electoral roll	Name of the Proxy	Age of the Proxy	Father's/ Husband's/ Mother's Name	Full Address of the Proxy
1	2	3	4	5	6	7	8	9	10	11











**ANNEXURE 29
(CHAPTER XI, PARA-11.15.1)**

**ACCOUNT REGISTER OF POSTAL BALLOT PAPERS ISSUED TO
PERSONS DRAFTED FOR ELECTION DUTY**

S.N	Name of the person drafted for election duty and who has submitted Form-12 for Postal Ballot Paper	Whether the person is registered as an elector in the constituency (Yes/No)	If yes, Part No. & Serial Number in Electoral Roll	Date of which Postal Ballot Paper issued and entry made in the marked copy of the Electoral Roll	Whether the person collected the Postal Ballot Paper in person (Yes/No)	If yes, sign of the person with date token of receipt of P.B.	If no, whether the RO has taken action the deliver the P.B at the person address (Date Delivery)	Remarks
1	2	3	4	5	6	7	8	9

**ANNEXURE 30
(CHAPTER XI, PARA-11.25.3)**

000220
S. No. 82-Dhoulai (S.T.) I.A/2008-Geul.

1.	कुंवर सिंह टेकाम Kunwar Singh Tekam	
2.	तिलक राज सिंह Tilak Raj Singh	
3.	महिपाल सिंह Mahipal Singh	
4.	सूर्यबली कोल "बाहुजन" Suryabali Kol "Bahujan"	
5.	चन्द्रपाल सिंह "उड़के" Chandrapal Singh Uekey	
6.	शेषभान सिंह Sheshbhan Singh	
7.	हुब्ब लाल सिंह मेरकाम Hubb Lal Singh Merkam	
8.	अबधेश कोल Awdhesh Kol	
9.	अशोक सिंह पैगाम Ashok Singh Peigam	
10.	राम प्रकाश Ram Prakash	
11.	ऊपर से कोई भी NONE OF THE ABOVE	NOTA

ANNEXURE - 31

(CHAPTER X, PARA-10.3.2)

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 haltered 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, personating 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 as much the political parties or candidates may resent his political opinions or activities. Organizing 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 its or 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 sympathizers of one political party shall not create disturbances 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 meeting 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 candidates 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 candidates shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exemption 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) Organizers 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 disorder. Organizers 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 organizers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements
- (3) The organizers 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 organizers 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 organized 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 organizers 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 precisionists 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 authorized 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 twenty four hours preceding 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 sympathizers of the parties and candidates;
- (vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and
- (vii) co-operate with the 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 candidates or their agents have any specific complaint or problem regarding the conduct of the election they may bring the same to the notice of the observer.

VII PARTY IN POWER

The party in power whether at the 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 purpose of its election campaign and in particular-

- (i) (a) the Ministers shall not combine their official visit with electioneering work and shall
 - (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 meeting and use of helipads for air flights in connection with elections, shall not be monopolized by itself. Other parties and candidate 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 where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to the condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc;
- (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 and Power shall be scrupulously avoided.
- (v) ministers and other authorities shall not sanction grants/payment out of discretionary funds from the time election are announced by the Commission; and
- (vi) from the time the election 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 or the party in power.
- (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 authorized agent.

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.

ANNEXURE – 32

(CHAPTER XII, PARA – 12.7.1)

STEP-BY-STEP OPERATIONS DURING SEALING OF EVM BY THE RETURNING OFFICER

1. Arrange all the Balloting Units (BU) and Control Units (CU) required for the polling stations as well as the reserve quantities under the tables in order of polling stations. If space is a constraint, take-up the operations round wise.
2. Remove the BU from the carrying case.
3. Place a plastic bubble sheet on the table.
4. Place the BU in face down position on the plastic bubble sheet.
5. Tally the serial number on the BU with that on the carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.
6. Note down the serial number of the BU in the issue register.
7. Note down the machine serial number on the four (4) address tags of the BU. The four (5) tags will be required at the time of the Returning Officers (RO) sealing, which are placed as follows:
 - A tag for sealing after inserting ballot paper under the Ballot paper Screen
 - A tag for sealing the BU at the right top side after closing.
 - A tag for sealing the BU at the right bottom side after closing.
 - A tag on the carrying case after placing the BU. This may not be sealed but only tied to one corner hole of the carrying case using a thread.
8. Affix the Distinguishing Mark on the address tags.
9. Place the address tags for each polling station near the corresponding BU.
10. Place the BU in face up position on the table.
11. Open the top cover of the BU.
12. Put the slide switch to the proper position (set to 1, if the number of the candidates are 16 or less).
13. Open the transparent acrylic Balloting Paper Screen.

14. Place the Ballot Paper (this should already be signed on the reserve by the RO) under the transparent acrylic cover and ensure that the lines are aligned (IMPORTANT).
15. Unmask (Blue) all the used Candidate Buttons and mask (White) all the unused buttons.
16. Close the transparent acrylic Balloting Screen.
17. Remove the Control Unit (CU) from its carrying case and place it on the left side of the corresponding BU.
18. Tally the serial number of the CU with that on its carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.
19. Note down the serial number of the CU and BU the issue register.
20. Note down the serial number on two (2) address tags for the CU. The two tags are required at the same time of RO sealing, which are placed as follows:
 - A tag for sealing the Candidate Set Section and
 - A tag on the carrying case. This may not be sealed but only tied on the carrying case using thread.
21. Affix the distinguishing mark on the address tags. Place the address tags for each polling station near the corresponding CU.
22. Interconnect the BU with the CU as per pairing.
23. Place a new battery in the Candidate Set Section in the CU.
24. Switch ON the power switch in the bottom compartment of the CU.
25. Check for the ON (Green) and BUSY(Red) lamp on the CU are glowing and observe the display '88 8888 followed by 'np 1', 'Cd' (no. of contesting candidates) with Beep sound.
26. Press the 'Candset" Button on CU and observed the displayed 'Cd' with continuous beep sound. Observed Red light Busy lamp n CU and Green light in Ready lamp in BU. Then press the last unmasked button on the BU.
27. Press the "Total' button and ensure that the number of candidates are correctly set and the total number of voters is ZERO and observe displayed 'np 1';cd*& 'To0' with beep sound.
(*for number of contesting candidates)
28. Switch OFF the CU (IMPORTANT).
29. Disconnect the BU from the CU and close the rear cover of the CU.
30. Close and seal the Candidate Set Section of the CU with an Address Tag.

31. Put a long thread (about 1 meter) through the two inner seals of the ballot paper screen.
32. Attach an address tag to the long thread and position it towards the bottom side by putting another hole in the address tag.
33. Put Lac on the knot at the address tag and affix the RO's seal.
34. Close the BU's top cover.
35. Affix the seals on the address tags placed at the right top and right bottom latch covers of the BU.
36. Arrange the interconnecting cable of the BU in the proper fold with the rubber band.
37. Place the BU inside the plastic cover and place it in its carrying case.
38. Place the CU inside the plastic cover and place it in its carrying case.
39. Tie the respective address tags on the carrying cases with threads.

- Note:** 1. PUT A CARD BOARD WHILE SEALING WITH THE LAC.
2. PUT CELOTAPE FOR FIXING THE ADDRESS TAGS PROPERLY.

VALUABLE TIME WILL BE SAVED BY COMPLETING SEVERAL PRELIMINARY PROCEDURES LISTED BELOW BEFORE OPENING THE MACHINES:

- i) Preparation of Issue Register with serial numbers columns for the Units left blank as per prescribed Proforma.
- ii) Preparation of address tags-four (4) for BU and two (2) for the CU with all the relevant data excepting the serial number of the machine and the Distinguishing Mark filled in. Use rubber stamp for filling in (1) Name of the constituency (2) Assembly segment (3) Date of poll.
- iii) Cutting of thread – about 1 meter (one) and 20 cms length (six) of the requisite numbers.
- iv) Heating arrangements for the Lac. Lac to be used for sealing can be melted in a pot while one person put it on the sealing places another can mark the RO's seal on that.
- v) RO's signature on the reserve side of the ballot papers. vi) Procuring 5-10 numbers of blades for cutting off excess thread. vii) Procuring of one of two tubes of adhesive (like Fevi-Kwick) for any on the spot repairs of breakages.

IMPORTANT GUIDELINES

- Please handle the machine carefully as these are liable to be damaged if not handled gently.
- Ensure that the ballot paper screen is not scratched while handling.

- Always place a new battery inside the machine during RO sealing.
- Ensure that the top side of the mating connector of BU is kept on top while connecting it to the CU. Any attempt to force the connection in the opposite direction will bend the sensitive pins inside the connector.
- Never leave the machine switched in 'ON' condition after sealing is over:
- Place the machine for safe custody after RO sealing.

IMPORTANT POINT – SEAL OF THE R.O.

