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37477/24

**IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION**

WRIT PETITION (C) NO. ____ OF 2024

[Under Article 32 of the Constitution of India]

PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

THE VIDHI CENTRE FOR LEGAL POLICY

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

VOL.II

(From Pages 487 to 999)

**PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)**

ADVOCATE FOR THE PETITIONER:

HARSH PARASHAR

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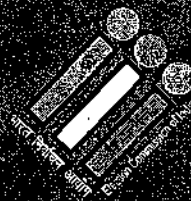
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Edition - 2



HANDBOOK FOR RETURNING OFFICER 2023



भारत निर्वाचन आयोग
Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

"No voter to be left behind"

Edition - 2



सत्यमेव जयते

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भारत निर्वाचन आयोग
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"No voter to be left behind"

Abbreviations and Acronyms

AC	Assembly Constituency	CU	Control Unit
AMF	Assured Minimum Facilities	DEO	District Election Officer
ARO	Assistant Returning Officer	DFMD	Door Frame Metal Detector
AS	Assembly Segment	ECI	Election Commission of India
ASD	Absentee, Shifted and Dead	ECIL	Electronics Corporation of India Limited
AVCO	Absentee Voters of COVID-19 (category)	PPS	Pink Paper Seal
AVES	Absentee Voters of Essential Services	PS	Polling Station
AVPD	Absentee Voters of PwD (category)	PV	Proxy Voter
AVSC	Absentee Voters of Senior citizen (category)	PVC	Postal Voting Centre
BAGs	Booth level Awareness Groups	RO	Returning Officer
BDO	Block Development Officer	SLU	Symbol Loading Unit
BEL	Bharat Electronics Limited	SP	Superintendent of Police
EVM	Electronic Voting Machine	SST	Static Surveillance Team
FLC	First Level Checking	SVEEP	Systematic Voter Education and Electoral Participation
FS	Flying Squad	EDC	Election Duty Certificate
MCC	Model Code of Conduct	EEM	Election Expenditure Monitoring
MCMC	Media Certificate and Monitoring Committee	EMF	Extended Minimum Facilities
M2	Model 2	EPIC	Electors Photo Identity Card
M3	Model 3	ERO	Electoral Registration Officer
NOTA	None of the Above	ESPs	Expenditure Sensitive Pockets
PB	Postal Ballot	VAB	Voter Assistance Booth
PC	Parliamentary Constituency	VCB	VVPAT Counting Booth
PCI	Press Council of India	VFP	Voter Facilitation Poster
PER	Photo Electoral Roll	VIS	Voter Information Slip
BLO	Booth Level Officer	VST	Video Surveillance Team
P-FLCU	Pre first Level Checking Unit	ESC	Expenditure Sensitive Constituency
BU	Ballot Unit	ETPB	Electronically Transmitted Postal Ballot
CAPF	Central Armed Police Force	VVPAT	Voter Verifiable Paper Audit Trail
CEO	Chief Electoral Officer	VVT	Video Viewing Team
CPF	Central Police Force		
CSV	Classified Service Voter		

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1. 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. Returning Officer should clearly know the territorial extent of the constituency for which he/she is the Returning Officer. 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 Annexure 1 and 2.

1.2 THE HANDBOOK AND OTHER REFERENCES

- 1.2.1. This Handbook for Returning Officer is designed to give information and guidance needed for optimal functioning of a Returning Officer. However, this is not an exhaustive compendium in all aspects or as a substitute reference for the various provisions of election law for the conduct of elections. Returning Officer 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
 - (2) the Constitution of India,
 - (3) the Representation of the People Act, 1950,
 - (4) the Representation of the People Act, 1951,
 - (5) the Conduct of Elections Rules, 1961 and the Registration of Electors Rules, 1960 and the relevant enactments with which Returning Officer should primarily be concerned. In addition to this, Returning Officer must also have a copy of the Compendium of Instructions, Compendium of Instructions on Election Expenditure Monitoring and the Handbook for Presiding Officer, The Election Symbols Order, 1968 and the latest list of political parties and election symbols issued by the Election Commission and refer to them as often as needed and instructions issued by ECI from time to time.
- 1.2.2. The latest versions of all the Handbooks are available on the ECI website. (<https://eci.gov.in>)
- 1.2.3. Returning Officer should thoroughly study the annexure attached to each chapter of the Handbook. He/She should ensure that 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 DUTIES AND RESPONSIBILITIES

- 1.3.1. 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, to manage ETPBs;
 - g) to print ballot papers with photograph of candidate for the EVM;
 - h) to prepare the EVMs and VVPATs for the elections;
 - i) to train Polling Personnel, Sector Officers, Area/Zonal Magistrates etc. in all aspects, including use of EVMs with VVPATs;

- j) to depute Polling Officers to the polling booths with election materials;
- k) to supervise the functions of the Polling Officers in his/her AC /PC on Poll day;
- l) to ensure free and fair election;
- 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.
- q) to make fool proof arrangement for the DC and RC (Dispersal Centre and Receiving Centre);
- r) to implement the Model Code of Conduct as per ECI's guidelines;
- s) to prepare the transport movement plan for the polling parties;
- t) to make preparations for absentee Postal ballot voting;
- u) to ensure speedy grievance redressal; and
- v) to take initiatives for expenditure monitoring as per ECI instructions.

1.3.2 Returning Officer will be given thorough training regarding his/her various duties and responsibilities. Returning Officer must attend these trainings and use the sessions for clarifying his/her doubts.

1.4 PRESENT SCENARIO

1.4.1. Returning Officer is in an environment where a number of changes have taken place, especially during the past decade. They are briefly mentioned below:

- a) The elections are conducted with Electronic Voting Machines with VVPATs.
- b) The system of Booth Level Officers has enabled the electoral roll to be more accurate.
- c) The electoral roll now has the photos of electors. Now electors have the Electoral Photo Identity Card. As the date of poll approaches, a Voter Information Slip is also handed over to each elector through the Booth Level Officer. All these have served to minimize the scope for impersonation.
- d) A visible and rigorous enforcement of the Model Code of Conduct has enhanced the credibility of elections and given confidence to the voters.
- e) The Compendium of Instructions on Expenditure Monitoring is a breakthrough in the management of money power in elections.
- f) 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.
- g) 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.
- h) A number of instructions have come in the management of Postal Ballots, Absentee Voter Postal Ballots and Electronically Transmitted Postal Ballots (ETPBs), calling for greater involvement of the Returning Officer.
- i) 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.
- j) The concept of Vulnerability Mapping has helped a great deal in enabling the voters from vulnerable sections of society to come and vote. Manual of Vulnerability Mapping (available on ECI website) has also been prepared.
- k) The 'NOTA' option with symbol has now been provided on the EVMs, VVPATs and Postal Ballots (including ETPB). This allows people who do not want to vote for any one of the candidates in their respective constituencies, the option of rejecting all of them without giving up their right to vote in secrecy.

- j) Some of the polling stations may be categorized as Critical Polling Stations and Polling Stations falling in vulnerable areas. The Commission has directed that such polling stations shall be covered by CAPF. The Polling Stations, where CAPF is not deployed due to non-availability of otherwise, they shall be covered by one or more civil measures like Micro Observers, Videography, CCTV or Web Casting.
- iii) A number of activities to ensure greater participation and a stronger democracy have been initiated under Systematic Voters' Education and Electoral Participation (SVEEP), enabling all the stakeholders in the election process to be more informed than before.

1.5 CHAPTER SCHEME OF THE HANDBOOK

- 1.5.1. Chapters 2 to 4 dealing with Polling Stations, Polling Personnel and Election Materials refer to the first stage of activity as Returning Officer.
- 1.5.2. As soon as the notification for election is published, a very important stage in the election process begins. Returning Officer's role in the nomination, scrutiny, and withdrawal of candidature and allotment of symbols is extremely crucial. The details regarding these are covered in Chapters 5 to 8.
- 1.5.3. Chapter 9 deals with Uncontested Election.
- 1.5.4. Publication of the list of candidates after the allotment of symbols marks the beginning of a new phase in which Returning Officer has to start arrangements for the actual poll process. These include among others, printing and dispatch of Postal ballot papers/ETPBs, printing of ballot papers for EVMs, and preparing EVMs and VVPATs for handing over to the polling personnel. These are dealt with in Chapters 10, 11 and 12. The actual conduct of poll is dealt with in Chapter 13.
- 1.5.5. 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 14.
- 1.5.6. Counting of votes and the Declaration and Publication of Result are detailed in Chapters 15 and 16.
- 1.5.7. Chapter 17 deals with Return and Forfeiture of Deposits. Chapter 18 deals with Monitoring of Election Expenditure and Accounts of Candidates. The Chapter 19 deals with miscellaneous items.
- 1.5.8. A detailed account of contents, indicating the sub headings, chapter wise is given in the beginning of the handbook for ready reference.
- 1.5.9. The annexures are placed at the end. An index of annexure is also given in the beginning of the handbook.

1.6 SUMMING UP

- 1.6.1. Returning Officer 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.
- 1.6.2. Returning Officer should meet the representatives of the recognized political parties and contesting candidates as often as he/she 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.
- 1.6.3. Returning Officer's interaction with the media should be positive and he/she should use the media effectively to disseminate information regarding the steps taken by him/her for a free and fair poll to the public and all other stakeholders. This is an important confidence building measure.
- 1.6.4. Needless to say, Returning Officer should be thorough with the provisions of law and the latest instructions of the Commission so that he/she can lead his/her team to conduct a free and fair election.
- 1.6.5. The Commission places a very high premium on training of all those who are involved in the election process. Returning Officer should therefore take his/her training seriously, on all aspects, including handling of the EVMs and VVPATs. Returning Officer should also take every effort to train his/her polling personnel and counting staff.
- 1.6.6. Considering the multiplicity of agencies involved, Returning Officer should be able to elicit

cooperation from all concerned by excellent coordination. It is equally important that he/she maintain a very good communication link with the Observer(s) posted in his/ her constituency.

- 1.6.7. Last, but not the least, Returning Officer should have a clear plan of action from the very beginning and he/she should draw up an activity chart in consultation with those concerned, so that the election can be conducted to his/her credit.

1.7. ELECTORAL ROLL

Addition, Deletion and Corrections after final publication (In an election year)

- 1.7.1. After final publication of rolls, no suo-moto deletion shall be done in an election year. Deletion can be done only on the basis of Form 7 or on the basis of a request of deletion made by the concerned elector in declaration part of Form 8. If any deletion has to be made in the electoral rolls after the final publication of rolls, i.e. during the period of continuous updation, the ERO shall consult the DEO before making any such deletion. The DEO shall monitor all additions, deletions and corrections from the date of final publication of electoral rolls onwards. In case deletions required in any Assembly Constituency are more than 0.1% of the number of electors in the said constituency in the finally published rolls, the DEO shall take the approval of the CEO before allowing such deletions by the ERO.

- 1.7.2. After the announcement of elections, no deletion or correction of entries in the electoral rolls shall be done by the ERO either suo-moto or on the basis of forms received. Forms 7, 8, received till the date of announcement of election will be taken up for disposal by the ERO concerned after expiry of the prescribed 7 days' notice period. This means, Forms 7, 8, received till the date of announcement of election would be processed as per due procedure till the 10th day from the date of announcement. Forms 7, 8 received after the announcement of election would be kept separately and shall be taken up for disposal only after completion of election.

- 1.7.3. Addition of names will be carried on till the last date of filing nominations. All the Forms 6 received till 10 days before the last date of filing nominations shall be disposed of and the Addition Supplement be prepared by the EROs up to the last date of filing of nominations.

There may be some instances where Form 8 for shifting from one place to another might be received after the announcement of elections. In such cases, it would not be appropriate to deny such claims in support of the applicants' registration at the new place.

In view of the position mentioned, the Commission has directed that in all such cases where Form 8 are received for shifting from one place to another, the applicant will be enrolled at new address, while he will be listed as **ASD voter at old address**, if located in your state. Specific instructions shall be given to the concerned polling team to check identity of such elector on the basis of his latest residence proof, if the person visits the polling station.

- 1.7.4. Preparation of supplement, integration and reprinting of integrated mother roll:

- (a) At the time of final publication, the final roll will be a single integrated one, in which all the addition entries will come with Sl. No. in continuation after the last entry of the mother roll and all the modifications and deletions during summary revision will be reflected in the mother roll itself, as per the Commission's existing instructions. No separate addition, deletion and modification lists will be printed and given to the political parties, though the EROs will generate these lists from ERO-Net and keep them for future reference.
- (b) At the time of preparation of electoral roll on the last date of nominations, to be given to political parties and for preparation of marked copy/working copy, the electoral roll will be an integrated one, however, there will be no bundling of the family members and re-serialisation. All the additions made during continuous updation from last final publication date till the last date of making nominations, will be put in chronological order giving continuous Sl. No. starting with next Sl. No. of last entry in final roll, with all deletions & modifications be marked in last final roll as per Commission's existing instructions. No separate addition, deletion and modification lists will be printed and given to the political parties, though the EROs will generate these lists from ERO-Net and keep them for their future reference.
- (c) All the modified entries, correction made during the period of revision/continuous updation,

will be reflected in the integrated roll itself with the sign of (# or 2#, as the case may be) to indicate that the entry has been modified. Modified entries in place of old entries in case of any modification carried out shall be reflected in integrated roll and the list of Modifications (to be kept with ERO for future reference) shall contain old entries, on which modifications have been carried out, for tracking the changes whenever required.

1.7.5. Preparation of marked copy/working copy: For the purpose of preparing marked copy/ working copy of electoral roll, following changes shall be made in the reprinted mother roll, as was published at the time of final publication.

- (a) All additions made during continuous updation shall be added diatonically below the basic mother roll (integrated draft roll) without disturbing/ changing the sequence/serial number of electors so added, with the caption "Additions during Continuous Updation".
- (b) The additions made during the quarter (addition list) will be put in chronological order after the last entry of the electoral roll in the concerned part, without disturbing the serial number of existing entries. The entries deleted during SSR/subsequent quarters will not be removed from the mother roll. Similarly, entries of newly added electors in different quarters will not be clubbed with electors of same section/families. The deletions and modifications made during the quarter will be reflected in updated electoral roll against the relevant entries. The deleted entry will continue at the serial number of the entry, indicating the abbreviated form of reason i.e. 'E' (expired), 'S' (shifted), 'Q' (disqualified), 'R' (Repeat), 'M' (missing) for such deletion. Similarly, the new modified entry will replace the existing entry with a sign of '#' against the serial number to indicate that the original entry has been modified. All such entries which have been modified and replaced, will be listed out in the modification list and kept for ERO's future reference.
- (c) The following marking would be indicated to differentiate between the deletion and modification done during the particular stages, namely summary revision or continuous updation on the basis of list of deletion, modification available at the time, when the disposal of application is stopped for preparation of roll for conduct of elections:-

Supplement	Marking for deletion	Marking for Modification
Supplement (for Summary revision)		#
Supplement (continuous updation on the basis of list of deletion, modification available at the time, when the disposal of application is stopped for preparation of roll for conduct of elections)		2#

1.7.6. Printing of marked copy / working copy:

- (a) As indicated in the Commission's existing instructions, the integrated mother roll, reflecting all the changes made in subsequent supplements shall be reprinted using the software provided, for preparation of marked/ working copy for conduct of elections. It is clarified that as the Commission has already directed not to make any deletion and correction after the announcement of elections, the integrated mother roll reflecting the changes carried out in the subsequent supplement, can be printed immediately after the 10th day of announcement of election by the Commission, after disposing all the Forms (i.e. Forms 7, 8) received till

the date of announcement of election.

- (b) As inclusion of names will carry on till the last date of filing of nominations, the 'Addition' list of 2nd Supplement (or the case may be) will be printed only after the last date of filing nomination is over and certainly within the period of 3 days of last date of withdrawal of candidatures. As no changes are required to be reflected in the mother roll as result of the Addition Supplement, printing of integrated Mother roll, will not be affected by the entries of the Addition list and sufficient time will be available for printing/reprinting of roll. Addition list that is to be printed after last date of filing nominations, can be simply added in the integrated Mother roll without disturbing the entries in integrated Mother roll.

- 1.7.7. Sharing of electoral roll with contesting candidates of recognized political parties: A copy of the integrated Mother Roll, so printed by software and appended/bunched together, shall be given free of cost to contesting candidates of recognized political parties and will also be made available for sale by the Electoral Registration Officers to political parties and other persons. The same copy shall also be used for preparation of the Marked Copy of electoral roll to be used in polls.
- 1.7.8. The Returning Officer should allow inspection of the complete roll of the constituency as corrected above, in his office.
- 1.7.9. The Returning Officer shall provide an identical copy of the final electoral roll to the candidates of recognized political parties of the state concerned within 3 days after withdrawals and finalization of candidature. This is not necessary during bye-elections.
- 1.7.10. Preparation of 'Working Copy' and 'Marked Copy' - One copy of such final roll should be set apart for marking the names of voters to whom Postal Ballot (PB) and Election Duty Certificates (EDC) are issued. After the PB/EDC recipients are decided, the Returning Officer shall get the initials 'PB' or 'EDC' marked against the electors concerned in the copy of the roll set apart for marking by the polling officials on the day of poll.
 - Part-wise proxy voter list in prescribed Format shall also be attached to the copy of the roll set apart for marking. Three (Four in case of simultaneous elections) more copies of the roll shall be prepared which would be IDENTICAL and will be supplied to the Presiding Officer and the polling team for conduct of elections. These are the working copies of the roll.
 - The copies of electoral roll to be supplied to candidates of recognized political parties should be IDENTICAL with the working copy of the electoral roll provided to polling parties for conduct of elections except the PB, EDC markings and proxy voter's lists, however, the working copy with PB and EDC markings and 'Proxy Voters' lists may be shown to the agents and candidates present before commencement of poll inside the polling station so that they may compare the entries, deletions and corrections and if necessary note the same in their copies.
 - One of the said three/four sets of working copy should be used by the polling officials at the polling booth for further marking the electors who come and vote. This would be the statutory 'marked copy' that would be sealed in the statutory envelope at the close of the poll and submitted to the Returning Officer for safe custody along with other statutory documents.
 - List in alphabetical order - The Election Commission has directed that for easy identification and search the names of voters at the polling station locations having 3 or more polling stations in one building, over and above the normal electoral roll a copy of the roll with electors arranged in alphabetical order should also be provided for conduct of elections. This however is not statutory and is merely to facilitate voter location and identification quickly on the poll day. The photo of electors need not be printed in this facilitative roll. Such alphabetical roll need not be prepared necessarily for all parts of the roll.
 - Section 14B of the Representation of People Act-1950 provides for qualifying dates for preparation and revision of Electoral roll. M/o Law and Justice has amended the Section 14B and provided for four (4) qualifying dates i.e. 1st day of January, 1st day of April, 1st day of July and 1st day of October, for preparation and revision of the Electoral Roll. Further the Ministry has also amended rule 26A of the Registration of Electors Rules, 1960 to provide that the list of amendments prepared with reference to the qualifying dates as specified in sub-rule (1A), shall be merged and integrated with the last finally published roll and

published as draft roll under rule 10, before every election and bye-election and shall be put in public domain with reference to the qualifying date, proximate to the said election, as the Election Commission may direct.

2. 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 basis to cover well-defined polling areas. Change of 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 should be intimated accordingly and/or wherever modifications are proposed, the Commission's approval must 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 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 an average for both the rural and the urban constituencies. However, the Commission's instruction is 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 1500 electors.
 - 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 ideally have two doors, so that one door 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 kilometers to cast his vote. In sparsely populated hilly or forest area, this rule may have to be relaxed; in such cases to ensure that voters may not have to walk unduly long distances, polling stations may be set up for a smaller number of voters than the usual. Due consideration should be given to the topography and the ease of travel for voters.
 - 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 them. 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.
 - a) 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.

- b) 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 centrally located or has distinctly better facilities, it can be chosen as the location of polling station in preference to the village with the largest number of voters.
- c) Due consideration should be given to the existing 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.
- d) Setting up a polling station in a temporary structure should be avoided, in view of the expenditure of erecting it and further risk of fire, storm, etc.
- e) 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 in the proposed polling stations. No area in the constituency should be left out.
- f) 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.
- g) 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.
- h) No polling station should be located in police stations, hospitals, temples or places with religious significance.
- i) There should be no political party office within 200 meters of a polling station.
- j) As far as possible, the polling stations should be set up on the ground floor of a building / at the level of road leading to polling station to facilitate voting for aged and disabled electors. Ramps should be installed for the use of such electors.
- k) Ramp, Electricity, drinking water, adequate furniture and separate toilet facilities for men and women should be available as far as possible.
- l) 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.

2.2.2. The Commission has published a Manual on Polling Stations which is available on ECI website. For detail information on polling station, read this Manual.

2.3. SETTING UP OF POLLING STATION FOR VOTERS SUFFERING FROM LEPROSY

2.3.1. If there is a leprosy sanatorium within the constituency; 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. 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. 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.

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

- 2.5.1. The Commission has laid down clear guidelines to prevent intimidation to the voters of vulnerable sections of electorate (Returning Officer should read the latest Manual on Vulnerability Mapping for details). Some of the guidelines are:
- 2.5.2. An exercise to identify the villages/hamlets/habitats and segments of electorate vulnerability to any threat, intimidation or interference with the free exercise of electoral right shall be taken up polling station wise. The sector officers shall do this exercise for their respective polling stations by visiting the catchment area of the polling stations. The local Thana 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 to 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 **General Observers, Police Observers and Expenditure Observers**, the DEO/ RO shall hand over the details of the polling station-wise vulnerability mapping for the relevant Assembly Constituency and a **list of critical polling stations to observers**. 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 CAPF shall be given a list of such vulnerable locations. Wherever CAPF 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 source 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, and keep it 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 during the Form 17A scrutiny, if any, ordered by the Commission after the poll.
- 2.5.19. Wherever, there were past incidents of EVM being looted or broken in any Polling Station, CAPF may be deployed at such polling stations.
- 2.5.20. The Commission has directed 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 official in this regard.

2.6. AUXILIARY POLLING STATIONS

2.6.1. Before every revision of electoral roll, polling stations should be rationalized based on additions expected in the roll so that after the final publication, polling stations do not have more than 1500 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 as given in **Annexure 3**. The demarcation of polling area should be clearly done. The name of each village covered in 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 case of temporary structures, the description of the exact site chosen as the location of the temporary structure should be clearly indicated.
- Column 3:** The full name of the building should be clearly described. The use of abbreviations should be avoided. In cases, where more than one polling station are located in the same building the location should be 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 kilometers 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 as the location for 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, they should be explained.

If any local terms are used to describe buildings, etc. in the list, they 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 prior 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 headquarter 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 draft 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 about the same. Any bonafide person intending to be a candidate who wishes to take part in the discussions at this meeting should also be allowed to do so.
- 2.8.7. The District Election Officer should then take his decision on suggestions, 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 **Annexure 4 and 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 as well. There is no need to print 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.
- 2.8.10. The approval of the Commission will be communicated by the Election Commission directly 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. The list finally approved by the Commission should be published as directed below.

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 on CEO website and displaying 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 of a Parliamentary Constituency to publish the list, a second time, except at his office, in 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., be informed in writing.

2.11. CHANGES 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 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 fixed price to all persons who demand these 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 CEO 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 polling station.
- 2.13.2. Whenever such list is 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 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 them he should send a fresh composite proposal to the Commission through Chief Electoral Officer.

2.14. SECURITY, LAW & ORDER ANALYSIS

- 2.14.1. The exercise of 'Security and Law & Order Analysis' is to be carried in every district of the state under the leadership of the District Election Officer. The DEO should take all the needed support for this analysis from the police and other officers, including the Returning Officers and Sector Officers/ Sector Magistrates. In this regard, Returning Officer must read the **Latest Manual on Vulnerability Mapping** to know the latest instructions and formats for reporting to the Commission. The latest Manual on Vulnerability Mapping can be downloaded from the Commission's website.

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:

1. PSs having vulnerable pockets and PSs located in identified vulnerable area.
2. PSs where polling was more than 90% and where more than 75% of votes have been polled in favour of one candidate in last election.
3. PSs where polling is less than 10%
4. PSs where Re-poll conducted owing to vitiation of poll process and electoral offences such as booth capturing, during any election for Lok Sabha or State Legislative Assembly in last five years
5. PSs where any sort of violence took place on poll day leading to lodging of FIR, during any election for Lok Sabha or State Legislative Assembly in last five years.
6. PSs with higher than constituency average % of Absentee, Shifted and Dead (ASD) voters (Ref: Constituency Average % of ASD Voters = Total number of ASD Voters in the constituency/ Total number of polling station)
7. Information regarding abnormal law and order situation in any particular area.

- 2.15.2. The DEOs and ROs shall factor all the above inputs while finally identifying the critical polling stations for additional measures. The ECI Observers shall also be consulted while finalizing the list of critical polling stations as per the above instructions.

1. The response protocol to be followed with reference to the vulnerable Villages/ hamlets/ electoral segments has been detailed vide Commission's letter No. 464/ L&O/ 2023/ EPS (VM) dated 21st June, 2023 and latest edition of Manual of Vulnerability Mapping and Manual of Force Deployment)
2. 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.
 - i) All critical Polling Stations shall have CAPF deployment to safeguard the Polling Stations to the maximum possible extent.
 - ii) The list of all such critical Polling Stations shall be given to the Commanding/

Assistant Commanding Officers of CAPF so that they can keep a watch on such Polling Stations.

- iii) Deployment of webcasting or videography and any other monitoring system shall be positioned in the Polling Station as a civil measure. Webcasting shall be done in all critical polling stations or at least in 50% of total polling stations including auxiliary polling stations, whichever is higher.
- iv) Critical events in and around the polling station shall also be videographed.
- v) A Micro Observer may be deployed inside the critical Polling Station, as additional civil measure, to enhance monitoring.
- vi) The Presiding Officer of critical Polling Station shall be specifically briefed to ensure that the EPIC/ approved identification document, if any, are properly verified and reflected in the 'Remarks' column of Form 17 A.

2.15.3. The Commission has prepared a Manual on Force Multipliers and Civil Measures, latest edition which is available on ECI website. The details on the non-CAPF measures for Critical Polling stations are available in Manual which can be downloaded from the Commission's website.

2.16 ASSURED MINIMUM FACILITIES AT POLLING STATIONS

The Commission has directed that the CEOs/DEOs shall make complete gap analysis of Assured Minimum Facilities (AMF) at each Polling Station and work with State authorities to permanently provide these AMF at the polling stations. The Assured Minimum Facilities are provided at the Polling Stations for assistance and facilitations to voters to enable them to cast their votes on the day of poll in smooth, hassle-free and convenient manner, apart from providing enabling framework to the polling personnel to discharge their duty in an efficient manner. The DEO and the RO shall do an advance exercise well before the elections, as provided in election planner, to get the conditions of the polling stations physically verified by the field officials. The Sector Officers should visit each Polling Stations/Locations within his /her jurisdiction to assess whether it is use worthy. The Returning Officers shall physically verify at least 20% of the Polling Locations. The Commission directs to provide following Assured Minimum Facilities (AMF) at each and every Polling Stations/Locations:

- (i) **Polling Station at Ground Floor:** The polling stations should be set up on the ground floor of a building / at the road level to facilitate voting for aged and disabled electors. Polling stations should be set up in such a manner that ordinarily, no voter is required to travel more than two kilo meters to cast his vote. In sparsely populated hilly or forest area, this rule may require to be relaxed. In such cases to ensure that voters may not have to walk unduly long distances, Polling Stations may be set up for a smaller number of electors than the usual norm. Due consideration should be given to the topography and the ease of travel for electors. Sometimes, Polling Stations in hilly areas are located on different levels. It should be ensured that if the Polling Station is at a higher level, the road that leads to it, passes at the same level as that of the Polling Station.
The Polling Stations should have separate Entrance and exit for voters. If there is only one door at the Polling Station(s), separate entrance and exit can be provided with the help of a temporary fencing in the middle of the doorway using bamboos and ropes, based on the local conditions.
- (ii) **Provision for Ramp:** A permanent ramp of maximum gradient 1:12 should be provided at all Polling Stations to facilitate the PwD (Persons with Disabilities) voters and senior citizen electors, as per the directions of the Hon'ble Supreme Court of India in the Polling Stations. The Supreme Court has also directed to give wide publicity about the provision of ramps in Polling Stations.
- (iii) **Provision for Drinking Water:** There should preferably be permanent arrangement of tap facility for drinking water. As an alternative, drinking water pots having sufficient capacity on the day of poll may be provided. Sufficient number of environment-friendly disposable glasses may be made available for drinking water. Drinking water facility should be on self-service basis and wherever possible provision of volunteer/daily wage-earner to serve water to the voters standing in the queue, may be made.
- (iv) **Adequate Furniture:** There should be proper provision for furniture like tables, chairs and benches

etc., inside Polling Station for polling parties and polling agents. Adequate chairs/ benches should also be provided at each Polling Station for disabled, pregnant or senior citizen electors.

- (v) **Proper lighting/Electricity arrangements:** It shall be ensured that the inside space of the voting compartment is sufficiently lighted, however, while setting up EVMs and VVPATs at the polling station, it should be ensured that the light does not fall directly on the voting compartment. If necessary, arrangement for suitable additional lighting should be done for each compartment. Halogen lamps or 200-watt bulbs have to be strictly avoided directly above or in front of voting compartment. If the power connection is available, the condition of switches/bulbs/fans should be checked. If power connection cannot be provided even temporarily due to terrain or proximity of electrical network, alternative arrangement (like Petromax, lantern, Battery operated LED/charger light etc.) and generator sets etc. should be hired, so that, on the poll day, those polling stations are properly lighted.
- (vi) **Proper Signage:** Proper Signage should be put up near and at the Polling Station locations for guidance of the voters about the layout of the location, facilities available (like ramp, toilet, drinking water etc.) and Voter Assistance Booth.
- (vii) **Toilets:** There should be separate toilets in sufficient numbers for male and female voters at each Polling Station location. If two toilets are not available, pucca one should be earmarked for female voters and one temporary toilet may be provided for male voters. If no pucca toilet is available, provision for mobile toilet vans be made and in hilly areas, with difficult topography, temporary toilet arrangements may be made. One employee or a daily wage-earner shall be deployed to keep the toilet clean throughout the day. The toilets should be accessible for PwD and senior citizen electors.
- (viii) **Shade in Polling Station:** Tented arrangement for shade with adequate size (minimum 15ft X 15ft) canopy should be made available, as waiting area, at each Polling Station with sufficient chairs/ benches preferably for ladies/senior citizens/nursing mothers/differently abled voters and children accompanying them.
- (ix) **Provision for Creche for children:** There should be proper arrangement for creche at each Polling Station Location for children accompanying the electors. One trained attendant/volunteer should be deployed to take care of these children.
- (x) **Display of Voter Facilitation Posters:** In order to fulfil the statutory requirements under Rule 31 of the Conduct of Elections Rules, 1961 and to provide accurate and relevant information for voter awareness and information at each polling station, the Commission has directed that a total of FOUR (4) kind of Posters shall be prominently displayed at all Polling Stations.
- (xi) **Voter Assistance Booths (VAB):**
 - (a) A Voter Assistance Booth shall be set up for every polling station location, with a team of BLO/officials in order to assist voters to correctly locate her /his polling booth number and serial number in the electoral roll of that concerned polling booth.
 - (b) Necessary arrangements for the setting up of the Voter Assistance Booth like basic furniture including table, chairs etc. for seating the deployed staff, a small covered canopy/tent with proper shade and prominent signage in the form of back-drop banner indicating 'VOTER ASSISTANCE BOOTH' and directional signs for guidance of the voters must be made well in advance by the RO concerned.
 - (c) Alphabetic Roll Locator (as per English alphabet) generated with ERO Net is placed at VAB to search the name easily and to know the serial number in the Electoral Roll.

2. Other facilities:

- (i) **Medical Kit:** It must be ensured that sufficient number of Medical Kits/First-Aid kits containing medicines & items like gauze pads (4x4 inches)/ large gauze pads/adhesive bandages/rolling bandage/ORS/triangular bandages/wound cleaning agent/ scissors/blanket/tweezers/adhesive tape/ latex gloves resuscitation equipment/Masks & Sanitizers etc., along with a village level health worker should be made available at each Polling Station location for emergency use of voters and polling

staff. In this regard, the DEO should prepare a standard list of medicines and user instructions in consultation with the District Chief Medical Officer.

During summer, every polling party shall be supplied with Oral Rehydration Salts (ORS) for their own use as well as for any voter needing the same due to heat-stroke. A hand-bill on 'Dos and Don'ts' in case of heat stroke may be prepared and supplied to each of the polling parties.

An appeal to the electors may be issued to carry wet towels to protect themselves against dehydration and also advise women electors to avoid bringing children along with them to polling stations during hot weather conditions.

The DEO shall requisition the services of paramedical staff from the offices of the Chief District Medical Officers and one such Para Medical Staff member shall accompany every mobile Patrol Unit and Sector Officer in their vehicles along with essential medicines. Such mobile patrol units shall touch every polling station once in every hour, preferably, so that instant medical assistance would be available to any voter needing such help besides the first aid facilities given to the polling parties.