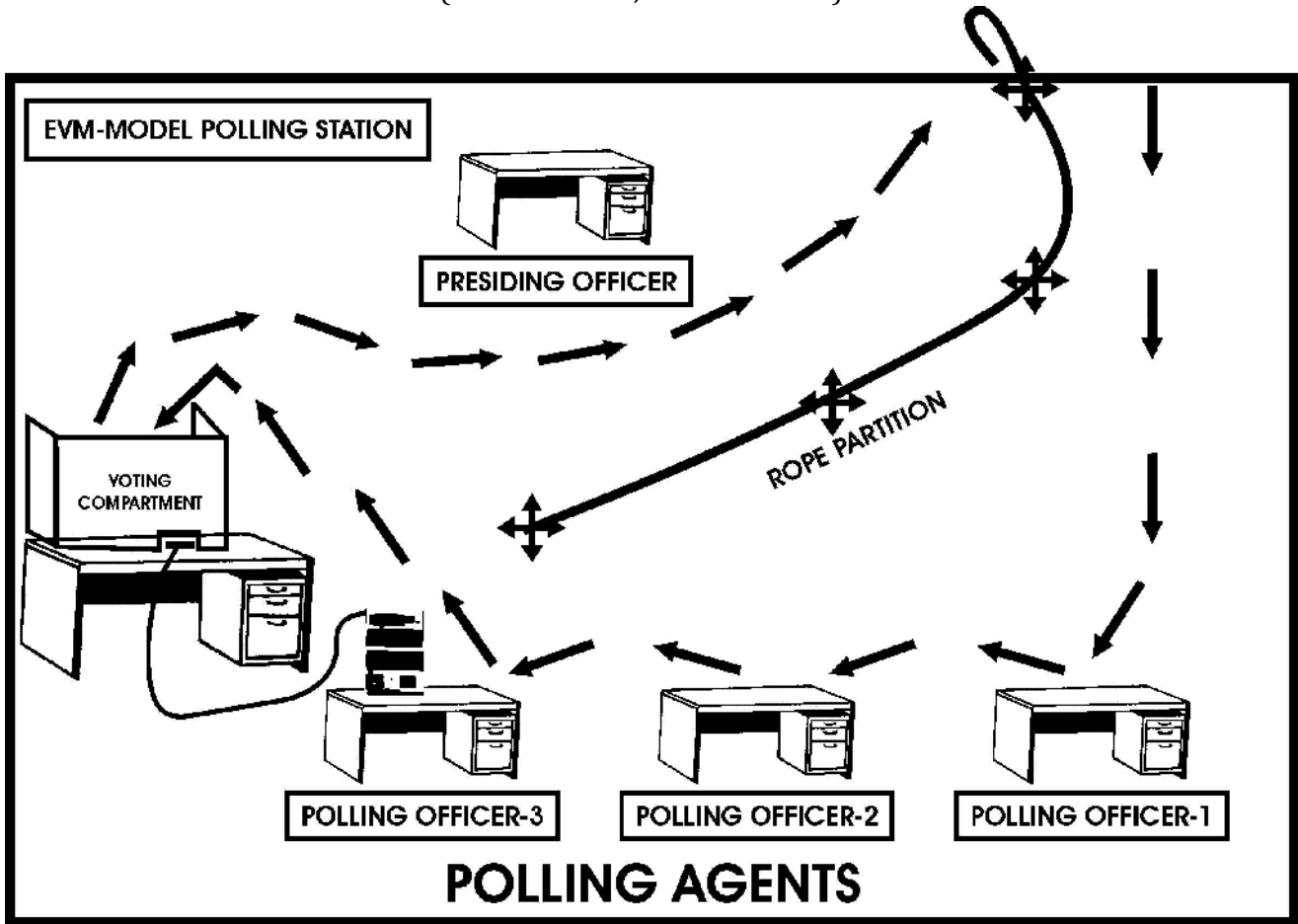
While preparing the Control Unit and Ballot Units by the Returning Officer, it has been mentioned at various places that the machines shall be sealed with the seal of the Returning Officer.

In this connection, it is clarified that while preparing the CUs and BUs for the polling, the RO shall not use the Secret Seal supplied by the Election Commission. He should use his own seal.

The Secret Seal of the Commission should be used to seal the machines after counting is over and before the machines are stored in the Treasury.

ANNEXURE 33-A

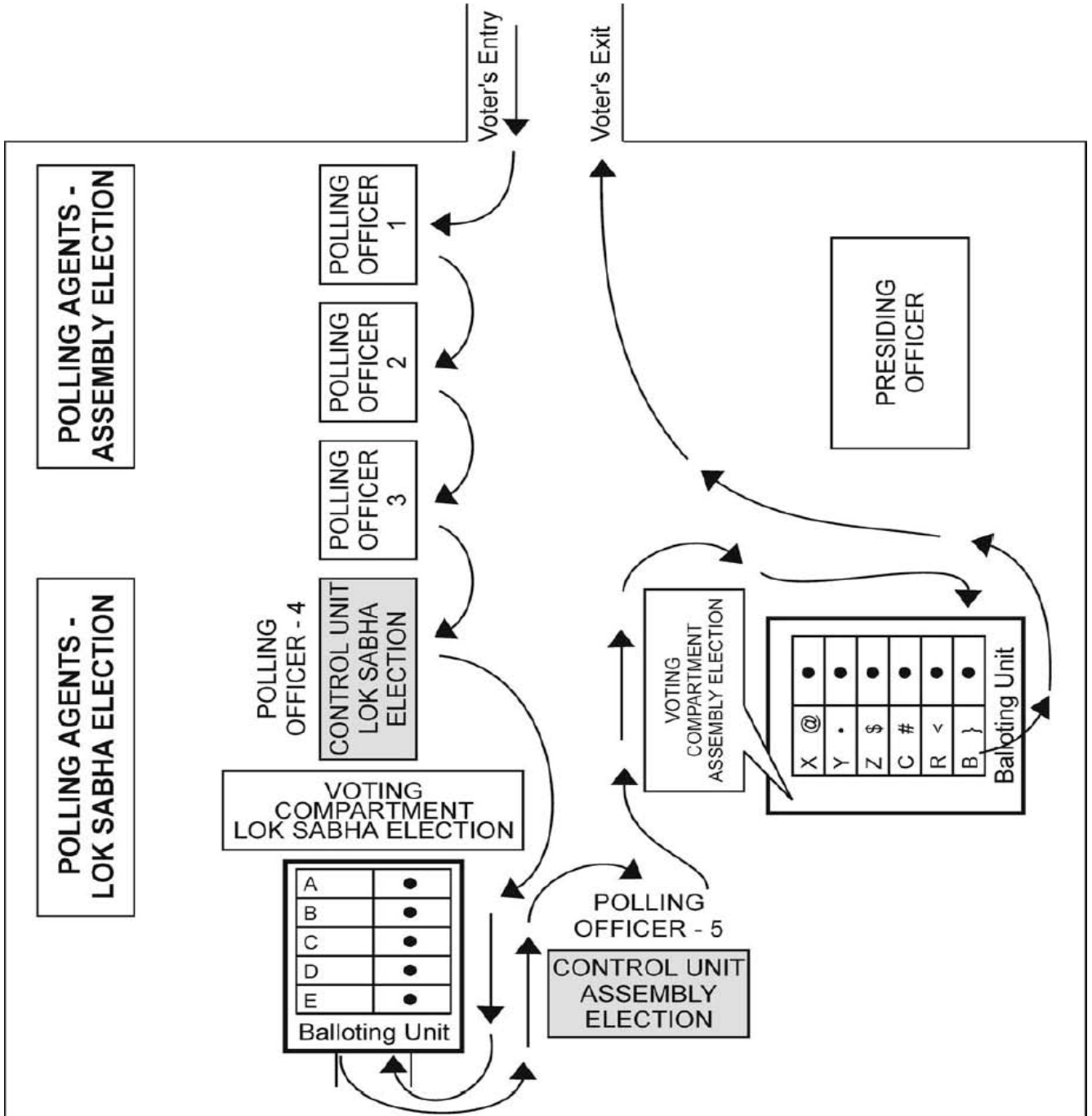
(CHAPTER XIII, PARA - 13.7.1)



ANNEXURE 33-B

(CHAPTER XIII, PARA - 13.7.1)

LAYOUT OF POLLING STATION WHERE EVMs ARE USED AT SIMULTANEOUS ELECTION



ANNEXURE - 34
(CHAPTER XII, PARA-)
COMPLETE METHOD OF SEALING CONTROL UNIT

INCLUDING USE OF STRIP SEAL BY PRESIDING OFFICER AT POLLING STATION ON THE DAY OF POLL AFTER MOCK POLL

1. 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 date relating to mock poll by operating 'Clear' button.
- iii) After clearing, 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 Seal(s), care should be taken 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 Seal, the inner door above the result buttons shall be closed.
- v) Then the inner door of the result section shall be sealed off with the special tag.
- vi) After fixing the Special Tag, 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 (Refer to Commission's instructions vide letter no. 51/8/2001/PLN-IV dated 3.12.2001)
- 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. The Strip Seal shall be positioned just below the "CLOSE" button. The detailed procedure to fix the Strip Seal is given below. There is a slight difference in the method of fixing the Strip Seal for BEL make machines and ECIL make machines. Follow the instructions below depending on the make of the EVM available in your State / Union Territory.

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

Step-1: 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. Remove the

wax paper covering 'A'. then press the inner layer of the Green Paper Seal over the gummed portion 'A'. Also keep the outer layer of the Green Paper Seal over the inner layer.

- Step-2:** 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. After pasting 'B' over the Green Paper Seal, the pre-gummed portion 'C' will come to the top position.
- Step-3:** 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:** Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the "CLOSE" Button. 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:** 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 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 the 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.

3. METHOD OF SEALING ECIL MAKE MACHINES WITH STRIP SEAL

In ECIL machines only one Green Paper Seal is used. Therefore, the loose ends of the same Green Paper Seal protrude from either end of the outer door over Result Section. Following are the steps to seal with Strip Seal:-

- Step-1:** First double fold the inner end of the Green Paper Seal in the middle ensuring that the green portions of the seal remain outside ..
- Step-2:** 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. Remove the wax paper over 'A' and press the inner fold of the Green Paper Seal over this gummed portion and paste.
- Step-3:** 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 .
- Step-4:** After pasting 'B' over the Green Paper Seal, the pre-gummed portion 'C' will come to the top position. Remove the wax paper over the pre-gummed portion 'C', press the Green Paper Seal protruding from the top portion of the outer door so that the Green Paper Seal is firmly gummed to 'C'.
- Step-5:** Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the "CLOSE" Button. 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: 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 Press this spilled-over portion of 'D' firmly over the Strip Seal .

By the above process, all the four lose ends of the Green Paper Seals protruding from both the 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

4. After sealing the Control Unit with the Strip Seal, the Presiding Officer shall take care that the seal is not damaged or tempered with during the poll and this seal shall NOT be removed during or after the poll in the polling station.
5. At the end of the poll at prescribed hour, the Presiding Officer shall remove the cap over "CLOSE" Button without disturbing the Strip Seal and press the "CLOSE" Button to close the poll and replace the 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 Counting Centre.
6. 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 Seal(s) 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

7. (i) The Strip Seal shall be positioned to cover the portion below the "CLOSE" Button cap on the outer door of the Result Section. While fixing this strip, ensure that the "CLOSE" Button is left clear and not covered even partially by this strip so that there is no difficulty to operate that button.
- (ii) The Strip Seal shall be fixed taut and shall not be loose.
- (iii) DO NOT USE DAMAGED STRIPS.
- (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 t the polling station for the conduct of poll.
- (vi) They 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 CEOs and DEOs shall keep a record of the serial numbers of the Strip Seals supplied to each RO. Similarly, each RO shall keep a record of the Strip Seals supplied to each polling station.
- (viii) Commission will issue samples of Strips Seals to the States for the purpose of demonstration as well as Training. These samples strips also shall be kept in safe custody. After using the Strips for Training or demonstration, as the case may be, the used Strips should be destroyed by shredding them.

ANNEXURE - 35

(CHAPTER XIII, PARA 13.20.1)

DECLARATION BY 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 do hereby declare:

- (1) that I have demonstrated to the polling agents and others presents-
 - (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.....
Presiding Officer**

Signature of polling agents

1(of candidate.....) 2.....(of candidate.....)
3(of candidate.....) 4.....(of candidate.....) etc.

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

1(of candidate.....) 2.....(of candidate.....)
3(of candidate.....) 4.....(of candidate.....)

Date

Time

Signature.....
Presiding Officer

PART-II

Declaration by the Presiding Officer at the time use of subsequent EVMs, if any.

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 others present by holding a mock poll that the subsequent voting machine is in perfect working order and that no vote is already recorded therein
- (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 I have affixed my own signature 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.....

Presiding Office

Signature of polling agents

- 1(of candidate.....) 2(of candidate.....)
- 3(of candidate.....) 4(of candidate.....) etc. The following

polling agent(s) declined to affix his/her signature(s), on this declaration.

- 1(of candidate.....) 2(of candidate.....)
- 3(of candidate.....)

Date Time

Signature.....

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—Accounts of Votes Recorded' of Form 17C as required under rule 49S(2) of the Conduct of Elections Rules, 1961.

Date..... Signature..... Time
..... Presiding Officer

Received an attested copy of the entries in the account of votes recorded (Part I of Form 17C)

Signature of polling agents

1.....(of candidate.....) 2.....(of candidate.....)
3(of candidate.....)4.....(of candidate.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of the Part I of Form 17C and to give a receipt there for 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.....)

Date Signature Time
..... 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 balloting units of the voting machine.

Date
Time

Signature.....
Presiding Officer

The following polling agents have affixed their

seals. Signature of polling agents

1(of candidate.....) 2(of candidate.....)
3(of candidate.....) 4(of candidate.....) The

following polling agents refused or did not want to affix their seals.

1(of candidate.....) 2(of candidate.....)
3(of candidate.....) 4(of candidate.....)

Date
.....

Signature Time
Presiding Officer

ANNEXURE - 36

(CHAPTER XIII, PARA- 13.38.4)

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR

..... Assembly Constituency (comprised within Parliamentary Constituency)

Sl. No. and name of Polling Station
I son ofaged *resident of
..... hereby declare that :

(a) I have not acted as companion of any other elector at any polling station today, the
.....

(b) I will keep secret the vote recorded by me on behalf of+
.....

.....
Signature of Companion

* Full address to be given

+ Name, Part No. and Serial number of elector.

() To be filled in the case of election to the House of the People or at simultaneous elections.

ANNEXURE - 37
(CHAPTER XIII, PARA - 13.49.4)
PRESIDING OFFICER'S DIARY

- 1 Name of the constituency (in block letters):
- 2 Date of poll :
- 3 Number of the polling station : Whether located in-
(i) Government or quasi-government building;
(ii) Private building;
(iii) Temporary structure;
- 4 Number of polling officers recruited locally, if any :
- 5 Appointment of polling officer made in the absence of duly appointed polling officer, if any, and the reasons for such appointment
- 6 Voting Machine-
(i) Number of Control Units used :
(ii) S. No. (s) of Control Units used :
(iii) Number of balloting units used :
(iv) S. No. of balloting units used :
(v) S.No. of VVPAT, if used
- 7 (i) Number of paper seals used :
(ii) Sl. Nos. of paper seals used :
- 7A (i) Number of special tags supplied:
(ii) S.No.(s) of special tags supplied:
(iii) Number of special tags used:
(iv) S.No.(s) of special tags used(:
(v) S.No.(s) of special tags returned as unused
- 7B (i) Number of Strip Seals supplied:
(ii) S.No.(s) of Strip Seals supplied:

(iii) Number of Strip Seals used:

(iv) S.No.(s) of Strip Seals used:

(v) S.No.(s) of Strip Seals returned as unused:
Number of polling agents and the number who arrived late :

8 Number of candidates who had appointed polling agents at the polling stations :

9 (i) Total no. of voters assigned to the polling station: (ii)

Number of electors allowed to vote according to marked copy of the electoral roll:

(iii) Number of electors who actually voted as per the Register of Voters (From 17-C).

(iv) Number of votes recorded as per the voting machine

()

10 ()
Signature of first Polling Officer

Signature of Polling officer In-Charge of Register of Voters

11 Number of electors who voted-
Men
Women
Total

12 Challenged vote-
Number allowed
Number rejected
Amount forfeited Rs.

13 Number of persons who have voted on production of Election Duty Certificate (EDC) :

13A Number of proxy voters who voted:

14 Number of electors who voted with the help of companions

15 Number of tendered votes :

16 No. of electors
From whom declarations as to their age obtained....
Who refused to give such declaration

17 Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment :

- 18 Number of votes cast-
 from 7 a.m. to 9 a.m.
 from 9 a.m. to 11 a.m.
 from 11 a.m. to 1 p.m.
 from 1 p.m. to 3 p.m. from 3 p.m. to 5 p.m.
- 19 Number of slips issued at the closing hour of the poll:
- 20 Electoral offences with details :
 Number of cases of-
 (a) canvassing within one hundred metres of the
 polling station :
 (b) impersonation of voters :
 (c) fraudulent defacing, destroying or removal of
 the list of notice or other document at the polling
 station.
 (d) bribing of voters :
 (e) intimidation of voters and other persons :
 (f) booth capturing
- 21 Was the poll interrupted or obstructed by-
 (1) riot :
 (2) open violence : (3)
 natural calamity : (4)
 booth capturing:
 (5) failure of voting machine:
 (6) any other cause
 Please give details of the above
- 22 Was the poll vitiated by any voting machine used at the
 polling station having been-
 (a) unlawfully taken out of the custody of the
 Presiding Officer:-
 (b) accidentally or intentionally lost or destroyed :
 (c)damaged or tampered with :
 Please give details
- 23 Serious complaints, if any, made by the
 candidate/agents :
- 24 Number of cases of breach of law and order :
- 25 Report of mistakes and irregularities committed, if
 any, at the polling station
- Whether the declarations have been made before

26 the commencement of the poll and if necessary during
the course of poll when a new voting machine is used
and at the end of poll as necessary

Place

Date

Presiding Officer

This diary should be forwarded to the Returning Officer along with the voting machine and other sealed papers.

ANNEXURE - 37-A

(CHAPTER XIII, PARA-13.43.4)

ADDITIONAL INPUTS TO BE GIVEN BY PRESIDING OFFICER

1	Polling booth No.
2	CPF deployed Y/N
3	Micro Observer deployed Y/N
4	Video Camera deployed
5	Total Voters
6	No. of Votes polled
7	% of votes polled
8	Total No. of candidates
9	No. of candidates represented by polling
10	No. of voters who voted using documents other than
11	Whether Mock poll done in the presence of agent? Y/N
12	Whether Mock Poll cleared? Y/N
13	Whether machines closed and sealed properly in the presence of agents?
14	Whether 17C given to polling agents after obtaining their signature?
15	No. of voters who have voted after 5 PM by receiving the token at the end of
16	Whether any significant incident took place during the poll? Y/N

ANNEXURE - 37-B

(CHAPTER XIII, PARA—13.44.1)

Report of Micro Observer for Poll Day

S. N.	Point	Remarks
1	Whether mock poll has been conducted in presence of micro Observer?	Yes or No
2	Whether data of mock poll from the ballot unit was cleared and the EVM count was set to zero after the mock poll and before the beginning of real poll?	Yes or No
3	How many polling agents and of which political party, were present during the mock poll	
4	Whether more than one polling agent from the same political party were present inside the polling station at any time?	Yes or No
5	Whether polling agents were allowed to note the serial numbers of balloting unit and control unit and green paper seal?	Yes or No
6	Whether the entry pass system was enforced properly? Whether any unauthorized person was inside the polling station at any point of time?	Yes or No
7	Whether marking of indelible ink on left forefinger was done properly?	Yes or No
8	Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17-A)?	Yes or No
9	Whether the list of votes issued with Postal Ballot was available with the Presiding Officer & Polling Agents? Did any person already issued Postal Ballot appeared to vote again in person?	Yes or No
10	Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?	Yes or No
11	Whether the Presiding Officer or Polling Officer was going towards voting compartment or giving any undue instructions to the voters?	Yes or No

12	Whether the scrutiny of voters in the Absentee, Shifted and Duplicate list was done meticulously by the Presiding Officers in accordance with ECI Guidelines?	Yes or No
13	Whether copies of accounts of votes recorded in Form-17C have been given to the polling agents?	Yes or No
14	Whether voting compartment was properly placed to ensure secrecy of voting?	Yes or No
15	Whether sealing of voting machine was done according to instructions?	Yes or No
16	Whether any complaint by polling agent, election agent or any political party was received? If yes, give it's substance	Yes or No
17	Any other incident or issue that you would like to highlight.	

**Signature of Micro
Observer: Date & Time
Name (in full) :
Designation : -----
- Phone No. :-----**

ANNEXURE - 38
(CHAPTER XIII, PARA 13.58.6)
FORM 17C [SEE RULES 49S AND 56C (2)]

PART I. ACCOUNT OF VOTES RECORDED

**S. N. Election to the House of the Peopleor Legislative Assembly
From -----Constituency**

No. and name of Polling Station -----
Identification No. of Voting Machine used at the Polling Station Control Unit No.: -----
Balloting Unit No.:-----
Printer(if used)

- 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 490
- 4** No. of voters not allowed to vote under rule 49M
- 5** Total votes recorded under rule 49MA(d) required to be deducted-
(a) total number of votes to be deducted: Total No. S.Nos.of electors in Form 17A

.....