- (ii) **Volunteers:** Volunteers from NCC/NSS/Scout & Guides should be deployed to manage the voters' queue. Identified PwD and Senior citizen voters should be assisted by Volunteers to reach the polling station and if required, wheelchair should be provided. The PwD electors can request for wheelchair facility by registering on Saksham-ECI App. The volunteers shall guide the PwD electors up to the entrance of polling station. Inside the polling station, such PwD electors shall be assisted by polling staff. The age of volunteers should be less than 18 years. The CEO shall prepare a detailed Do's and Don'ts for the volunteers and ensure that they are properly briefed and trained by DEO/RO. There should be an arrangement for food for the volunteers engaged at the polling stations during the poll day.
- (iii) **Provision for Transport Facility:** Senior Citizens, Persons with Visual and Locomotive Disabilities and infirmed voters with impaired movement should be provided free pass for using public transport on poll day. If public transport is not available, private vehicles may be hired for the purpose. He or she should be picked up from his or her residence and be dropped back there after he or she has cast his or her vote.
- (iv) **Queue Management:**
 - (a) There should be three queues at the polling station: one for male voters, one for female voters and third one for senior citizens and PwD electors. One male elector should be allowed to vote per two female electors.
 - (b) Persons with disability/infirm electors shall be given priority for entering the polling station without having to wait in the queue for other electors and all necessary assistance as may be required, should be provided to them at the polling stations.
 - (c) Similarly, Pregnant women and women voters with child in arms may also be given precedence over other voters in the queue.
 - (d) Chairs may be placed intermittently, if convenient and required at the Polling Stations prone to long queues, to enable voters waiting in queue to rest for few minutes.
 - (e) The CEO/DEO should give adequate publicity about facilities to be extended to senior citizens, PwD/infirm and pregnant women or women voters with child in arms and issue an appeal to voters to co-operate in this initiative with a request that those who are able bodied and healthy should not try to avail this opportunity to jump the queue, rather this should be need based. The voters in the queue should have open mind to help the fellow voters who are suffering from disability and other age related and health related problems.
 - (f) The Presiding Officers and other field officers deployed at Polling Stations should be instructed accordingly.
 - (g) Based on the past voting pattern and experience of the field staff, the polling stations/polling station locations prone to long queues should be identified.

- (h) Dynamic tracking of long queues on the poll day should be done through the Sector Officers.
 - (i) Decongestion measures should be initiated at the Polling Stations prone to/having long queues, e.g., additional polling staff, volunteers, distribution of tokens etc.
 - (j) Reserve staff and vehicles should be kept ready for deployment at the Polling Stations with long queue to help out the polling staff.
 - (k) Members from the National Cadet Corps and National Service Scheme may be mobilized to manage the queue.
 - (L) Booth App is an integrated app of the ENCORE application, which facilitates in faster identification of voters using encrypted QR code of Voter Information Slips and the digital marked copy of the electors. This reduces the queue, helps in faster polling and allows error-free recording of two hourly poll turnout with minimal intervention.
 - (v) **Model Polling Stations:** Additional attractive features may be added to polling stations according to local culture and requirements as given in directions issued through SVEEP on the subject. Polling Stations should be set up using environment-friendly/recyclable and biodegradable materials and as far as possible, be kept plastic-free. Provision for eco-friendly waste management should be made.
3. **Other measures to speed up voting:** Besides above to speed up voting, following shall also be followed: -
- (a) Printed blank voter's slips (to be clearer, this is different than Voter Information Slips distributed to electors) must be there with all the polling parties for faster operations inside the Polling Stations.
 - (b) Second Polling Officer is required to obtain elector's signature or thumb impression in the relevant column of Register of voters in Form 17 A. In column (3) of Form 17A (Register of Voters) the last four digits of the Identification document should be mentioned. In case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), respectively is mentioned in the relevant column and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the last four digits of the document shall have to be written and the type of document produced should also be mentioned therein. The signature/thumb impression of the voter shall be obtained by the second Polling Officer in column (4) of that register.
 - (c) Wherever needed (if the voters are more than 1200) additional polling officers should be deputed with the polling party. While deploying additional polling officers, care should be taken to select them on random basis.
 - (d) A reserve polling officers should be kept ready to rush out to any polling station which requires such assistance during poll hours. The Sector Officer should be able to identify such requirement quickly on their visit to polling stations and seek the assistance of Returning Officer in getting the additional hand when needed, from the pool of such reserve polling officers.
4. **Appointment of Nodal Officers:**
- 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 amenities at the Polling Stations as well as polling personnel/voters' welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential 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
5. Election material shall be essentially delivered to polling parties in consolidated modular or packaged form to avoid any confusion or chaos.
6. The Commissions' Instruction on the use of approved backpacks to carry EVMs/VVPATs in difficult

terrains to be adhered to.

7. A separate special counter shall be set up for receiving of EVMs and VVPATs and other documents from specific polling stations about which complaints are received from political parties/candidates during poll, polling stations where violent incidents, heated arguments with polling personnel, clash between polling agents, break-down and replacement of EVMs /VVPATs are reported.
8. Buses should be parked sector wise with display boards at Dispatch/receiving Centres. Separate parking may be arranged for the vehicles of the polling personnel and other staff. Traffic police team shall be drafted to organize proper parking of vehicles

2.17 REQUISITION OF PREMISES:

- 2.17.1 During conduct of elections, there is an additional requirement of premises for various purposes and to meet this requirement, Section 160 of RP, Act, 1951 empowers the State Government to requisition premises in connection with conduct of elections. The word "Premises" means any land, building or part of the building and includes a hut, shed or other structure or any part thereof:
- 2.17.2 For the sake of convenience and reference, Section 160 of RP, Act, 1951 is reproduced below:
Requisitioning of premises, vehicles etc., for election purpose:

If it appears to the State Government that in connection with conduct of elections within State-
any premises are needed or are likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken, accommodation for security forces and polling personnel: or".

Provided that such premises shall be requisitioned after the issuance of the notification by the Election Commission under section 30 for such election till the date notified under clause (e) thereof.

3. 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, it should be settled 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. Refer the judgement of the Calcutta High Court in *Shri. R. P. Roy, alias Rampada Roy versus Shri. D. Rudra, District Election Officer & District Magistrate, Howrah* (AIR 1971 - Calcutta 461). 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. Appointment 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.
- 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 (1 of 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:
- i) Based on the availability of staff in the institutions covered under Section 159(2) of the R.P. Act 1951, and the requirement of staff, the staff may be requisitioned from such institutions.
 - ii) 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 should be made well in advance. The Central Government and State Governments have issued instructions to all their 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 Returning Officer's 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 is to be prepared by Returning Officer. (Some of these Central

Govt. officials may also be deployed as Micro-Observers).

- iii) The database of the above officials should also contain the name, sex, date of birth, 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.
- iv) 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.
- v) 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, school teachers working as Extra Département Postmasters should not be put on polling duty as that will lead to interruption in the maintenance of the essential service of Postal Department.
- vi) 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. However, they can be requisitioned for the duty of Micro-observers.
- vii) 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.
- viii) All establishments and shops including those which work on shift basis shall be closed on the day of poll in the Constituency where a General/bye-election is to be held. However, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving/employed in an industrial undertaking or an establishment located outside the constituency having a general/bye-election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under section 135B(1) of the Representation of the People Act, 1951.
The daily wage/casual workers are also entitled for paid holiday on the day of poll as provided in Section 135B of the R.P. Act, 1951.

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.
- 3.3.2. The officers and staff of following departments will not be requisitioned for deployment of election

duty:

- Senior officers of the Indian Forest Service as notified by ECI;
 - Doctors and Compounders working in veterinary hospitals;
 - Medical staff including doctors, nurses, ANMs etc.; (except on Health related election duty)
 - Territorial Staff of Forest Department;
 - Staff of All India Radio and Doordarshan;
 - Officers of Food Corporation of India;
 - Ayurvedic, Unani & Homeopathic Medical Officer of Ayush Deptt. (except on Health related election duty)
 - Officers of Rural branch of commercial bank if it is a single officer branch.
 - Operational Officers / staff of UPSC.
- 3.3.3. The operational/technical staff of BSNL, MTNL and Electricity companies will be requisitioned for election duty only in unavoidable circumstances. However, they can be requisitioned to perform duty related to their department for election purpose.
- 3.3.4. Employees of banks and LIC will be drafted on regular duty to the minimum extent possible.
- 3.3.5. However, it is further to be noted that any official due to retire within 6 months' time or who has already retired but is on extension of service or re-employed should not be drafted for any election related duty.
- 3.3.6. The present practice of obtaining the prior approval of the High Court before engaging Judicial Officers/Staff, under exceptional circumstances, for election work should continue.

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 facilitate and identify the women electors.
- 3.4.2. All pregnant women and lactating mothers, whether on maternity leave or not, or women staff who are otherwise on medical advice not to undertake any rigorous or hazardous work, may be exempted from election duty.
- 3.4.3. Every female official called for election duty should be informed of the arrangements made for her stay and transportation. 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 in the neighboring polling stations through manual randomization under the guidance of the Observers, so that they are able to go to the polling stations on the morning of the poll day at least two hours before the start of polling and assume their duties well in time.
- 3.4.5. District Election Officers should prepare a negative list of polling stations which are inaccessible or remotely located and no female polling personnel should be posted to such polling stations.

Randomization of Female Polling Personnel:

First category: - In completely rural ACs, female staff shall be randomized manually in such a way that they are not posted in the Gram Panchayat where they have been residing or working.

Second category: - In the Urban areas having two or more urban Assembly Constituencies, the randomization of female staff shall be done inter-Assembly Constituency wise among these ACs.

Third category: - In the Urban ACs contiguous to rural ACs, the randomization shall be done within the same urban Assembly Constituency in such a way that the female staff is not posted at the polling station location/ward where she has been residing or working.

Fourth category: - In the mixed Urban-Rural ACs contiguous to rural ACs, randomization for Rural shall be done in such a way that a female staff would not get posted in the Gram Panchayat where she has been residing or she has been working and in urban areas female staff shall not be posted in the polling station location where she has been residing. However, it must be ensured that female staff should not get posted outside the block where she has been residing or working.

3.5. JUDICIAL OFFICERS

3.5.1. The employment of Judicial Officers for election work will be subject to the following conditions:

- i) The present practice of obtaining the prior approval of the High Court before engaging Judicial Officers for election work should continue.

3.6. PERSONS WITH DISABILITIES

3.6.1. Physically challenged persons with disabilities as defined under the "Persons with Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 2016 should be deployed on election duty **only under unavoidable circumstances**. 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 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. However, the Commission encourages to have PwDs manned polling booths with prior approval of CEO.

3.6.3. 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 area; rather they should invariably be posted at the polling stations located in the headquarter. This can be incorporated in the randomization software itself so that the database contains information about the physically challenged personnel and if any PwD staff inadvertently deployed at difficult locations, RO should make necessary changes manually in consultation with observer.

3.6.4. 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 understand their nature of disabilities and limitations to decide the deployment. In case any such physically challenged person is even inadvertently deputed to any difficult location, the RO should be in a position to make necessary change manually in consultation with the Observer.

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 instill confidence in the minds of political parties and candidates about free and fair elections, Returning Officer 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 the central govt. officials must first be used for appointment as micro-observers. In case, there are central govt. officials left even after appointing them as micro-observers, they may be used for proper mixing.

No person shall be assigned polling duties in an assembly constituency where he is employed or resides. He should also not be posted in his home constituency.

3.8. RANDOMIZATION OF POLLING PARTIES

3.8.1. The District Election Officer shall prepare and maintain a database of all eligible poll personnel posted in his district in electronic format, for facilitating computerized randomization. The database shall include all relevant particulars such as Name, Sex, Mobile No. Designation, Office/Department, Place of residence, work place, Home Assembly Constituency No., Part No., etc.

3.8.2. The database shall contain, two separate lists of State Govt. employees and Central Govt. employees (PSUs, Banks etc.) who can be employed as polling personnel.

3.8.3. Besides, a separate database shall be prepared of retired Central and State Government officials as

well as of Members of NCC & NSS [and reputed NGOs, if & as approved by the Commission]. They shall be used in specified manner only with express prior approval of the Commission

- 3.8.4. Randomization software should be prepared and developed by the CEO and distributed among DEOs. All the stages of the randomization process will be completed through this randomization software only. District Election Officers shall enter all relevant information of the eligible officials in the database prepared by her/him into the randomization application. Randomization process involves the following stages:

FIRST STAGE: From the complete database of officers, a list of at least 120% of the required number of polling persons should be generated (including reserve) randomly, using the software. Presence of observers is not required at this stage. It should be noted that this randomized list is to be prepared district wise and not at any other level like subdivision, tehsil, block, assembly constituency etc. This is only to identify and select the officials that would be given training for poll duties as Presiding and Polling Officers. In no case, at this stage, the details of the assembly constituency to which the polling personnel are likely to be deployed will be known. All that a polling personnel will know, at this stage, is whether he (or she) is a presiding officer or a polling officer and the venue, date and time of trainings.

SECOND STAGE: For the sake of effective and systematic implementation of the Commission's instructions on issuance of Election Duty Certificate (EDC) and Postal Ballot (PB), the second stage randomization of polling personnel shall be done as soon as after the completion of scrutiny of nomination papers.

At this stage, randomization exercise should be done in the presence of the General Observers deployed for the constituencies in that district. The actual polling station will not be known; however, the Assembly Constituency and the team composition may be known.

THIRD STAGE: The last randomization exercise is to be done for final allocation of polling stations to polling parties. It shall take place at the time of dispersal of polling parties and in the presence of General Observers. The actual polling station allotted to the team/individual polling personnel is to be disclosed just before the polling party leaves the dispersal center.

The Commission permits for undertaking third randomization on P-2 day (in place of P-1 day) to ensure timely services of results/orders of the randomization and dispatch of the teams to the polling stations, with following conditions:

- The Randomization can be done on P-2 day in presence of the General Observer.
- The result of randomization, along with appointment orders shall be printed in presence of the Observer.
- The same shall be sealed in separate covers (AC wise, and sector wise) with the signature of the Observer.
- The sealed covers shall be sent to the AROs of the respective Assembly Segments.
- The ARO shall open the covers only on the P-1 day at the dispatch center in the presence of Observer, if the latter is present there.

- 3.8.5. For the purpose of serving the appointment letters on polling staff, use the services of the sponsoring departments/authority. A training program can be organized for poll personnel for a final briefing and distribution of appointment letters. This training session may also be used for Postal Ballot facilitation.

- 3.8.6. It is further, clarified that the entire randomization exercise except the first stage must invariably be done in the presence of the General Observers sent to the constituency. The Observers should make a special reference to the randomization exercise observed by them in their constituencies while submitting the report.

- 3.8.7. Various scenarios of randomization of polling personnel

The following scenarios may arise:

Scenario No.1: The entire district consists of a single Parliamentary Constituency and the District Election Officer of that district may be the Returning Officer for the Parliamentary Constituency.

In this case, the randomization of polling personnel (first, second and third stage) for election duty will be done as per the instructions stated above.

Scenario No.2: If a district consists of two or more Parliamentary Constituencies, the District Election Officer will be the Returning Officer of only one Parliamentary Constituency and another senior most officer not below the rank of ADM may be the Returning Officer of the second Parliamentary Constituency.

In this case, the first and second stages of randomization of polling personnel for election duty will be done at the District Election Officer level.

After completion of second randomization and once the training is over, the District Election Officer shall supply a full list of polling personnel to Returning Officer of the other Parliamentary Constituency of that district for third stage of randomization of polling parties at the Returning Officer's or Assistant Returning Officer's Headquarter before their dispersal.

Scenario No.3: In case a Parliamentary Constituency consists of an entire district plus certain Assembly Segments of adjoining district and the District Election Officer of the said adjoining district is not the Returning Officer of the Parliamentary Constituency consisting of those assembly segments, in that case, District Election Officer of the adjoining district will be in-charge of all the logistics to be provided in connection with the election-taking place in the Assembly segments falling in his district.

He will prepare a list of polling personnel from his district data base and handover to the concerned Assistant Returning Officer for doing third level of randomization and dispersal of polling parties. The polling personnel so assigned duty, should be informed about the place from where their dispersal will be done.

Scenario No.4: Where a Parliamentary Constituency falls in two districts, the District Election Officer of the district in which portion of the Parliamentary Constituency falls shall be the Returning Officer of that Parliamentary Constituency. In case, the District Election Officer of that district is already a Returning Officer of another Parliamentary Constituency falling in that district, an ADM rank officer will be designated as Returning Officer by the Commission.

In this case, the procedure mentioned at Scenario No. 3 may be followed.

- 3.8.8. In order to ensure that above instructions are complied with strictly, the Commission directs that the District Election Officer shall furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of the State/UT a certificate to the following effect immediately after the polling parties have been formed for an election: -

"Certified that: -

- The polling parties have been formed by a proper mix of officials drawn from different offices and departments, in presence of Observers and
- The officers have been drawn from the State Government departments as well as from the State Public Undertaking etc. as far as practicable.
- For the purpose of making polling parties complete, data base of all eligible employees in the district has been used."

Name and designation of DEO

- 3.8.9. 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 7**. The Presiding and Polling Officers should be formally appointed for both the Assembly constituency and for the Parliamentary Constituency, 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 problems, 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 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 to 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 by leaving the entries in column one of the table appended to Annexure 7. 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 issue postal ballot paper/EDC, as the case may be.
- 3.9.5. All necessary arrangement at facilitation centre shall be made for the voter, on election duty who opts for PB, to record vote and to return Postal Ballot to the Returning Officer.
- 3.9.6. The order of appointment in duplicate should also bear a clear seal of the Returning Officer or the District Election Officer.
- 3.9.7. The above procedure will be applicable at General Election as well as Bye-election.
- 3.9.8. 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 Returning Officer's office and at the Centre(s) for rehearsal or training classes so that they can check for electoral details for themselves and mention the same in Form 12 or 12A.
- 3.9.9. A list of polling personnel in respect of all polling stations in constituency should be displayed on Returning Officer's 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

- 3.10.1. To ensure that the identity of all Presiding Officers, Polling Officers, Counting Supervisors, Counting Assistants, Micro Observers and all such officials engaged in election work is clearly established while discharging their duties, the Commission has directed that the DEO/RO shall issue Identity Cards to them.
- 3.10.2. The election officials shall display their identity cards on person during election period/on the day of poll/on counting day for easy and quick identification.
- 3.10.3. Identity cards shall be prepared in the prescribed format containing all relevant details of the bearer. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO.
- 3.10.4. In order to ensure, ID cards are prepared and handed over to the election officials in time, the photos of the Govt. officials/employees to be deployed on election duty shall be collected or captured well in advance by the following options:
 - The polling personnel be directed to deposit his/her passport size photograph at the time of first round training for the purpose of preparation of the Identity Cards.
 - If that is not possible, the DEO can organize the capturing of the photographs of the polling personnel at the time of first round of training so that the prepared Identity Cards are handed over to the polling personnel concerned by obtaining proper acknowledgement in the second round of the training.
- 3.10.5. 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

Specimen of IDENTITY CARD

IDENTITY CARD	
General/Bye Election of Year.....	PHOTOGRAPH H DULY ATTESTED BY DEO/RO
DEPLOYED FOR ELECTION DUTY: (Name of Post)	
Name of AC/PC:	
NAME:	
AGE:	
NAME OF SPONSORING OFFICER:	
DESIGNATION OF SPONSORING AUTHORITY:	
Mobile No.:	
(Signature & Seal of DEO/RO)	

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 program in time through sponsoring authorities. The nodal officers appointed by the sponsoring authority shall be made accountable for ensuring the polling staff appointed should 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 small groups 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 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 aspects of EVM with VVPAT 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 voters etc. shall also be shown to the Presiding Officers so that they would become aware of those documents and perform their duty as per the instruction of the Election Commission on the poll day. All necessary arrangement at facilitation centre shall be made for the voters, on election duty who opts for PB, to record vote and to return postal ballot to the Returning Officer.

Dissemination of recent and subsequent instructions

- 3.11.4. 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 programs are over. In such cases, the DEO shall ensure that all the subsequent instructions are printed in the form of leaflet and are circulated among the polling staff at the time of dispatch of EVM and VVPAT and other election materials at the disposal centre.

Accountability for imparting training

- 3.11.5. 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 or his native constituency, thus 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 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 program. The process of training shall be video graphed and kept for the inspection by the observer or any other officials of the ECI. The DEO will track the system being adopted by the districts.

Facilitation at training centre

- 3.11.6. At the training location, proper drinking water facility, **vehicle parking, help desk on arrival**, provision for medical facilities and toilets shall be ensured for the polling staff. 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

- 3.11.7. Whatever inputs given at the time of training, there is every possibility that some of the Presiding Officers and polling staff still might have 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. In this counter, a master trainer who has thorough knowledge about all the aspects of EVM with VVPAT election will explain and clear the doubts of the Presiding Officer about handling EVM and VVPAT. 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 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 do's 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 in Pr. O's Report, visitor sheet, entry pass system etc. shall also be explained.
- 3.11.8. 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 a 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 the new instructions. Hence, the importance of training shall be emphasized at every stage and at every level.

3.12. COMPOSITION OF POLLING PARTY

- 3.12.1. A polling party would, in normal case, 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 17A) 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 to cast vote. The Commission has directed that in the event of shortage of polling staff in any particular District/Constituency, 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 17A (Register of Voters) and taking the signature/thumb impression of electors therein. It is clarified that in such cases where only two Polling Officers are used, it is not necessary to prepare the voters slip serial numbers. Instead, the Second Polling Officer will activate the "CU" and then send the voters inside the voting compartment exactly in the same sequence in which they sign in the Register of Voters (Form 17A). There will be no need to prepare the voters 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.

- 3.12.2. Duties of Polling Officers are detailed in the Handbook for Presiding Officer. Returning Officer should also familiarize himself with those instructions.
- 3.12.3. **Presiding Officer:** 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.
- 3.12.4. **Unavoidable absence of Presiding Officer:** 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.
- 3.12.5. **Reserve Polling Personnel:** Returning Officer should keep a reserve list of officials to be deployed as Presiding and Polling Officers or such other duty as he may have to assign on poll day to deal with any emergency at any polling stations in his constituency as well as for conducting re-polls, if required.

3.13. MOVEMENT OF POLLING PARTIES TO THE POLLING STATION

- 3.13.1. Returning Officer must know the number of polling stations in his/her constituency. If the polling in his/her 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 his/her constituency, he/she 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. Returning Officer is required go through it and ascertain the exact role 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, except in cases where, in view of difficult terrain, geographical barriers or special law and order related problem, polling parties need to be dispatched earlier than 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- 1500 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.
- 3.13.2. **Transport for Polling Parties:** Returning Officer shall arrange for the transport of the polling parties and the police parties accompanying the polling parties, polling materials etc. Returning Officer shall take stock of the vehicles at his disposal. Requisition more vehicles as necessary. He / She should draw up the Vehicle Movement Plan carefully for each polling party so that the arrangements may not fail at the last moment. He/she should have reserve of sufficient vehicles in readiness to meet any emergency situation.
- 3.13.3. The Commission has exempted vehicles of following departments from requisitioning for election purpose: -

- Vehicles of UPSC and of educational institutions (vehicles 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.
- The vehicle of Forest Department (Wild Life Sanctuaries, National Sanctuaries and National Games Park), All India Radio, Doordarshan, World Health Organization, UNICEF and all the organizations of UN will not be requisitioned for election duty.
- No vehicle, vessel or animal being lawfully used by a candidate or by his agent for any purpose connected with conduct of elections of such candidate should be requisitioned.

3.13.4. Police Personnel to accompany polling parties: Returning Officer should acquaint himself thoroughly with the police arrangements made for his constituency and ensure, in consultation with the police authorities, details of such personnel or the police party, which will be attached to each polling party.

3.14. ACCOMODATION AND FOOD FOR POLLING PARTIES

3.14.1. Returning Officer must make suitable arrangements for accommodation, food, drinking water 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, veranda before the polling station.

3.14.2. Sector Officers: The Returning Officers shall depute Sector Officers in 4 months before the date of poll of last held General Election to oversee that adequate arrangements for shade, food, water etc., have been made. These sector officers are responsible for election management from the day of announcement of the schedule of election till the completion of poll process. Each sector officer shall be in charge of 10-12 polling locations that can be covered in 1 to 2 hours.

3.15. MICRO OBSERVERS AT POLLING STATIONS

3.15.1. Appointment of Micro Observers at Polling Stations: -

The Commission directs that Micro Observers, as one of the Non-CAPF measures, can be deputed for critical Polling Stations on the day of poll. The Commission further directs that drafting and deployment of Micro Observers shall be as follows:

Categories of employees: - The following categories of personnel will be considered for deployment as Micro Observers:

Serving officials, not below Group-C of Govt. of India/Central PSUs, can be appointed as Micro Observers in Polling Stations within the district of their residence. However, they should not be used in their home Assembly Constituencies/Segments.

Retired officials of the Govt. of India and the State Government, not below to the rank of Group C, can also be used as Micro-observers in the Polling Stations within the district of their residence. However, they should not be used in their home Assembly Constituencies/Segments. The list of such persons should be prepared in advance by the DEO and their availability, suitability and willingness shall be ascertained.

Serving State Government officials, not below the rank of Group C brought in from other States may also be used as Micro Observer. As this will require logistical arrangements and mobilization, it should be resorted to only in rare cases.

Volunteers as Micro Observers:

The Members/Programme Officers/Coordinators of National Service Scheme (NSS) and Bharat Scouts and Guides (Rangers and Rovers) can be used as Micro Observers. The CEOs may get in touch with NSS Coordinator to work out and propose the detailed modalities of their deployment.

Individual volunteers, not necessarily belonging to any NGO, from amongst reputed persons with experience and integrity may be considered for deployment as Micro Observers, in the rarest of rare case, with the express approval of the Commission.

3.15.2. Preparation of Database for this purpose:

District Election Officer (DEO) will prepare a database of all Government of India and Central Public Sector Undertakings employees in the district containing the name, designation, organization, elector details in the electoral roll and the EPIC number. In addition to this, the postal address, telephone number, mobile number and email ID of the Micro Observers should also be included in the database.

In a situation where the district does not have adequate number of Government of India or Central PSU employees to be appointed as Micro-observers, DEO shall get the database of Government of India or Central PSU employees posted in neighbouring districts, with the help from the Divisional Commissioner/CEO.

3.15.3. Deployment in multi phased election:

In case of multi phased election having multiple poll days and in case of shortage of Micro Observers, they can be used for poll duty on more than one poll day. The convenience, safety and logistics of movement must be considered while putting them on duty for more than one poll day.

3.15.4. Deployment at Polling Station location having multiple Polling Stations:

In a polling station location having more than one critical polling station, the Micro Observer shall be responsible for all the critical Polling Stations at that location. The Micro Observer shall divide his time between Polling Stations and visit all the Polling Stations within the same location at frequent intervals. He shall make it known to the polling agents at each Polling Station that he is available in case they want to bring anything to his notice.

3.15.5. Training of Micro Observers:

Micro Observers should be given at least two rounds of detailed training by the Observers deployed by the Commission on the rules and procedures of the entire polling process. In addition, they must also be trained on the work of observation, which is expected of them, and the method of filling the report which they are required to submit. Standard training material shall be used during their training sessions.

3.15.6. Randomization of Micro Observers:

Based on the decision the General Observers deployed by the Commission to deploy to deploy Micro Observers, randomisation of available Micro Observers will be done in the presence of Observers amongst those identified Polling Stations. It shall be ensured that they are not deployed in the home Assembly Constituencies/ Segments. All efforts should, however be, made to put them on duty in the same Parliamentary Constituency where they are enrolled as voters, to enable them to exercise their franchise through Election Duty Certificates. The exact Polling Station, where they will be on duty, shall only be informed on the day of departure.

3.15.7. Roles and Functions of Micro Observers

Micro Observer should be present at the Polling Station at least 90 minutes before the start of poll. If, for certain reasons, it is not possible to reach in the morning, he/she should reach in the evening of the previous day. He will monitor the followings at the Polling Station:

- Assess the preparedness for poll at the Polling Station.
- Check the availability of Assured Minimum Facilities (AMF) at the Polling Station and certify before the start of Polling.
- During the poll day he should regularly note down the important points for his report in the format given at Annexure-28.
- It is made absolutely clear that, in no case, the Micro Observer will act as Presiding Officer or the Polling Officer. His task is to observe that the election processes are being carried out in a free and fair manner and there is no vitiation of poll.
- During the process of observation on the day of the poll, the Micro Observer shall specially observe and note:
- Mock Poll Procedures: To watch the mock poll and see that it is carried out as per the ECI instructions. Votes in CU are cleared and all slips are taken out from VVPAT and put in

black envelope, after the mock poll and before the start of actual poll. Mock poll certificate is signed by the Presiding Officer, Polling Agents and all Polling Officers.

- Sealing of EVM and VVPAT: Before the actual polling and after poll is over.
- Presence of Polling Agents and observance of ECI instructions with regards to them.
- The observance of entry passes system and access to Polling Station.
- Proper identification of electors in accordance with ECI guidelines; identification and recording procedures for the Absentee, Shifted and Dead voter's list (ASD list)
- Application of indelible ink,
- Replacement of EVM, VVPAT during mock poll and polling, if any.
- Noting down particulars of electors and alternative identification documents shown by them in register Form 17A
- Secrecy of voting, Conduct of polling agents, their complaints, if any, etc.

3.15.8. Reports by Micro Observer and its Scrutiny:

General Observer will supervise the work of Micro Observers and shall be in close touch with them. Micro Observers shall report to the Observer alone and not to other election officials.

If the Micro Observer notes any deviation of the Commission's instructions and he feels that the poll is being vitiated for any reasons, he will immediately bring the same to the notice of General Observer through any means of communication available to him including mobile phone, police wireless etc.

After the poll process is over, the Micro Observer will submit a report to the General Observer in the format as enclosed at Annexure-28. He shall hand over the report (separate reports, if deployed for two or more Polling stations, in same Polling Station location) to the General Observer at the Receiving Centre in a sealed envelope. He shall also orally brief the General Observer on anything of importance that had happened during the day. General Observers will go through the report submitted by Micro Observers and can seek any further clarifications required.

Reports of Micro Observers shall also be taken into consideration at the time of scrutiny after poll for taking a decision on re-poll or disciplinary action against any delinquent polling staff. Micro Observers should remain available at the time of scrutiny, for the General Observer to seek any clarifications, if required.

3.15.9. Facilities for Micro-Observers:

Logistics for Micro-Observers- The District Election Officer shall be responsible for providing logistics to Micro Observers. One Nodal Officer for Micro Observers shall be appointed for each district by the DEO. Micro Observers will reach the Dispatch Centres on their own. Micro Observers will be dispatched along with the polling teams to the Polling Stations. They will return to the Receipt Centre with the polling teams. Each Micro Observer shall be given a photo identity card/entry pass by the DEO to ensure his/her access to the Polling Stations

3.15.10. Remuneration to Micro Observers-

Payment of remuneration and TA/DA etc to Micro Observers shall be made in accordance with the instruction issued on the subject.

3.15.11. Exercise of franchise by Micro Observers-

Micro Observers are entitled to EDC or postal ballot like any other person on poll duty. The DEO shall send Form-12 and Form-12A to every Micro Observer along with the appointment order. Micro Observers shall be asked to bring the completed Forms on the day of first training. The completed Forms shall be sent to the concerned Returning Officer by the DEO. The Returning Officer shall issue EDC or postal ballot depending on eligibility and ensure that it is delivered to the Micro Observer on the day of second training. They should be provided facilitation to cast their vote at Facilitation Centre, if postal ballots are issued. All instructions of the Commission on Postal Ballots and EDC for employees on poll duty shall also apply to Micro Observers. All necessary arrangement at facilitation centre shall be made for the voter, on election duty who opts for PB, to record vote and to return Postal Ballot to the Returning Officer.

3.16. POLLING PERSONNEL MANAGEMENT

- 3.16.1. Conduct of elections involves diverse activities that are carried out by an election machinery comprising officials and staff from various departments. An efficient and motivated election machinery is an integral part of election planning. The Commission has always endeavored to ensure welfare of election machinery and to provide them all the necessary basic facilities while performing their duty in challenging circumstances. In the context, Commission, in supersession of referred circulars, directed that the following instructions on polling personnel's welfare be followed without any deviation:

NODAL OFFICER: A Senior Officer shall be nominated by the DEO to coordinate and supervise all the welfare measures related to polling personnel. On similar lines, RO shall nominate a Nodal Officer for the said purpose. All the details of Nodal Officer nominated so shall be mentioned in DEMP (District Election Management Plan) and contact number shall be shared with polling personnel drafted for election related duties. These details shall also be displayed at Training/Dispatch/Receiving Centers.

REVIEW OF ARRANGMENTS: A separate review shall be done by the DEO/ RO and requisite measures in areas of concern shall be taken in advance to facilitate the welfare of polling personnel.

INFORMATION ON ARRANGEMENTS AT TRAINING/ DISPATCH/ RECEIVING CENTRES: All the information regarding training programme, Dispatch and Receiving Centre arrangements etc. should be conveyed to the polling personnel on time and in proper manner. Authority sponsoring the polling staff shall ensure that the above said information on reporting date, time and venue should reach to the polling staff not only through letter but through other communication channels to avoid any confusion.

EMERGENCY HELPLINE NUMBER: A dedicated Helpline number be provided to the Sector Officer and all the polling personnel. This will be of immense use during any unforeseen issues like vehicle breakdown, etc. at the time of movement of polling parties along with EVM. The Helpline number shall be manned by a 24*7 helpdesk.