(b)candidate(s) for whom test vote(s) cast: S. No. Name of candidate No.of votes

.....

- 6** Total No. of votes recorded as per voting machine
- 7** 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
- 8** No. of voters to whom tendered ballot papers were issued under rule 49P
- 9** No. of tendered ballot papers

S. N. From To

- (a) received for use
- (b) issued to electors

(c) not used and returned

10 Account of paper seals

1. Paper seals supplied for use:

Total No.....

1.....

S.No from...to.....

2.....

2 Paper seals used:

Total No.....

3.....

S.No from...to.....

4.....

3 Unused paper seals returned to Returning Officer:

Total No.....

5.....

S.No from...to.....

6.....

4 Damaged paper seals, if any

Total No.....

7.....

S.No from...to.....

Signature of polling agents.

Date

Place

**Signature of Presiding
Officer**

**PART II
RESULT OF COUNTING**

S.No. of candidate	Name of candidate	No. of votes displayed on control unit	Number of test votes to be deducted as per 5 item part I	Number of valid votes(3-4)
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
N	NOTA			
TOTAL				

Whether the total nos. of votes shown above tallies with the total no. of votes shown against item 6 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	Full Signature
1	
2	
3	
4	
5	
6	

Place
Date

Signature of the Returning Officer

ANNEXURE - 39
(CHAPTER XIII, PARA- 13.52.6)

Log Book of Building in which voting machines have been stored pending counting

..... District..... Constituency

Date of ks	Time of Entry	Name & Designation of the Officer entering	Purpose of Entry	Details of other Persons accompany ing the officer	Signature of Officer entering	Signature of the O.I.C. Police Guard	Time of Exit	Details of persons coming out with the officer	Total time spent inside room	Signature of Officer Coming Out	Signature of O.I.C Police Guard	remarks	
1	2	3	4	5	6	7	8	9	10	11	12	13	

ANNEXURE 40-A
(CHAPTER XIII, PARA 13.58.2)

MODEL FORM FOR REPORT U/S 57 OF R.P. ACT 1951
FAX/TELEX/WIRELESS MESSAGE

To :
From : Returning Officer
For.....Parliamentary/Assembly Constituency.

Secretary
Election commission of India
New Delhi

Repeate
d

To Chief Electoral Officer ofNo (.) Date.....
Reference General/Bye-Election to house of People/.....Legislative Assembly
From..... Parliamentary/Assembly Constituency (.) Reports Have Been Received and
Verified that poll on date At following Polling Station (S) Was Adjourned under Section 57 (1) of
the Representation of the people act 1951 Because of Circumstances Indicated Against EACH.

Sl. No.	No. & Name of Polling Station	Name/Designation Of Reporting AUTHORITY	Circumstances Under Which Poll ADJOURNED
1	2	3	4
1			
2			
3			

Commission's Directions Solicited Under Section 57 (2) of the said act (.) It is Recommended that
Adjourned poll may be held on Between.....to.....Hours of the above polling Station (s) At the
Same Location (s) (.)

Not to be transmitted: Returning Officer For...PC/AC

Place..... Date

Copy by post, in confirmation forwarded to the:

1. Secretary. Election Commission of India, New Delhi
2. Chief Election Officer

RETURNING OFFICER FORPC/AC

ANNEXURE -40-B
(CHAPTER XIII, PARA 13.59.2)
MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951
FAX/TELEX/WIRELESS MESSAGE

From : Returning Officer For.....Parliamentary/Assembly constituency

To :

Secretary
 Election Commission of India
 New Delhi

Repeated

To :

Chief Electoral Officer of.....
 No.....(.) Date.....
 Reference General/Bye-Election to the house of People.....Legislative Assembly From.....
 parliamentary/Assembly Constituency (.) Reports Have Been Received and Verified that poll
 taken on
 at following station(s) was vitiated to such an extent that the result
 of poll there at cannot be ascertained for reasons indicated against each polling
 station:

Sl. No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Vitiated
1	2	3	4
1			
2			
3			

Matter is reported under sub-section (1) of section 58 of the representation of the people act 1951 (.)
Further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted:

Place..... Date..... Returning Officer ForPC/AC

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

RETURNING OFFICER FORPC/AC

ANNEXURE -40-C

(CHAPTER XIII, PARA 13.66.2)

**MODEL FORM FOR REPORT U/S 58A OF R.P. ACT 1951
FAX/TELEX/WIRELESS MESSAGE**

From : Returning Officer

For.....Parliamentary/Assembly constituency

TO : SECRETARY
ELECTION COMMISSION OF INDIA
NEW DELHI

Repeated

To : Chief Electoral Officer ofNo (.)Dated The
.....Reference General/Bye-Election to house of People/.....Legislative
Assembly From.....parliamentary/ Assembly Constituency (.) Reports Have Been Received
That Booth Capturing has taken place at the following station (s) in such a manner that result
of poll taken there at on.....(dated) cannot be ascertained (.) Details of booth
Capturing are given BELOW against each such polling station (.)

Sl. No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Poll Vitiating
1	2	3	4
1			
2			
3			

Matter is reported under sub-section (1) of section 58 A of the representation of the people act 1951 (.)
further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted:

Place..... Date.....

Returning Officer ForPC/AC

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

RETURNING OFFICER FORPC/AC1

ANNEXURE -41
(CHAPTER XIII, PARA -
13.62.1)

PROFORMA FOR SUBMISSION OF THE REPORTS TO THE COMMISSION ON THE DAY OF POLLING

Name of State

Name of Constituency

Time of Report

1. Interruption or obstruction of poll due to riots, open violence, natural calamity or any other cause.
2. Vitiating of the poll by any of the EVMs having been unlawfully taken out of the custody of the Presiding Officer, accidentally or unintentionally lost or destroyed or damaged or tampered with.
3. Votes having been unlawfully recorded by any person in the EVMs.
4. Booth capturing.
5. Serious complaints.
6. Violence and breach of law and order.
7. Mistakes and irregularities, which have a bearing on the elections.
8. Weather conditions.
9. Poll percentage.
10. Whether all the diaries of Presiding Officers have been scrutinized and irregularities, if any detected.
11. Recommendations regarding repoll/fresh poll, if any.
12. Any other remarks.