HEALTH FACILITIES: Separate arrangements for health care/first aid assistance to polling personnel at Training/Dispatch/Receiving Centres should be made along with deployment of ambulance with medical /para-medical staff in case of requirement.

FACILITIES AT TRAINING CENTRE: Proper arrangements of basic amenities such as drinking water, washrooms, help desk on arrival, vehicle parking at Training Centres should be ensured. Nodal Officer(s) appointed shall remain present physically at all these locations and Senior Officers shall closely monitor the facilities.

ARRANGEMENTS AT DISPATCH/RECEIVING CENTRE:

- a) Appropriate arrangement on basic amenities which include drinking water, washrooms, vehicle parking, food/refreshments etc. shall be made at the Dispatch/Receiving Centre. Nodal officer(s) shall be appointed at respective centres who shall physically monitor the facilities under the supervision of the seniors. DEO and RO shall closely monitor dispatching and receiving process. Under no circumstances, polling personnel shall go out of these Centers on the pretext of fetching for food/water or to use washrooms etc. carrying election materials. Sector Officer shall ensure that the polling personnel assigned to him don't get held up at Dispatch/Receiving centre unduly.
- b) **HELP DESK** shall be arranged at the entrance of the Dispatch/Receiving Centre. These Help Desks shall be well equipped with man power and other facilities for marking the attendance of polling staff, guiding them to know their polling station and polling team, issuing of appointment orders as per third randomization and providing any other assistance, if required.
- c) An arrangement may be made to set up a dedicated **LEARNING DESK** at Dispatch Centre for clarification of any last-minute doubts with regard to use of EVMs & VVPATs and any other process related to Poll Day activities.
- d) Fool proof three cordon security arrangements to be made to prevent any unauthorized entry into the Dispatch/ Receiving Centre(s).
- e) Proper layout shall be made for the Dispatch/Receiving center prominently indicating location of

Help desk, Learning desk, Sector wise counters, refreshment area, washrooms, vehicle parking and flow of movement.

- f) Signage boards with clear marking shall be placed at the entrance and inside the centre at different points to show the directions clearly.
- g) A functional public address system with good loudspeakers shall be arranged near RO Table to give necessary instructions from time to time to the polling staff. The audio of public address system should reach the last point of the venue.
- h) Election material shall be essentially delivered to polling parties in consolidated modular or packaged form to avoid any confusion or chaos.
- i) The Commissions' Instruction on the use of approved backpacks to carry EVMs/VVPATs in difficult terrains to be adhered to.
- j) Counters for dispatch and receiving election material shall be arranged preferably Sector wise. Each Sector counter should have table and seating arrangement polling station wise for all the polling staff at one place with adequate spacing. The polling station numbers should be displayed prominently on each table.
- k) Senior Officers of DEO office along with other Staff shall ensure that receiving of polled EVMs and VVPATs, statutory, non-Statutory packets and other election materials shall be taken care of with professionalism to avoid overcrowding at the Centres. This can be ensured by keeping separate counter for specific numbers of polling stations.
- l) A special deposit counter for Sector Officers at Receiving Centre may be set up at the collection centre for deposition of reserve and mock poll non-functional EVMs and VVPAT along with left out Power Packs of CU & VVPAT. It is pertinent to note that - non-functional Un-polled EVMs and VVPATs (Category C) shall be stored in "Repair Strong Room" and Unused Reserve EVMs and VVPATs (Category D) in "Reserve Strong Room" and shall not be located in the vicinity of polled Strong room(s).
- m) A checklist to be prepared and kept at counters to ensure that all the documents and other polling materials are received as per the order in the checklist. The officer who receives EVMs and VVPATs should mark the polling station in checklist and sign it.
- n) A separate special counter shall be set up for receiving of EVMs and VVPATs and other documents from specific polling stations about which complaints are received from political parties/candidates during poll, polling stations where violent incidents, heated arguments with polling personnel, clash between polling agents, break-down and replacement of EVMs /VVPATs are reported.
- o) During poll, RO will maintain a separate register to identify such polling stations and a hoarding/ notice should be set up indicating the number and details of polling stations to be handled at special counter before the arrival of polling party. RO himself or ARO will supervise the receipt of EVMs/ VVPATs and other documents. If the observer is available, he will also make himself available at the Receiving Centre. The EVMs/VVPATs and other documents shall be properly examined and RO/Observer should discuss with the Presiding Officer about the events that took place at polling stations so that detailed inputs are received and it would be helpful in case of re-poll, if any. The Presiding Officer of these polling stations can be relieved only after obtaining the EVMs and other documents after proper verification and discussion with RO/Observer. Proper seating arrangements for Presiding Officer shall be ensured for discussion.
- p) As being exhausted and fatigued, polling teams should not be held up unnecessarily. Polling staff should be relieved from duty as soon as polled material is handed over and proper transport facility should be ensured for their timely reaching home.
- q) The Venue of the Receiving Centre needs to be selected closest to the strong room.
- r) Dry rehearsal needs to be conducted with the staff drafted for dispatch and receiving of polling material at the venue two days prior to dispatch day to organize the process of distribution and collection in a systematic manner.
- s) Buses should be parked sector wise with display boards at Dispatch/receiving Centres. Separate parking may be arranged for the vehicles of the polling personnel and other staff. Traffic police team

shall be drafted to organize proper parking of vehicles.

- t) Arrangements for separate MICRO OBSERVER'S COUNTER shall be made for receiving the Micro-Observers report polling station wise. All Micro-Observers' reports have to be made in to a file for submitting for General Observer's scrutiny.

INTERMEDIATE STRONG ROOM FACILITIES: Neat and functional basic amenities such as clean drinking water, refreshments, washrooms, power connection etc. may also be made at Intermediate EVM Strong Rooms, if applicable, for the polling team as well as Sector Officers before poll and after poll.

TRANSPORT FACILITY: Arrangements for transport shall be supervised by a Senior Officer and the return movement of polling personnel from polling stations shall be tracked closely and a confirmatory report shall be obtained through Sector Officer on safe arrival of polling personnel at polling station. It shall be ensured that polling parties ride the designated vehicles only and the vehicles follow the pre declared route. Special care should be taken for women and PwD staff so that they have no difficulty in conveyance from one place to another.

FACILITIES AT POLLING STATION: Extant conditions of all the polling stations shall be physically verified by the DEO and RO through field officials so that conditions can be improved significantly and all the necessary amenities prescribed under AMF framework such as tables, chairs, benches, drinking water/separate washrooms, power connection and plug points for charging etc. and shade etc. can be ensured.

ACCOMODATION FOR POLLING PARTIES: Proper arrangements should be done for stay of polling staff wherever required. Polling stations with enough space or adjoining rooms shall be identified during physical verification for the said purpose.

FOOD ARRANGEMENTS IN REMOTE AREAS: In case of difficulty in providing food to polling personnel, proper alternative arrangements should be made by DEO depending on local conditions. In this regard, cooperation of local Self-Help Groups can be considered. The farthest polling parties (P-3) can also be provided with dry ration as a temporary arrangement.

OTHER FACILITIES:

In case of any untoward incident of injury or death of polling personnel (including Security Personnel), the Chief Electoral Officer/District Electoral Officer will ensure disposal of such cases of ex-gratia within the stipulated time period under the provisions/instructions laid down in details by the Commission in the matter. CEO shall in consultation with State Govt. review the extant norms of ex-gratia compensations adopted/proposed in the State for casualties on election duty.

3.17. TENTATIVE LIST OF TRAINEES WHO HAVE TO BE TRAINED:

- Sector Officers
- Micro Observers
- Dy. SPs/SHOs/Inspectors/Sub Inspectors/Police Mobile Parties & other Police personnel
- Area Magistrate / Zonal Magistrates
- Presiding Officers and Polling Officers
- Voters' Assistance Booth Staff & BLOs
- Assistant Expenditure Observer
- Flying Squads, SSTs, VSTs, VVTs, Accounting Team and other officials engaged in EEM.
- Personnel engaged in SVEEP
- In-charge of digital cameras for inside / outside photography at specified/identified PSs
- Counting Supervisors / Assistants and Additional Counting Micro Observers.
- Briefing to candidates and their election agents - about EEM/ Paid News/ Poll/ Counting process as well as provisions of MCC/ RP Act/ ECI circulars.
- Booth Level Officers
- Dispatch and receipt staff engaged in material distribution/ Collection / Facilitation Centres for Postal Balloting

- Staff for compilation of information and MIS.
- Team for Absentee Postal Ballot
- Team for C-vigil, MCC, etc. work
- Team for MCMC activities
- Training for ETPBS staff
- Training for EVM Management System
- Training of EVMs and VVPATs Ground Staff

3.18. TRANSPORT TO BE ARRANGED FOR VARIOUS LEVEL OF OFFICIALS -

- a) Various level of officials engaged
 1. Observers
 2. Area Magistrate / Zonal Magistrate
 3. Polling parties
 4. Sector officers, Micro Observers
 5. Nodal Officers and Assistant Nodal Officers of various election teams, Assistant Expenditure observers, Flying Squads, SSTs, VSTs, VVTs, Accounting Team, MCMC, etc.
 6. Police forces (State and Central)
 7. Teams for observance of Model Code of Conduct.
 8. Videographers / Cameramen carrying digital cameras.
 9. Various Cells related to Election work.
 10. Women and PwD staff as special case
- b) Route Chart for each polling station may be prepared in specified format for the-
 1. Polling Parties
 2. Sector Officers/Zonal Magistrates
 3. Micro Observers
 4. Police Parties (State and Central)
- c) Database may be prepared for all types of vehicles
- d) Database to be prepared for drivers, conductors etc.

3.19. THE NODAL OFFICERS AND ASSISTANT NODAL OFFICERS OF VARIOUS ELECTION TEAMS SHALL BE APPOINTED BY DEO CONCERNED:

- a) Manpower Management
- b) Training Management
- c) Material Management
- d) Transport Management
- e) Computerization, Cyber Security and IT
- f) SVEEP
- g) Law and Order, VM and Security Plan
- h) EVM Management
- i) MCC
- j) Expenditure Monitoring
- k) Ballot paper, Postal Ballot and ETPBS
- l) Media
- m) Communication Plan
- n) Electoral Rolls
- o) Complaints Redressal and Voter Helpline
- p) Observers

4. ELECTION MATERIALS

4.1. GENERAL

- 4.1.1. Each polling party has to be supplied with the election material necessary for conducting the poll. Returning Officer should assess his/her total requirements for the same and procure his/ her stock well in advance to avoid any difficulty at the last minute. A standard list of such polling material is given in **Annexure 8**.

4.2. EVM AND VVPAT

- 4.2.1. All elections to the Lok Sabha and the State Legislative Assemblies are conducted using Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPATs). First level checking of each EVM and VVPAT is to be done by the manufacturer i.e. BEL or ECIL. This checking should have been done before Returning Officer takes possession of the EVMs and VVPATs. Returning Officer must provide each polling party one set of EVM & VVPAT.

4.3. FORMS

- 4.3.1. During the process of election Returning Officer will have to use a number of statutory and non-statutory forms, with which Returning Officer should be familiar. The candidates, their agents and other members of the public would handover many documents to Returning Officer in different prescribed forms during course of election.

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. 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 the latest instructions.

4.5. OTHER MATERIALS

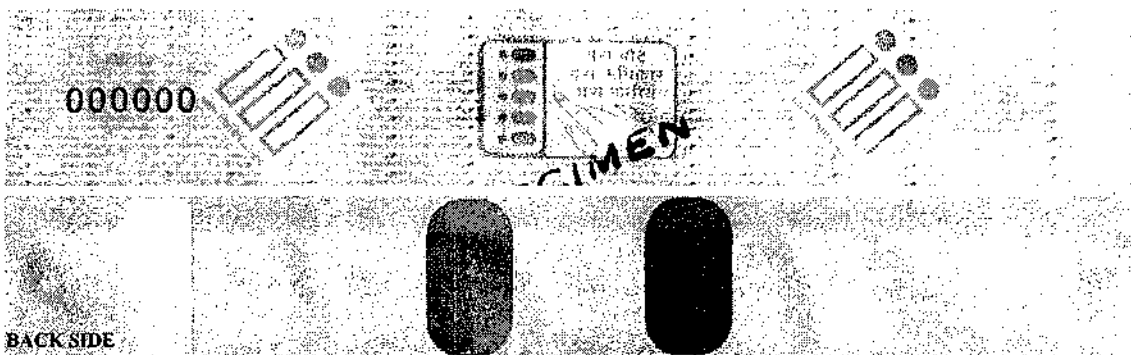
- 4.5.1. In addition to above, Returning Officer may require many stationery items for use. Please procure the same in addition to brass seals, voting compartments, special tags, address tags, green paper seals, all of such as prescribed by the Commission, in sufficient numbers.

The Commission has modified Pink Paper Seals and Green Paper Seals vide instruction No. 52/ 2 / Prep/ 2020-EMS Dated: 20th September, 2021

VARIOUS TYPES OF SEALS USED FOR SEALING EVMs & VVPATs –



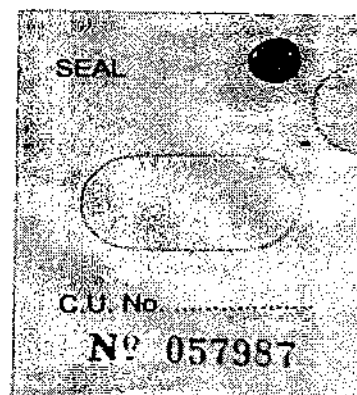
Pink Paper seal



Green Paper Seal



Common Address Tag



Special Tag

5. NOMINATION

5.1. NOTIFICATIONS

- 5.1.1. 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.
- 5.1.2. In the case of a general election to a State Legislative Assembly, the Governor or the Lt Governor or Administrator of State/UT, 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/UT to elect members for the purpose of constituting a new Assembly.
- 5.1.3. 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 program for the various stages of the election.
- 5.1.4. 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 said Act. Notifications in respect of bye-elections to Legislative Assembly Constituencies will be issued by the Commission under the provisions of Section 150 of said Act.

5.2. ISSUE OF PUBLIC NOTICE BY THE RETURNING OFFICER

- 5.2.1. Immediately after such notification, Returning Officer is 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 9). 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.
- 5.2.2. In the public notice, Returning Officer has to specify among other things, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to him/her, and also the place(s) at which the nomination papers shall be received by him/her and the said Assistant Returning Officer(s) { here in after referred as the Specified Assistant Returning Officer(s). } Normally, Returning Officer should not specify more than one Assistant Returning Officer for the purpose and he should, as far as possible, be the one stationed at his/her headquarters. Headquarters in this context means the place where the office of the Returning Officer is situated.
- 5.2.3. 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 in the State.
 - iii) The notice shall be published, on the notice board of Returning Officer's office, on the notice board of the ARO's office and at such other places, as Returning Officer may consider necessary for giving wide publicity to it including offices of Panchayat Samitis, Gram Panchayat, village offices, taluk office etc.

5.3. PUBLIC HOLIDAY EFFECT ON ELECTION PROGRAM

- 5.3.1 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. '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. Returning Officers should not receive any nomination papers on 2nd and 4th Saturdays, which have been declared as holidays under the Negotiable Instrument Act, 1881 by the Finance Ministry. On the other Saturdays, filing of nomination papers will be open unless there is a holiday for Government offices under the Negotiable Instruments Act, 1881 falling on such holidays. Similarly, local holidays observed in a state are also

not Public holidays.

5.4. ASSISTANT RETURNING OFFICERS

- 5.4.1. Assistant Returning Officers can perform any of Returning Officer's functions subject to his overall control. They are, however, not competent to hold scrutiny of nomination paper under section 36 of RP Act, 1951 unless Returning Officer is unavoidably prevented from holding such scrutiny by himself / herself. In such eventuality, which would be very rare, Returning Officer authorizes an ARO (by name and designation) specifically, in writing, for conducting the scrutiny.
- 5.4.2. Assistant Returning Officers should sign the papers as "Assistant Returning Officer" and not "for Returning Officer".

5.5. FORM OF NOMINATION PAPERS

- 5.5.1. 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. 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. Returning Officer must ensure that the candidates are given the revised Form 2A/2B (Annexure 10 and 11).
- 5.5.2. While supplying forms of nomination papers to intending candidates, Returning Officer should also attach a copy of revised Form 26 appended to the Conduct of Elections (Amendment) Rules, 2018 to nomination form. Ensure that the candidates are given the revised latest format of Form 26 (see Annexure 12).

5.6. NUMBER OF PROPOSERS FOR NOMINATION

- 5.6.1. 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).
- 5.6.2. 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.

5.7. PRESENTATION OF NOMINATION PAPERS

- 5.7.1. 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.
- 5.7.2. Time and Place of Filing Nomination Papers: Nomination papers may be presented either before Returning Officer or before the Assistant Returning Officer specified 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. Nomination can be filed by the Candidate himself or by one of the proposers. If a candidate or his proposer seeks to present a nomination paper either before 11.00 a.m. or after 3.00 p.m., Returning Officer or Assistant Returning Officer 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. Returning Officer or the Assistant Returning Officer 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.

- 5.7.3. If more than one candidate or their proposers turn up in the Returning Officer's office at 3.00 p.m. or just prior to that for presenting their nominations, it will not be possible for the Returning Officer to deal with all such nominations by 3.00 p.m. In such cases, the Returning Officer shall receive 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, Returning Officer may close the entry to his office room exactly at 3.00 P.M. and receive nomination papers of such candidates who are inside the given room at 3:00 PM.
- 5.7.4. It is further clarified, that intending candidate who enters in the Returning Officer'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 Returning Officer's room after 3.00 PM for the purpose of delivering any such documents to any intending candidates.
- 5.7.5. If a person who has been dismissed from the service of either Central Govt or any State Govt wants to contest election within five years of dismissal, the person is required to first approach the Commission and obtain a certificate to the effect that the dismissal was not for corruption or disloyalty to State and such certificate has to be submitted along with the Nomination Paper [Section 33(3) of R.P. Act 1951]
- 5.7.6. If the candidate is not elector of the same constituency where she/he is contesting from, then copy of the electoral roll of the constituency concerned, or copy of the relevant part of the electoral roll, or certified copy of entries in the electoral roll in respect of the candidate has to be filed. If this document is not filed with the nomination paper, it can be filed upto the time of scrutiny of nominations [Section 33(5) of R.P. Act 1985]. If the document is not filed at the time of filing of nomination, the RO shall give a notice to this effect in the Check List of Documents."
- 5.7.7. If Commission's General Observer is present on that day, he will be present in Returning Officer's room. The entire proceedings of delivery and acceptance of nomination papers should be videographed with time stamping facility.
- 5.7.8. Arrangements in the room specified for filing of nomination papers:
 - (i) Arrangements for 360 degrees CCTV coverage shall be made inside the room specified for filing nominations as well as at the exit gate of the room to cover the proceedings related to filing of nomination.
 - (ii) The recording of the CCTV footage shall be ensured with uninterrupted power supply.
 - (iii) If CCTV arrangement cannot be made, then there should be videography done with time stamping facility. The videography should cover the entire room. The entire process of receiving of each nomination should be captured. As per the standing instructions, uninterrupted/ unedited videography should be done in the room from 2 PM onwards on the last date for making nomination till the process is completed.
 - (iv) The clock inside the room must be set to that of IST, in the AM/PM mode and it should be ensured that the clock is in perfect working condition.
 - (v) The clock of the video camera and CCTV should also be adjusted to IST and should tally with the clock set by RO in the room.
 - (vi) The Observer shall mention in his/her report about proper arrangement for CCTV/Videography.
 - (vii) The recording must be preserved appropriately to ensure easy retrieval.
 - (viii) In case of any requirement to send the recording to the Commission, the DEO must make the transfer of the footage along with print details of timeline indicating the details of the characters appearing in the footage.
 - (ix) Arrangements for receiving security deposit at the time of filing nomination should be made

in the same room in which nominations are being received. Candidates should not be made to leave the room for making such deposit.

- (x) Door of the room shall be closed exactly at 3 PM as per the clock in the room.
- (xi) On the last date for making nominations after 2.30 PM, frequent announcements should be made outside the room that the nominations will not be permitted after 3 PM.
- (xii) Slips signed by RO/ARO shall be distributed to candidates inside the room at 3 PM. No Person should be allowed to enter the room once the door is closed at 3 PM.
- (xiii) The Commission's instructions regarding the number of persons who may accompany a candidate for filing nomination should be strictly enforced to ensure smooth proceedings in the room.

5.7.A. OPTIONAL FACILITY OF ONLINE DATA ENTRY OF PERSONAL DETAILS BY CANDIDATES IN NOMINATION FORM AND AFFIDAVIT (Form 26):

5.7.A.1. The Commission has decided to provide an optional facility to candidates for online data entry of personal details in nomination form. This facility will be available for the candidates through the Election Commission's Suvidha portal <https://suvidha.eci.gov.in>. The candidate will have to do the registration and login with the mobile number and OTP. At present, the facility is available in two languages namely, English and Hindi.

5.7.A.2. In online facility (Suvidha portal i.e. suvidha.eci.gov.in), the Candidates can do data entry of their personal details in the nomination form and the affidavit (Form-26). Validation checks at each step of the process will help the candidates to fill the form in proper format and without errors. The facility for online payment of security deposit by the candidates is also available through the same suvidha portal.

I. Online Submission of Nomination by Candidate

The facility of Online data entry in nominations form will be available for the Candidates through ECI Suvidha Portal <https://suvidha.eci.gov.in>

Step 1 – Registration - The Candidate will have to do the registration and login with the mobile number and OTP.

After a successful login, the candidate needs to enter the EPIC number and the relevant details will be auto-fetched from the electoral roll.

Step 2 - Data entry of personal details in the form and affidavit - Candidate then needs to make data entry of his personal details in the nomination form and affidavit online. In case of error or mistake entries, filled in the form, can be edited/corrected, till the finalization by the candidate.

Step 3 - Selection of preferable dates- After complete details verification, Candidate has to finalize the form and proceed further for selection of 3 preferable dates from the dates given, by ticking at the same, for physical submission of the form before the Returning Officer.

Step 4 - Security deposit- Further, the candidate can submit the security deposit online by choosing the available options from net banking. Optionally, the candidate can choose to enter the details of challan or indicate the option to deposit it by cash.

Step 5 - Physical submission of print out of the form filled online-It is to be noted that the form in which the online data entry was made by candidate, will only be treated duly submitted if a printout with QR Code is taken from the system, signed in ink, and delivered by hand, either by the candidate himself or by his proposer between the hours of 11.00 in the forenoon and 3.00 in the afternoon to the Returning Officer / Authorised Officer, on the appointed date and place, specified by him. The online Nomination Facility will be closed one day prior to the last date of nomination.

Arrangements to be made by Returning Officer

1. Provision of IT infrastructure and manpower-

- (i) Returning Officers should set-up a workstation for physical verification of online data entry of personal

details made by candidate in nomination from the date of notification till the last day of nomination.

- (ii) Returning Officer should ensure the availability of one or more computers along with printer, scanner, webcam, stationary and other essentials as per requirement at the workstation. The computer/laptop should be with webcam and minimum i3 processor, 2 GB RAM, and at least 50 GB of free space available. If the webcam is inbuilt in the laptop/desktop then it should be at least 2 mega pixels while in case of a separate webcam, the same should be of at least 5 mega pixel.
- (iii) Operating system and Browser should be updated with updated antivirus Java Script support.
- (iv) The system and hardware shall be checked by Returning Officer, well in advance, by scanning a sample QR code and also the quality of scanning and printing.
- (v) Returning Officer should identify the staff and arrange training of the identified staff for the purpose of scanning, printing etc, well in time, scanning of QR Code, verification of physical and electronic copy filled up by the candidate, generating and taking print out of the receipt from the system.

2. Processing and verifying Nomination Forms in which data entry made by candidate online-

- (i) The Returning Officer will login and complete the process of nomination form, in which online data entry was made and received through the ENCORE portal <https://encore.cci.gov.in>.
- (ii) The Returning Officer can view all the Preferences indicated by candidates for dates for delivering print out of nomination form in which online data entry was made and give appointments accordingly.
- (iii) As per the common directions, the nomination forms, which have been filled using the suvidha portal are required to be downloaded, printed and completed in all respects and then hard copy delivered physically by the candidate or his proposer, to the Returning Officer. Before verifying each such nomination form, the Returning Officer shall check the QR Code at the top of the first page. The scanning of QR Code shall be done at the first instance by the Returning Officer, which will mark the time of receipt of the application. (if in any case, the QR Code is not readable through the webcam, the Returning Officer has the option to enter the system generated nomination id printed on the form and proceed for verification.)
- (iv) After scanning, the details of the physically handed over form shall be checked and verified from the online submitted form.
- (v) In case of a difference between a form in which online data entry made and physically submitted form, the nomination form should be treated as submitted offline form and procedure for processing of physically submitted form be followed. In such a case, the online nomination form should be discarded.
- (vi) Returning Officers shall verify the details of online payment of security deposit. In case the amount has not been credited to the treasury/ bank account of the designated institution/bank, the same will be recorded in the nomination form and this be informed to the candidate. In such case, the manual method of security deposit, as prescribed by the Election Commission of India, shall be followed.
- (vii) After the verification of nomination form as per the above procedure, the Returning Officer shall fill Part (IV) in the system and proceed for receipt generation.
- (viii) Returning Officer should verify the details in the receipt generated and signed copy be handed over to the candidate as per the rules.
- (ix) Returning Officer shall prepare the checklist as provided in the Commission's instructions and the same will be handed over to the candidate against a proper receipt.

5.8. RESTRICTIONS ON NUMBER OF VEHICLES AND PEOPLE AT THE TIME OF NOMINATION

- 5.8.1.** 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 Returning Officer's or the Assistant Returning Officer's Office has been restricted to three, and the persons who can be allowed to enter the Office of Returning Officer or the Assistant Returning Officer at the time of filing nomination has been limited to five (including the candidate). The periphery of 100 meters should be clearly demarcated. It is also to be ensured that only one door shall be kept open for entry of candidate plus four other authorized

persons and all other doors should be closed. A CCTV camera should be placed at the entry door to record actual time of entry.

- 5.8.2. 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/Returning Officer or such other person including candidate and/or his party responsible for violation.

5.9. WHO CAN FILE NOMINATION PAPERS

- 5.9.1. All nomination papers are required to be presented in person before the Returning Officer or 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 3p.m. on any of the notified days other than a public holiday.

5.10. NUMBER OF NOMINATION PAPERS

- 5.10.1. Under sub-section (6) of section 33 of the RP Act 1951, maximum of four nomination papers only can be presented by candidate or on behalf of any candidate or received by the Returning Officer or Specified Assistant Returning Officer for election in the same constituency. The Returning Officer or Specified Assistant Returning Officer must, therefore, ensure that the same candidate does not file more than 4 set of nomination papers. If a candidate seeks to present any nomination paper or papers in excess of this number, the Returning Officer or Specified Assistant Returning Officer must not receive 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 receive, any nomination paper or papers in excess of four. These nomination papers can be filed either together or separately.
- 5.10.2. 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.
- 5.10.3. 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 Section 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.
- 5.10.4. **Serial Number of Nomination Papers:** Each nomination paper as soon as it is presented must be serially numbered without fail by Returning Officer 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 his/her signature thereon. The nominations received by Returning Officer 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 Assistant Returning Officer is receiving nomination papers in a different place. Returning Officer 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, Returning Officer should ask the Specified Assistant Returning Officer (who has been authorized by Returning Officer to receive nomination papers) to work in close collaboration with him if he is receiving nomination papers in a different place.

- 5.10.5. When a number of nomination papers are delivered to Returning Officer he/she must assign serial numbers to them in the order in which he dealt with them one after the other.

5.11. PRELIMINARY EXAMINATION OF NOMINATION PAPERS

- 5.11.1. As each nomination paper is filed, Returning Officer 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 Returning Officer is 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 details relating to the candidate and the proposer(s) as given in the nomination paper (s) and those as entered in the electoral roll. The following aspects may be examined at this stage:

- i) If the candidate is an elector in Returning Officer's constituency, he 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, Returning Officer or the Specified Assistant Returning Officer 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 Returning Officer or the Specified Assistant Returning Officer 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 Returning Officer or the Specified Assistant Returning Officer makes such comparison is the one currently in force for the constituency in either case.
- iv) Check whether the affidavit in revised Form 26 is duly filled up and attached along with the nomination paper. If not attached, Returning Officer or the Specified Assistant Returning Officer should bring it to his notice this requirement through a notice by way of the check list.
- v) Check whether all columns of the affidavit are filled up, as incomplete affidavits are liable to be rejected leading to rejection of nomination paper. In case any of the columns are left blank by the candidate, Returning Officer or the Specified Assistant Returning Officer will mention it in the checklist and hand it over to the candidate against proper receipt. In such cases the candidate will have opportunity to file a fresh affidavit complete in all respects by the time fixed for commencement of scrutiny.

- 5.11.2. In respect of each candidate, Returning Officer or the Specified Assistant Returning Officer should maintain in duplicate, the check list of the documents or requirements to be fulfilled by the candidates. The check list is given below:

Original/duplicate

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

Check List of documents in connection with filing of nomination

Name of constituency.....Name of the candidate

..... Date and time of filing nomination paper Sl. No. of nomination paper

Sl. No	Documents	Whether filed (Write Yes/No) (if there is any defect/shortcoming in the documents, the same should be specified)
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 (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: -

- _____ should be filed latest by _____
- Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a fresh affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.
- _____ should be filed latest by _____. Received

(Signature of candidate)

Signature of RO/ARO Date & time: Place:

N.B.

- The Affidavit in Form 26, Forms A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
- If columns have been left blank in the affidavit in Form 26, this should be specified against item 1 and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.
- Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
- Certified extract of electoral roll can be filed up to the time of scrutiny.
- 5.11.3. In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account.
- 5.11.4. In order to bring 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:
 - In respect of each candidate, the RO should maintain, in duplicate, the checklist of the documents/requirements to be fulfilled by the candidates, as per the list given above.

- b. When a candidate files nomination paper, the Returning Officer or the Specified Assistant Returning Officer 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, 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. Ravindra Nath Rout [2012 (1) SCJ 567]). The Commission has directed that while checking the documents filed with nomination paper and filling up the Check List, the Returning Officer or the Specified Assistant Returning Officer 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 Nomination) a mention to this effect shall be made under Column 6 with respect to such candidate.

- d. Both the copies of the check list shall be signed by the Returning Officer or the Specified Assistant Returning Officer as well as by 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.

5.12 PHOTOGRAPH OF THE CANDIDATE

5.12.1. At every election, the candidates shall be required to submit their photograph conforming to the requirements and specifications along with their nomination papers and, in any case, latest by the date fixed for scrutiny of nominations. The photograph should bear the signature of the candidate/ election agent on the reverse side of the photograph. The specifications for the photograph are as follows:

- i) Candidates are required to submit their recent photograph (taken during the preceding period of 3 months before the date of notification)
- ii) Photograph should be of stamp size 2 cm X 2.5 cm. (2 cm in breadth and 2.5 cm in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The photo may be in colour or black and white as may be convenient for the candidate.
- iii) Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/ hats should be avoided. Dark glasses should also be avoided.

When the photograph is submitted, the candidate / election agent / proposer submitting the photograph shall be asked to give a declaration stating that the photograph being submitted is that of the candidate (mentioning the name and address) taken during the period of preceding

3 months: Format for declaration is given below:

Declaration by Candidate/Election Agent/ Proposer while submitting the photograph of the Candidate

Subject: Election to (mention the name of the House) from
 (name of the constituency)/election to Council of States/ Legislative Council by
 Assembly Members.

I (name and address), son/daughter/wife of Shri
 , nominated as candidate for the abovementioned election, am submitting
 herewith my photograph for the purpose of printing the same on the ballot paper. I declare that the photograph has
 been taken during the last 3 months before the date of notification of election.

(fill up this part when the candidate himself is submitting the photograph).

OR

I (name), election agent/proposer of Shri
 (name and address of the candidate), son/ daughter/ wife of Shri
 , a candidate for the above mentioned election, hereby submit the photograph
 of the said candidate for the purpose of printing the same on the ballot paper. I declare that the photograph has been
 taken during the last 3 months before the date of notification of election.

(fill up this part when the election agent/proposer is submitting the photograph).

Date: Name:
 Address: Tel No.

15.12.2. **When the nomination is filed, the candidates** shall be asked to submit an additional photograph along with the photograph affixed on the nomination form. The two photographs should be identical and should be as per the specifications given in the Commission's latest direction. Further, if a candidate does not submit additional copy of photograph for printing on the ballot paper, the photograph already affixed on the nomination paper shall be used for printing on the ballot paper. It may be added that non- submission of photograph by the candidate shall NOT be a ground for rejection of the nomination of the candidate.

15.12.3. 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.

5.13. DISCREPANCIES AND ERRORS IN ELECTORAL ROLLS

5.13.1. 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. Returning Officer 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. Returning Officer has no power in law to allow any other error to be corrected. (See Section 33(4) of RP Act, 1951).

5.13.2. Similarly, if there is a complaint regarding mismatch of photo in the photo electoral roll, Returning Officer shall overlook the same after satisfying himself/herself about the identity of the person through some other document produced by him.

5.13.3. Points, which Returning Officer is thus required to dispose off under Section 33(4) of the said Act, should invariably be disposed of at this stage. It will be undesirable for Returning Officer 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.

5.14 SIGNATURES OF CANDIDATES AND PROPOSERS IN NOMINATION PAPERS

5.14.1 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.

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.

5.14.2 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 Returning Officer or the Specified Assistant Returning Officer 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 attests the mark / Thumb impression. 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.

5.15 RECEIPT AND NOTICE OF SCRUTINY AND ALLOTMENT OF SYMBOLS

5.15.1 A printed form of receipt for nomination paper and a notice to the candidate about 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 such receipt and notice. Returning Officer can also issue separate receipt and notice in the same format for convenience.

5.16 AFFIDAVIT IN FORM 26 TO BE SUBMITTED BY CANDIDATES

5.16.1 Along with the nomination paper, every candidate is required to file an affidavit in Form 26 (Updated in 2019), declaring information about criminal cases, assets, liabilities and educational qualifications. The Affidavit in Form 26 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. Each page of the Affidavit should be signed by the deponent concerned or the affidavit should bear on each page the stamp of the Notary/ Oath Commissioner / Magistrate before whom the Affidavit is sworn. The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the state law of the state concerned. It would be for the Returning Officer to decide the validity of the affidavit in Form 26.

5.16.2 The optional facility of e-filing of affidavits (Form 26) can be availed by the candidates by entering the information on logging into the ECI website. In such case, the printed copy has to be taken on stamp paper of appropriate denomination and sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public for filing the same before the Returning Officer. It may be noted that the notarized affidavit has to be filed latest by 3.00 PM on the last date of filing nomination. This facility of e-filing is available in two languages namely English & Hindi. In case the two affidavits, one available in electronic format and other filed with the Returning Officer after due notarization, are found to be different from each other, then the notarized version of the affidavit should be scanned and uploaded on the website.

5.16.3 If any candidate fails to file the said affidavit along with his nomination paper, Returning Officer 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.

5.16.4 No column of the affidavit should be left blank or filled by just tick/dash marking. 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, Returning Officer has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the Returning Officer shall give a notice to the

candidate to submit a fresh affidavit complete in all respect. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'NIE' 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 submit a complete affidavit even after reminder, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny of nomination papers.

PUBLICATION OF CRIMINAL ANTECEDENTS

5.16.5 The Commission in pursuance of the directions in the Judgement of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.) has given directions to be followed by candidates at elections to the Parliament and State Legislatures who have criminal cases against them, either pending cases or cases of conviction in the past and to the political parties that set up such candidates: -

- i) Candidates at elections to the House of the People, Legislative Assembly who have criminal cases against them—either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in TV Channel and newspapers with wide circulation in the constituency area. This declaration is to be published in Format C-1 attached hereto (**Annexure 47**) on three occasions during the campaign period for the purposes of publishing of such details. The period specified for such publication will be decided with three blocks in following manner, so that electors have sufficient time to know about the background of such candidates:
- ii) Within first 4 days of withdrawal.
- iii) Between next 5th to 8th days. From 9th day till the last day of campaign (the second day prior to date of poll)
 - a) The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.
 - b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.
 - c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form 26, the Returning Officer shall give a written reminder to the candidate about the directions for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3 (**Annexure 47**).
 - d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted Item (6A).
 - e) The Commission has also considered the issues relating to the publicity by returned candidate in an uncontested election and directed that in view of above said directions of Hon'ble Supreme Court such candidates must also publicize their criminal antecedents in the manner as prescribed for other contesting candidates.
 - f) "Format C-4 (**Annexure 47**) has been specified by the Commission for the candidates to submit report about publishing of the declaration to the District Election Officer, along with their account of election expenses. The copies of newspapers in which

their declaration in this regard was published are also required to be enclosed with the Format C-4"

5.16.6 The political Parties –

- a) Recognized parties and registered un-recognized parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto (Annexure 47). Publishing of the declaration in newspapers and TV channels is required to be done at least on three different dates during the period mentioned above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report in **Format C- 5 (Annexure 47)**, to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing there with the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election.

Political Parties are to publish information regarding criminal antecedents of candidates on the homepage of their websites, thus making it easier for the voter to get to the information that has to be supplied. It will also become necessary now to have in the homepage a link with the caption which states "candidates with criminal antecedents".

- b) Political parties are to submit report about publishing of the declaration in Format C-5 (Annexure 47). This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.
- c)
 - i) In pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 supplementing its previous instructions, the Commission has directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction shall provide information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates. This shall be published by the political party in the newspapers, social media platform and website of the party in Format C-7 (Annexure 47) within 48 hours of the selection of the candidate.
 - ii) A compliance report in the enclosed Format C-8 (Annexure 47) shall be sent by the Political Party concerned to the Commission within 72 hours of the selection of the candidate.
 - iii) Failure to abide by the above mentioned directions will render the party liable to contempt proceedings before the Hon'ble Supreme Court.
 - iv) Failure to abide by the above directions will also be treated as failure to follow a lawful direction of the Commission for the purposes of Paragraph-16A of the Elections Symbols (Reservation & Allotment) Order, 1968.
 - v) Political parties will be bound to disclose details regarding candidates selected by them in terms of the Hon'ble Supreme Court's Order dated 13.02.2020 even if their candidature is rejected during scrutiny or withdraws his candidature may be followed in this regard.

5.16.7 It may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form- 26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26.

5.16.8 Returning Officer and Chief Electoral Officer's Compliance report:

- a) The Commission has issued direction that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates shall publish a declaration in newspapers and TV Channels in the manner prescribed above. Further, the CEOs are to submit a report in **Format C-6 (Annexure 47)** to the Commission confirming compliance by parties concerned and pointing out cases of defaulters, if any. The report in Format C-6 should be sent to the Commission within 45 (30+15) days of completion of election.
- b) The CEOs are to obtain information with regard to the individuals with criminal antecedents, selected as candidates by the political parties, in the elections being held in their states, from the Returning Officers concerned and furnish the same in compiled form, in the Format CA (Annexure 47). The information shall be sent to the Principal Secretary/Secretary of the concerned Territorial Zone/Biennial Election Division in the Commission by the last date of making nominations for the said election so that information of non-compliance by the political parties may be submitted to the Supreme Court, in time.

5.17 OATH OR AFFIRMATION BY CANDIDATES

- 5.17.1 A candidate at an election to Parliament, State Legislature or Legislative Assembly in a Union Territory as 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, or Section 16(a) of the Jammu & Kashmir Reorganization Act, 2019 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 13**.
- 5.17.2 The Election Commission's notifications authorizing certain persons in this behalf are reproduced in **Annexure 14**. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officers of 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.
- 5.17.3 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 whom the candidate can make and subscribe the oath or affirmation.
- 5.17.4 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.
- 5.17.5 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 cannot be so made and subscribed on the date of scrutiny. Returning Officer 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 any time on the day previous to the date notified for scrutiny of nomination paper should be treated within time.

- 5.17.6 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 Hussain 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 Returning Officer 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.
- 5.17.7 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 Returning Officer the certificate issued to the candidate by the authorized person that he has made and subscribed the oath or affirmation before him. The date and time of making oath should be mentioned in the certificate.
- 5.17.8 **MANNER OF MAKING THE OATH:** The oath or 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.
- 5.17.9 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.
- 5.17.10 If the authorized person is the superintendent of the prison or commandant of the detention camp he should issue forthwith to the candidate a certified copy of the oath for producing it as evidence before the Returning Officer at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the most expeditious means of transmission to Returning Officer indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send the Returning Officer the original copy of the oath or affirmation made and signed by the candidate.
- 5.17.11 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 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 the Returning Officer at or before the time fixed for the scrutiny of nomination papers.
- 5.17.12 The Returning Officer 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.

5.18 NOMINATION BY OVERSEAS ELECTORS

- 5.18.1 An overseas elector who is registered in roll under Section 20A of the RP Act 1950 would 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 fulfilment 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 Returning Officer or the Assistant Returning Officer. If a candidate who is an overseas elector appears before the Returning Officer or the Assistant Returning Officer to make the oath, the Returning Officer or the Assistant Returning Officer 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 Returning Officer or the Assistant Returning Officer at the time of making the oath or affirmation.

5.19 NOTICE OF NOMINATIONS

- 5.19.1 After 3 p.m. on each day between the date of notification and the last date for making nominations, both days inclusive, publish on Returning Officer's notice board a notice of the nomination papers filed. This notice shall be in Form 3A (Section 35 and Rule 7) (Annexure 9). The 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 at a different place. If more nomination papers than one have been presented before Returning Officer in respect of the same candidate, notice must be given of all of them. A copy of this daily notice should be forwarded to Returning Officer by the Specified Assistant Returning Officer from day to day so that Returning Officer may be aware of the latest position in the constituency as a whole.

5.20 DISPLAY OF COPIES OF NOMINATION PAPERS AND AFFIDAVITS

- 5.20.1 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 Returning Officer's 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 affidavits 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.
- 5.20.2 A copy of the affidavits furnished by the candidates should be made available at the earliest by Returning Officer 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.

- 5.20.3 Uploading Affidavits filed by candidates on website: The affidavits 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.

In cases where columns are left blank in the affidavit and notice is issued by the Returning Officer for filing fresh and complete affidavit, the incomplete affidavit may also be uploaded on the website with a note indicating that the affidavit is incomplete and the candidate has been issued notice. If and when the candidate files affidavit subsequently, the same should also be uploaded on the website immediately on the same day.

- 5.20.4 Uploading Counter Affidavits on website: 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.

5.21 DEPOSITS

- 5.21.1 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 Rupees 25,000/- (Rupees Twenty-Five Thousand only). For an election to a State Legislative Assembly, the amount of security deposit is Rupees 10,000/- (Rupees Ten Thousand only).
- 5.21.2 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.
- 5.21.3 Every candidate presenting a nomination paper has an option to make the security deposit either in cash with Returning Officer 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 Returning Officer, a receipt (the challan) in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate.
- 5.21.4 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.
- 5.21.5 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 is sufficient for each constituency.
- 5.21.6 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 Returning Officer) 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.
- 5.21.7 A candidate must, however, make a separate deposit in respect of each of the different constituencies in which he files nomination papers. It is already clarified that no candidate can be nominated from more than two Parliamentary/Assembly constituencies.
- 5.21.8 Security deposit cannot be made by a cheque.

5.22 DEPOSITS BY SCHEDULED CASTE OR SCHEDULED TRIBE CANDIDATE

5.22.1 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 Returning Officer 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.

5.23 TRANSMISSION OF NOMINATION PAPERS BY SPECIFIED ASSISTANT RETURNING OFFICER

5.23.1 The Returning Officer shall instruct the Specified Assistant Returning Officer to forward to him, for further necessary action, 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 basis. In any case, all such papers should reach Returning Officer latest by 7 p.m. of the last day for making nominations.

5.24 INTIMATION BY POLITICAL PARTIES ABOUT THEIR AUTHORISED CANDIDATES

5.24.1 The nomination of a candidate set up by a recognized National or State party of the State concerned is required to be subscribed by only one elector as proposer, whereas the nomination of all other candidates (candidate of a party recognized as State Party in another State and candidates of registered-unrecognized parties and independents) is to be subscribed by ten electors as proposers. Conditions for treating a candidate of a political party have been laid down in para 13 of the Symbols Order. The conditions are (i) the candidate should declare in the relevant column in the nomination paper that he is a candidate set up by the party. (ii) the party concerned should submit Form A and B nominating the candidate concerned as its candidate. Accordingly, Returning Officer shall accept only those intimations from the political parties, in Forms A and B latest by 3.00 p.m. on the last date for making nominations. Any intimation received by Returning Officer thereafter shall not be taken into consideration for any purpose. In such cases the time of receipt of the Form shall be recorded by Returning Officer 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 Returning Officer. Form A and B should bear original signature of authorized office bearer(s) of the political party concerned. Email, Fax copies etc. of such forms are not acceptable. Photocopy of Form B submitted for the main candidate can be used for the substitute candidate.

5.24.2 It is the responsibility of the party or candidates concerned to submit Form-A to CEO and Forms A and B to the Returning Officers. It is not the responsibility of the CEO to forward Form-A to Returning Officers. Unless and until both the two Forms A and B are submitted to the Returning Officer as per the requirements of symbol order, the candidates concerned shall not be treated as candidates set up by the party.

5.25 PREPARATION OF CONSOLIDATED LIST OF NOMINATED CANDIDATES

5.25.1 Immediately after 3.00 p.m. on the last date for filing nominations, or as soon as possible after Returning Officer has received all the nomination papers from the Specified Assistant Returning Officer, he should prepare a consolidated list of all the nomination papers, presented either before him 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

S. No.	Name of Candidate	Address of Candidate	Symbol chosen in order of preference by the candidate	Name of the 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 pm on the last date of 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

5.25.2 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 Returning Officer's task at the time of scrutiny of nomination papers of the concerned candidates.

5.25.3 Returning Officer 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 within 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.

5.25.4 If more than one nomination paper has 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.

5.25.5 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 forth with to the Election Commission. Returning Officer should ensure that complete address of each candidate is indicated properly in the list of nominated candidates.

5.26 APPOINTMENT OF ELECTION AGENTS

5.26.1 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. 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 Returning

Officer. Returning Officer shall return one copy thereof to the candidate/election agent after affixing thereon his seal and signature in token of approval of the appointment.

- 5.26.2 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. 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 be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates.
- 5.26.3 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.
- 5.26.4 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.
- 5.26.5 Every candidate is also permitted to appoint an additional election agent for assisting the candidate in various expenditure related matters. 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 the People Act, 1951 read with Rule 12 of the Conduct of Elections Rules, 1961.

5.27 REVOCATION OF APPOINTMENT OF ELECTION AGENT

- 5.27.1 A candidate may revoke the appointment of election agent at any time by a letter in Form 9, which is to be lodged with Returning Officer 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.

5.28 SPECIMEN SIGNATURES OF CANDIDATE AND HIS ELECTION AGENT

- 5.28.1 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, Returning Officer 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 20, 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.

5.29 MAINTENANCE OF ACCOUNTS OF ELECTION EXPENSES BY CANDIDATES FROM DATE OF HIS NOMINATION TO DATE OF DECLARATION OF RESULTS

- 5.29.1 Under the law Section 77(1) of the R.P. Act, 1951, every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between (the date on which he has been nominated) and the date of declaration of result of the election thereof, both dates inclusive. (Please also refer to Chapter 18 of this Handbook)
- 5.29.2 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 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.

- 5.29.3 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, Returning Officer 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 49** as soon as he files his nomination paper.
- 5.29.4 The format of the register is prescribed by the Commission for maintaining the account of election expenses by the candidates is given at **Annexure 48**. The candidates are required to maintain election expenditure register containing the Day-to-Day account of Election Expenses, Cash Register, Bank Register, Abstract Statement (Part I to IV, Affidavit in Part IV), Schedule 1 to 11, Acknowledgement regarding receipt and delivery of Expenditure Register.
- 5.29.5 The latest Compendium of Instructions on Election Expenditure Monitoring is available on ECI website. Returning Officer may read this Compendium for detail and act as per instructions given therein.

5.30 SEPARATE BANK ACCOUNT TO BE OPENED BY EACH CANDIDATE FOR ELECTION EXPENDITURE

- 5.30.1 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 the Returning Officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.
- 5.30.2 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.
- 5.30.3 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.
- 5.30.4 Wherever the candidate has not opened the bank account or not intimated the bank account number, the Returning Officer 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" and the Commission based on the DEO's Scrutiny Reports or enquiry in this matter as deemed fit shall take appropriate decision. However, this will not be a ground for rejecting the nomination.
- 5.30.5 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 any other electronic mode 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 Rupees 10,000/- 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 Rupees 50,000/- in the constituency during election process as per direction of Hon'ble Supreme Court in case of Election Commissioner v/s. 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, it will be treated that the candidate has not maintained the accounts in the manner prescribed by the Commission and the Commission based on the DEO's Scrutiny Reports or enquiry in this matter as deemed fit shall take appropriate decision. 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.

5.31 INTIMATION TO CONTESTING CANDIDATES REGARDING RESTRICTIONS ON THE PRINTING OF PAMPHLETS OR POSTERS ETC

- 5.31.1 Section 127A of the R.P. Act, 1951, 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.
- 5.31.2 The Commission has also directed that in the case of any advertisements/election matter for or against any political party or candidate in print media, during the election period, the name and address of the publisher should be given along with the matter/ advertisement.
- 5.31.3 The above mentioned law on the subject should strictly be observed and complied with.
- 5.31.4 Returning Officer should carefully go through the contents of the said Orders 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.
- 5.31.5 Copies of the above said Orders shall be handed over to each candidate when he/she comes to the Office of the Returning Officer for filing of his nomination paper and an acknowledgement obtained in writing thereof.
- 5.31.6 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 Orders 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.
- 5.31.7 Returning Officer should note that instructions on Expenditure control and monitoring are given in greater details in Chapter 18 of this hand book. Returning Officers should also ensure that they should get a copy of latest Compendium of Instructions on Election Expenditure Monitoring issued by the Commission and read the latest instructions. A model checklist for use of Returning Officer on Election Expenditure Monitoring at **Annexure 50**. The Checklist is not exhaustive; in case of any doubt, Returning Officer may please refer to the latest Compendium of Instructions on Election Expenditure Monitoring available on the Commission's website.

5.32 QUALIFICATIONS AND DISQUALIFICATIONS

- 5.32.1 Qualifications and disqualifications for contesting election have been laid down in the Constitution of India and in the Representation of the People Act, 1951 (1951 Act). Candidates wishing to contest election must fulfil the qualifications and should not be attracting any of the disqualifications.

5.32.2 Qualifications-

- Qualifications for being chosen as a member of Parliament (Lok Sabha and Rajya Sabha) have been given in Article 84 of the Constitution and in Sections 3 & 4 of the 1951 Act. It would be seen that the qualifications are:
 - a) Candidate should be citizen of India;
 - b) Should make and subscribe oath/affirmation in the prescribed manner;
 - c) Should be not less than 25 years of age;
 - d) Candidate should be elector for any parliamentary constituency in India in the case of election to Lok Sabha, and elector of any Assembly constituency in the State concerned in the case of election to Legislative Assembly;
 - e) In the case of a seat reserved for SCs and STs in Lok Sabha, candidate should be member of a Scheduled Caste or Scheduled Tribe (of any State). However, in the case of the Parliamentary Constituencies of Sikkim and for the seat reserved for ST in Lakshadweep and in the Autonomous Districts of Assam, the candidate should be an elector for the Parliamentary Constituency of the State/UT/Autonomous Districts concerned, in addition to belonging to the Scheduled Tribe (of Lakshadweep/Autonomous Districts).
 - f) In the case of seat reserved for SCs or STs in Legislative Assembly of a State, the candidate should belong to a scheduled caste/Scheduled Tribe of the State concerned. In the case of a seat reserved for Scheduled Tribes in the Autonomous Districts of Assam, the candidate should belong to any of those Tribes and should also be an elector in such reserved seat.
- For election to the Legislative Assembly of Puducherry, NCT of Delhi and Jammu & Kashmir, there are identical provisions on qualifications and disqualifications in the Union Territories Act, 1963, NCT of Delhi Act, 1991, and J & K Re-Organization
- Act, 2019 respectively.
- From the above, we see that there is only a brief set of qualifications specified under the law.
- However, apart from the qualifications, there is a longer list of disqualifications laid down in the Constitution and in the 1951 Act.
- Apart from fulfilling the qualifications, candidates should not be attracting any of the disqualifications.
- Constitutional disqualifications are laid down in Article 102 (1) [for Houses of Parliament] and identical provisions in Article 191(1) [for House of State Legislature].

5.32.3 Disqualifications-

- The disqualifications provided in Article 102(1) and 191(1) are :
 - a) Holding office of profit under the Govt of India or Govt of any State, other than an office declared by the Parliament by law not to disqualify its holder;
 - b) Declared to be of unsound mind by a competent Court;
 - c) Being undischarged insolvent;
 - d) If the candidate is not a citizen of India, or has voluntarily acquired citizenship of a foreign State, or is of any acknowledgment of allegiance or adherence to a foreign State.
- The term 'office of profit' mentioned in clause (a) above is not defined in the Constitution or in the Act. However, there are several judgments of the Hon'ble Supreme Court which amply clarify as to what is an office of profit for the purposes of clause (a) of Article 102(1) [and identical provisions in Article 191(1) for Houses of State Legislature]. The brief summary of the various judgments are that (i) the person should be holding an office under the Government, and (ii) the office should be such that it brings pecuniary benefit to the office holder.

- For deciding the question whether an office is an office under the Government, the crucial tests laid down by the Apex are whether the appointment to the office is made by the Government and the power to remove the person from office lies with the Government. If an office held by a person satisfies these tests, it would mean that he/she is holding an office under the Government.
- Holding an office under the Government is, in itself, not a disqualification. It is an office of profit that attracts disqualification for the holder of the office.
- The Supreme Court has held that "profit" here means any pecuniary benefit accruing to the office holder from the office.
- On the issue of pecuniary benefit (profit), it has been held that any pecuniary gain other than a payment of compensatory nature to offset expenses that may have been incurred in connection with the duties of the office (eg. TA, DA, etc for attending meetings of the Body concerned) will be 'profit' for this purpose. Nomenclature of the pecuniary gain is irrelevant. It may be called salary, honorarium, or something else.
- Thus, if a person holds an office under the Government, and if he/she gets 'profit' out of the office, he can be said to be holding an office of profit for the purposes of Article 102(1) and 191(1).

5.32.4 Some of the Supreme Court judgments for reference in this connection are mentioned below:

- *Shivaniurthy Swami Inamdar Vs. Agadi Sanganna Andanappa* [(1971) 3 SCC 870],
- *Satracharla Chandrasekhar Raju v Vyricherla Pradeep Kumar Dev* (AIR 1992 SC 1959),
- *Shibu Soren v Dayanand Sahay* (AIR 2001 SC 2583),
- *Maulana Abdul Shakoor vs Rikhab Chand and Anr* (AIR 1958 SC)

A very important point to note here is that clause (1) of Article 102 empowers the Parliament to enact law to declare that any particular office or offices will not disqualify the holder. In exercise of this power, the Parliament has passed an Act titled "The Parliament (Prevention of Disqualification) Act, 1959" declaring certain offices to be not disqualifying the holder thereof. Thus, if any person who holds an office which is exempted under the said Act, she/he would not be disqualified for the reason of holding such an office irrespective of any profit out of the office.

- For elections to Legislative Assembly, there are identical provisions given in Article 191(1) of the Constitution. As in the case of the Parliament, the State Legislatures have also passed their own law to declare the offices mentioned in the respective State Acts as offices that will not disqualify their holder for contesting election to the Legislature of the State concerned.

5.32.5 The other disqualifications provided under Articles 102(1) and 191(1):

- ✓ If a person has been declared as of unsound mind by a competent court, then he/she stands disqualified. We need to note that disqualification in this case arises only if there is a court declaration and not otherwise.
- ✓ If a person is an insolvent, then there is a disqualification. In this case, although the Constitutional provisions do not mention about any court order, the Supreme Court has held that it is only when a person is declared insolvent by the competent court that disqualification under this clause is attracted.
- ✓ Clause (d) of Article 102(1) and Article 191(1) provides that if a person is not a citizen of India, there is a disqualification for contesting election. Then it goes on to provide that if a person voluntarily acquires citizenship of another country, there is a disqualification. Further, a person who is under allegiance or adherence to a foreign State also stands disqualified.

Having discussed the disqualifications under the Constitution, let us now turn our attention to

the statutory disqualifications, i.e the disqualifications laid down in the 1951 Act.

- The statutory disqualifications have been given in the following Sections of the 1951 Act:
 - Sections 8 (disqualification on account of conviction for offences),
 - 8A (disqualification on account of corrupt practices),
 - Section 9 (disqualification on account of dismissal from an office under the govt.),
 - Section 9A (disqualification on account of subsisting contract with the appropriate govt. for contracts of the nature mentioned therein),
 - Section 10 (disqualification for holding the office of Manager, Secretary or Managing Agent of a Company in which the appropriate govt. has share of 25% or more),
 - Section 10A (disqualification for not filing the account of election expenses as required under the law).
- Section 8
 - Section 8 is divided into three sub-sections- sub sections (1) to (3).
 - Sub-section (1) lists out several offences/Acts. If a person is convicted under any of the Acts or for any of the offences listed out in sub-section (1), then there is a disqualification for a period of six years from the date of conviction. In such cases, disqualification is attracted even if there is no sentence for imprisonment. If there is a sentence for imprisonment along with conviction for the offences mentioned in sub-section (1), the period of disqualification will be for the period of imprisonment and for a further period of six years after release from prison.
 - In sub-section (2), three offences have been listed. If a person is convicted for any of these three offences, disqualification is attracted only if there is a sentence of a minimum of six months' imprisonment along with conviction.
 - Sub-section (3) provides that if a person is convicted for any offence other than the offences listed out in sub-sections (1) and (2), disqualification arises only if, along with conviction, there is a sentence for imprisonment for a term of two years or more.
 - In all cases, the period of disqualification would be for the duration of the imprisonment and for a further period of six years after release from prison.
- From the above, we find that the provisions for disqualification depends on the offence and period of sentence.
- Section 8A of the 1951 Act deals with disqualification on the ground of corrupt practices. Corrupt practices in connection with election have been mentioned in Section 123 of the 1951 Act. If a person is found guilty of any corrupt practice by the High Court or the Supreme Court, the case has to be referred to the President for decision whether the person has to be disqualified for contesting election. The President then obtains opinion of the Commission on the question and passes orders as per the opinion tendered by the Commission. There is a provision for disqualification upto six years from the date on which the order of High Court/ Supreme Court takes effect.
- If there is any case of a person who has been disqualified under Section 8A, the name would be circulated by EC.
- Section 9 speaks about disqualification in the case of a person who has been dismissed from the service of Central Govt. or any State Govt. Dismissal from Govt. service on the ground of corruption or disloyalty to the State is a disqualification for a period of five years from the date of dismissal.
- Section 9A provides that person shall stand disqualified for so long as there is a subsisting contract entered into by him with the 'appropriate government' for supply of goods to that government or for execution of works undertaken by that government. The following points

need to be taken note of in this regard:

- 'appropriate government' here means the central government in the case of election to a House of Parliament and the state government if the election is to a House of the State Legislature.
- Only a contract for supplying goods to the appropriate Govt. or for execution of 'works' undertaken by such Govt. attracts disqualification. Contract for carrying out services like running PDS shop, Gas Agency, etc. do not attract disqualification.
- The contract should be a subsisting contract to attract disqualification. The Explanation under Section 9A makes it clear that if the contract has been fully performed by the person concerned, the contract will not be treated as still subsisting even if the Govt has not performed its part of the contract.
- Section 10 provides that a person holding the office of managing agent, manager or secretary of a Company in which the appropriate Govt. has a share of 25% or more is disqualified. In this Section also, 'appropriate government' means the Central Govt. in the case of election to a House of Parliament and the State Govt. in the case of election to a House of State Legislature.
- The last of the statutory disqualifications is the disqualification for failure to file account of election expenses under Section 10A. Disqualification on this ground arises only on order passed by the Commission. Period of disqualification, in normal course, would be three years from the date of order of the Commission.

6. SCRUTINY

6.1 SCRUTINY OF NOMINATIONS BY RETURNING OFFICER

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

6.2 SCRUTINY – A QUASI-JUDICIAL DUTY

- 6.2.1 Scrutiny of nomination papers is an important quasi-judicial function. Returning Officer therefore has to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. Returning Officer must not allow any personal or political predilections to interfere with the procedure that he/she follows or the decision he/she takes in any case. Returning Officer should be fair, impartial and treat all candidates equally. Returning Officer must also conduct himself/herself in such a manner that it would appear to all concerned that he/she is following this high code of conduct. Even if a candidate or his agent is difficult or cantankerous, Returning Officer must be courteous and patient, but firm. Returning Officer is expected to be prompt and orderly. Returning Officer 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. Returning Officer should only be guided by the provisions of the law and the instructions issued by the Commission from time to time.

6.3 PERSONS TO BE ADMITTED

- 6.3.1 Returning Officer should take up the scrutiny of the nomination papers at the place fixed, 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 the 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. Returning Officer must also inform to all present whether all candidates have furnished the requisite information in the prescribed pro forma duly supported by affidavit (Form 26), relating to criminal background, if any, assets, liabilities, educational qualifications etc.

6.5 ALL NOMINATION PAPERS TO BE SCRUTINIZED

- 6.5.1 Returning Officer 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, he/she should take them up together and scrutinize them one after another. 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 the Returning Officer.

- 6.5.2 The whole process of scrutiny of nominations should be video-graphed 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, Returning Officer has to satisfy himself/herself that it is valid in law. If any objection is raised, Returning Officer shall have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Returning Officer should record his/her decision in each case giving briefly the reasons where an objection has been raised or why he/she rejects the nomination paper. Returning Officer's decision could be challenged later in an election petition and hence the importance of recording a brief statement of reasons at this time. If Returning Officer accepts the nomination paper of a candidate overruling the objections raised by an objector, he may be supplied with a certified copy of his/her decision upon his request.
- 6.6.2 ECI's latest Instructions may be referred to in case of objections against nomination under section 9A on the ground of subsisting contract with Govt.

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 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 that can be a reason to set aside the election in an election petition. Returning Officer should adopt a comparatively liberal approach in dealing with minor technical or clerical errors. Sub-section (4) of Section 36 mandates that nomination paper shall not be rejected on a ground or defect which is not substantial.

6.8 CRUCIAL DATE FOR DETERMINING QUALIFICATION AND DISQUALIFICATION

- 6.8.1 Returning Officer shall notice that sub-section (2) (a) of Section 36 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, holding office of profit etc., in deciding whether a person is qualified or disqualified to contest the election. Returning Officer should therefore, see whether the disqualification subsists and whether the candidate fulfils qualifications, as 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 Act, 1951 deals with qualifications and disqualifications for membership of Parliament and State Legislatures. Returning Officer should carefully study these provisions.

6.9 INSUFFICIENT GROUNDS 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 Returning Officer.
- 6.9.2 Returning Officer 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 or replying to objections. 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 Returning Officer 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, Returning Officer will be justified in rejecting the nomination paper.

Returning Officer's 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.

- 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 can lead to challenge against the election through election petition. It is up to the Returning Officer to interpret the provisions of the law intelligently and with common sense. Returning Officer should not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Such technical errors can and should be directed by him/her 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 Returning Officer fails at the proper stage to help a candidate by exercising his/her powers and discretion under the provision of the Section 33(4) of the said Act and later at the time of scrutiny he/she rejects the nomination paper on the ground of those very defects which could have been set right under that section.
- 6.9.6 If the amount towards security deposit is not deposited in cash with Returning Officer, he/she 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 clarified then and there.

6.10 GROUNDS FOR REJECTION OF NOMINATION PAPERS

6.10.1 Returning Officer 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. As regards the 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, there would be a list of such disqualified persons. Returning Officer should obtain the list from CEO]. With regard to Complaints, regarding other disqualifications, Returning Officer has to decide based on summary inquiry.
- 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 alleged or found to be 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) The proper deposit has not been made in accordance with Section 34, or

- vii) 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, or the Jammu & Kashmir Reorganization Act, 2019, as the case may be, or
- viii) 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
- ix) 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 shown to have been 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.
- x) Columns were left blank in the affidavit and fresh affidavit not filed in spite of notice given. **Note on item (viii):** 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.

6.10.2 Returning Officer should invariably record the reasons for rejecting a nomination paper on the spot and supply certified copies of the order immediately in cases where the nomination papers filed by a candidate have been rejected by him/her. This may be done even in the absence of an application from a candidate and without payment. Where one of the nomination papers of a candidate is accepted and the other one is rejected on valid ground by Returning Officer, in that case, he/she shall supply a certified copy of his/her order mentioning the reason of rejection of the other nomination paper to the candidate, if he applies for it. It may be noted that if any of the nomination paper is found valid and accepted, that candidate will be a validly nominated candidate even if the other nomination papers are rejected.

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 notice in Form A and Form B 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, Form A and B have been 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 the requirements by the nomination paper is fulfilled and 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 unrecognized 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 the 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 the substitute candidate will be treated as the candidate of the party, 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 Returning Officer's State/Union Territory, such party should be treated as unrecognized party by Returning Officer, even if it has been allowed by the Commission to use its reserved symbol in his/her constituency under the Election 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, Returning Officer should adjourn the scrutiny of that candidate. The adjournment cannot go beyond 11.00 a.m. on the second day after the date fixed for scrutiny. 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.

6.12 LIST OF VALIDLY NOMINATED CANDIDATES IN FORM 4

- 6.12.1 When the scrutiny has been completed, Returning Officer shall 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 in respect of him may have been accepted as valid by Returning Officer. If none of the nomination papers of a candidate has been found valid on scrutiny, his name should not be entered in this list.
- 6.12.2 The Returning Officer shall display on his notice board, a list of validly nominated candidates with the photographs of the candidates against their names on the day following the date fixed for scrutiny of nominations. The Returning Officer shall inform the candidates at the time of scrutiny that the photographs to be printed on ballot paper will be displayed on his notice board on the next day (time may also be specified). If there is any error in the photograph or other particulars, the candidates / others will get an opportunity to point out the same to the Returning Officer for rectifying the error.