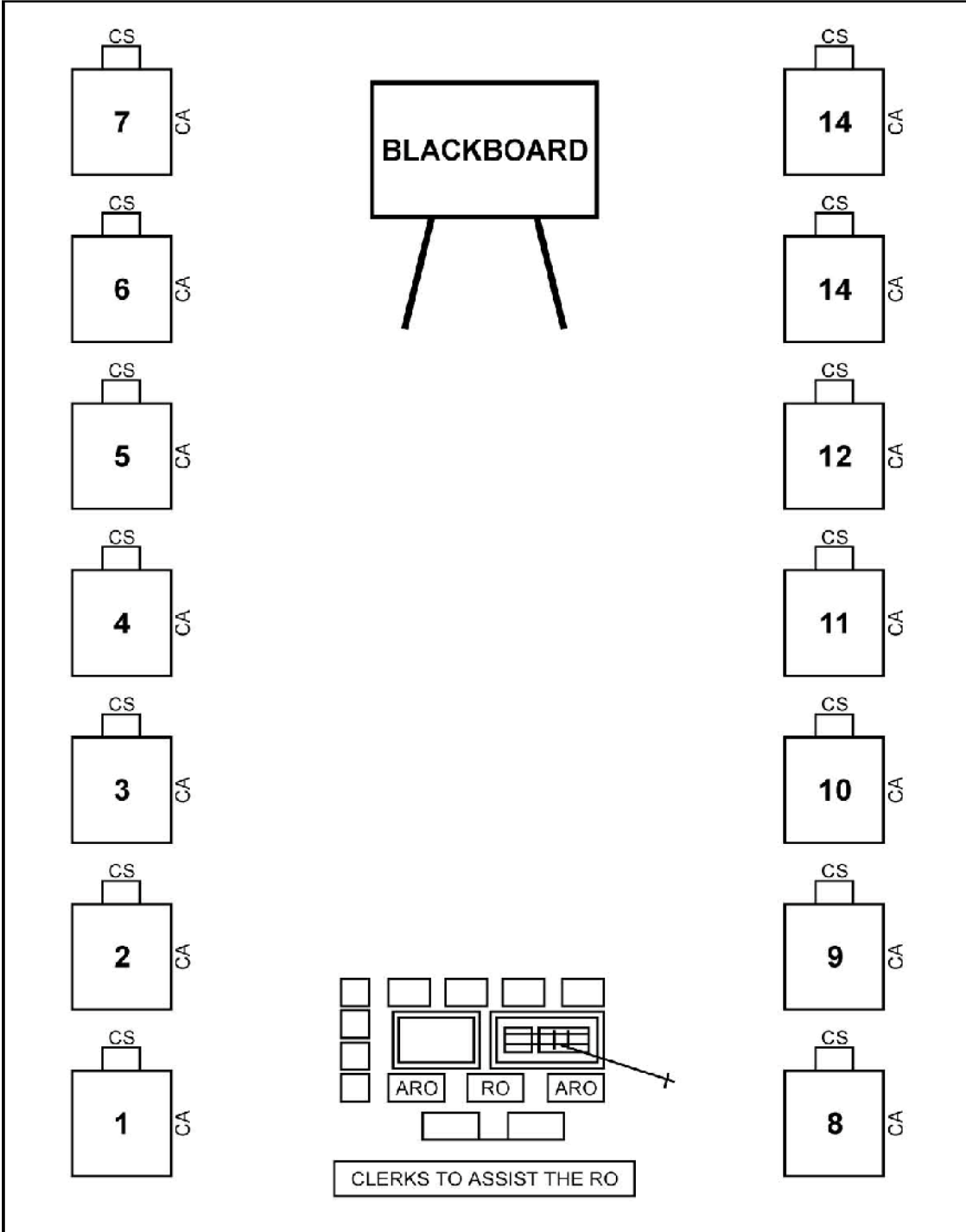
Place

Date

Signature of Returning Officer

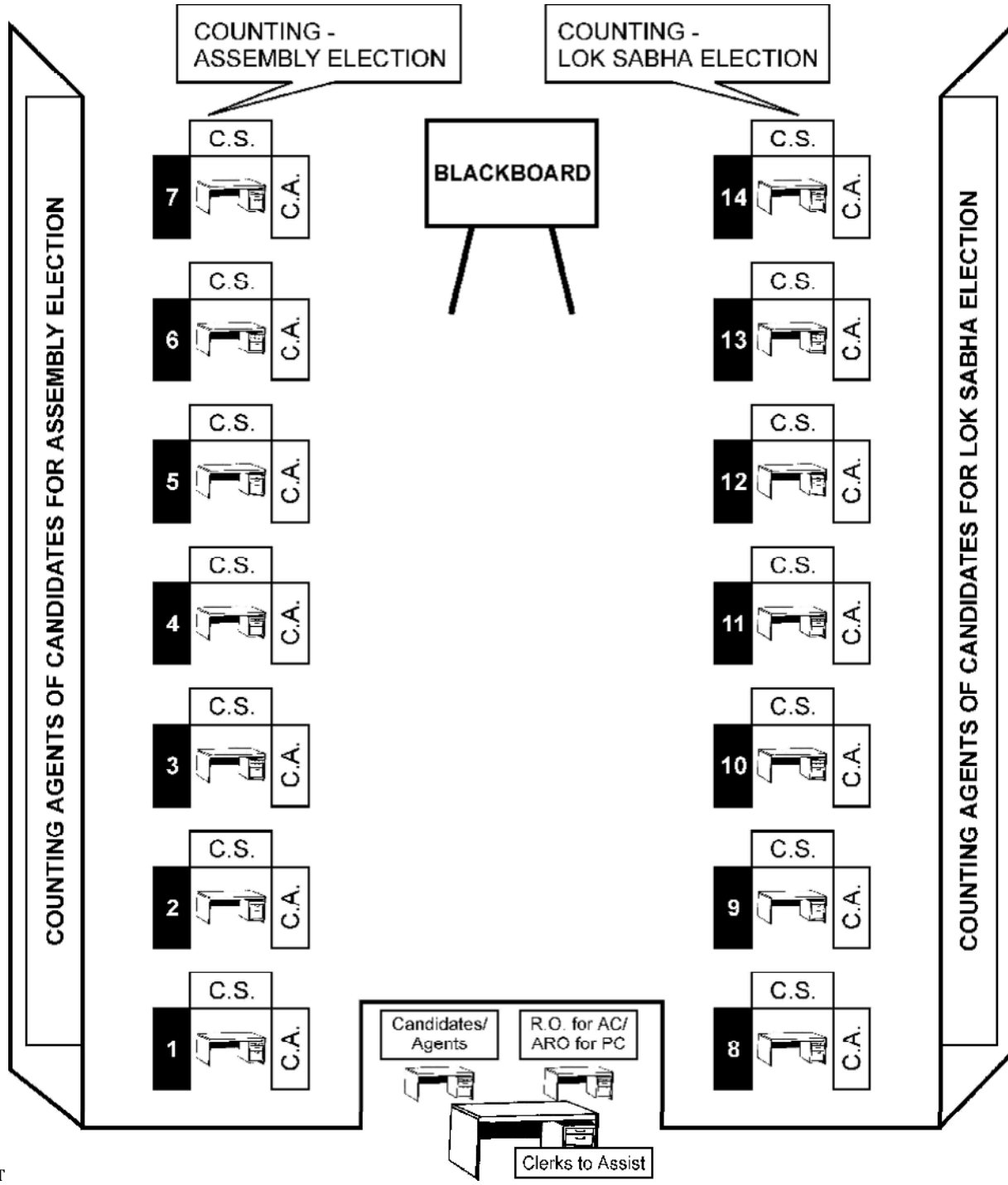
ANNEXURE 42-A
(CHAPTER XV, PARA 15.5.9)

LAYOUT OF COUNTING HALL



**ANNEXURE 42-B
(CHAPTER XIV, PARA 15.5.9)**

**Layout of Counting Hall
EVMs - SIMULTANEOUS ELECTIONS -**



COUNTING HALL

T

OF

ANNEXURE 42-C
(CHAPTER XV, PARA 15.5.10)
Election Commission of
India
INFORMATION SHEET ON COUNTING CENTRES

State/UT Code :	State/UT Name :
-----------------	-----------------

A.	Basic Information				
(a) Counting Centre No.			(b) Category : Urban/Rural		
(c) No. of Parliamentary Constituencies proposed to be covered in this Centre :					
	Sl. No.	PC No.	PC Name	PC Type (Gen/SC/ST)	Whether PC covered
	1.				
	2.				
	3.				
(d) Building					
(e) Area-ID (Particulars of the Street/locality/					
(f) Village/Town/Metro Name* ¹ :					
(g) Police Station No.:		(h) Police Station Name :			(k) Pin Code
(i) District No. :		(j) District Name :			
(l) Confirm is the Strong Room for storing Polled Ballot Boxes After the Poll is located in the counting centre itself : Yes/No					
(m) If the answer in (1) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this					
(n) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidates to keep watch : Yes/No (Please give details in item E(b)).					
(o) Distance From Police Station of which the Counting Centre forms a part (in Kms.) :					
(p) ECI's approval date :					
(q) Attached Media Centre No. & Name :					
B.	Facilities/Infrastructure Available (Please Tick)				
(a) Type of Structure : Pucca/Kuchcha			(b) Adequate Storage Space : Yes/No		
(c) Water : Yes/No			(d) Toilet : Yes/No		
(e) First-aid facilities : Yes/No			(f) Regular electricity availability : Yes/No		
(g) Arrangements proposed for emergency lighting :					
(h) fire-fighting arrangements proposed :					

*¹ Strike out whatever is not applicable.

C. Information on Counting Halls						
No. of halls available for Counting :						
Halls No.	Dimension of the Hall (in Mtrs.)		No. of Doors	AC Nos. of Assembly Segments proposed to be covered* ²		No. of tables proposed to be places in the
	Length	Width		In whole* ³	In part* ³	
Note : Please use continuation sheets, if required, for _____ No. of continuation sheets added : _____ Giving information on all counting halls.						

*² Not applicable for UTs without Legislative Assemblies.

*³ AC Nos. should be given in the order in which the counting is proposed to be taken up.

D. Communication Facilities proposed to be installed*⁴	(a) STD Code :
	(b) Tel : (1) _____ (2) _____ (3) _____ (c) Fax :
E. Verification Report of RO	(a) Date of Verification :
(b) Remarks/Recommendations (covering the aspects of law and order, security, public address system, media and place for crowds etc.):	
Continued on continuation sheet no. ____ No. of continuation sheets added : _	
Verifying Officer's	Date :

	(c) Name :	Place :
	(d) Designation :	
	(e) Full Address :	Signature :
F.	For use by CEO	
	(a) Remarks :	
	Continued on continuation sheet no. _____ No. of continuation sheets added : __	
	(b) Name :	Date :
	(c) Address :	Place :
	(use stamp, if available)	Signature :

*⁴ Phone/fax nos. should be obtained in advance, even though these may be made operational later.

**Election Commission of
India
INFORMATION SHEET ON COUNTING CENTRES**

**Continuation Sheet for CEO's
Comments**

State/UT Code :	State/UT Name :
A. (a) Counting Centre No.:	

F.	For use by CEO	
	(b) Remarks (contd.) :	

	Continued on continuation sheet no. _____	No. of continuation sheets added : __
	(b) Name:	Date:
	(c) Address:	Place:
	(Use stamp, if available)	
		Signature

Explanatory Notes

Item No.	Item	Explanation
	State/UT Code	Code assigned to the State/UT: S01 to S25 and U01 to U07 for UTs in alphabetical order (List of codes enclosed)
A(a)	Counting Centre No.	No assigned to the Counting Centre Within each State/UT, Running Serial numbers for Counting Centres have to be given, starting from 1
A(b)	Building	Name of the Building of the Counting Centre
A(c)	Area-ID (Particulars of Street/locality/area in which the building is situated)	Geographical identification details like Street, Mohalla, Locality, Area etc. where the building of the Counting Centre is situated. This should help to quickly locate the building.
A(d)	Police Station No.	No. assigned to the Police Station within the District. Running serial number, starting from 1, should be assigned to Police Stations within each District.
A(e)	District No	No. assigned to the Revenue District within the State/UT. Running serial nos., starting from 1, should be assigned to the districts in a State/UT.

Note : The Police Station No and District No should be the same as assigned to these units in the control tables defined in the detailed data structures, which were circulated to the States/UTs in connection with Computerization of Electoral Roll, 1998 vide Commission's letter No. 23/97/PLN-II dated 29th September, 1997. If these unique identification numbers for the various units have not been assigned so far, the verifying officers may leave the respective fields blank, but the names of the different units must invariably be filled up in the form.

State/UT Codes

State/UT Code	Name of State/UT
S01	Andhra Pradesh
S02	Arunachal Pradesh
S03	Assam
S04	Bihar
S05	Goa
S06	Gujarat
S07	Haryana
S08	Himachal Pradesh

State/UT Code	Name of State/UT
S09	Jammu & Kashmir
S10	Karnataka
S11	Kerala
S12	Madhya Pradesh
S13	Maharashtra
S14	Manipur
S15	Meghalaya
S16	Mizoram

State/UT Code	Name of State/UT
S17	Nagaland
S18	Orissa
S19	Punjab
S20	Rajasthan
S21	Sikkim
S22	Tamil Nadu
S23	Tripura
S24	Uttar Pradesh

State/UT Code	Name of State/UT
S25	West Bengal
U01	A & N Islands
U02	Chandigarh
U03	D & N Haveli
U04	Daman & Diu
U05	NCT of Delhi
U06	Lakshadweep
U07	Puducherry

ANNEXURE - 43-A

(CHAPTER XV, PARA15.5.13)

**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE
FOR COUNTING**

Election to Lok Sabha.....Legislative Assembly Constituency (When
Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in
accordance with the said rule, fixed the.....day of (month).....20.....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 Signature Date
.....
Returning Officer

To
All candidates or their election agents.