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 Returning Officer the proper form and spelling of his name and Returning Officer 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 THE LIST OF VALIDLY NOMINATED CANDIDATES

- 6.14.1 As per Section 38 of the Act, in Form 7A (List of contesting candidates), the names of candidates have to be arranged under three categories, i.e. (i) candidates of recognized National parties and recognized State parties in the States concerned, (ii) candidates of registered unrecognized political parties and (iii) other (independent) candidates. Therefore, names of candidates in the list in Form 4 are also 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 5.
- 6.14.2 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 by the Commission, in case of Legislative Assembly Election (Annexure 15) and in case of Lok Sabha Election (Annexure 16).
- 6.14.3 Returning Officer shall 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.
- 6.14.4 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 by adding the suffix "son/daughter of/wife of" as may be appropriate. Name of father/mother/husband can be obtained from the nomination paper. 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. For uniformity, the Commission has directed that in such case where two candidates have the same name, they should be distinguished by adding their fathers/mothers/husbands name. Name should be written in such cases by suffixing "S/o" or "W/o".

- 6.14.5 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.
- 6.14.6 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 Returning Officer 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.

7. WITHDRAWAL OF CANDIDATURE

7.1 NOTICE OF WITHDRAWAL

- 7.1.1 Any candidate may withdraw his candidature by giving Returning Officer a notice in Form 5 (Annexure 9) 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 Returning Officer 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 the withdrawal notice should be accompanied by a written authorization by the candidate authorizing the agent or the proposer as the case may be, to submit withdrawal notice. Without the authorization, the withdrawal notice submitted by election agent or proposer has no effect and has to be ignored. Similarly, if the withdrawal notice is submitted by any person other than the candidate, election agent or proposer, that will not be valid and cannot be considered.
- 7.1.2 The notice of withdrawal should neither be delivered to, nor be received by Returning Officer, on a day, which is a public holiday, as defined in Section 2 (I) (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 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.
- 7.1.4 The notice of withdrawal can be delivered up to 3 PM on the last date fixed for the withdrawal of candidatures.

7.2 RECEIPT FOR WITHDRAWAL

- 7.2.1 Form 5 contains a detachable receipt towards the end which the Returning Officer has to fill in and hand over to the person who delivers the notice of withdrawal to the Returning Officer, then and there. Fill in also the other particulars in the notice of withdrawal below the signature of the candidate. This document will be Returning Officer's 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 NOTICE OF WITHDRAWAL

- 7.4.1 As soon as any valid notice of withdrawal is received by Returning Officer, he has to put notice thereof in Form 6 (Annexure 9) on his 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 and after completing the symbol allotment, 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. In this context, please refer to the Commission's Direction No. 3/4/2008/JS-II/SDR, dated 16-09-2008 (Annexure 15) and Direction 3/4/2008/JS-II/SDR, dated 06-02-2009 (Annexure 16), regarding the language(s) in which the list of contesting candidates (7A) is to be prepared. The first Direction relates to elections to Legislative Assemblies and the second one relates to Lok Sabha elections.
- 7.5.3 The photograph of candidates shall also be printed against their names in the list of contesting candidates in Form 7A. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the Form in the Gazette as well as for displaying copies thereof in the polling stations. Since Form 7A denotes list of contesting candidates, 'NOTA' is not to be printed therein.
- 7.5.4 In the list of contesting candidates, Returning Officer has 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.

- 7.5.5 Immediately after the preparation of the list of contesting candidates a copy of the list should be affixed in some conspicuous place in Returning Officer's office. Returning Officer should also supply a copy of the list of contesting candidates to each such candidate or his election agent.
- 7.5.6 Sub-rule (1) of Rule 31 of Conduct of Elections Rules, 1961, requires a copy of the list of contesting candidates to be displayed outside each polling station.
- 7.5.7 The lists of contesting candidates, for Legislative Assembly and Lok Sabha, should be prepared according to the Commission's latest directions.
- 7.5.8 The list of the contesting candidates is to be sent to Chief Electoral Officer immediately by Fax/E-mail or special messenger. Any delay may seriously affect the program 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 Returning Officer 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 Returning Officer shall publish the list of contesting candidates in the Official Gazette. The responsibility for getting the list published in the Gazette is cast upon Returning Officer. But as the press may not accept the notification direct from Returning Officer 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, 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 candidates in the Official Gazette at General Election as well as Bye-election are given in **Annexure 17 and 18**.
- 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 Returning Officer's seal and kept in Returning Officer's 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:

Returning Officer

(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 directed 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 Returning Officer 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, Returning Officer 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 19**.

8. 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. 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 Returning Officer.
- 8.1.3 For this purpose, Returning Officer 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 Returning Officer's 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.
- 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 Returning Officer is 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 by him or on his behalf whether that nomination paper is accepted or rejected by him/her during scrutiny. Choice of symbols made by a candidate in subsequent nomination paper is not to be considered.

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. 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, Returning Officer will find that:
 - a) There are two categories of symbols, name
 - (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 candidate set up by a National or State Party (in the State in which it is recognized) shall choose in his nomination paper and will be allotted by Returning Officer, 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.
 - d) A reserved symbol can be allotted only to the candidate duly set up by the party for which the symbol is reserved. Such symbols cannot be allotted to other candidates in any constituency even if the party concerned has not put up any candidate in that constituency.
 - e) The Commission, on an application made to it under para 10 of the Symbols Order, 1968, 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.

- f) 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.
- g) 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.
- h) Under paragraph 10B of the Symbol order, 1968, a registered un-recognized Party may submit application to the Commission for allotment of a common symbol from the list of free symbols, at a general election to Legislative Assembly if it is fielding candidates from a minimum of 5% of the Assembly constituencies and in case of the Lok Sabha, if it is fielding candidates from a minimum of 2 parliamentary 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, candidates set up by such Parties shall be allotted the symbol as specified in the Commission's directions in respect of the Constituencies mentioned therein. In other constituencies such symbol will be open for allotment to other candidates as per the provisions of para 12 of the Symbol Order, 1968. Even in those cases in which a registered party has been allotted any particular symbol under Para 10B, but the party does not set up candidate or the nomination of the party's candidate is rejected, then also the symbol concerned can be allotted to other candidate who may have opted the said symbol.
- i) Other candidates 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 except for the candidates of party allowed the concession under Para 10 or 10A of the symbols order, 1968.
- j) Where any free symbol has been chosen by only one candidate at such election, Returning Officer will allot that symbol to that candidate and to no one else. Please refer to para 12 of the symbols order, 1968.
- k) Where the same free symbol has been chosen by several candidates at such election, then:
 - (1) 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, Returning Officer shall allot that free symbol to the candidate set up by the registered-unrecognized political party. This could mean that candidate of registered party gets preference over Independents.
 - (2) If two (or more) candidates of registered unrecognized parties have chosen the same free symbol then if any one of them was a sitting member of the previous house of the People or Legislative Assembly, as the case may be, then that candidate will get preference over the others and shall be allotted the symbol concerned. If no one among them was a sitting member then Returning Officer will draw lots among them and allot the symbol to the winner of that draw of lot.
 - (3) If the independent candidates are seeking the same free symbol, and one of them was a sitting member of the previous house and further was allotted that particular free symbol at the previous election when he elected as member, Returning Officer shall allot that free symbol to that candidate. He gets the preference over the other independents in such case.
 - (4) If none of the independents opting for the same free symbol was sitting member of

the previous house then allotment of the free symbol is to be decided by draw of lots.

- l) A candidate shall be treated as candidate set up by a political party, whether recognized as National or State party or a registered unrecognized party, if, and only if:
 - (1) The candidate has made a declaration to that effect in any of his nomination papers;
 - (2) Form A and Form B have been submitted to Returning Officer by 3 p.m. on the last date for making nominations;
 - (3) Form A and Form B should bear signatures in original. Photocopies or emails are not acceptable. Format of Form A and Form B are available at Annexure 21.
- m) In Form B, there is an option for the party to nominate a substitute candidate also in addition to the main candidate. If a substitute candidate has been nominated, the substitute will be treated as the party's candidate 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 candidate of a recognized National/State party is accepted, and if the nomination of the substitute candidate of that party 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.
- n) 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:
 - (1) 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;
 - (2) Such revised notice in Form B is signed by the authorized office-bearer referred to in clause (d) of paragraph 13 of Symbols Order;
 - (3) The Returning Officer is satisfied about the genuineness of the revised notice; and
 - (4) 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.
- o) 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 Returning Officer shall be accepted and the remaining candidate(s) shall not be treated as candidate (s) set up by that party.
- p) If a candidate claims in his/her nomination papers to be set up by two or more political parties and both/all such parties have submitted Form A and Form 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.
- q) 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 Returning Officer 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. Returning Officer should be strictly guided by the provisions of paragraphs 13 and 13A of the Symbols Order in all cases of allotment of symbols, to candidates set up by political parties.

- r) 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 Returning Officer intimation to that effect in Form A and Form B, and he shall not be allotted the symbol reserved, if any, for that party.
- s) 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 and Form A and Form B in his favour have been filed by the other party within the prescribed time limit.
- t) Returning Officer should refer to the latest list of political parties and election symbols issued by the Commission. Returning Officer 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 Returning Officer 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. Returning Officer should, therefore, ensure that no mistake occurs in allotting symbols.

8.6 REVISION OF SYMBOLS

- 8.6.1 Where the allotment of any symbol has been revised by the Commission, Returning Officer 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 Returning Officer. If the earlier list has already been published, such revised list should again be published and copies furnished to each contesting candidate.

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 three days after the last date of withdrawal of candidatures.

A copy of such electoral roll shall be made available for sale by the ERO to other persons. The same copy shall also be used for preparation of the marked copy of electoral rolls to be used in polls. 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 of Returning Officer's State. The candidate of a State 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.

9. 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 21E 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 Returning Officer's 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 dispatched. Even if an occasion arises when Returning Officer has 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.
- 9.4.3 All those candidates who are returned as uncontested and have criminal antecedents must publicize the details in the prescribed format as per timeline.

9.5 CERTIFICATE OF ELECTION

- 9.5.1 As soon as may be after a candidate has been declared elected, Returning Officer 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 Returning Officer 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 of 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/her in this behalf and personally known to Returning Officer. The acknowledgment (duly signed by the candidate) must also be obtained through the same person.

10. 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, Returning Officer should make arrangements for the final poll and check-up that everything is ready for taking the poll on the scheduled date(s).
- 10.1.2 Returning Officer must have already calculated the exact number of EVM and VVPAT required for taking the poll in the constituency, including the reserve EVM and VVPATs. The EVMs and VVPATs are kept at some selected places in his/her State/Union Territory under the charge of the Chief Electoral Officer or the District Election Officer. Returning Officer should immediately obtain the required number of EVMs and VVPATs if he/she has not already done so. Each and every EVM and VVPAT has to be thoroughly tested for its 100% error-free functioning and commissioned for poll. The details regarding EVMs and VVPATs are given in Chapter 12.
- 10.1.3 Returning Officer should also get printed immediately the required number of ballot papers that are to be used on the Ballot Units of the EVMs 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 11.
- 10.1.4 Likewise, Returning Officer must procure urgently all other polling materials, statutory and non-statutory forms, and other stationery that are required for taking the poll.
- 10.1.5 Returning Officer should maintain a forward diary of the different items of work that Returning Officer has 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 the tasks during this period:
 - a) Obtaining the required number of EVMs and VVPATs and getting these EVMs and VVPATs 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 the 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 seek 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 EVM and VVPAT to political parties and 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 the 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 and VVPATs;
 - k) Issuing of application forms (Form 12, 12A, 12B, 12C, 12D) 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 number of Routes Videographers, 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 and loading symbols in the VVPATs.
 - q) Preparing required number of working copies of the relevant parts of the electoral roll for use in each polling station;
 - r) Provision of 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 and verify his vote in VVPAT;
 - s) Distribution of polling materials to the polling parties;
 - t) Arrangements at receiving centre for the return of the polling parties after the poll and the receipt of the EVM and VVPAT and other materials and election papers from them;
 - u) Arrangements to be made to collect sealed EVMs and VVPATs, Presiding Officers Diaries, Form-17A (Register of Voters), Form-17C and other important statutory items including PRO's report Part I to V in separate envelopes as directed by the Commission.
 - v) Arrangement for downloading photos from digital cameras and videos to be made.
 - w) Arrangements for the safe custody of EVM, VVPAT and other election papers on completion of poll in Strong Room;
 - x) In addition to deployment of CAPF, 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 VVPATs 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.
 - y) Arrangements for setting up the counting centre (s).
- 10.1.6 Returning Officer should meet the contesting candidates as often as he/she can and keep them informed of the arrangement he/she has made.
- 10.1.7 The Commission has been preparing and supplying Electoral Photo Identity Cards (EPIC) to every eligible elector, aimed at preventing impersonation during the polling. Electoral Photo Identity Cards (EPIC) to every eligible elector is provided to prevent impersonation during the poll. The Commission has also made it mandatory that identification of an elector shall be done at the polling station before allowing an elector to vote. 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.
- 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/her forefinger should be thoroughly checked for indelible ink before he/she is allowed to move to the second polling officer. In order that no elector is denied of his/her 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. Returning Officer should, therefore, make himself/herself fully conversant with the latest instructions of the Commission in the matter. The Chief Electoral Officer will inform the Returning Officer of these before every election on the specific orders of the Commission. Returning Officer

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 Information Slips should be printed by the District Election Officer, as per Voter Lists and these Voter Information Slips have to be distributed to the Voters by visiting door to door by the BLOs concerned personally, till 5 clear days before the day of Poll to all enrolled electors.

All undistributed Voter Information slip shall be returned by the BLO to the concerned RO/ARO in each Assembly Constituency, who shall keep the same in the sealed cover under safe custody. No further distribution of Voter Information slip, would be done after the same are returned to the RO. RO shall make an alphabetical list of undistributed Voter Information slip in respect of each part/polling station.

10.2 COOPERATION FOR LAW AND ORDER

- 10.2.1 The contesting candidates, if tactfully approached, will also be of great help to Returning Officer in maintaining law and order at and before the poll. If Returning Officer can secure their cooperation, many of the 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 candidates 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.

- 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.

- 10.3.3 The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in the Returning Officer's constituency. Returning Officer should familiarize himself/herself fully with the provisions of Model Code and also with the instructions of the Commission as contained in the relevant manual, with a view to maintaining a healthy and peaceful atmosphere during the election. The Model Code of Conduct shall also apply to the content being published/posted on the internet, including social media websites, by candidates and political parties.

- 10.3.4 Defacement of Property of public/private places should be done as per latest instruction of the Commission on the subject matter.

- 10.3.5 Restriction on Convoy of Vehicle during Elections should be followed as per ECI's latest instruction on the subject matter.

10.4 STANDING COMMITTEES

- 10.4.1 For ensuring compliance of 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 committee 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 the constituency will be in addition to the committee functioning at the district level and will be presided over by Returning Officer. In this committee, Returning Officer could associate the representatives of all National parties, State parties in his/her State as well as the Registered parties functioning in the 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, Returning Officer 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, Returning Officer 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 election offences, which shall be brought to the notice of the Commission.

10.4.4 The Committee may also consider, apart from the Model Code of Conduct, any matter of common interest to the members that is intended to further the object of holding free and fair election from the constituency. Whenever such meetings are held, proper minutes thereof should be maintained.

10.5 IMPLEMENTATION OF MODEL CODE OF CONDUCT

10.5.1 For implementation of Model Code of Conduct, one District Level Nodal Officer and 3 or more Gazetted Officers should be appointed by the DEO for an effective implementation of Model Code of Conduct 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 are found. Model Code Officer should submit report along with videography of immoral criticism, communal, provocative and derogatory speeches, defacement of public properties etc., if any, 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 Returning Officer Level Teams:

- i. Media Certification 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
- v. Returning Officer Level Teams:
 - a. Assistant Expenditure Observers
 - b. Video Surveillance Team
 - c. Video Viewing Team
 - d. Flying Squad & Static Surveillance Team and
 - e. Accounting Team.

10.6 MEDIA CERTIFICATION AND MONITORING COMMITTEE (MCMC):

The Supreme Court vide its order dated 13th April 2004 authorized the Commission to constitute the Committees for the certification of political advertisements. In compliance with Hon'ble Supreme Court directions, the Commission has subsequently issued various guidelines regarding the Constitution of Media Certification & Monitoring Committee at District and State Level and related matters including ambit of Committees, Timelines, Application procedures, action to be taken against violations, etc.

10.6.1 District Level Media Certification and Monitoring Committee (MCMC)

The District level MCMC shall be formed in each district with the following members:

- a. District Election Officer/Returning Officer of Parliamentary Constituency
- b. ARO (not below SDM)
- c. An intermediary expert/ Social media expert (to be chosen by the RO subject to the eligibility criteria)
- d. Central Govt. I & B Ministry official (if any in the district)
- e. Independent Citizen/ Journalist as may be recommended by PCI
- f. DPRO/ District Information Officer/ equivalent- Member Secretary

10.6.2 Functions of District level MCMC: -

- a) Certification of political advertisements in electronic media round the year for which three specific members of MCMC i.e. RO, ARO and Social media expert shall have to consider and decide on such advertisements for certification. This committee considers application for certification of an advertisement proposed to be issued on electronic media by an individual or candidate contesting election from the Constituency falling within the jurisdiction of the Committee.
- b) Examining complaints/issues of Paid News by all members of the district MCMC through a monitoring arrangement.
- c) The MCMC shall, besides discharging the functions of Certification of Advertisement and checking of Paid News, would also assist in enforcement of media related regulations under the RP Act. Thus, MCMC shall scan all media (e.g. newspapers, print media, electronic media, cable network, internet, mobile network, social media, etc) for:
 - i. Monitoring of political advertisements in electronic media (for checking if the telecast/ broadcast has been done only after certification by the Committee).
 - ii. Suspected cases of paid news (Paid News cases are to be taken into account from the date of filing of nomination by the candidate.) It shall also actively consider paid news cases referred to it by the Expenditure Observers. It shall intimate the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter or notional expenditure based on DIPR rates in their election expenses account (in absence of DIPR rates, DAVP rates may be used), either based on or irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper. A copy of the notice shall also be marked to Expenditure Observer)
 - iii. Monitoring political advertisements in other media, in relation to candidates, either overt or covert, from Expenditure monitoring angle (this will also include publicity or advertising or appeal by, or on behalf of candidate, or by Star Campaigner(s) or others, to impact candidate's electoral prospects)
 - iv. Advertisements in print media (MCMC shall check if the advertisement is with the consent or knowledge of candidate: in which case it will be accounted for in the election expenses of the candidate(s); however, if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171H of IPC).
 - v. Checking if the name and address of the publisher and printer is carried on any election pamphlet, poster, hand bill and other document as required under Section 127A of R.P.A 1951 (If any printed material does not bear on its face the names and addresses of the printer or the publisher, MCMC shall bring it to the notice of the RO for further necessary action. For the purpose of section 127 of RPA 1951, 'Paid News' would also fall in the category of 'other document').

10.6.3 Returning Officer of Parliamentary Constituency may co-opt as many members to assist him in certification of political advertisements as the number of districts falling in that Parliamentary

Constituency to have wider opinion and equal representation from all the districts in the matter of certification.

- 10.6.4 District level MCMC shall submit a daily report to the Accounting team with a copy to R.O. and Expenditure Observer in respect of each candidate in the prescribed format (as per annexure 12 of the prescribed Expenditure Guidelines) w.r.t. expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the 'News' that is substantiated by necessary documents furnished by the candidate or notional expenditure as computed by the Committee in the assessed cases of Paid News.

10.6.5 Additional/ Joint CEO's Committee on Certification:

1. The Committee shall comprise of following officers: -
 - a. The Additional/Joint Chief Electoral Officer - Chairperson.
 - b. Returning Officer of any Parliamentary constituency located in the capital of the State.
 - c. One expert being an officer not below the rank of Class- I officer to be requisitioned from the Ministry of Information & Broadcasting.
 - d. An intermediary expert/ social media expert (to be chosen by the CEO subject to the eligibility criteria)
2. This committee considers applications for pre-certification from all registered political parties having their headquarters in that State/Union Territory, all organizations or groups of persons or associations having their registered offices in that State/Union Territory.

10.6.6 State level MCMC

1. The State level MCMC shall comprise of the following officers:
 - (a) The Chief Electoral Officer, Chairman
 - (b) ADG/ Director level officer from PIB/BOC present in the State-Nodal officer for MCMC to be nominated by DG (Zone), I & B Ministry, Govt. of India

OR

One expert to be co-opted by the Committee.

 - (c) Any Observer appointed by the Election Commission of India
 - (d) Officer of Indian Information Service (IIS), (at the level of US/DS) posted in the State/ UT, representing a media Department of Government of India as separate from the expert at (d) above.
 - (e) Independent citizen or journalist as nominated by PCI (if any)
 - (f) Addl./ Jt. CEO in charge of Media (Member Secretary)
 - (g) An intermediary expert/ social media expert (to be chosen by the CEO subject to the eligibility criteria)
2. The State level MCMC shall perform two sets of functions:
 - 2.1 Deciding appeal from both District and Addl./Jt. CEO Committees on Certification of advertisement as per the aforesaid Commission order dated 15th April, 2004.
 - 2.2 Examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo-motu, in which case it shall direct the concerned ROs to issue notices to the candidates.
 - 2.3 The appeal on certification of advertisements needs to be handled by members at (a), (b), (c), & (g), while the complete State MCMC shall deal with Paid News cases.

Note: Appeal against decision of State level MCMC on Paid News: Any appeal against the decision of the State level MCMC in matters of Paid News will be made to the Election Commission of India. Wherever complaints on Paid News cases are made to the Commission directly, the Commission shall forward cases to the State level MCMC for initial consideration.

10.6.7 Criteria for Social Media Expert (for District/State MCMC):

1. It is also to state that intermediary expert/ social media expert to be included in the MCMCs should preferably be a government officer subject to following eligibility criteria:
 - A. If he/she is a government officer, he/she could/should be- Not below the rank of SDM
Has at least five-year experience of working in the IT department/cell/social media cell of the government.
 - B. If he/she is not a government officer (means private individual) he/she should- Have a master's degree in the field of IT.
Have at least 10 years' experience of working in the IT department/ cell/social media cell of the government at central or state level with a good understanding of social media platforms and how they work.
Also eligible in terms of background and neutrality.
2. **Role of Social Media Expert:** With respect to the profile of work which the intermediary expert/ social media expert will be handling, it is to state that he/she shall:
 - Assist the MCMC in the matter of certification of political advertisements proposed to be published on social media platforms
 - Assist MCMC in scanning social media platform for suspected cases of Paid news
 - Assist MCMC in submitting a daily report to Accounting team with copy to RO and Expenditure Observer w.r.t to expenditure incurred by the candidate on election advertisement on social media platforms
 - Assist the MCMC in the matters of queries/ complaints related to advertisement on social media platforms
 - Look after the overall coordination between MCMC and the intermediaries/ social media platforms.
 - Make sure that the Election Laws are strictly adhered to with matters related to advertisement on social media platforms
 - Assist MCMC in handling the violation cases on Social media
 - Being part of State level MCMC, he/she will assist in deciding appeal from District and Addl./ Joint CEO Committee on certification of advertisement on social media and examining all cases of Paid News on appeal against the decision of the District MCMC or cases that they may take up suo-motu.

10.6.8 Key points to be noted for pre-certification: -

1. Besides political advertisements to be telecast on TV and Cable network/Cable Channels, advertisements to be displayed in Cinema Halls, Radio including private FM channels, audio-visual displays in public places, advertisements in e-newspapers, use of bulk SMS/ voice messages have been added in the ambit of pre- certification of political advertisement/ campaigning vide Commission's subsequent instructions.
2. Since social media and internet websites are also electronic media by definition, therefore, these instructions of the Commission for pre-certification shall also apply to websites including social media websites.
3. All political advertisements proposed to be issued on all forms of electronic media including Audio-visual displays at public place require pre-certification but is not applicable on the flex hoardings, Wallpapers, Pamphlets etc., though, such advertisements must adhere to provisions of Model Code of conduct and other election related laws/Guidelines.
4. These directions are always applicable in the whole territory of India and not restricted only during the period commencing from the date of announcement of the election and till the completion of election process. This means the pre-certification of advertisement is a year

around activity and not only during election period. Therefore, political advertisements to be telecast on TV and Cable network/Cable Channels, advertisements to be displayed in Cinema Halls, audio-visual displays in public places, advertisements in e-newspapers, advertisements in social media and internet websites need to be certified by the committee concerned for the entire period and not just during elections.

5. In respect of advertisements period on Radio including private FM channels, bulk SMS/voice messages, the instructions of pre-certifications on these platforms are applicable for the election period.

MCMC, besides discharging its functions for pre certification shall also examine complaints/cases of paid news published in print and electronic media and also scan all media during election for the enforcement of media related regulations under R.P. Act. Ensure that Returning Officer Level Teams as mentioned above are constituted and function properly.

6. The MCMC has the right to refuse to give certification of an advertisement, it does not find fit to be telecast/broadcast/etc. Appeal can be made against the decision of both District level MCMC and State level certification committee (Additional/Joint CEO level Committee) to State level MCMC headed by CEO of the State. Only, the Hon'ble Supreme Court of India can entertain the appeal against the order of State level MCMC on pre-certification.
7. During elections, it should also be brought to the notice of all candidates/political parties seeking certification that their advertisements should also comply with the provisions of Model Code of Conduct.

10.7 PREPARATION OF WORKING COPIES OF ELECTORAL ROLLS

10.7.1 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.

10.7.2 In addition to the working copies of Electoral Rolls, after distribution of Voter Information 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.

Further, in order to prevent impersonation at the time of poll, the below noted special measures in respect of Absentee, Shifted and Dead electors, are to be followed:

- i) List of ASD voters should be prepared polling station wise and it should be ensured that each Presiding Officer is provided with a separate list of Absentee, Shifted and Dead electors (ASD List).
- ii) On the day of poll, every elector, whose name appears in such a list, shall have to produce EPIC for his/her identification or any one of the alternative photo identity documents permitted by the Commission. The Presiding Officer shall verify the identification document personally and the details should be properly registered by the Polling Officer concerned in the register of voters in Form 17A.
- iii) The First Polling Officer shall inform the Polling Agents about the ASD elector who has come to vote by reading out his/her name loudly.
- iv) Thumb impression of such electors shall also be obtained in addition to signature against the column of "signature/thumb impression" of Register of voters (Form 17A). The thumb impression shall be in addition to the signature even in the case of an elector who is a literate and can sign.
- v) A declaration shall also be obtained from the ASD electors in the format given below:

FORM OF DECLARATION BY ELECTOR WHOSE NAME IS IN ABSENTEE /SHIFTED/ DEAD LIST

I hereby solemnly declare and affirm that I am the same person whose name appears at Serial number of Part number of the existing electoral roll of the constituency which was prepared/revised with respect to first date of January/ April/July/October..... as qualifying date. I am aware that impersonation at the elections is an electoral offence under the section 171 D of the Indian Penal Code.
..... Thumb impression of the elector Name

Certified that the above declaration was made and subscribed by the elector above named before me.

..... Signature of the Presiding Officer

..... Number and name of the polling station

Dated:.....

- vi) Presiding Officer shall maintain a record and give a certificate at the end of the poll (to be kept with Form 17A for scrutiny) that so many electors from the ASD list were allowed to vote after proper scrutiny.
- vii) If videography/ photography is being done in the polling station, such electors shall be photographed and their record kept.
- viii) Micro observers, who are present, should ensure that these instructions with regard to Absentee, Shifted and Dead electors are meticulously followed and make a specific mention about this in their report.
- ix) The Presiding Officer shall be briefed, in accordance with the Commission's latest instructions) specially about these procedures to be followed in Polling stations for electors who are in the list of Absentee, Shifted and Dead electors.

10.8 TRAINING OF POLLING STAFF

- 10.8.1 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 and VVPATs. 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. Further the Presiding Officers & Polling Officers should be asked not to conduct Mock Polls using EVMs & VVPATS at Distribution Centres after receipt of Polling Materials.
- 10.8.2 Proper intensive and hands on training should be given to all the concerned polling and counting personnel for preparation and operation of EVMs and VVPATs as well as their sealing after poll and counting.
- 10.8.3 Officers preparing EVMs and VVPATs, 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.
- 10.8.4 During training, proper instructions should be given to polling personnel regarding the correct manner of application of indelible ink.
- 10.8.5 All Presiding Officers and Sector Magistrates may be asked to give a certificate that they have been properly trained in the working of EVMs and VVPATs 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.
- 10.8.6 All the Presiding Officers and Polling Officers should be instructed to ensure that the electors at the time of casting their vote put either their full signature or their thumb impression on the Register of Electors (Form 17A). Under no circumstances, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).
- 10.8.7 The Commission has 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.

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

11.9 TRAINING OF POLLING PARTIES ON EVM AND VVPAT

- 10.9.1 Presiding Officers/Sector Magistrates should take EVM and VVPAT training seriously so as to operate them correctly at the time of poll. Polling Officers should apply indelible ink on the elector's left finger properly in the manner prescribed by the Commission.

10.10 DUMMY BALLOT PAPERS

- 10.10.1 There is no objection to a candidate printing a dummy ballot paper 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 grey, but not pink and white, and should not resemble the genuine ballot paper in size or colour.

10.11 DUMMY BALLOT UNITS

- 10.11.1 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 wood, plastic or ply board boxes, half the size of the official Ballot Units and may be painted brown, yellow or grey. These dummy Ballot Units may have provision for showing 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 lit on the button being pressed.

10.12 ELECTION BOOTH / UNOFFICIAL IDENTITY SLIPS DISTRIBUTION

10.12.1 Candidates' election booths

Only one table and two chairs shall be provided at each of such Booths with an umbrella or a small tent measuring not more than 10 X 10 ft to protect from weather conditions outside the 200 meters periphery of the polling station premises and with one party flag and banner with party symbols/ photographs is allowed. The size of banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner/ hoarding etc.; then the lower size prescribed by local law shall prevail. Setting up such booth is subject to valid permission from local authority.

- 10.12.2 The political parties and candidates may issue unofficial identity slips containing the following information to the voters;

- i) 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.

- 10.12.3 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 content of slips, which may be issued by the candidates, areas given below:

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

- Part No.....
- Name:

10.13 VOTER INFORMATION SLIP

10.13.1 Voter Information Slips without photograph of the voter 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 voter's serial number in the said roll. The Commission has also issued instructions that this voter information slip should only be in the languages in which electoral roll is published for the assembly constituency.

10.13.2 The following shall be maintained in printing and distribution of Voter Information Slip:

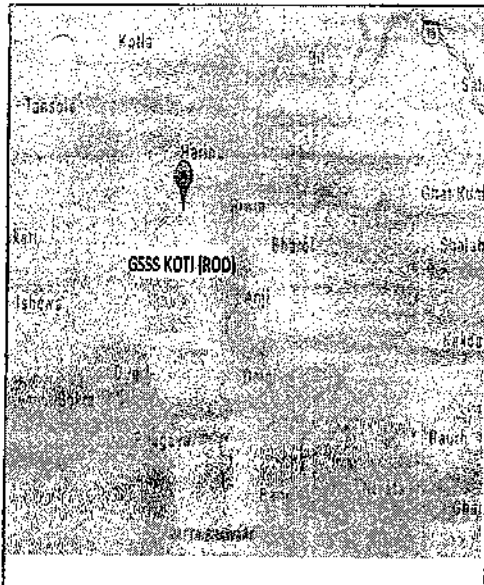
- a) The Voter Information Slip shall be printed on a good quality paper in size of half of A-4 paper (8"x6"), ensuring clear entries. The District Election Officer (DEO)/ Electoral Registration Officer (ERO) shall ensure that the Voter Information Slips are printed by following all possible safeguards.
- b) Only one (1) set of Voter Information Slip would be printed for the registered electors of each Assembly Constituency, duly authenticated by the ERO, for distribution through the BLOs. Voter Information Slip shall not be accepted as a stand-alone identification document by a voter for the purpose of casting one's vote in the poll.
- c) A pre-printed register of voters shall be given to each BLO along with the Voter Information Slip of the electors of his/ her Polling Station area. The Voter Information slip should be issued under original signatures of the BLOs. The BLO shall give the VIS either to the registered voter or to an adult member of the voter's family who is himself/herself a voter. The BLO shall obtain the signature or thumb impression of the person to whom the VIS is delivered, as an acknowledgement of having received the Voter Information slip. The register shall be deposited by the BLOs to the ERO 3 days before the day of Poll.
- d) The Returning Officer shall prepare a schedule for distribution of VIS by the BLOs. A copy of this schedule shall be given by the RO to the Political Parties, Booth Level Agents (BLAs) of all recognized political parties, if they have been appointed and contesting Candidates and their Agents, under acknowledgement.
- e) Bulk distribution of the Voter Information slip shall not be allowed by BLO or any other person.
- f) Distribution should be started on the last day of nomination and completed at least five clear days before the date of poll.
- g) Any unauthorized distribution/ possession of Voter Information slip (election material) shall be considered as violation of the relevant provisions of the RP Act, 1951 and the IPC and is punishable with imprisonment or fine or both.
- h) All undistributed Voter Information slip shall be returned by the BLO to the concerned RO/ARO in each Assembly Constituency, who shall keep the same in the sealed cover under safe custody. No further distribution of Voter Information slip, would be done after the same are returned to the RO. RO shall make an alphabetical list of undistributed Voter Information slip in respect of each part/polling station.
- i) Printing of VIS may be done Polling Station wise by the Electoral Registration Officer concerned in ER Printing Tool of ERONET, which captures Voter's details
- j) There shall be a QR code on the Voter Information Slip as it helps in faster searching/ matching of the elector details of respective part using Bpoth App. The details of QR Code can also be seen through Voter Helpline App. The QR code shall contain only the approved information of VIS, which are printed on VIS

10.13.3 Accessible Voter Information Slips (AVIS):

In furtherance towards implementing all the parameters of the Strategy Framework for Accessible Election 2018 and to ensure wholesome constructive participation and active engagement of Persons with Disabilities (PwDs) in the election process, it has been directed to issue Accessible Voter Information Slips (AVIS) with Braille Features to Persons with Visual Impairment or Blind, over and above normal Voter Information Slip.