ANNEXURE 43-B
(CHAPTER XV, PARA 15.5.3)

**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND
PLACE FOR COUNTING**

Election to Lok Sabha.....Legislative Assembly Constituency (When Counting takes place at more than one place) In pursuance of rule 51 of the Conduct of Elections Rules, 1961.

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, 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 results of poll at all the polling stations will be consolidated at.....(Place) on.... .(date)at.....(time).

Place Signature Date

..... Returning Officer

To All
Candidates or their election agents.

ANNEXURE 44
(CHAPTER XV, PARA 15.8.4)
APPOINTMENT OF COUNTING SUPERVISOR/ASSISTANTS

ORDER

No.....

Dated :.....

Election to the House of the People /Legislative AssemblyConstituency

I.....(name).....(designation) appoint the persons whose names are specified below to act as Counting Supervisors/Assistants and to attend at.....for the purpose of assisting me in the counting of votes at the said election.

1.

2.

Place

Signature Date

.....

Returning Officer

ANNEXURE - 45

(CHAPTER XV, PARA 15.27.9)

FORM 20

FINAL RESULT SHEET

[SEE RULE 56C(2)(C)]

**ELECTION TO THE HOUSE OF THE PEOPLE FROM THE 56 PARLIAMENTARY
CONSTITUENCY PART I**

(To be used both for Parliamentary and Assembly Election)

Total No. of Electors in Assembly Constituency/Segment87,725

Name of the Assembly/Segment... 275AB..... (in the case of election from a Parliamentary Constituency)

Serial No. Of Polling Station	No. of valid votes cast in favour of			D	Total of valid votes	No. of reject ed votes	NOTA	Total	No. of tendered votes
	A	B	C						
1	2	3	4	5	6	7		8	9
1.	5	135	205	403	5	748	N	748	1
2.	6	170	145	340	118	765	N	765	—
3.	6A	405	70	105	230	810	N	810	—
4.	7	240	120	215	362	937	N	937	2
5.	8	72	269	142	319	802	N	802	—
6.	9	72	142	347	92	653	N	653	—
7.	10	240	267	142	115	764	N	764	—

.....And so on.....

.....

.....

(LAST PAGE)

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of votes	NOTA	Total	No. of tendered votes
	A	B	C	D					
1	2	3	4	5	6	7		8	9
.....									
.....									
78	93	127	347	349	916	N		916	—
79	368	40	197	215	820	N		820	—
Total No. of votes recorded	21,059	19,178	12,358	18,753	71,340	N		71,340	3

at Polling Stations

No. of votes recorded on postal ballot papers Not applicable

(To be filled in the case of election from an assembly Constituency)

Total votes polled	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3
--------------------	--------	--------	--------	--------	--------	-----	--------	---

Place : Sub-Division Office AB

Assistant Returning Officer

Date : 27th July, 1992

The portion under highlight is only for sake of illustration only.

PART II

(To be used for Parliamentary Election only)

Name of Assembly Segment	No. of valid votes cast in favour of				Total of valid votes	No. rejecte s	NOT A	Total	No. of tendered votes	
	A	B	C	D						
1	2	3	4	5	6	7		8	9	
275 AB	18,697	15,353	10,974	8,458	53,482			Nil	53,482	3
276 CD	21,059	19,170	12,358	18,753	71,340			Nil	71,340	9
277 EF	21,610	13,448	23,117	9,321	67,496			Nil	67,496	—
278 GH	11,822	23,731	13,728	6,540	55,821			Nil	55,821	1
280 IJ	17,523	17,399	16,055	18,835	69,812			Nil	69,812	2
281 KL	21,937	16,756	17,080	11,921	67,694			Nil	67,694	—
Grand Total	112,648	105,857	93,312	73,828	385,645	8,770		385,645	15	
No. of votes recorded on postal ballot papers	47	13	22	5	87	17	104	15		

Place

Date : 28th July, 1992

(Signed) QRS

Returning Officer

The portion under highlight is only for sake of illustration only.

ANNEXURE 46
(Chapter XVI- Para -
16.4.1)

FORM 21

[See rule 11(1)]

(For use in General Election when seat is uncontested)

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the †.....

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name)

sponsored by.....

.....(Address)

(name of the recognised/registered political party)

has been duly elected to fill the seat in that House from the above constituency.

Place.....

Signature.....

Date.....

Returning Officer.

_____ *Score out, if inappropriate.

†Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the.....Parliamentary constituency in the State/Union territory of.....

(2) Legislative Assembly of the State/Union territory of.....from the Assembly constituency.

(3) Metropolitan Council of the Union territory of Delhi from the..... Metropolitan Council constituency.

FORM 21A

[See rule 11(1)]

(For use in General Election when seat is uncontested)

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the!

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name) sponsored by..... (name of the
.....(Address) recognised/registered political party)

.....(Name) Sponsored by(name of the
.....(Address) recognized/registered political party)

has been/have been duly elected to fill the seat(s) in that House of** member(s) retiring on.....(date, month and year) on the expiration of their term of office.

Place..... Signature.....

Date..... Returning Officer.

.....*Score out, if inappropriate.

!Here insert one of the following alternatives as may be appropriate:-

(1) Council of States by the elected members of the Legislative Assembly of.....(State).

(2) Council of States by the members of the electoral college of.....(Union territory).

(3) Legislative Council of.....(State) by the members of the Legislative Assembly.

(4) Legislative Council of.....(State) from the(Local Authorities' / Graduates' / Teachers') constituency.

**Fill up the number of members retiring.

FORM 21B

[See rule 11(1)]

(For use in Election to fill a casual vacancy when seat is uncontested)

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the †.....

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name)

.....(Address) sponsored by.....(name of the

recognized/ registered political party) has been/have been duly elected to fill the vacancy caused in that House by the

*resignation of.....

*death of.....

*election of.....having been declared void.

*having become

*seat of.....vacant.

*having been declared

Place.....

Signature.....

Date.....

Returning Officer.

.....*Score out, if inappropriate.

†Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the..... Parliamentary constituency in the State/Union territory of.....

(2) Legislative Assembly of the State/Union territory of..... from the.....Assembly constituency.

(3) Metropolitan Council of Delhi from the.....Metropolitan Council constituency.

(4) Council of States by the elected members of the Legislative Assembly.....(State).

(5) Council of States by the members of the electoral college of.....(Union territory).

(6) Legislative Council of.....(State) by the members of the Legislative Assembly.

(7) Legislative Council of.....(State) from the.....(Local Authorities'/Graduates'/Teachers') constituency.

FORM 21C

(See rule 64)

(For use in General Election when seat is contested)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the.....Parliamentary constituency in.....(State/Union territory).

_____ *Election to the Legislative Assembly of.....(State/Union territory) from.....Assembly constituency.

_____ *Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name)

.....(Address) sponsored by.....(name of the recognized/registered political party) has been duly elected to fill the seat in that House from the above constituency.

Place.....

Signature

Date.....

Returning Officer.

_____ *Score out, if inappropriate.

FORM 21D

(See rule 64)

(For use in Election to fill a casual vacancy when seat is contested)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the..... Parliamentary constituency in..... (State/Union territory).

.....*Election to the Legislative Assembly of..... (State/Union territory) from.....Assembly constituency.

.....*Election to the Metropolitan Council of Delhi from.....Metropolitan Council

constituency. In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name)(Address) Sponsored by..... (name of the recognized/registered political party) has been duly elected to fill the vacancy caused in that House by the

*resignation of

*death of.....

*election of.....having been declared void. _____

having become.

*seat of vacant.

having been declared

Place.....

Signature

Date.....

Returning Officer.

.....*Score out, if inappropriate.

FORM 21E

(See rule 64)

Return of Election

Election to the.....from the.....constituency

Return of Election

Serial	Name of candidate	Party affiliation	Number of votes polled
--------	-------------------	-------------------	------------------------

No.

Total number of electors.....

Total number of valid votes polled.....

Total number of votes for 'None of the Above'.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that—

.....(Name)

of..... (address)

has been duly elected to fill the seat.

Place

Date

Returning Officer.

FORM 22

(See rule 66)

Certificate of Election

I, Returning Officer for the.....Parliamentary/Assembly constituency in the State of.....hereby certify that I have on the.....day of 20..... declared Shri..... of.....sponsored by.....(name of the recognized/registered political party) to have been duly elected by the said constituency in the General Election/Bye-election to be a member of the House of the People/Legislative Assembly and that in token thereof I have granted to him this certificate of election.

Place

Date

.....

Returning Officer,

for the.....Parliamentary

Assembly constituency.

SEAL

ANNEXURE – 47
(CHAPTER
XVII, PARA-17.6.1)
APPLICATION FOR REFUND OF DEPOSIT MADE
UNDER
SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT,
1951
BY A
CANDIDA
TE

From,

Name.....

Address.....

To

The Returning Officer -----, Parliamentary/Assembly Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951

Sir,

1. I was a candidate for election to the.....from 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 the Returning Officer.
4. I **with drew* my candidature in time. / did not withdraw
5. I **was*..... elected and **secured*.....more than one - sixth of the total number**was* not elected and did not secure of valid votes polled in the election.
- 6.A I did not stand as a candidate at the General Election from any other constituency]
- 6.B (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 constituencies may be forfeited.
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my

knowledge.Yours faithfully,

Place

Date

(Signature of Candidate)

** Strike off the words not applicable in your case Omit the portions within [] as necessary.*

ANNEXURE 47-A
(CHAPTER XVII, PARA - 17.6.1)

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION
34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951
BY THE DEPOSITOR WHEN HE IS NOT 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,

1. I (name of the candidate) was a candidate for election tofrom the..... Constituency.
2. On behalf of the said candidate, I made a deposit of Rs..... for that election in theTreasury under receipt No..... on.....
3. His nomination paper was **accepted /rejected./*..... by the Returning Officer.
4. He **withdrew. /did not withdraw *his 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.