ELECTION COMMISSION OF INDIA - भारत निर्वाचन आयोग			
Vidhan Sabha Elections 2022 - विधान सभा निर्वाचन 2022			
Voter Information Slip			
	राज्य:	State	हिमाचल प्रदेश Himachal Pradesh
	विधान सभा निर्वाचन क्षेत्र:	Assembly Constituency	54 - कसौली 54 - KASALI
	नाम:	Name	
	लिंग:	Gender	महिला Female
	संयुक्त मतदाता पत्र संख्या:	EPIC No.	
	पति का नाम:	Husband's Name	
	भाग संख्या:	Part No.	1
	भाग का नाम:	Part Name	कोटी (रोड) KOTI (ROD)
	संख्यांक:	Serial No.	6
	मतदान केंद्र:	Polling Station	ग स स कोटी (रोड) GSSS KOTI (ROD)
CEO WEBSITE :		ceohimachal.nic.in	
CEO Call Center Toll Free No :		18003321930	
DISTRICT ELECTION OFFICE :		सोलन SOLAN	
CEO Helpline No. :		1950	
This will not be accepted as an identification document for voting. इसे मतदान के लिए एक पहचान दस्तावेज के रूप में स्वीकार नहीं किया जाएगा।			

Date of Poll: 12-11-2022
मतदान की तारीख:
Timings: सुबह
Morning 08:00 AM to Evening 05:00 PM
दुपहर 08:00 AM to 05:00 PM

Map of the Polling Station	Important Information for Voters
	BLO's Name BLO's Contact Number बी.एस.ओ. का नाम बी.एस.ओ. का संपर्क नंबर 1. संपूर्ण मतदाता जो मतदान के लिए निर्धारित अवधि समय के भीतर लाइन कर रहे हैं, उन्हें मतदान की अनुमति प्रदान की जाएगी। 2. महिलाओं के लिए अलग से लाइन बनाई जाएगी। परिवार के सदस्यों को मतदान हेतु प्रतीक्षा करना पड़ेगा। 3. दृष्टिहीन एवं अशक्त मतदाता को मतदान के लिए निगरानीकर्ता सहित वोट के अक्षर एवं आंकड़ों को ले जाने की अनुमति होगी। 4. मतदान कक्ष के भीतर मोबाइल, कैमरा आदि उपकरणों से जाना बंदित होगा। 5. किसी एक अक्षरों के पत्र में वोट करने के लिए एक ही एकल प्रश्न का प्रतीक देकर-लेकर निर्वाचन के अंतर्गत वोट जायेंगे। 6. मतदान कक्ष में मतदान के उद्देश्य से इन मतदाता पत्रों को स्वीकार नहीं किया जाएगा। साथ ही अनुरोध है कि मतदान करने के लिए पहचान हेतु मतदाता कोटे पहचान पत्र या आयोग द्वारा निर्धारित 12-वैकल्पिक दस्तावेजों में से कोई एक सक्षम हो जाए। 1. All the voters who are in the queue at the closing time of the poll shall be allowed to cast their vote. 2. There are separate queues for women. Senior citizens are given priority for voting. 3. Blind and infirm voter can be permitted to take an adult companion into the voting compartment for recording the vote. 4. Gadgets like mobile phones and cameras are not allowed inside the polling booth. 5. Offering or accepting money or any other gratification to vote for a particular candidate is a corrupt practice under law. 6. This slip will not be accepted for the purpose of identification in polling station. You are requested to carry EPIC or one of the 12-alternative documents specified by the Commission for voting.

कोई भी मतदाता न छोड़े; हर वोट गणने रखता है -No Voter to be left behind; Every Vote Counts

10.14 USE OF VEHICLES FOR ELECTIONEERING PURPOSE: -

10.14.1 There is no limit on vehicles, which a candidate may use for electioneering purposes.

10.14.2 But before the campaigning commences, he shall have to furnish the details of such vehicles and the areas in which they would be used for campaign purposes, to the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf, who after necessary scrutiny would issue a permit. The original copy (not the photo copy) of permit should be displayed on the wind screen of the vehicle. Needless to mention that the permit should be of such dimension, that it can easily be seen from a distance. Permit must contain the number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning).

10.14.3 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. For use of vehicle on Poll Day, the Commission issues the following directions:

- (A) For an election to the House of the People, each contesting candidate, on the day of poll, will be entitled to:
 - One vehicle for his own use in respect of the entire constituency;
 - In addition, one vehicle for use of his election agent in the Parliamentary Constituency;
 - In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.
- (B) For an election to the State Legislative Assembly, on the date of poll in that Constituency each contesting candidate is entitled to:
 - One vehicle for his own use;
 - One vehicle for the use of his election agent;
 - In addition, one vehicle for use of his workers or party workers.

10.14.4 The permits for the vehicles indicated above will be issued by the Returning Officer. The candidates must furnish particulars of their vehicle to be used on poll day to RO concerned and shall display the permits issued on the wind-screen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including Ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.

10.14.5 Issue of permits for vehicles by DEO:

- (a) The candidate has to furnish following details, before the campaigning commences, to the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in his behalf, who after necessary scrutiny would issue permits for every vehicle:
 - i) Details of vehicles such as registration details, fitness certificates, name and particulars of the owners and drivers.
 - ii) Areas in which vehicles would be used for campaigning purposes;
The original copy (not the photo copy) of permit shall be displayed on the wind screen of the vehicle. The copy of the permit should be of such dimension which can easily be seen from a distance. Permit must contain the vehicle number, date of issue of permit, name of candidate and area where it shall be used for campaigning. Such vehicles shall be subject to checks by any competent authorities or FST, SST etc.
- (b) Vehicles can only be used after obtaining necessary permits for every such vehicle, as above,

by the candidate or his/her election agent.

- (c) Details of vehicles used for campaigning or electioneering purpose by candidates shall be conveyed to Election Expenditure Observers by District Election Officer to check whether the expenditure in this regard has been included in the expenditure account of the candidates.
- (d) Any vehicle used for campaigning without due authorization or permit shall be deemed unauthorized for campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code (Offences Relating to Elections) and shall therefore be immediately taken out of the campaigning exercise.
- (e) The vehicles duly deployed for election campaign as per intimation given by the candidates or their election agents to District Administration should not be requisitioned by the administration.
- (f) On request of a recognized political party, the DEO shall issue permit for one vehicle to be used by the district level office bearer of a recognized political party (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes. The permit should be issued indicating the vehicle number, the name of political party, name of district, route map, date wise movement plan and the period for which it is issued and should be of different color so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other competent authorities or FST, SST etc. The expenditure in this regard shall be booked against the political party and not in the election expense account of the candidate(s). It is clarified that this provision will be applicable in case of any Bye-election in a constituency.
- (g) The District Administration shall keep a close watch and prevent the misuse of private vehicles by candidates, their agents, political party leaders or supporters. This misuse may include transporting anti-social elements with the intent to instill fear among the electorate or smuggling illicit arms and ammunition to create disturbances. If any of these vehicles, either of a political party or candidates or a private owner, are found to be involved in any such act, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, legal action in accordance with the law shall be taken against the owner, occupant(s) and the candidate/political party involved in such unlawful acts.

10.14.6 During Filing of Nominations: The maximum of three vehicles shall be allowed to come within the periphery of 100 meters of offices of Returning Officers/Assistant Returning Officers. This periphery of 100 meters should be clearly demarcated by RO/DEO.

10.15 DISPLAY OF VOTER FACILITATION POSTERS AT POLLING STATION

In order to ensure compliance of the statutory requirements as envisaged in Rule 31 of the Conduct of Election Rule, 1961 regarding arrangements at polling stations and to provide greater facilitation and awareness to the voters arriving at the polling booths on poll day, Four Voter Facilitation Posters (VFPs) i.e. 1. Polling Station Details, 2. List of Candidates, 3. Do's and Don'ts 4. Approved Identification Documents & How to Vote, shall be displayed near the entrance of each polling station. The colour scheme, design and size should be exactly as per ECI's latest Instruction.

11. POSTAL BALLOT PAPERS AND BALLOT PAPERS FOR EVM

11.1 INTRODUCTION

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

11.2 POSTAL BALLOT PAPERS

- 11.2.1 Entitlement: Returning Officer of an AC or Assistant Returning Officer of a PC must clearly understand to whom he/she is 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 (CSV);
- b) other categories of electors entitled to vote by postal ballot;
- c) Special voters;
- d) The spouses of persons referred to in clauses (a) and (b) above;
- e) Electors subjected to preventive –detention;
- f) Voters on election duty; and
- g) Notified voters; if any. (Voters notified under Section 60(c) of R.P. Act, 1951)
- h) Absentee Voters Essential Services (AVES), as may be notified by the Commission,
- i) Absentee Voters Senior Citizens (AVSC),
- j) Absentee Voters Persons with Disabilities (AVPD)
- k) Absentee Voters COVID (AVCO), as may be notified by the Commission

- 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 (b) 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 spouse of such person, if she/he 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 Polling Agent, Polling Officer, or Presiding Officer, security personnel, or any other such public servant who is an elector in the constituency appointed for election duties 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 electors" 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.

- 11.2.4 In pursuance of the provisions of clause (c) of Section 60 of the Representation of the People Act, 1951, the Commission has specified that the electors above the age of 80 years and electors with physical disability as already marked/flagged in the database of electoral rolls of the State/Union Territory, Covid-19 suspects or affected persons and absentee voters on essential services and who

request for voting by postal ballot paper, would be a class of persons to give vote by postal ballot in the general elections or Bye- elections in the State/Union Territory concerned, to be notified under Section 60(c) of the Representation of the People Act, 1951, as per the provisions in Part-III A of the Conduct of Elections Rules 1961, as amended.

11.2.5 However, it is further clarified that:

- a) Domestic servants accompanying Diplomatic Officers from India are not entitled 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.
- b) Spouse of a service voter is entitled for the facility. (AS PER THE ELECTION LAWS (AMENDMENT) ACT, 2021 dated 29.12.2021 the word "wife" shall be substituted with the word "spouse")
- 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 Returning Officer should assess his/her requirement of postal ballot papers keeping in view the number of polling personnel to be appointed for election duty and number of drivers, helpers, cleaners etc. (as voters) 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 there would be different specifications for the two types of postal ballot papers. i.e.

- i) Postal ballot papers for Service Voters.
- ii) Postal ballot papers for the other categories of electors entitled to vote by postal ballot.

11.4.2 For Service Voters, the particulars regarding names of candidates and party affiliation shall continue to be printed in the official language of the State and in English. Election Symbol is not to be printed on the Postal Ballot for Service Voters. Photographs of candidates shall also be printed on it. The width of the ballot paper, when printed in one column shall be between 4" and 6" as considered necessary. Along with name of candidates, their party affiliation, if any, is also to be printed i.e. name of the political party which sets up the candidate is to be printed below the name of the candidate. In the case of independent candidates, the word "Independent" has to be printed.

11.4.3 As for the Postal Ballot papers for the other categories of electors i.e. for those entitled to vote by postal ballot (other than Service Voters), the election symbols allotted to the candidates and photographs of candidates shall also be printed thereon. The particulars on the ballot paper shall be printed in the official language of the State and also in English (where English is not the official language). The party affiliation is not required to be printed on the ballot paper in the case of postal ballot for these categories of electors. The width of the ballot paper, when printed in one column, shall be between 4" and 6" as considered necessary. The election symbol shall be printed between the photograph of the candidate and the space for marking vote. In case of postal ballot papers for other categories of electors entitled to vote by postal ballot paper, the symbol for "None of the Above" option as specified by the Commission shall be printed on the postal ballot paper against the column meant for printing of election symbol.

11.4.4 On both types of postal ballot papers, the photograph of candidates shall be printed. The photograph of the candidates shall be printed in the panel for the name of the candidates and shall appear on the right side of the name in between the name and symbol of the candidate or the column for marking vote/preference, as the case may be. The size of the photograph printed on the ballot paper shall be

2 cm in breadth and 2.5cm in height.

11.4.5 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 Voters on election duty 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 cm. 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 when printed in single column and its counterfoil shall be between four inches (4") and six inches (6") as may be considered convenient by the Chief Electoral Officer for printing the ballot papers. The width particulars of the last candidate on the ballot paper, there shall be a panel with the words "none of the above" written therein. 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 election symbol 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 S. 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.
- 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 symbol shall be inscribed in a panel, the panels being separated from each other by shaded area of 3 cm 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 "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 shall be the same as in the case of the candidates.
In case of postal ballot papers for other categories of electors entitled to vote by postal ballot paper, the symbol for "None of the Above" option as specified by the Commission shall be printed on the postal ballot paper against the column meant for printing of election symbol
- vii) In case of postal ballot papers for service electors, 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. The particulars on the postal ballot papers, for the other categories of electors entitled to vote by postal ballot other than Service Voters shall be printed in the official language of the State and also in English (where English is not the official language). The party affiliation is not required to be printed on the ballot paper in the case of postal ballot for these categories of electors. The election symbols of candidates are to be printed in this case.
- 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) 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.

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 PREPARATION AND DISPATCH OF ETPB

- 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. Service electors who have appointed proxy are called Classified Service Voters (CSVs). In their case, the proxy will vote in the polling

station assigned for the area covering the house address of the service voter. Details in this regard are given in later part of this chapter. By an amendment to the Conduct of Elections Rules, 1961, by notification dated 21.10.2016, the postal ballot papers for Service Voters may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission of India for the persons specified in sub-clause (ii) of clause (3) of rule 18 (i.e. Service Voters). Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24 and 27 shall, mutatis mutandis, apply.

11.62 In terms of the provisions of the Second Proviso to sub-rule (1) of Rule 23 of the Conduct of Elections Rules, 1961, the Commission has laid down the following manner for transmission of postal ballot papers by electronic means to the Service Voters. The Returning Officer shall transmit the following documents electronically:

- a. Postal Ballot Paper,
- b. Form 13-A-Declaration by Elector,
- c. Label for Form 13-B- Cover A (Inner Envelope),
- d. Label for Form 13-C-CoverB (Outer Envelope),
- e. Form 13-D- Instructions for the Guidance of Elector.
- f. Required Blank Pages

As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, the Returning Officer should get postal ballot paper for 'Service Voters' prepared and arrange to **upload the postal ballot papers and connected papers for Service Voters on the ETPBS by the day following the last date for withdrawal of candidatures.**

11.63 The senior most Observer of the Commission posted in that district headquarters shall personally monitor the entire process and send a detailed report to the Commission as soon as the electronic dispatch of postal ballots meant for Service Voters is completed.

11.64 The ARO deputed to supervise the issuing of postal ballot papers to service electors shall look into the following:

- a. 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.
- b. Proper account of postal ballot paper issued to each service voter shall be maintained in an issue register.
- c. The electoral roll part relating to Service Voters should be sealed in a separate packet and a brief description should be recorded on this packet. The packet should be kept in Returning Officer's safe custody.

11.7 MODE OF TRANSMISSION OF ETPB

11.7.1 After the Central Administration Officer (C- Admin) activates the RO operations regarding release of postal ballot paper electronically, the Returning Officer shall be able to log into the system and perform the following activities.

- a. Enter/view the data for the election of his constituency as per the election schedule (i.e. description of the election, state code of constituency, type of constituency (AC or PC), constituency number, name of constituency, date of the election and RO address) for mailing/ dispatching back the marked Postal Ballot.
- b. Enter/view the download window (i.e. start date and time and end date and time) for Postal Ballot.
- c. Provide cut-off date and time for the receipt of marked Postal Ballot at the office of Returning Officer.
- d. Load template of the Postal Ballot Paper specific to his constituency.

- e. View and approve the sample Postal Ballot generated by the system.
- f. Generate the password (PIN) and password protected Postal Ballots in bulk for the Service Voters associated to his constituency.

11.8 DOWNLOADING AND PRINTING OF ETPB

11.8.1 The officer in charge of Records/Unit Officer concerned/Nodal Officer competent to download the Electronically Transmitted Postal Ballot Papers (ETPB) shall download the same using the secure OTP means. **The Commission has directed the Unit level Officers through the Nodal Officers of the Forces that downloading of the ETPB along with other connected papers uploaded by the Returning Officers, should be completed latest by the eight day after the last date for withdrawal of candidatures.** Thereafter, if the service voter concerned is in a position to take printout of the ETPB, he shall do so using the PIN that would be transmitted to him. In other cases, the Unit Officer/Nodal Officer shall take the print of the ETPB and handover the ETPB along with print of Form- 13A, labels for Form 13B and 13C and instruction in Form 13D to the service voter concerned. It shall be ensured by the officer in charge of Records/Unit Officer concerned/Nodal Officer that the ETPB and the accompanying documents meant for a particular service voter is handed over to that very particular service voter and to no one else. Two envelopes - one smaller envelope for Form 13B and a larger envelope for Form 13C shall also be supplied to each Service Voter. Concerned DEO would supply the sufficient number of envelopes (inner and outer) as per the specifications in advance and the Record Officer/Unit Officer/Commandant, they would give the pair of inner and outer envelopes to the Service Voter deployed with them. The Unit officer/Nodal Officer shall maintain a record of each of the ETPBs handed over to each Service Voter. This record shall be preserved in the unit concerned for five years so that the same can be produced for inspection before any authority or before Courts in the event the same is required to be inspected. Such envelopes should be of white colour.

11.9 VOTING AND RETURN OF ETPB

11.9.1 On receipt of the ETPB and the accompanying papers, the service voter shall

- a) Mark his/her vote on the ballot paper by putting a cross (X) or tick (✓) against the name of the candidate of his/her choice as per the instructions in Form 13D. He/She shall then place the marked ballot paper inside the smaller envelope, close the envelope by gum and paste the label for Form 13B on this envelope. Also, the serial number of the ballot paper shall be noted on the Form 13B at the space provided for the purpose on that envelope, if not already printed thereon.
- b) He/ She will fill up the declaration in Form 13A, sign the same and get it attested by the officer designated for attestation.
- c) Then place (i) the closed (gummed) smaller envelope (Form 13B) and (ii) the declaration in Form 13A, inside the larger envelope and close the same using gum.
- d) Paste the label for Form 13C on the larger envelope and put signature in the place marked for signature of sender.
- e) Dispatch the envelope (Form 13C) back to the RO through the available postal means.
- f) No postage stamp need be affixed on the envelope (Form 13C) if posted within India.
- g) CEOs will inform GM Post Office to accept the envelope for speed post-delivery to address and charges would be paid by CEO / DEO Office.

11.10 ACCOUNT OF PB AND ETPB

11.10.1 When the Returning Officer starts receiving the polled ballot papers from the Service Voters and other electors entitled to vote by postal ballot, he/she 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.

11.11 CLASSIFIED SERVICE VOTERS: PROXY VOTING

- 11.11.1 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/her 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 (Annexure 22). 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 Form 13G (Annexure 22).
- 11.11.2 On receipt of intimation of appointment of proxy by a CSV, Returning Officer is 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 a particular election, intimation of appointment of proxy should reach to Returning Officer by the last date for making nomination at that election. Returning Officer is 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 is given at Annexure 23. After the last date for filing nominations, Returning Officer has 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 24. 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.
- 11.11.3 A CSV who has appointed a proxy shall not be issued a postal ballot paper.

11.12 ISSUANCE OF POSTAL BALLOT PAPERS

- 11.12.1 **Persons on election duty who are entitled for Postal Ballots (PB) and Election Duty Certificate (EDC)** – All persons appointed on election duty who are not able to cast their vote at the polling station where they are enrolled as a voter are entitled to the facility of either an EDC or a postal ballot. In case they are put on election duty in the same constituency in which they are enrolled as a voter, they are entitled to get an EDC, which entitles them to vote at the polling station where they are on duty. If they are on duty in a constituency other than the constituency where they are enrolled as a voter, they are entitled to a Postal Ballot. These persons include employees in polling parties, Sector Officers, Zonal Officers, Returning Officers and Assistant Returning Officers, District Elections Officer, Deputy District Election Officer, employees posted in the offices of District Election Officer, Returning Officer, Control Room and other election related offices, micro-observers, all police personnel, home guards, drivers, conductors and cleaners of vehicles, engaged for election work etc, if such persons are not able to cast their vote at the polling station where he or she is enrolled as a voter by reason of being on duty in relation to elections. Polling agents of candidates also fall in the category of voters on election duty for this purpose. A person is entitled to an EDC if he or she is on duty in the same constituency where he or she is enrolled as a voter, and entitled to a postal ballot if he or she is on duty in any constituency. All necessary arrangement at facilitation centre shall be made for the voter, on election duty who opts for PB, to record vote and to return Postal Ballot to the Returning Officer.
- 11.12.2 **Reasons for Facilitation of Postal Balloting by person on election duty** – In view of the deployment of electors on election, the Commission has directed that facilitation should be done in a completely transparent manner so that all stakeholders are involved in the process at every stage. During the General Elections to Lok Sabha, polling staff including police personnel, driver/ conductor/ cleaner of vehicles, persons engaged for videography and webcasting etc. would be mostly drawn from

within the parliamentary constituency. Therefore, large majority of voters on election duty can vote by using EDC. However, if there are persons who are put on duty in a constituency different from the one where he/she is enrolled as elector, such person will need to apply for postal ballot paper to exercise franchise.

11.12.3 Preparation of Database – A database of persons to be issued postal ballots on account of being on election duty should be prepared well in advance. Along with other information, these database should necessarily have information about the No. and name of Assembly Constituency, Part No. and the Serial Number in part where the persons is enrolled as a voter. The EPIC number of each person should also be captured in the database. The database should also have fields to capture information about the location and address of facilitation centres for postal balloting. The facilitation centre will be the same as the place identified for imparting training. If a person is to be called for training more than once, information about all the trainings should be captured in the database. Information about the electoral roll enrolment of a person can be found by using search facility based on EPIC number and search facility based on name and surname. This search facility is provided at the website of all Chief Electoral Officers. These databases should be prepared in the following manner:

- a) Database of employees on election duty - The District Election Officer has to prepare one database of employees for duty in polling parties and for other election duties like Sector officers, Zonal officers, Micro Observers etc. This database should include all persons appointed on election duty of any kind if such a person is not able to cast his vote at the polling station where he or she is enrolled as a voter on account of being on election duty.
- b) In the case of police personnel who are also treated as voters on election duty, the SP or other competent officer will maintain a database of all police personnel (including home guards, if deployed on election duty) in the district. In that database, the elector details, like, No. & Name of Assembly Constituency, Part No. & SI. No. of electoral roll where name is registered as an elector shall also be populated. The SP shall prepare the deployment plan for the police officials in the district well in advance. At this stage the constituency where they are deployed on election duty would be known, whether within the constituency where registered as elector or in a different constituency. Those posted outside the constituency will be eligible for voting through Postal Ballot. The SP shall appoint a Nodal Officer to coordinate all activities related to facilitating the exercise of franchise by police personnel through Postal Ballot or EDC. Form 12A (for EDC) or Form 12 (for Postal Ballot) shall be provided by the SP or the nodal officer identified for this purpose to enable the police personnel to make application for EDC or PB, as the case may be. The SP or the nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the police personnel are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.
- c) Similarly, in the case of drivers/conductors/cleaners and other persons appointed for specific election related duties also a Nodal Officer may be appointed. The enrolment details like No. & Name of Constituency, Part No. and SI. No. of entry in the electoral roll of the persons so drafted for election duty shall be ascertained by the Nodal Officer and they shall be provided Form 12A (for EDC) if posted on election duty within the constituency of enrolment or Form 12 (for Postal Ballot) if posted in a different constituency to enable them to make application for EDC or PB, as the case may be. The nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the driver, conductor etc. drafted on election duty are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.
- d) A voter on election duty shall receive his postal ballot, record his vote thereon and return the same at the facilitation center. Arrangement in this regard shall be made at facilitation center.

- 11.12.4 Issue of pre-filled FORM-12 and collection of signed FORM-12:** FORM- 12 should be issued to all those persons who are put on election duty outside the constituency of enrolment. FORM-12 can be pre- filled with information about Name of Elector, No. and Name of Assembly Constituency, Part No. and Serial No. in Part where the person is enrolled in the electoral roll. This information should be available in the database of employees prepared by the DEO. Pre-filled FORM-12 can be printed from the database of employees by software to be prepared by the CEO. A note should be printed at the bottom of FORM-12, that the employee should check the pre-filled details and make corrections if these details are not correct. FORM- 12 should be distributed to police personnel through the Superintendent of Police / the nodal officer appointed for the purpose. FORM-12 should be distributed to drivers, conductors and cleaners of vehicles used in elections through the nodal officer /officer in-charge of transportation.
- 11.12.5 Signed FORM-12, along with a copy of the appointment letter as proof of having been drafted for election duty and photocopy of EPIC in order to ensure that no ineligible person is issued a Postal Ballot** should be collected on the first day of training or as soon as possible. Efforts should be made to collect signed FORM-12 before the last date of withdrawal of candidature. However, if for some reason FORM-12 of some persons on election duty could not be collected before this date, they should be collected even after this date as soon as possible. Signed FORM-12 should be sent by the District Election Officer to the concerned Returning Officers within the district for issue of Postal Ballots.
- 11.12.6 Issue of Postal Ballots to other categories -** The District Election Officer will fill the information of facilitation centre for each employee in the database. In general, each training centre will also have a facilitation centre so that Voters on election duty receive and cast their postal ballots when they come for training to be imparted after the printing of postal ballot. All police personnel and drivers, conductors and cleaners of vehicles used in elections will be called at least once for training for the purpose of facilitation of postal balloting by employees. If more than one training session is organized for certain categories of employees, facilitation of postal balloting should be done in each session so that if an employee has not cast his postal ballot in an earlier session, he or she is able to cast postal ballot in the next training session. The Returning Officer will prepare the Postal Ballot papers for those who have submitted signed FORM-12. This should be done as soon as possible after postal ballot paper is printed. The Returning Officers will then check the location and address of the facilitation centre of the concerned employee and send the postal ballot to the Officer- in-charge of postal balloting facilitation centre for being delivered to the employee. If the facilitation centre is located in an area within the jurisdiction of the Returning Officer who issues the postal ballot, he will send the postal ballot directly to the Officer- in-charge of that postal balloting facilitation centre. If the facilitation centre is outside the jurisdiction of the Returning Officer who issues the postal ballot, but within the district then he will send it directly to the Officer- in- charge of the concerned facilitation centre within the district instead of routing it through the District Election Officer. Generally, there should be no need of sending the postal ballot outside the district as employees are generally not sent for election duty outside their district. If, however, it becomes necessary to send a postal ballot to a Facilitation centre outside the district, the District Election Officer will coordinate with the District Election Officer of the other district and do the needful. A voter on election duty shall receive his postal ballot, record his vote thereon and return the same at the facilitation center only. Arrangement in this regard shall be made at facilitation center.
- 11.12.7 Procedure at the Facilitation Centre -** District Election Officer shall appoint one senior officer as in-charge of postal balloting at each Facilitation centre. This officer shall be responsible for the postal balloting at the Facilitation Centre. The procedure to be followed at the Facilitation Centre is described below:-
- a) **Information to Political Parties -** All Recognized Political Parties will be informed in writing the schedule of facilitation of postal balloting at the Facilitation Centres. They shall be allowed to send their representatives to witness the facilitation process at the Facilitation Centre.
 - b) **Time to be set apart for Postal Balloting -** In each training session at least 2 hours shall be

set apart for facilitation of postal balloting. If necessary, more than 2 hours may be set apart for this purpose as per need. Postal Balloting shall be done after the training is over. Political Parties representatives shall be allowed in the Facilitation Centre after the training is over and the process of facilitation of postal balloting begins.

- c) **Arrangements for representatives of candidates** - Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the officer in-charge of facilitation can order such a person to leave the premises immediately.
- d) **Arrangements for casting Postal Ballot in secrecy** - Voting compartments similar to voting compartments in polling station shall be made in each Facilitation Centre. This is done so that employees are able to mark their postal ballot in complete secrecy. More than one such voting compartment can be made if necessary. Arrangement of glue/gum shall also be made to seal the envelope (Cover-A - FORM 13B) after placing the polled postal ballot in it. A voter on election duty shall receive his postal ballot, record his vote thereon and return the same at the facilitation center. Arrangement in this regard shall be made at facilitation center.
- e) **Availability of gazetted officers** for attestation of declaration by the person casting postal ballots - Under the law a declaration attested by a gazetted officer has to be made by each person in FORM- 13A along with the postal ballot. For this purpose, at least one gazetted officer shall be put on duty by the District Election Officer at each Facilitation Centre. The Group A officer and Group B officers in the state who have been permitted to attest the true copies of certificates, testimonials, etc / gazetted officer shall attest the declaration based on the identification of the voter by his identity documents. He must check before attestation that the Sl.no. of the ballot paper is filled up in the space provided in the declaration, it is signed by the elector and his postal address is mentioned. The attesting officer should append full signature with date and write in hand or put a stamp showing his designation & office address.
- f) **Issue of Postal Ballots at the Facilitation Centre** - Officer in-charge of a Facilitation Centre will issue the postal ballot received from the Returning Officer to the voter for whom it is meant after verifying his identity based on EPIC or any other photo identity document and obtain his signature as a token of having received the postal ballot in a register as per the FORMAT given below: -

Running Sl. No.	Part No. Of Electoral roll	Sl. No. of elector in the electoral roll	Details of the document produced by the elector in proof of his/her identification	Signature/ T.I of elector	Remarks

This register should be sealed in the same manner as the Register in Form 17A and kept along with other statutory covers mentioned in rule 93 (1).

Copy of the above register may be given to the candidates who demand for it after the date of poll in the constituency. A voter on election duty shall receive his postal ballot, record his vote thereon and return the same at the facilitation center. Arrangement in this regard shall be made at facilitation center.

- g) **Time up to which Postal Ballot can be issued** - Provisions regarding intimation by voters on election duty for issue of postal ballot paper, procedure for issue of postal ballot paper and the time for return of postal ballot paper are given in Rules 20, 23 and 27 of the Conduct of the Elections Rules 1961. As per these provisions, whenever any postal ballot paper is issued to voters on election duty, in the counterfoil of the ballot paper the electoral roll number of the elector, as entered in the marked copy of the electoral roll set apart for conduct of poll at the polling station, is to be entered and in the said marked copy of the electoral roll the words "PB" is to be marked against the name of the elector to indicate that a postal ballot paper has been issued to the elector in order to ensure that the same elector is not allowed to vote at any polling station. After postal ballot papers have been issued to voters on election duty and he/she shall

cast Postal ballot at facilitation center, the RO has to send the relevant parts of electoral roll to the concerned Presiding Officers for marking the names of electors, who cast their vote on EVM at the polling station on the day of poll. After the poll, this marked copy is to be sealed and kept in safe custody.

It is clear from the above provisions of law that once the marked copy of the electoral roll is ready to be sent to the Presiding Officers under clause (a) of sub rule (5) of Rule 23 of CE Rules 1961, no postal ballot paper can be issued thereafter. Therefore, no ballot paper can be issued after the stage of preparing marked copy of electoral roll for supply to the presiding officers for conduct of poll.

- h) **Process of Postal Balloting** - After receiving his or her postal ballot, the voter shall go into the voting compartment and mark the postal ballot in secrecy. He shall write the serial number of the postal ballot paper, if not already filled up, in the space provided for the same in the declaration in FORM 13A and on the envelope in which the polled postal ballot is kept. He shall then keep the marked postal ballot in the inner envelope (Form 13B - Cover A) meant for this purpose and seal it properly. The voter shall thereafter sign the declaration in FORM- 13A, write his/her postal address of registration in the electoral roll, write his name in the space provided and get it attested by a gazetted officer as required by law. The polled postal ballot should not be shown to the officer whose attestation is obtained on the declaration in FORM 13A. He shall then keep the sealed inner envelope containing the polled postal ballot and the declaration in FORM-13A, duly signed and attested, in the bigger envelope (Form 13C - Cover B) and seal this as well. The voter will then cast his postal ballot in the Facilitation Ballot Box as described below.
- i) **Casting of postal ballots in the facilitation ballot box:** A large steel trunk with one opening at the top for casting of postal ballots shall be used as a facilitation ballot box at the facilitation centre. Before the casting of postal ballots is started, the empty facilitation ballot box will be opened and shown to all present. The facilitation ballot box will then be sealed by the officer in-charge of the Facilitation Centre. Every voter shall cast his or her postal ballot in the Facilitation Ballot Box after marking it and sealing it in the envelopes as described above. This facilitation ballot box will be kept only on the second/subsequent training days at the respective training venues only.
- j) **Sorting of postal ballots** - After all postal ballots for the day have been cast, the box will be opened by the officer in-charge of the Facilitation Centre in the presence of the representatives of political parties. All the postal ballots will be taken out of the box and the empty box will be shown to the said representatives of political parties. The postal ballot envelopes will be sorted Parliamentary/Assembly Constituency wise and the total number of postal ballot envelopes received for each Parliamentary/ Assembly Constituency will be entered in a Statement in FORMAT-1 (given below) to be maintained for this purpose at the facilitation centre. Representatives of political parties present will be requested to put their signatures on the register and will be given a copy of the relevant pages of the register. All postal ballot envelopes for one Parliamentary/Assembly Constituency will be kept in a large envelope meant for that Parliamentary/Assembly Constituency. The name of the Facilitation Centre, the date of Facilitation and the number of postal ballots contained therein will be clearly written on this envelope. The number and name of the Parliamentary/Assembly Constituency for which the envelope is meant will also be clearly written on the envelope. This envelope will then be sent to the Returning officer of the concerned Parliamentary/Assembly Constituency along with a copy of the relevant Statement in Format-1 through special messenger appointed for this purpose not below the rank of Deputy Tahsildar.
- k) **Videography of the postal balloting process** - The entire process of postal balloting will be video graphed. It should be noted that once a postal ballot paper is issued to a voter on election duty, he/she can vote only through the Postal Ballot even if the official is exempted / not deployed on election duty.