OR

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 deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.

7. I request that the deposit referred to in paragraph 2 may be returned to me.

8. I hereby declare that I have verified all the statements made in this application, and they are true to my knowledge. Yours faithfully,

Place

Date

(Signature of Applicant)

I.....the above mentioned candidate at the election to the..... from theConstituency hereby certify that the statements contained in paragraphs 2 to 6 of this application are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Candidate)

Omit the portions within [] as necessary.

ANNEXURE -47-B
(CHAPTER XVII, PARA-17.6.2)

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,

1. The late Shri was a candidate for election to the from 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 his 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.]

OR

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 deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.]
7. I request that the deposit referred to in paragraph 2 may be returned to me.

8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Applicant)

** Strike off the words not applicable in your case Omit the portions within [] as necessary.*

ANNEXURE - 48

(CHAPTER XVIII, PARA - 18.23.1)

**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 candidate	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

.....

report should be sent in respect of each constituency.

District Election Officer/ Date
 Returning Officer **Notes:** (1) A separate

- (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.

ANNEXURE 48-A
(CHAPTER XIX, PARA - 19.3.1)

REPORT ON THE ELECTION BY THE RETURNING OFFICER

1	Name of the constituency	
2	Date or dates of poll in the constituency:	
3	Number of the polling parties deployed in the Constituency, the composition of each party including police or similar officers employed for maintaining order at the polling station:	
4	Nature of the Polling programme, -Single-day poll. Constituency divided into zones and polling completed one after another with one/two days interval for transit or single party took up polling in adjacent polling station on successive 2/3 days of alternative days:	
5	Total number of electors in the Constituency - Men women; Number of electors in the part relating to service voters;	
6	Names of candidates nominated and the choice of symbols expressed by each in the nomination paper first delivered by or on his behalf:	
7	Number of nomination papers filed on behalf of each candidate:	
8	Names of candidates whose nomination papers were rejected with brief reasons:	
9	Names of candidates who withdraw their nominations	
10	Names of contesting candidates together with the description of the symbol allotted to each and party affiliation:	
11	Names of candidates who renounced their party after allotment of symbols:	

12	Names of candidates (independents), subsequent to the last date of withdrawal joined some other party, or some party claims that its candidate is contesting the elections as a party candidate	
13	Number of polling stations located- (i) in Government and Quasi-Government buildings: (ii) in private buildings: (iii) in temporary structures: Total:	
14	Number of postal ballot papers- Issued..... Returned back..... Undelivered in time after prescribed hour	
15	1-Service votes and their wives: 2-Voters on Election Duty: 3-Special voters and their wives: 4-Electors subjected to preventive detention: Date of issue of postal ballot papers to service voters:	
16	CSVs and Proxy Voters (a) Total Number of CSVs: (b) Number of Proxies who voted:	
17	Names of polling stations, if any, where poll was adjourned and repoll was ordered and reasons for such adjournment or repoll:	
18	Number of ordinary Electors who voted at polling stations	
19	Numbers of persons who voted on production of Election Duty Certificate:	

20	Number of blind or infirm voters who voted with the help of companions	
21	Percentage of votes polled to total electorate	
22	Date and time of commencement of counting	
23	Number of valid votes polled by each contesting candidate	
24	Number of votes rejected: (Postal Ballot Papers)	
25	Challenged vote Total: Number allowed: Number rejected: Amount forfeited:	
26	Tendered votes-Total:	
27	Date and time of declaration of result:	
28	Number of Polling Officers recruited locally:	
29	Number of candidates: party wise (also independents and others)	
30	(a) forfeited deposit (b) amount of deposit forfeited:	
31	Number of candidates who were their own election agents:	
32	Number of election agents appointed	
33	Number of polling agents appointed:	
34	Number of candidates who appointed polling agents	
35	Number of counting agents appointed by candidates	
36	Number of Voting Machines used: (i) Number of Control Units: (ii) Number of Balloting Units; (iii) Number of Voting Machines kept in reserve stock:	

	<p>(a) Number of control Units</p> <p>(b) Number of balloting Units</p> <p>(iv) Whether any machine from the reserve stock was used: if so, how many control units and how many balloting units</p>	
37	Number of paper seals used:	
38	Number of indelible ink phials supplied to each polling party	
39	<p>Number of Electoral Offences with their details- Number of cases of-</p> <p>(a) disorderly conduct at election meetings</p> <p>(b) convening, holding or attending public meetings within the constituency on a polling day:</p> <p>(c) illegal hiring or procuring of conveyances for the transport of voters:</p> <p>(d) canvassing within one hundred meters of a polling station:</p> <p>(e) impersonation of voters:</p> <p>(f) fraudulent defacing, destroying or removal of a list or notice or other document at a polling station:</p> <p>(g) bribing of voters:</p> <p>(h) intimidation of voters (and other persons):</p> <p>(i) booth capturing</p>	
40	Mistakes and irregularities committed by Presiding Officers	
41	Highest and lowest polling-polling station-wise:	
42	<p>(a) No. of votes cast- from 7.00 a.m. to 9.00 a.m.: from 9.00 a.m. to 11.00 a.m.: from 11.00 a.m. to 1.00 p.m.: from 1.00 p.m. to 3.00p.m.: from 3.00 p.m. to 5.00 p.m.</p> <p>(b) Number of slips issued at the closing hour of the poll:</p>	

43	Serious complaints, if any, made by the candidates	
44	Number of cases of breach of law and order	
45	<p>Recounting of votes-</p> <p>(i) Number of application received for recounting in part or in toto:</p> <p>(ii) Number of applications allowed for recounting in part or in toto:</p> <p>(iii) Result before recounting and after recounting of votes:</p>	
46	<p>Was the poll interrupted or obstructed by-</p> <p>(1) riot</p> <p>(2) open violence</p> <p>(3) natural calamity</p> <p>(4) failure of voting machine</p> <p>(5) any other cause Please give details of the above.</p>	
47	<p>Was the poll vitiated by-</p> <p>(1) any ballot box used at the polling station having been unlawfully taken out of the custody of the Presiding Officer-</p> <p>(a) accidentally or intentionally destroyed or lost:</p> <p>(b) damaged or tampered with:</p> <p>(2) Booth capturing</p>	
48	Whether declarations have been made by all the Presiding Officers before the commencement of the poll and at the end of poll as necessary:	

ANNXURE 49
(CHAPTER XIX, PARA - 19.4.1)
ELECTION INDEX CARD FOR LEGISLATIVE ASSEMBLY ONLY
(AT ELECTION WHERE ELECTRONIC VOTING MACHINES ARE USED)

State: No.& Name of Constituency: Year: District:

..... Type of Constituency (Gen./SC/ST).

I	CANDIDATES	Men	Women	Total
1	Nominated			
2	Nominations Rejected			
3	Withdrawn			
4	Contested			
5	Forfeited Deposits			
II	ELECTORS	Men	Women	Total
1	General			
2	Service			
	Total			
III	VOTERS	Men	Women	Total
1	General			
2	Proxy			
3	Postal			
	Total			
IV	DETAILS OF VOTES			
1	Rejected Votes (Postal)			
2	Votes not retrieved from EVM			
3	Total Valid Votes polled			
4	Tendered Votes			
V	DETAILS OF POLL			
1	Total No. of polling stations set up in the constituency			
2	Average no. of electors assigned to a polling station			
3	Date(s) of Poll			
4	Date of Re-poll, if any			
5	No. of polling stations where Re-poll was ordered			
6	Date(s) of counting			
7	Date of declaration of result			

Note: Please read the instructions supplied with the Index Card before filling-up.

VI. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl. No.	Names of the Contesting Candidates (in Block Letters)	Sex (M/F)	Age (Years)	Category (SC/ST)	Party Abbreviation	Valid Votes Polled		
						General	Postal	Total
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
	TOTAL							

Note: Arrange serially contesting candidates in descending order of valid votes polled.

Certified that the Election Index Card has been checked with Form 2A or 2B, 3A, 20 and 21C or 21D or 21E and R.O. 's Report etc. and that there is no discrepancy. Further certified that the Party affiliation has been verified from the declarations made by the candidates in the nomination papers first filed with a Notice in writing to that effect signed by authorized persons under paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

Date.....

**(Signature) (Seal) Chief
Electoral Officer (Seal) Returning Officer**

ELECTION INDEX CARD FOR LOK SABHA ELECTIONS ONLY
(AT ELECTION WHERE ELECTRONIC VOTING MACHINES ARE USED) State
..... Year of ElectionNo. & Name of Parliamentary Constituency Type of
Constituency (Gen/SC/ST)

I.	CANDIDATES	Men	Women	Total
1.	Nominated			
2.	Nomination Rejected			
3.	Withdrawn			
4.	Contested			
5.	Forfeited Deposits			
II.	ELECTORS	Men	Women	Total
1.	General			
2.	Service			
	TOTAL			
III.	VOTERS	Men	Women	Total
1.	General			
2.	Proxy			
3.	Postal			
	TOTAL			
IV.	DETAILS OF VOTES			
1.	Rejected Votes (Postal)			
2.	Votes not retrieved from EVM			
3.	Total Valid Votes Polled			
4.	Tendered Votes			
V.	DETAILS OF POLL			
1.	Total No. of Polling stations set up in the Constituency			
2.	Average No. of electors assigned to polling station			
3.	Date(s) of Poll			
4.	Date(s) of Re-poll, if any			
5.	Number of Polling stations where Re-poll was ordered			
6.	Date of Counting			
7.	Date of Declaration of Result			

Note: Please read the instructions supplied with the Index Card before filling-up.

VI. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl. No.	Name of Contesting Candidates (in block letter)	Sex (M/F)	Age (Years)	Category (SC/ST)	Party Abbreviation	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	Postal Total
1.														
2.														
3.														
4.														
5.														
6.														
7.														
8.														
9.														
10.														
11.														
12.														
13.														
14.														
15.														
16.														
	TOTAL													

1. Arrange serially contesting candidates in descending order of valid votes polled.
2. If the No. of Assembly Segments are more than 8, use additional Cards as per requirement.
3. Indicate names of Recognized and Un-recognized parties as registered with the commission in standard abbreviated form as prescribed by the Commission.

VII. DETAILS OF ELECTORS - ASSEMBLY SEGMENT WISE

Total Electors		AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	TOTAL
1. General	Men								
	Women								
	Total								
2. Service	Men								
	Women								
	Total								
3. Total	Men								
	Women								
	Total								

Certified that the Election Index Card has been checked with Forms 2A or 2B, 3A, 20 and 21C or 21D or 21E and R.O's Report etc. and that there is no discrepancy. Further certified that the Party affiliations have been verified from the declarations made by the Candidates in the nomination papers first filed with a Notice in writing to that effect signed by authorized persons under paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

Date Signature (Seal) Returning Officer

(Seal) Chief Electoral Officer

ANNEXURE -50 (CHAPTER XIX, PARA - 19.14)

LIST OF THE PAPERS FOR DESTRUCTION SIX MONTHS AFTER THE DECLARATION OF RESULT

1. Form of Notice (Form 1).
2. Notice of nominations (Form 3-A).
3. List of validly nominated candidates under rule 8 (Form 4).
4. Form of Notice of withdrawal (Form 5).
5. Notice of withdrawal of Candidates (Form 5).
6. List of contesting candidates (Form 7-A).
7. Appointment of election agents (Form 8).
8. List of tendered votes (Form 15).
9. Appointment of polling and counting agents (Form 10 and 18).
10. Office copies of Form 18.
11. Revocation of the appointment of election agents, polling agents and counting agents (Form 9, 11, 19).
12. Used electoral rolls at a polling station other than the marked copy [Rule 31(3) / 49C (3)].
13. Record kept by the Presiding Officers regarding voting by blind and infirm electors (Form 14-A).
14. Packet containing cancelled ballot papers [Rules 39(7) and 41.]
15. Notes and records maintained by the Presiding Officer, the declarations made by the polling agents and any other paper directed by the Returning Officer to be kept in a sealed packet.
16. List containing names of persons under preventive detention (Rule 21).
17. List of electors permitted to vote by postal ballot.
18. Applications made by persons subjected to preventive detention for permission to vote by postal ballot received by the Returning Officers.
19. Applications for postal ballot papers by electors employed on election duty (Form 12 and Form 12-A).
20. Postal ballot papers returned undelivered.
21. Applications made for reissuing of postal ballot papers.
22. Applications for the recount of votes (Rule 63).
23. Unused postal ballot papers with counterfoils.
24. Notice of counting of votes-time, place and date, etc.

25. Notice of inspection of accounts of election expenses.
26. Correspondence between the Returning Officer and the candidates and the election or counting agents.
27. Application for allotment of symbols.
28. Damaged paper seals and unused paper seals including those received back from the Presiding Officers by the Returning Officers.
29. General reports, diaries and memo, note-books from the Presiding Officers.
30. Notices under clauses (a) and (b) of sub-rule (i) of rule 31/49C.
31. Packets containing objections by candidates and agents etc., in the course of poll and counting of votes.
- 31A. A Sealed packet containing the proceedings drawn by the Returning Officer after counting of votes.
32. Sealed packets containing check memos for counting of votes.
33. Certified extract of electoral rolls filled along with the nomination papers.
34. Forms of account of ballot papers/account of votes recorded.
35. Paper seal account.
36. Publicity material such as wall posters, handbills and open statements issued by the candidates at the election.
37. Election duty certificates (Form 12-B)
38. Declarations under rule 40 (1)/49N.

Annexure - 51
(CHAPTER XII, PARA - 12.5.1)
(Register for Preparation of EVMs)

Name of State/UT: Name of District:
Name of Assembly/Parliamentary Constituency: Address of Preparation of EVM hall:
Date:

S. No.	Name of candidate	Name of Representative of candidates with party affiliation, if any	Identity document No. with date	Signature of Candidates / His representative	Remarks, if any.

Note: If a candidate or his representative is absent the proof of due service of notice to the candidate should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

Annexure - 52
(CHAPTER XII, PARA-12.5.7)

(Register for Sealing of Ballot Unit of EVMs using Pink Paper Seal)

Name of State/UT:

Name of District:

Address of FLC hall:

Date:

It is certified that the sealing of the Ballot Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Ballot Units and I am satisfied with the sealing of the Ballot Units.

Sl.No.	Unique ID No. of Ballot Unit	Pink Paper Seal Number

S.No	Name of candidate	Name of political party with party affiliation, if any	Identity document No. with date	Signature of Candidate / his

Annexure - 53
(CHAPTER XVIII, PARA-18.1)

CANDIDATE WISE SCRUTINY REPORT OF THE DEO ON LODGING OF ELECTION EXPENSES UNDER RULE 89 OF C.E. RULES, 1961 TO THE HOUSE OF PEOPLE OR STATE LEGISLATIVE ASSEMBLY			
[In case of any discrepancy in the account submitted by the candidate and the Shadow Observation Register, copies of all the registers and evidences collected, should be sent along with this report]			
S.No.	Description	To be filled up by the DEO	
1.	Name & address of the candidate		
2.	Political Party affiliation, if any		
3.	No. and name of Assembly/Parliamentary Constituency		
4.	Name of the elected candidate		
5.	Date of declaration of result		
6.	Last date prescribed for lodging Account		
7.	Date of lodging of account by the candidate		
8.	Whether account lodged by the candidate is in the prescribed format (Yes or No)		
(a)			
(b)	Defects noticed in the format by the DEO	Tick rows	Brief note on details of the defects
(i)	Abstract statement (Part I to IV and schedules 1 to 9) not filled up/not duly signed		
(ii)	Duly sworn in Affidavit of the candidate not filed		
(iii)	Register of day to day accounts along with bank register and cash register not duly signed by the candidate		

S.No.	Description				To be filled up by the DEO		
(iv)	Vouchers in respect of items of election expenditure not submitted/not signed by the candidate or his election agent						
(v)	Self Certified copy of the Statement of Bank account for election expenses not submitted						
(vi)	All receipts for election expenses not deposited in the aforesaid bank a/c and all payments except petty expenses not made by cheque.						
9.	Grand Total of all election expenses by the candidate as mentioned in <i>Part-II</i> of the Abstract Statement, filed by the candidate.						
10(a)	Whether the items of expenses reported by the candidate correspond with the expenses shown in the Shadow Observation Register and Folder of Evidence (Yes or No)						
(b)	If No, then, please fill up the details where expenditure has been understated / not mentioned at all by the candidate						
	Items of expenditure	Date	Page No. of Shadow Observation register	Mention amount as per the Shadow Observation Register/folder of evidence	As per the account submitted by the candidate	Amount understated by the Candidate	
	Total						

S.No.	Description	To be filled up by the DEO
11. (a)	Did the candidate produce his Register of Election Expenditure for inspection by the Observer/RO (Yes or No) 3 times during campaign period	
(b)	Was any discrepancy pointed out to the candidate at the time of inspection of register by the Observer. If Yes, mention the discrepancy?	
(c)	Was a notice pertaining to any discrepancy in expenditure given to the candidate by the RO. ? Please mention date and nature of discrepancy.	
(d)	Did the candidate give any reply to the notice?(Please Annex copy of the notice and explanation received).	
12.	Whether the DEO agrees that the expenses are correctly reported by the candidate (Yes or No)	
13.	Lump sum amount given to the candidate in Cash or Cheque by Political Party as mentioned in Part-III of the Abstract Statement. Also mention name of the party.	
14.	Lump sum amount given to the candidate in Cash or Cheque by any other person/entity. Also mention name of the party.	
15.	Was there any incident of distribution of money, food or other items in the constituency by the candidate or his agents or his party functionaries or any other person related to the candidate? Please mention date and name of person.	
	SEAL: Date:	Signature (Name of the DEO)

Note for item No. 10 (b):

1. Please mention details of particular events where expenditure is under reported vis-à-vis the

Shadow Observation Register.

2. If practicable, please attach separate annexure indicating item wise break up of expenditure

Comments, if any, by the Expenditure Observer*-

Date:	Signature of the Expenditure Observer
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Forwarded to the Election Commission of India by the CEO -	
Date:	Signature of the Chief Electoral Officer **

* If the Expenditure Observer has some more facts that have not been covered in the DEO's report, he may annex separate note to that effect.

** If the CEO feels like giving additional comments, he or she may forward the comments separately.

SUMMARY REPORT OF DEO FOR EACH CONSTITUENCY ON LODGING OF ELECTION EXPENSES ACCOUNTS BY CANDIDATES

(a) No. and name of Assembly/Parliamentary Constituency:
 (c) State and District:
 election: (e) Last date of lodging accounts:

(b) Total No. of contesting candidates:
 (d) Date of declaration of result of election/bye-
 (f) Name of the elected candidate:

1.	2.	3.	4.	5.	6.	7.	8.	9.		10.		11.
S. No.	Name of the candidate and Party Affiliation	Due date of lodging of account	Date of lodging of accounts by the candidate	Whether lodged in the prescribed format (Yes or No)	Whether lodged in the manner required by law (Yes or No)	Grand Total of the expenses incurred/authorized by the candidate/agent (as mentioned in Part-II of Abstract Statement)	Whether the DEO agrees with the amount shown by the candidate against all items of expenditure	Total expenses incurred by the Party (As reported in Part-III of Abstract Statement)		Total expenses incurred by others/entities as reported in Part-III of Abstract Statement		Remarks of the Expenditure Observer
								Lump Sum Amount in cash or cheque given to candidate by each Political Party	Grand Total of other expenses in kind by the Political Party	Lump sum Amount in cash / cheque given to the candidate and mention names	Grand total of other expenses in kind incurred for the candidate	

Signature of the DEO

Comments of the Expenditure Observer, if any, _____

Date:

To be forwarded to Election Commission of India through the Chief Electoral Officer of the concerned State /UT

Signature of the Expenditure Observer
Signature of the CEO