Format -1

Statement regarding Postal Ballots cast at Facilitation Centre

Name of State _____

Name of Facilitation Centre _____

Name of District _____

Name & Designation of Officer-in-charge _____

Sl. No.	Date	No. & Name of the Parliamentary Assembly constituency	Total Number of postal ballots cast
Total for the State			
Cumulative Total Till Date			

11.12.8 Monitoring of the process of Postal Balloting at Facilitation Centres - The officer in-charge of the Facilitation Centre will prepare a return in FORMAT-2 on every day when facilitation of postal ballots is done at the facilitation centre and will send it to the DEO. The DEO of every district will compile the return in FORMAT-2 for his district every day till the facilitation for postal ballots is over in the district, for the postal ballots cast in the facilitation centres of his district. A copy of this return will be sent every day to the Chief Electoral Officer. CEO will compile the returns of the entire State in FORMAT-2 and will send a copy of the compiled FORMAT-2 to the Commission every day till the facilitation of postal ballots is over in the State. Chief Electoral Officer will also send a copy of return in FORMAT-2 every day to all recognized political parties. The Format-2 is given below:-

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Name of District _____

Date of facilitation.....

11.129 Storage of Postal Ballots received by the Returning Officer - Returning Officer of the concerned Assembly Constituency shall keep the envelope containing postal ballots along with the copy of the relevant statement in Format-I in a special strong room made especially for this purpose.

11.13.1 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 13A, 13B, 13C and 13D 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 13C, with the address of Returning Officer concerned specified thereon.

a. For an Assembly election may be printed in pink colour and

II.14 POSTAL BALLOT PAPERS FOR ELECTORS UNDER PREVENTIVE DETENTION AND SPECIAL VOTER

11.14.2 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 Returning Officer 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 Returning Officer within fifteen days of calling the election.

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

11.144 Postal ballot papers shall be issued to them as per the provisions laid down in rule 23 of CER 1961.

11.15 ABSENTEE VOTERS IN ESSENTIAL SERVICE CATEGORY (AVES) –

11.15.1 In pursuance of the provisions of clause (c) of Section- 60 of the Representation of the People Act, 1951, on due consideration of the matter in the consultation with the Government, the Election Commission from time to time notified the category of persons employed in the essential services. The persons employed in essential services are those who on account of being on duty of the day of poll during elections and not in a position to be present in their respective polling stations to give vote in person. Therefore, the facility of postal ballot is extended from time to time by ECI notification.

An illustrative list of such essential services is as under, which may vary from state to state-

1. Airport Authority of India
2. Food Corporation of India
3. Indian Railway
4. Press Information Bureau
5. Doordarshan
6. All India Radio
7. Electricity Department
8. Health and Family Welfare
9. State Transport Corporation
10. Food and Civil Supply
11. BSNL
12. Media Persons authorized by ECI for Poll Day Coverage, and
13. Fire Service

[Note: The list of Essential Services is finalized by the Commission after obtaining views from the CEO of the concerned State. However, the Commission vide letter dated 02nd September, 2019 has proposed to the Ministry of Law & Justice that the persons employed in aviation sector, trains, shipping sector, long distance Govt. road transport/corporation buses, fire services, traffic, media personnel, authorized for the coverage of elections, etc. may be treated as absentee voters as they are not in a position to be present in their polling station on account of compulsion of their service conditions.]

Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer in Form-12D giving all requisite particulars. In the case of those Absentee Voters belonging to the category of essential services, their application is required to be verified by the Nodal officer appointed by the organization concerned. Such application seeking postal ballot facility should reach the RO during the period from date of announcement of election to five days following the date of notification of the election concerned.

11.15.2 As per the amended provisions under Rule 27E and 27-I of the Conduct of Elections Rules, 1961, the issue of Postal ballot paper to the absentee voter and return of the ballot paper after voting shall be in such manner as the Election Commission may direct. Accordingly, the Election Commission has laid down the procedure/ guidelines in the matter of facilitating postal ballot voting by the absentee voters in the category of persons on essential service (denoted for convenience as AVES').

11.15.3 Action by Returning Officer

- Adequate publicity should be given to the facility being provided to these categories of electors. Form- 12D should be put on the website of the District Election Officer and also made

available to the Nodal Officer of the organisation for dissemination to the electors concerned.

- On receipt of application in Form-12D, the RO will draw a list of all Absentee Voters on Essential Service (AVES) whose application have been received in time and are in order. The list shall be drawn in the prescribed format.
- The RO shall verify and ensure that the electoral roll particulars of the applicants for postal ballot mentioned in Form-12D match with the particulars in the electoral roll and they are registered as elector. All the electors whose particulars with reference to the electoral roll have been found to be correct shall be issued postal ballot paper as per instructions.
- After the list of Absentee voters in this category voting through postal ballot paper is finalized, entry 'PB' shall be entered in the marked copy of the electoral roll against the names of such electors.

11.15.4 Form and design of Postal ballot paper

The postal ballot paper for Absentee Voters shall be of the same form and language as the postal ballot paper for the voters on election duty.

11.15.5 Assistant Returning Officer for voting through postal ballot by Absentee Voters

One ARO shall be assigned to handle all work related to postal ballot voting by Absentee Voters. It shall be the responsibility of such ARO to carry forward the postal voting programme from the stage of receipt of applications in Form 12D, and take all necessary action in this regard.

11.15.6 Centre for voting through postal ballot

- As per the second proviso to Rule-27E, issue of postal ballot paper to absentee voters shall be in the manner as specified by the Election Commission. Sub-rule (3) of Rule-27F provides that recording of vote by Absentee Voter shall be in such centre as specified by the Election Commission.
- In the constituencies where there are Absentee Voters in the essential service category found eligible for postal ballot facility, the RO shall identify a suitable venue and room to be used as the place for issuing of postal ballot paper to such Absentee Voters and for facilitating their voting in such centre and thereafter for collection of the postal ballot paper. For this purpose, the RO shall identify a suitable location to be the Postal Voting Centre (PVC) for the absentee voters. Such venue shall be within the territory of the Constituency and should be located, as far as possible, towards the central part of the constituency area so that the travelling distance for the voters to get to the PVC is not unduly long.

11.15.7 Intimation regarding issue of Postal Ballot Paper and Voting

- All the persons who have applied for postal ballot paper in AVES category shall be duly intimated about the following:
 - (1) The full address of the Postal Voting Centre venue where postal ballot voting is to be arranged ;
 - (2) Dates on which the postal ballot voting facility will remain open;
 - (3) The hours fixed for postal ballot voting.
- The intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and/or through the BLO. In addition, this information should also be disseminated through the Nodal Officer of the Organisation concerned and advertisements in local newspapers and also through the website of the District Election Officer. It should be explained that the absentee voters who have applied for postal ballot voting may come for casting vote on any of the three days during the hours fixed for the purpose and that they should produce their service identity card. It should also be explained that those who have been approved for voting through this facility can only vote at such PVCs and not in any other manner.

- All necessary arrangement at facilitation centre shall be made for the voter, on election duty who opts for PB, to record vote and to return Postal Ballot to the Returning Officer.
- The contesting candidates in the constituency shall also be given prior intimation on the abovementioned points so that they may, if they so desire, appoint agents for watching the proceedings in the PVC. While intimating about the postal voting at the PVC, they should also be informed in writing that they may appoint their agents for watching the proceedings. The appointment should be made by the candidate or the election agent in writing and under their signature. Form-10 (the format for appointment of polling agents in polling stations) may be used for appointment of agent for the PVC.

11.15.8 Appointment of staff for the postal voting centre (PVC)

Each postal voting centre should have adequate staff for smoothly carrying out the work in such centre. The number of staff required should be worked out based on the number of AVES category voters who are voting in the centre. Each centre should have at least one gazetted officer for attesting the declaration of elector in Form-13A. The number may be increased depending on the number of electors in the particular centre.

Responsibilities of staff for Postal Voting Centre -Work and functions of Staff of postal voting centre are as follows:-

- Issuing postal ballot paper along with all connected envelopes, etc. (Form 13A, envelopes in Form-13B and 13C), after duly verifying the identity of the voter.
- Form 13D (Instructions to voters) need not be given to individual electors. A copy of the same can be made available in the PVC for reference, if sought, by any elector. However, the electors should be briefed about the requirements on their part. A chart indicating the procedure for voting should be displayed at the PVC for the information of the electors.
- Identity of the elector shall be verified before issuing postal ballot paper. Name of elector and the document produced for identification shall also be entered in a register to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. A format for the register is annexed at *Annexure-B*. Further, a tick mark shall be placed against the name of the elector in the list of AVES to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody to be sent to the RO along with envelopes containing polled postal ballots.
- The electors should be briefed about the procedure for voting and formalities to be observed on their part. They should be clearly briefed on the following points:
 - i) making the declaration in Form 13A and getting it attested by the Gazetted officer present in the PVC,
 - ii) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (Form 13B),
 - iii) manner of marking vote, i.e. by placing either cross mark or tick mark against the name of the candidate of choice,
 - iv) folding and placing the marked ballot in the smaller envelope and closing the envelope,
 - v) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope (Form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
 - vi) Closing the larger envelope and dropping it in the box kept in the PVC.

11.15.9 Period and hours during which PVC shall be open

Postal Voting Centre (PVC) shall be open for up to three consecutive days in each of the constituencies. The three days period shall be so fixed that it is completed at least three days before the date fixed for poll in the constituency.

On each of the three days, the PVC shall remain open from 9 AM to 5 PM.

11.15.10 Close of poll protocol on each day

After the day poll closes, the envelopes in Form 13C in the drop box shall be taken out and sealed in a larger packet super scribed "Postal Ballots in PVC". On the outer packet, the following particulars should be clearly mentioned:

- (1) Name and number of Constituency,
- (2) Name of location of PVC,
- (3) The date on which the votes were cast,
- (4) The number of envelopes in Form 13C in the packet..
 - The counterfoils of postal ballots shall also be sealed in a separate packet super scribed "Counter foils of PBs in PVC". Name and number of constituency and the dates on which it is sealed shall also be entered on such packet.
 - Both the packets containing the polled postal ballots and the counterfoils shall be sent to the Returning Officer in the same evening.
 - Signature of the agents of candidates present in the PVC should be obtained on each day of voting in the PVC. The format for this purpose is given at *Annexure C mentioned below*.
 - At the end of the three days voting period, all other material supplied to the PVC shall be collected by the ARO in charge of the PVC and retained at the headquarters as per standard protocol for the material concerned.
 - If an Absentee Voter does not turn up for voting in the PVC, there is no requirement of sending the postal ballot to him/her by post. The procedure prescribed for postal voting by them is voting in the PVC and in no other manner.

11.15.11 Material required in PVC

Each PVC should be provided with all necessary material for taking poll, in particular, the following:

- I. Sufficient number of postal ballot papers as per the number of Absentee Voters assigned to the PVC, with 10% surplus for the eventuality of some ballot papers getting damaged and requiring issuing of fresh ballot paper under rule 26(2);
- II. Sufficient number of Form 13A envelopes in Forms 13B and 13 C;
- III. Pen for marking vote;
- IV. Glue for closing the envelopes;
- V. Ink-pad;
- VI. Box in which the envelopes containing marked ballot paper is to be dropped;
- VII. Register for obtaining signatures of electors on issue of ballot paper;
- VIII. List of Absentee Voters assigned for voting in the PVC with three extra copies (*Annexure-A mentioned below*);
- IX. Material for setting up voting compartment;
- X. Large envelopes for sending the ballots after voting and the counterfoils of ballot papers to the RO on a daily basis;
- XI. Other stationary items that would be required;
- XII. Furniture for the polling staff, agents of candidates and for setting up voting compartment.

Annexure-A

List of absentee voters in AVES category entitled to vote through postal ballot in PVC

Name of Election: _____

Name of Constituency: _____

Venue of PVC: _____

Sl. No.	Name of Elector	Part Number	Sl. Number in the Part	EPIC Number

Signature of RO

Date: _____

Annexure-B

List of absentee voters issued with PB at the PVC

Name of Election: _____

Name of Constituency: _____

Venue of PVC: _____

Sl. No.	Name of Elector	Sl. Number in the list of electors assigned to PVC	Document produced for identification	Date on which voted	Signature of elector

Signature of Presiding Officer
Name _____ Date: _____

Annexure-C

Signature of Agents of candidates present in the PVC

Name of Election: _____

Name of Constituency: _____

Venue of PVC: _____

Date: _____

Sl. No.	Name of Agent	Name of the candidate whom the agent is representing	Signature

Signature of Presiding Officer
Name _____ Date: _____

New:- Separate list should be preprint for each day of postal voting

11.16 ISSUE OF EDC TO VOTERS ON ELECTION DUTY

11.16.1 As per the provisions of sub-rule (2) of rule 20 of C.E. Rules 1961, if a voter on election duty, being a Polling Officer, Presiding Officer or other public servants on election duty in a constituency of which he is an elector, wishes to vote in person at an election in the constituency, he shall send an application in FORM 12A to the Returning Officer so as to reach him at least 4 days or such shorter period as the RO may allow before the date of poll. The RO, after he is satisfied that the applicant is such public servant and voter on election duty in the constituency, shall issue an Election Duty Certificate in FORM 12B to authorise the voter on election duty to vote at any polling station in said constituency where he may be on duty on the date of poll.

11.16.2 The Election Duty Certificate in Form 12B shall be printed in adequate number either centrally by the CEO or the DEO, as may be convenient and each such certificate shall be serially numbered with a unique serial number.

11.16.3 In the format of application for EDC in Form 12 A, there is column for mentioning the number and name of the polling station within the constituency where he is posted on election duty and also the S. No. & Part No. of the electoral roll in which his/her name is registered as an elector. While the details of the assembly constituency, Part No. of electoral roll, S. No. of the voter where his/her name is entered in the roll and EPIC number will be available in the employee's database, the details of polling station where s/he is posted on election duty would be known only after the third round of randomisation is done to assign specific polling station. Therefore, the details regarding the polling station where posted for duty need not be filled by the applicant. The rule also mandates that the letters "EDC" should be indicated in the "marked copy of the electoral roll" against the name of the person to whom EDC is issued to ensure that the same person is not allowed to vote at the polling station where he would otherwise have been entitled to vote. The voter on election duty can exercise his/her franchise in person on the basis of the EDC at the polling station where he is deployed on poll duty.

11.16.4 In the case of polling staff while issuing the appointment orders drafting them on election duty after first randomisation, the copy of Form- 12A (either pre-filled generated from the employee's database or blank Form where the database is not populated with electoral roll particulars) shall be sent to them.

11.16.5 In the case of police personnel who are also treated as voters on election duty, the SP or other competent officer will maintain a database of all police personnel in the district. In that database, the elector details, like, No. & Name of Assembly Constituency, Part No. & S. No. of electoral roll where name is registered as an elector shall also be populated. The SP shall prepare the deployment plan for the police officials in the district well in advance. At this stage the constituency where they

are deployed on election duty would be known, whether within the constituency where registered as elector or in a different constituency. Those posted within the constituency will be eligible for voting on the basis of "EDC" and those posted outside the constituency will be eligible for voting through Postal Ballot. The SP shall appoint a Nodal Officer to coordinate all activities related to facilitating the exercise of franchise by police personnel through postal ballot or EDC. Form 12A (for EDC) or Form 12 (for Postal Ballot) shall be provided by the SP or the nodal officer identified for this purpose to enable the police personnel to make application for EDC or PB, as the case may be. The SP or the nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the police personnel are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll. A voter on election duty shall receive his postal ballot, record his vote thereon and return the same at the facilitation center. Arrangement in this regard shall be made at facilitation center.

- 11.16.6 Similarly, in the case of drivers/conductors/cleaners and other persons appointed for specific election related duties also a Nodal Officer may be appointed. The enrolment details like No. & Name of Constituency, Part No. and S. No. of entry in the electoral roll of the persons so drafted for election duty shall be ascertained by the Nodal Officer and they shall be provided Form 12A (for EDC) if posted on election duty within the constituency of enrolment or Form 12 (for Postal Ballot) if posted in a different constituency to enable them to make application for EDC or PB, as the case may be. The nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the driver, conductor etc. drafted on election duty are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll. A voter on election duty shall receive his postal ballot, record his vote thereon and return the same at the facilitation center. Arrangement in this regard shall be made at facilitation center.
- 11.16.7 Marking of 'EDC' in the marked copies of electoral roll should be done as early as possible after the officials would have submitted applications for EDC in Form 12A. The ROs may not insist upon the mentioning of P.S. No in application in Form 12A. Preparation of marked copy of electoral roll should not be delayed till the stage of issue of EDC. Once Form 12A application is submitted, the officials concerned can only vote using the EDC (Form 12B) at the polling station where he is on duty or in a nearby polling station if he is not assigned any specific polling station.
- 11.16.8 Similarly, when an official is deployed on election duty in the capacity of Zonal Magistrate or Sector Officer in a parliamentary constituency where he is a voter, he should also be given EDC so that he can exercise his franchise in any one of the polling stations that comes under the zone/sector allotted to him.
- 11.16.9 The question whether particular polling personnel is deployed on election duty at a polling station or is in reserve will be known immediately after second randomization. At that stage, the total number of staff going to be deployed in polling stations inside the PC will be known.
- 11.16.10 In the case of the officials who would be eligible for EDC, they should be briefed about the EDC facilities at the first training. As mentioned above, a copy of the Form 12A should be sent to the officials requisitioned for election duty together with the duty order. The officials should be instructed to submit the same duly signed, when they come for the first training itself. In this Form 12A they need not mention the S. No. and name of P.S. where they are posted on election duty within the constituency in that Form as that would not be known before third randomization of polling personnel.
 - a) In case Form 12A is generated from the database then he should check the electoral roll details already printed and correct mistakes if any in the AC No. & Name, Part No. & Sl. No. of electoral roll and EPIC number.
 - b) In case Form 12A is not generated, then he should fill up the details legibly. Those officials

who do not know the part no. and serial no. of their entry in the electoral roll may be provided all necessary assistance to ascertain the same to enable the polling personnel to mention in Form- 12A the particulars relating to their electoral roll entries (Sl. No., Part No. of entries in the electoral roll). The copies of the electoral rolls will be kept in separate counters, assembly segment wise with sufficient number of staff to assist the election duty officials to locate their name in the roll.

- c) The Form 12A should be submitted together with a copy of the duty order and photocopy of EPIC in order to ensure that no ineligible person is issued an EDC.
- d) Applications in Form-12A, completed in other respects and duly signed by the polling personnel, would be collected at the first training class itself. These, again, should be collected assembly segment wise.
- e) The DEO shall make arrangements to ensure that all applications received in Form 12A are immediately forwarded to the concerned RO.

11.16.11 The RO shall prepare the Election Duty Certificate in respect of all personnel who have submitted duly signed application in Form 12A. This should be done well before the second training / facilitation so that the EDC can be delivered to the electors on the second training / facilitation day. While preparing the EDC, the Part No. should be suffixed after the serial No. of the elector in the space provided for this in the format of EDC (like 4 I 5/25 i.e. Sl. No.415 in Part No. 25 of electoral roll).

11.16.12 At this stage, proper account of the EDCs issued shall be maintained in a register. The names of the polling personnel issued with EDC and unique serial no. of the EDC should be entered in the register and the signature of the polling personnel obtained against that entry as and when EDC is issued to them.

11.16.13 The persons who after making application for EDC do not come to collect the EDC on the second day of training/facilitation may be asked to collect it from the RO/Officer- in- charge on a subsequent date as may be decided by the RO. Any leftover personnel can be given the EDC at the time of dispatch of polling party.

11.16.14 For the polling personnel kept as reserves, if they are deployed on duty in any polling station on the day of poll, they can cast vote using EDC in such polling station. For other staff on reserve who are not assigned to any particular polling station they can vote in any polling station located near the place where the reserve personnel are stationed.

11.16.15 At the polling stations, the Presiding Officers should brief the polling agents about the facility provided to the polling personnel to vote in that polling station using EDC. It may also be made clear to them that once EDC is issued, they can vote only on the basis of EDC.

11.16.16 The Presiding Officer of a polling station shall take following action as per provision of rule 35A of C.E. Rules, 1961, whenever any polling staff presents EDC for casting of vote at that polling station: -

- f) Obtain the signature of the person producing the EDC on the EDC;
- g) Have the name and electoral roll details as mentioned in the EDC entered at the end of the marked copy of the electoral roll along with the particulars of electoral roll details
- h) Each such entry should be serially numbered consecutively after the last serial number of entries in the relevant part of electoral roll) The EDC shall be retained by the first polling officer.

11.16.17 Thereafter, the person shall be allowed to vote by following the usual procedure. In the Form 17A (register of voters), in the column meant for serial number of elector in the electoral roll, the serial number, part number and the name of Assembly Segment of the EDC holder shall be mentioned. For example, if the EDC holder is enrolled at Sl. No. 415 in part No. 25 of Assembly Segment 'XYZ', the entries in column 2 of Form 17A in that case would be '415/25/XYZ'. In the remarks column of Form 17A, "EDC voter" shall be written.

- 11.16.18 The polling personnel using EDC facility should cast vote at the time when the polling agents are present in the polling station except in cases where no polling agent turns up. In the case of the reserve polling personnel, they should be advised to vote as soon as possible in the beginning itself, as they may be required later or to be shifted to different polling stations to meet emergent situations.
- 11.16.19 The Presiding Officer should note the total number of electors who voted on production of EDC against the relevant item in the PO Diary (Annexure-52). In Item No. 1 of Form 17C (Part-I) regarding the total number of electors assigned to the Polling Station, the figures of total number of electors as per the relevant part of the electoral roll plus electors who voted on production of EDC shall be indicated. The actual number of electors assigned as per the total number of electors in that part of electoral roll may be shown first followed by votes polled on production of EDC. For example, if the total no. of electors assigned to a polling station is 1125 and 9 votes were cast on production of EDC, then in Form 17C it shall be shown as "1134 (1125 + EDC 9)".
- 11.16.20 The Presiding Officer shall keep all the EDCs produced in the polling station in a separate envelope mentioning thereon the No. & name of the polling station and the total number of EDCs inside the envelope. This envelope shall be sealed and returned along with the other election material.
- 11.16.21 In the collection centre, all the envelopes containing EDCs should be kept separately and these envelopes should later be stored in a separate trunk. In the event of any repoll in any polling station, the electors who voted in that polling station on the basis of the EDC shall be issued a fresh EDC to enable them to exercise their franchise during the repoll at the concerned polling station. In case any person cast vote by EDC in the polling station going to repoll his details can be known by opening the envelope in which the EDCs used at that polling station are kept.
- 11.16.22 The DEO will be responsible for proper coordination of the whole activities.
- 11.16.23 In the States of Mizoram, Nagaland & UTs of A & N Islands, Chandigarh, Ladakh, Lakshadweep and Puducherry having only one parliamentary constituency, every category of voters on election duty will be issued EDC only.
- 11.16.24 In the States where simultaneous election will be held for Lok Sabha and Legislative Assembly, all voters on election duty viz. polling personnel/police personnel/Drivers, cleaners, videographers and all other category of voters on election duty will be issued only Postal Ballot Paper as otherwise as per the existing randomization norm of posting within PC but outside AC they will get one EDC for PC and PB for AC.
- 11.16.25 Voting through postal ballot by absentee voters in the category of senior citizens, PwDs and Covid -19 suspected or affected persons-
1. Guidelines for Voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and Covid -19 suspected or affected persons -
Following categories of Absentee voters, in pursuance of the Conduct of Elections (Amendment) Rules, 2019, and the Conduct of Elections (Amendment) Rules, 2020 read with the Election Commission's decision dated 16th July, 2020 have been given the facility of voting through postal ballot (PB) paper:
 - (i) Senior citizens (above 80 years of age),
 - (ii) Persons with disability flagged in the electoral roll.
 - (iii) COVID -19 suspected or affected Persons
 2. Process for applying PB by absentee voters-
 - (2.1) An Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer (RO) of the constituency concerned, in Form-12D, giving all requisite particulars. Such application seeking postal ballot facility should reach to the RO within five days following the date of notification of the election concerned.
 - (2.2) As per the amended provisions under Rule 27E and 27-I of CER, 1961 the issue of Postal ballot paper to the absentee voter and return of the ballot paper after voting shall be

in such manner as the Commission may direct. Accordingly, the Commission has laid down the following procedure / guidelines for facilitating voting through postal ballot by the absentee voters of senior citizen category (AVSC), absentee voters belonging to PWD category (AVPD) and absentee voters belonging to COVID-19 category (AVCO).

- (2.3) If any elector at the time of election is hospitalized on account of COVID-19, in a hospital within the State or is in **Home / Institutional Quarantine on account of COVID-19** and hence not be in a position to cast vote personally at the polling station as per medical advice and if such elector makes request for issue of Postal Ballot, the RO concerned, on being satisfied about the genuineness of the application, shall provide the postal ballot to the elector. The RO shall make arrangement to deliver Postal Ballot and to get the same collected back from the said elector before the date fixed for poll in the Constituency. This arrangement shall be made in coordination with the Nodal Officer for COVID-19, designated. Application for postal ballot paper from such electors (Form 12D) should be accompanied by copy of certificate/ instructions from competent health authorities which show that the applicant is hospitalized in the State or is in quarantine within the State (Home or Institutional) on account of COVID 19. (Format for Certificate to be submitted from competent health authorities as per ECI Instruction No. 52/2020/SDR/Vol.I/370 dated 28.09.2020 is given below).
- (2.4) (a) BLO will visit to the houses of the concerned electors, as provided by the RO, in the Polling Station area and deliver Form- 12-D form to the concerned electors. If an elector is not available, he/she will share his/her contact details and revisit to collect it within five days of the notification.
- (b) The elector may or may not opt for POSTAL BALLOT in the acknowledgement attached with the Form 12-D.
- (c) If he/she opts for POSTAL BALLOT, then the BLO will collect the filled-in Form- 12D from the house of the elector within five days of the notification and deposit it with the RO forthwith.
- (d) BLO shall deposit all the acknowledgement forms with the RO along with all Form- 12D.
- (e) Sector Officer shall supervise it under the overall supervision of RO.
- (f) As prescribed in ECI's guidelines NO.52/2020/SDR/Vol.I/278 dated 17.09.2020, RO shall deploy polling team(s), who shall deliver and collect the postal ballot on pre- informed date(s) and thereafter deposit it with the RO
3. Action by RO-
- (3.1) On receipt of application in Form-I2D, the RO will draw a list (format as annexure-I mentioned below) of all Absentee Voters in the 3 categories, i.e. (a) 'AVSC' , (b) 'AVPD' and (c) 'AVCO', whose applications have been received in time and are in order.
- (3.2) On the last date for making nominations for the election, the electoral roll is frozen for that election and no further addition or deletion can be carried out in the roll till the completion of the election. At this stage, RO shall verify and ensure that the applicants for postal ballots are registered as elector and their electoral particulars given in Form 12-D are correct with reference to the existing electoral roll. All the electors, whose particulars with reference to the electoral roll have been found to be correct, shall be issued postal ballot paper as Absentee Voters in the category of AVSC and AVPD. In case of Absentee Voters belonging to the category of COVID-19 (AVCO), before issuing FORM 12D, the RO shall check certificate of competent authority, duly appointed by the State Government / UT administration to the effect that the elector is under home quarantine or institutional quarantine due to COVID-19.
- (3.3) The RO shall also indicate entry 'PB' in the marked copy of the electoral roll against the

names of such electors, to show that a postal ballot paper has been issued to them, without however recording therein the sl. no. of the ballot papers issued to them.

- (3.4) The RO shall also ensure that elector who has been issued postal ballot is not allowed to vote at a polling station.
4. **Form and design of Postal ballot paper:** The postal ballot paper for Absentee Voters shall be of the same form and language as the postal ballot paper for the voters on election duty.
5. Visits of Polling Officials, briefing of electors and collection of marked ballot papers:-
 - (5.1) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose.
 - (5.2) Number of teams of Polling Officials to be appointed would depend on the number of Absentee Voters to whom postal ballot papers have been issued.
 - (5.3) The team of polling officials shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.
 - (5.4) The electors will be intimated, in advance, about the date and approximate time of visit of poll officials. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and or through the BLO.
 - (5.5) If the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.
 - (5.6) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired, depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process.
 - (5.7) The list of AVSCs, AVPDs and AVCOs shall be divided for distribution among the different teams of Polling Officials in such manner that each team gets a list of persons in geographically compact area.
 - (5.8) The visiting polling official shall ascertain the identity of the elector before issuing postal ballot paper.
 - (5.9) Name of elector and the document produced for identification shall also be entered in a register (annexure-2 mentioned below) to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team.
 - (5.10) It shall be the responsibility of each team of polling officials to
 - (a) issue postal ballot to each of the Absentee Voters assigned to it,
 - (b) brief the elector about the procedure to be followed for voting through postal ballot,
 - (c) make sure that the elector votes without anyone influencing his/her choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by himself due to blindness or physical infirmity, he/she shall be allowed to take the assistance of any adult person for casting vote.
 - (5.11) While briefing the electors about the procedure of voting and formalities to be observed on their part, the polling official shall clearly explain the following points to them:-
 - (a) making the declaration in Form 13A and getting it attested by the poll officer himself,
 - (b) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (Form 13B)

- (c) manner of marking vote, i.e. by placing either cross mark or tick mark against the name of the candidate of choice,
 - (d) folding and placing the marked ballot in the smaller envelope and closing the envelope,
 - (e) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope (Form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
 - (f) Closing the larger envelope and handing over the same to the poll officer.
- (5.12) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC, AVPD and AVCO. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of a COVID affected person on treatment in Hospital, the Medical Officer attending to the person also authorised to attest the declaration.
- (5.13) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officials will collect the same.
- (5.14) Each team of polling officials should be provided with the list of AVSC, AVPD and AVCO electors, adequate number of postal ballot papers, envelopes, pen, ink-pad (for thumb impression wherever required), glue stick for closing the envelopes, a sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils safely and other essential stationeries that may be considered necessary.
- (5.15) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of AVSC / AVPD / AVCO should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

**Certificate to be submitted by COVID-19
Suspect/ Affected Person alongwith Form 12D**

It is certified that Shri/ Smt/Ms son/daughter/wife of
..... resident of
village/mohalla..... Town/city/tehsil.....
District (State) is tested as positive or identified as suspect
on by the Govt. Hospital/Lab or the Hospital/Lab recognized by the Government
as COVID Hospital or under home quarantine or institutional quarantine due to COVID 19

Full Signature of Competent Health Authority *

..... (Name)

..... (Address)

..... (Rubber Stamp)

*Competent Health Authority as may be notified by the State Govt. or Union Territory Administration for this purpose.

Please strike out whichever is not applicable.

- (5.16) Visits by teams of poll officers to the address of AVSC, AVPD and AVCO electors should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9th of that Month.
- (5.17) For the poll officers deputed to AVCO electors appropriate protection equipment including PPE kit shall be provided. This should be done in consultation with the Nodal Health Officer for AVCOs.
6. Deposit of envelopes containing marked ballot papers and counterfoils -At the end of each day of visit by poll officers to the address of AVSC/AVPD/AVCO electors, the envelopes in Form-12C containing postal ballot paper etc. and the counterfoils of ballot papers containing the signature/thumb impression of electors and other particulars, shall be collected by the ARO designated of postal voting by the absentee voters. The ARO shall make arrangements to have the same delivered at the headquarters of the RO for keeping them in safe custody. The ARO shall maintain the record indicating the number of ballots sent on each day. This should also be shared with the RO on a daily basis.
7. Contesting candidates will be duly informed about the Election Commission's above guidelines.

Annexure-1

List of AVSC, AVPD and AVCO electors entitled to vote through postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Part Number	Sl. Number in the Part	EPIC number

Signature of RO

Date: _____

Annexure-2

List of AVSC/AVPD/AVCO electors issued with postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Sl. No. in the list of AVSC/AVPD electors	Document produced for identification	Date on which voted	Signature/Thumb impression of elector

Signature of Poll Officer

Name : _____

11.17 RECORD OF POSTAL BALLOT PAPERS

11.17.1 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/her name in the electoral roll.

11.17.2 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 all persons, who collected the Postal Ballot, have returned his/her PB at facilitation center after recording of vote.
- vii) Remarks

11.17.3 The Register should be prepared in the format given at Annexure 25.

11.18 SEALING MARKED COPY OF ELECTORAL ROLL

11.18.1 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. Returning Officer should place the counterfoils of the postal ballot papers issued to the electors in a separate packet, seal it and keep in his/her safe custody.

11.19 SECOND SET OF POSTAL BALLOT PAPERS IN EXCHANGE FOR FIRST SET

11.19.1 Returning Officer may issue a second postal ballot paper to a voter (along with the other connected papers) only if the latter (a) returns to him/her the entire set of paper already issued to him/her and (b) further satisfies Returning Officer that through inadvertence he/ she has spoilt the first set of papers so that they are incapable of being used. Returning Officer should cancel the returned papers; seal them in a packet noting the serial numbers of the postal ballot papers on the packet thus returned to him/her.

11.20 ATTESTATION OF DECLARATION

11.20.1 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 Returning Officer's 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/her signature on the declaration in connection with his/her postal ballot paper must be strictly complied with whenever they have occasion to attest such signature.

Returning Officer 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.

11.21 RECEIPT OF POSTAL BALLOT BY POST

- 11.21.1 Arrangement to be made with Postal Department: For receiving back postal ballots by post, the CEO will make an arrangement with the postal department and ask them to nominate one post office for each Parliamentary/Assembly Constituency which will deliver postal ballots every day to the respective Returning Officer. The time of delay will be fixed at 3 pm every day at the office of the Returning Officer, except for the counting day when the time for delivery will be before 8 AM or such other time fixed for commencement of counting, at the counting centre for that Assembly constituency. The list of counting centres and the addresses of RO's offices will be communicated in writing to the Postal department by the CEO.
- 11.21.2 Political Parties and Candidates to be present at the time of receipt of postal ballots by post: All recognized political parties and contesting candidates will be informed in writing that they or their representatives may remain present at the time of delivery of postal ballots by the post office. A pass should be issued to the nominated postal department employee to enter the counting centre on counting day for this purpose.
- 11.21.3 Procedure on receiving postal ballots by post: The postal ballots delivered by the post office will be counted in the presence of the political party representatives and candidate representatives and an acknowledgement of the number of postal ballots received will be given to the post office. A copy of this acknowledgement shall be kept in the record of the RO. The number of postal ballots received will be entered in the daily return in format-3 by the RO. The entire process will be videographed.
- 11.21.4 Storage of postal ballots received by post: The Returning Officer shall keep all the postal ballots received from the post office every day in a separate envelope for that day and write on the envelope the date and words – "Postal Ballots Received by Post". He shall keep this envelope also in the strong room for postal ballots every day after the post has been received.
- 11.21.5 Monitoring of postal ballots received by post: Returning Officer shall prepare a return of the Postal Ballots received from the facilitation centres in Statement-3 every day till he stops receiving postal ballots from facilitation centres. He shall also enter the number of postal ballots received by post in the return on Statement- 3 till the day of counting. He shall send a copy of the return in FORMAT-3 to the Chief Electoral Officer every day through the DEO of the District. He shall also send a copy of the return in FORMAT-3 to all the candidates of his Constituency. The Chief Electoral Officer will compile the information of the State in FORMAT-3 every day and will send a copy to the Commission. The CEO will also send a copy of the compiled FORMAT-3 to all recognized political parties. FORMAT-3 is being reproduced below --

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.

11.24 DELIVERY OF POSTAL BALLOT PAPERS

- 11.24.1 The Director-General of Posts 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 Returning Officer as 'Service Unpaid' and Returning Officer has 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 Returning Officer should open a deposit account at the nearest post office from which he/she 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 Returning Officer, 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 Returning Officer 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.
- 11.24.2 The Director-General of Posts will also instruct all postal authorities regarding prompt delivery of postal ballot papers to Returning Officer on the polling day irrespective of Sundays and post office holidays.

11.25 DESIGN OF BALLOT PAPERS FOR EVM

- 11.25.1 On every Balloting Unit of EVM, a ballot paper shall be displayed in the space meant thereof. Under rule 49B of the above referred rules, the ballot paper on the Balloting 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 As per instruction of the Commission the ballot papers to be displayed on the Balloting Unit of EVM shall in addition to the particulars as per the existing directions, also contain the photograph of the candidate. The photograph of the candidate shall be printed in the panel for the name of the candidate and shall appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph printed on the ballot paper shall be 2cm x 2.5 cm (2 cm. in breadth and 2.5 cm. in height).
- 11.25.3 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 ECIL. For machines manufactured by 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 and photo 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/her name and photograph and the symbol allotted to him/her, 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 "None of the Above" written therein. Against "None of the Above", the symbol for "None of the Above" option as specified by the Commission 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) x 140 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. 383 candidates can be arranged on 24 balloting units.
- 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 and photograph 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. The photograph of the candidate shall be printed in the panel for the name of the candidate and shall appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph printed on the ballot paper shall be 2cm x 2.5 cm (2 cm. in breadth and 2.5 cm. in height).
- xv) After the panel containing the name, photograph and symbol of the last candidate, there shall be a panel below the said last panel with the words "None of the Above" and its specified symbol 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 12th candidates contesting the election, there shall be provided the 13 panel with the words "None of the Above" and its specified symbol and the ballot button against such 13 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.

11.26 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 Balloting 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 Balloting 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 Balloting 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 Balloting 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 Balloting Unit. In other words, the ballot papers to be used on the Balloting 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 Balloting 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 Balloting Units, defective ballot papers, supply of additional tendered ballot papers to the polling stations, where necessary, through the zonal or sector officers, etc.

11.29 ARRANGEMENTS FOR PRINTING OF BALLOT PAPERS

- 129.1 The arrangements for printing of ballot papers required for Returning Officer's constituency will be made by the Chief Electoral Officer as for the other constituencies. It is therefore, necessary that Returning Officer 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.
- 129.2 Returning Officer 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 Returning Officer's headquarters shall be made in a closed vehicle with proper security guard. Returning Officer should keep all ballot papers under lock and seal in the treasury till he/she require them for the purposes of the poll.

11.30 VERIFICATION OF BALLOT PAPERS

- 1130.1 Returning Officer 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, their photographs and the symbols respectively allotted to each of them have been correctly printed. Impression of symbols should exactly conform to as approved by ECI. Soft copies of the design of the symbols can be obtained from the approved persons for designing symbols.
- 1130.2 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 Returning Officer's 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 his/her office as well as at the distributing centre. A copy of the notice should be sent to each of the contesting candidates also by Returning Officer.

11.31 SAFE CUSTODY OF UNDISTRIBUTED BALLOT PAPERS

- 1131.1 Some ballot papers may remain undistributed with Returning Officer after the same have been fixed on the Balloting 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 Returning Officer 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 Returning Officer's custody or that of one of his/her Assistant Returning Officers specifically nominated by him/ her and do not fall in unauthorized hands.
- 1131.2 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 19, until these undistributed ballot papers are destroyed in the manner indicated in that Chapter 19.

12. PREPARATION FOR COMMISSIONING OF EVM & VVPAT AND POLL

12.1. PRELIMINARY

12.1.1. Returning Officer must have already assessed his/her requirement of EVMs and VVPAT, including reserve machines for use at the election in his/her constituency. He must have also obtained the required number of machines through the Chief Electoral Officer concerned or DEO of his/her district. Immediately after the list of contesting candidates is prepared, he/she will know the number of Ballot Units which he/she 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, Returning Officer should make an immediate reassessment of the Ballot Units required for use in his/her constituency and obtain immediately, the additional Ballot Units.

12.1.2. As per the amendment in the Conduct of Elections (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 printer is known as the Voter Verifiable Paper Audit Trail (VVPAT). As per direction of the Commission, VVPAT shall be used with EVMs at all polling stations in all Elections to the House of the People (Lok Sabha) and State Legislative Assemblies.

12.2. ASSESSMENT OF THE REQUIREMENT OF EVM AND VVPAT

12.2.1. The assessment of the requirement of EVM and VVPAT 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. 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.

No. of contesting candidate including NOTA	Requirement of Ballot Unit(s)
03-16	01
17-32	02
33-48	03
49-64	04
And so on	

- iii) One VVPAT shall be required to be supplied to each polling station. Therefore, the requirement of VVPAT for use at the polling stations shall be equal to the number of polling stations provided in the constituency.
- iv) Over and above, the requirements of Control Units and Ballot Units for actual use at the polling stations as worked out, at least 20% of Control Units & Ballot Units and at least 30% of VVPAT shall be kept as reserve or such percentage as may be directed by the Commission considering the geographical conditions.
- v) In the case of simultaneous elections to the House of People and the Legislative Assembly of the State, two separate sets will be required, i.e., one set of Ballot Unit, Control Unit and VVPAT for the elections to the House of People and another set of Ballot Unit, Control Unit and VVPAT for the election to the Legislative Assembly.

12.2.2. TAKING OUT EVMs AND VVPATs FOR AWARENESS AND TRAINING

- For Training & Awareness, only FLC OK units shall be used. It is to be ensured that no data of previous election is remaining in the machines and dummy symbols will be used

for ballot papers and VVPATs.

- The status of EVMs and VVPATs (maximum 10%) separated for awareness and training purpose shall be marked as "Awareness" in EMS.
- The list of such EVMs and VVPATs to be used for awareness purpose shall be given to National and State political parties and also to candidates. A sticker in Bright Yellow colour mentioning Awareness shall be affixed on such EVMs and VVPATs. Those shall be stored securely and used by authorized officials deputed by DEO concerned. They must be trained comprehensively on functioning of EVMs and VVPATs, log books shall be maintained.

12.3. FIRST RANDOMIZATION

- 12.3.1. The DEO will fix up a schedule for the first randomization of CUs / BUs / VVPATs for their distribution to various ACs/ASs. It is to be done in the presence of the representatives of National and State recognized political parties. The randomization will be done in EMS that the CUs /BUs/ VVPATs are randomly selected to match the poll day requirement including the reserve required for each constituency. The surplus CUs /BUs/ VVPATs shall be kept at DEO level for use in need base. The green-coloured sticker affixed on the CUs, BUs and VVPAT assigned to ACs/ASs shall clearly indicate the name of State/UT and the number and name of Assembly Constituency/Segment (in case of PC). "Election" will be written on the sticker of CUs and BUs assigned for polling. No current ID will be given during randomization
- 12.3.2. After first randomization list of randomized CUs, BUs and VVPATs clearly indicating which CUs, BUs and VVPATs are to be used in which AC/AS for polling and which CUs, BUs and VVPATs are to be used in which AC for training and awareness should be given to each recognized political party and a written acknowledgement obtained. 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. A copy of this list should be given to all the candidates after the last date of withdrawal of candidatures.
- 12.3.3. Thereafter, the Returning Officer of the constituency shall take charge of the CUs/BUs/ VVPATs randomly allotted to his constituency and received in EMS using Mobile App. The CUs/BUs/VVPATs shall be taken separately to the strong room of the Returning Officer/Assistant Returning Officer (in case of PC) under proper escort. At the time of sealing the strong room, the representatives of the National and State recognized political parties can remain present and they can also affix their seal on the lock. At strong room, a logbook shall be maintained and 24X7 Police security (minimum 1 section) shall be provided with CCTV to cover strong room and corridor.

12.4. SECOND RANDOMIZATION

- 12.4.1. Second randomization of EVMs and VVPATs has to be done before preparing the EVMs and VVPATs for poll by candidate setting. The purpose of second randomization of EVMs and VVPATs is to allocate EVMs and VVPATs randomly to polling stations. The Returning Officer should fix the date of preparation of EVMs and VVPATs for poll (Candidate set) and intimate in writing with proper acknowledgment to 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 and VVPATs should also be done in EMS before doing the process of preparation of EVMs and VVPATs for polls so that CUs, BUs and VVPATs should be randomly allocated to polling stations. A list of CUs, BUs and VVPATs along with the number of polling stations assigned to them as well as a list of CUs, BUs and VVPATs kept in reserve should be given to all the candidates and written acknowledgement taken.

For preparation of EVMs and VVPATs (Candidate Setting), a written invitation conveying the schedule is to be sent to the Candidates, wherein it shall be mentioned that they/their representatives must be present to oversee preparation of EVM/VVPATs and actively participate in the mock poll process and obtain written acknowledgement.

- 12.4.2. At this stage, the CU, BU and VVPAT randomly earmarked Polling Station wise as above shall be identified by matching the PS no. and will be kept in pair by tagging them together.

Note: Second randomization of EVMs and VVPATs shall be conducted as –

- In case of General/Bye-Elections to the Legislative Assembly, by the RO of the AC concerned;
- In case of General/Bye-Elections to the Lok Sabha, by the RO of the PC concerned;
- In case of simultaneous Elections to Lok Sabha and State Legislative Assembly, by RO of AC (for State Legislative Assembly) and by RO of PC (for Lok Sabha);
- Exceptional case for General/Bye-Election to Lok Sabha, by ARO concerned.

12.5. COMMISSIONING OF EVM AND VVPAT

12.5.1. Commissioning of EVMs/VVPATs after the last date of withdrawal of candidatures

- a. RO draws schedule for commissioning of EVMs/VVPATs.
- b. Commissioning of EVMs/VVPATs is done for all the assembly constituencies/ segments in separate halls.
- c. **Written intimation to all the candidates** about the schedule for their presence to oversee the commissioning and actively participate in the mock poll process and take their signatures on the register maintained as per appropriate Annexure of EVM-VVPAT manual.
 - ❖ Returning Officer 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 EVMs and VVPATs to be prepared for use. The whole process of preparation of the EVMs and VVPATs done in the presence of observers shall be videographed.
 - ❖ 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, Returning Officer should not postpone the process of preparing the EVMs and VVPATs. Returning Officer 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.
 - ❖ When the candidates and their agents are present, Returning Officer should explain the procedure to be followed by him/her for preparing the voting machines to them.
- d. In case of Parliamentary Elections, ARO will supervise the preparation of EVMs for assembly segment.

12.5.2. Arrangements in the premises of preparation of EVM/VVPATs

- a. Large Preparation hall to accommodate EVMs/VVPATs, officers nominated by the DEO, engineers of concerned manufacturers and representatives of candidates.
- b. In consultation with BEL/ECIL, install a TV/Monitor for each SLU under use in commissioning hall for simultaneously viewing by candidates/their representatives.
- c. Fully sanitized to ensure that the hall is free from any electronic components or devices.
- d. Single entry and exit point to hall with full security by armed police forces round the clock with 24X7 CCTV coverage.
- e. Permission for Entry to hall through Door frame metal detector (DFMD) on production of Identity card of authorised official/pass issued by DEO.
- f. Proper frisking at every entry.
- g. Neither allow anyone to carry any electronic device inside the hall nor anybody to take out anything outside the Preparation Hall.
- h. Commissioning of EVMs and VVPATs pertaining to AS of PC falling in RO headquarters may be done at **ARO** level under direct supervision of **RO**, in the presence of candidates/their representatives. Further, the commissioning of EVMs and VVPATs of remaining AS may be done by the respective **ARO** in the presence of candidates/their representatives.

12.5.3. Manpower for preparation

- a. Commissioning of EVMs and VVPATs shall be done by the officials deputed by the RO/DEO.
- b. Only the authorized engineers of BEL/ECIL associate for the commissioning of EVMs/VVPATs.
- c. BEL/ECIL to share the list of engineers with DEO for carrying out task during the commissioning of EVMs/VVPATs in a district along with their identity card numbers etc.
- d. Allow authorized engineers/technical staff of BEL and ECIL only to enter the preparation hall.
- e. Separate team for each EVM in which 1000 votes are cast during mock poll.

12.5.4. Additional tasks during preparation

Detailed instructions of the tasks performed during preparation of BU and CU of EVMs are available in the latest manual on EVMs and VVPATs. Execute the following additional tasks:

Checking of Ballot Units (BUs) --

- a. Opening of outer cover of BUs by BEL/ECIL Engineers to examine and certify as in related Annexure of EVM-VVPAT manual that all components of BUs are original and show to the candidates/their representatives.
- b. Separately issue detailed instructions for checking of BU by BEL and ECIL for their respective machines and the list of equipment to carry within the preparation hall.

c. FIXING THE BALLOT PAPER

- 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.
- For fixing the ballot paper under that screen, Returning Officer has 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, Returning Officer 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, photograph and his/ her 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, Returning Officer should close and press fit the ballot paper screen to secure the ballot paper firmly underneath that screen.
- 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 the 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 Returning Officer should put his/her seal on the thread and the address tag. Note that the address tag is common for BU, CU and VVPAT.



- Sealing of ballot paper screen of BU with thread and address tag After firm fixation of the ballot paper followed by Ballot Paper Screen on the upper side of top cover, seal the screen by passing the thread through two holes using address tag showing the particulars of election with seal of the RO.
- d. **Setting of Thumb Wheel Switch:** Set the two digits of the rotary thumb wheel switches, at the top right corner of BU, at desired position like 01 for BU-1, 02 for BU-2 and so on.
- Inside the M3 Ballot Unit, on the top right side, there is thumbwheel switch. The positioning of these determines the serial order in which a particular Ballot Unit is to be linked with the other Ballot Units and kept inside the voting compartment for use at a polling station.
- 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 thumbwheel switch shall be set as '01'. 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 thumbwheel switch shall be set as '01' and the second Ballot Unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set as '02'. 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 thumbwheel switch will be set as '01' in the first Ballot Unit in which the names of candidates at serial nos. 1 to 16 appear, as '02' in the second Ballot Unit in which the names of contesting candidates at serial nos. 16 to 32 appear and as '03' in the third Ballot Unit. If the fourth Ballot Unit is used in case the number of contesting candidates exceeds forty-seven, then the thumbwheel switch will be set as '04' in the fourth Ballot Unit. Similarly, if the fifth Ballot Unit is used in case the number of contesting candidates exceeds sixty-three, then the thumbwheel switch will be set as '05' in the fifth Ballot Unit. In this way, 24 Ballot Units can be set and connected to Control Unit in M3 EVM.
- Note: It is absolutely essential to ensure that the thumbwheel switch is set in the appropriate position in each Ballot Unit as any wrong linking of the Ballot Units will show error on CU display. The error should be set right by interlinking the Ballot Units in the proper sequential order.
- e. **Masking Unused Buttons of BU:** Unmask all candidate buttons including NOTA button of BU as per the ballot paper and mask all remaining unused buttons of BU. The masking of unwanted buttons can be done by moving the white masking tabs on the candidate's buttons.
- f. **Sealing of plastic cabinet of BU with thread and address tag**



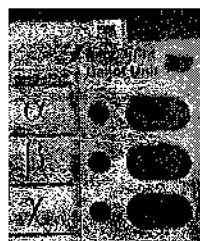
After unmasking candidate buttons, seal the upper cover of the BU by thread passed through holes on the top and bottom end at right side using address tags showing the particulars of the election with the seal of the RO.

g. Sealing of plastic cabinet of BU with pink paper seal

- Modified Pink Paper Seal has two portion/part of Pink Paper Seals of same Unique Serial Number. First, split the seal into two separate Pink Paper Seals.
- Remove the gummed paper from Pink Paper Seal carefully.
- These two Pink Paper Seals shall be pasted on lower and upper sides of the Cabinet of the Ballot Unit as shown in the figures:



Lower Portion



Upper Portion

- A register 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.
- h.** In case more than 01 Ballot Unit is used, Braille Sticker "Ballot Unit-1", "Ballot Unit-2 and so on shall be printed and affixed on the corresponding Ballot Unit on the TOP MIDDLE PART of the Ballot Unit.



Installation of paper roll Inserting of power pack

- a) Connect a new battery power pack to the VVPAT unit and shut the door of the battery compartment. Do not seal the battery compartment as the power pack can be replaced in case of low battery.
- b) Install a fresh paper roll in the printer unit as per the procedure mentioned in the EVM-VVPAT manual.
- c) Load allotted Serial numbers, names of candidates and symbols in VVPAT with the help of engineers using Symbol Loading Unit (SLU) and simultaneously display the same to the candidates/their representatives on TV/LCD screen. RO/ARO to check the test printout with the ballot paper in BU & sign & certify the same.

12.5.5. Sealing of paper roll compartment of VVPAT:

SEALING OF PAPER ROLL COMPARTMENT AT THE TIME OF PREPARATION OF VVPAT



After installation of paper roll in the paper roll compartment of VVPAT, seal the latches of Paper Roll Compartment by passing a thread through holes provided on the latches using Address Tag showing the particulars of the election with the seal of the RO.

(Ensure Switching OFF of Control Unit before sealing of paper roll compartment)

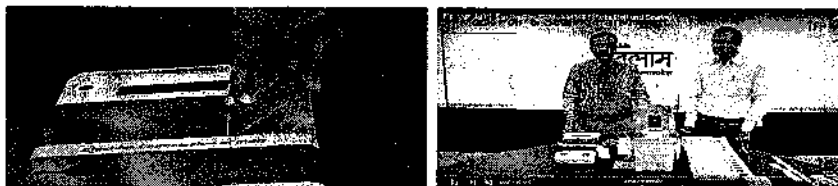
NOTE : All Seals used at the time of commissioning of EVMs & VVPATs shall be signed by the Returning officers and candidates / their agents.

Candidate Setting in Control Units:

- a) Install new Power Pack in CU.
- b) Connect cable of VVPAT with CU and cable of BU with VVPAT.
- c) Unlock Paper Roll knob of VVPAT (Rotate to "Working Position")
- d) Switch ON the CU.
- e) Press Candidate Set button of CU. Display Panel of CU shows Set Candidate _ _.
- f) Press last candidate button (NOTA button) of BU to set candidate in CU.
- g) Mock Poll with one vote to each candidate to check that the VVPAT is printing the paper slips accurately.
- h) Switch off the CU. Lock Paper Roll Knob of VVPAT (Rotate to Transport Position)
- i) Seal the latches of paper roll compartment of VVPAT and Battery & Candidate Set compartments of CU using thread seals and address tags.
- j) Allow the candidates/their agents to affix their signatures with party abbreviations on Address Tags.
- k) **CLEARING THE MACHINE**

- 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).
- 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.

Sealing of Candidate Set Section and Battery Section of CU with thread & address tag



After Candidate set, seal cover of the Candidate Set Section of CU by passing a thread through hole provided on the

right side using address tags showing the particulars of the election with the seal of the RO.

NOTE :

1. *After preparation of Ballot Unit, Control Units and VVPATs, keep them in the respective carrying cases. Also tag address tags on the carrying cases for identification.*
2. *All Seals used at the time of commissioning of EVMs & VVPATs shall be signed by the Returning officers and candidates / their agents.*

12.5.6. Identification of Reserve Units (BU/CU/VVPAT):

- For visual identification of reserve EVMs and VVPATs, the following shall be strictly followed:
 - Adhesive Stickers with inscription 'RESERVE' shall be pasted on the carrying cases of reserve BUs, CUs and VVPATs during commissioning of EVMs and VVPATs.
 - Apart from the adhesive stickers the carrying cases of reserve EVMs and VVPATs shall also be sealed with thread and address tags to avoid doubt on misuse of reserve EVMs and VVPATs while in movement on poll day. The thread and address tag of reserve EVM and VVPAT shall be removed in the presence of polling agents at polling station, if needed to replace any rejected EVM & VVPAT at polling stations. Sector Officers shall also be provided Adhesive Stickers with inscription 'MOCK POLL REPLACED' for affixing on the carrying case of rejected BU/CU/VVPAT replaced during Mock poll. Specification of the Adhesive Stickers: The colour of such Adhesive Stickers should be 'Pink' for Assembly Constituencies elections and 'White' for Parliamentary Constituencies elections. Dimension of the stickers should be 15 cm x 10 cm.

12.5.7. Safe custody of Symbol Loading Unit:

- a. BEL/ECIL shall provide list of SLUs to DEO concerned.
- b. SLUs brought by BEL/ECIL Engineers for symbol loading in VVPATs during commissioning of VVPATs shall be in the custody of the concerned Returning Officer (Assistant Returning Officer in case of Parliamentary Constituency election, if required) from arrival in constituency to completion of commissioning.
- c. After completion of commissioning of EVMs and VVPATs, BEL/ECIL Supervisors shall hand over all the SLUs to the concerned DEO along with a list of Serial Number of the SLU for safe keeping. DEOs shall keep the SLUs in their safe custody and return to BEL/ECIL Supervisors or engineers authorized by the BEL/ECIL on P+1 Day.

12.5.8. Conduct of higher rate Mock Poll:

- a. Checking of VVPATs In 100% VVPATs, one vote to each candidate (including NOTA) shall be given to check that the VVPATs is printing the paper accurately.
- b. Mock poll of 1000 votes on 5% randomly selected EVMs as well as VVPATs.
- c. Tally the electronic result with paper count. Allow Candidates/their representatives to pick machines randomly for this purpose.
- d. Allow representatives of candidates to do the mock poll themselves and take their signatures in a register mention in appropriate Annexure of EVM-VVPAT manual as token of having done mock poll themselves.
- e. Ensure that the pink paper seal of the CU applied at the time of FLC is not damaged in any manner during commissioning.
- f. Install new Paper Roll and Power Pack in VVPATs and new Power Pack in CUs in which higher mock poll of 1000 votes cast.

12.5.9. Supervision of the preparation: RO or one of the AROs will supervise the preparation of EVMs/VVPATs under videography.

12.5.10. Braille Signage Features in EVM: Make Additional Arrangements to facilitate visually impaired electors to exercise their franchise.

- (a) **Do not paste any sticker on Braille on the right of the blue button (voting button) on the BU** because it has embossed serial numbers of the candidates in Braille signage.

- (b) After finalization of list of the contesting candidates, immediately send the list of contesting candidates to the Devnar Foundation for Blind/National Blind Association or to any other source available for **preparation of Dummy Ballot Sheets** which contains the serial numbers of the contesting candidates, names of the candidate arranged in the same serial numbers order in which their names appear on the ballot paper on the BU.
- (c) Indicate the party affiliation of each of the candidates by printing the name of the political party concerned against the name of candidate. In the case of Independent candidates, print the word "Independent".
- (d) Prepare **Dummy Ballot Sheet in regional languages** (i.e. language printed on actual Ballot Paper) in addition to English and supply a copy of the same to each of the PS.
- (e) **If more than 1 BU** is used at a polling station, print separate dummy ballot sheet for each BU.

12.5.11. Preparation of Dummy Ballot Sheet:

- (i) Give serial Numbers in each Dummy Ballot Sheet **from 01 to 16** i.e. If number of contesting candidates are **19** including NOTA, number the serial number for the candidates in first Dummy Ballot Sheet as **01 to 16** as mentioned on the Ballot Paper of first BU. For contesting candidates at serial number **17-19** of BU-2, start the serial numbers again from **01** on 2nd Dummy Ballot Sheet.
- (ii) If more than 1 BU is used, **print BU-01** in Braille on the **TOP MIDDLE PART** of first Dummy Ballot Sheet and **BU-02** in second dummy ballot sheet and so on.
- (iii) Similarly, **print Braille stickers 'BU-01', 'BU-02'** and so on and affix on the corresponding BU on the **TOP MIDDLE PART**.
- (iv) Print Dummy Ballot Sheets mentioned above in Braille signage by Devnar School for Blind/National Association or by any other source available for this purpose under the supervision of one responsible officer appointed by CEO of the State/UT. Write the name of the constituency on Dummy Ballot Sheets in normal script at the top.
- (v) Commissioner of Disabilities of concerned State or his/her authorized representative who will be an official knowing Braille, will certify each such sheet prepared for every polling station.
- (vi) Conduct detailed training and briefing sessions for the Presiding Officers and the Polling Officers explaining them these facilities for the visually impaired electors.
- (vii) Arrange for wide publicity of these measures through advertisements in newspapers and TV etc. to inform the visually impaired voters for the arrangements made.
- (viii) At the polling station, allow the visually impaired persons to take a companion along as provided in Rule 49N of the Conduct of Elections Rules, 1961
- (ix) Give the Dummy Ballot Sheet in Braille to the visually impaired voter on his/her request if he/she prefers to cast her vote with the help of same. After he/she studies the contents of Dummy Ballot Sheet, allow her to proceed to the voting compartment to cast her vote.
- (x) Such electors after reading the Dummy Ballot Sheet will be able to cast their vote by reading the serial number of the candidate of their choice on the numeric sticker fixed on the EVM.
- (xi) After the voter has cast his/her vote, ensure that the Dummy Ballot Sheet delivered to the voter is returned to the Presiding Officer.
- (xii) After the close of poll, seal the Dummy Ballot Sheet in separate cover superscribed "**Dummy Ballot Sheet**" for visually impaired and send to the RO along with other Non-Statutory forms.

12.5.12. Destruction of VVPAT paper slips taken out during commissioning of EVMs and VVPATs: VVPAT slips generated during Commissioning of EVM & VVPATs disposed off by using Paper Shredding machine on daily basis in the presence of Returning Officer/ Assistant Returning Officer.

12.5.13. Replacement of non-functional units during commissioning: If any unit (BU or CU or VVPAT) found non-functional at the time of commissioning of EVMs and VVPATs, the respective unit shall

be replaced with reserve unit i.e.

- If BU found non-functional, replace only BU;
- If CU found non-functional, replace only CU;
- If VVPAT found non-functional, replace only VVPAT;

A Poster on Commissioning of EVMs and VVPATs (Shall be pasted in the Commissioning Hall)



COMMISSIONING OF EVM & VVPAT

HOW TO COMMISSION?

Ballot Unit(s)	Control Unit	VVPAT
• Open the Ballot Screen of BU and place Ballot Paper with proper alignment • Seal the Ballot Screen with Address Tag • Unmask the required number of Candidate Buttons of BU including NOTA • Set the Thumb Wheel, (01 for BU-1, 02 for BU-2 and so on) • Seal the Outer Cover of BU with Pink Paper Seals and Address Tags	• Installation of New Power Pack in Power Pack Compartment of CU and Seal with Address Tag	• Installation of New Paper Roll in Paper Roll Compartment • Installation of New Power Pack in Power Pack Compartment of VVPAT • Loading of Serial Number, Name and Symbol of the candidates in VVPAT using Symbol Loading Unit (SLU) • Sealing of Paper Roll Compartment of VVPAT with Address Tags

- Connect BU, CU and VVPAT for candidate setting in Control Unit.
- Switch ON the CU.
- Press last candidate button (NOTA Button) of BU to set candidate.
- Cast 1 vote to each candidate button including NOTA to check correctness.
- Switch OFF the CU before disconnecting cables.
- Seal the Candidate Set Section of CU with Address Tag after candidate setting.
- Put VVPAT knob in Transport mode (Horizontal position) before keeping in carrying case.

REPLACEMENT PROTOCOL: All 'ERROR' messages for BU, CU & VVPAT will be displayed on CU only. Please read message and act accordingly. In case BU or CU or VVPAT is not functioning, replace the respective unit only with reserve one.

DON'T DO

- Don't install serial number, name and symbol of candidates in VVPAT without verifying with ballot paper.
- Don't set candidates in CU without VVPAT.
- Don't preserve VVPAT slips printed during Commissioning. Shred them on daily basis.
- Don't start mock poll of 1,000 votes on 5% randomly selected BUs, CUs and VVPATs without first replacing power pack of CUs & VVPATs and paper roll of VVPATs.
- Don't keep VVPAT knob in Working mode (Vertical position) after commissioning.

12.6. EVMS AND VVPATS USED FOR REPOLL

- 12.6.1. In case of re-poll, the EVM and VVPAT required for the same shall be drawn from the reserve list and the CU/BU/VVPAT number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU, BU(s) and VVPAT clearly mentions it to be the EVM and VVPAT for use in the re-poll indicating the date and PS no.
- 12.6.2. In case of re-poll, a pre-printed self-adhesive sticker "Re-poll EVM" and "Re-poll VVPAT" shall be pasted on the EVM (CU and BUs) & VVPAT as well as on carrying cases of the CU, BUs and VVPAT to be used in re-poll. After re-poll, the strong room shall be re-opened in the presence of the candidates/ their agents and observer for the storage of the EVMs and VVPATs used. This EVM and VVPAT used in re-poll should be placed together with the respective old EVM and VVPAT that was used earlier in the original poll. Tags 'Not to be counted' shall be put prominently on the respective old EVM and VVPAT and another tag 'Re-poll EVM -to be counted' and "Re-poll VVPAT - to be counted" shall be put on the new re-poll EVM and VVPAT. Returning Officer shall sign on all these tags.
- 12.6.3. In case of re-poll, the unique ID number of the CU, BUs and VVPAT used in re-poll should be entered in the EVM Management System (EMS).

12.7. SAFE PRESERVATION OF PREPARED EVM AND VVPAT

- 12.7.1. 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 under 24x7 Armed Security (minimum 1 section) and CCTV coverage 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.
- 12.7.2. 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.
- 12.7.3. If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, Returning Officer 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.

12.8. MAINTENANCE OF RECORDS OF EVM AND VVPAT

- 12.8.1. Returning Officer should maintain complete record of all CUs, BUs and VVPATs used at the election. That record should show clearly the number of CUs, BUs and VVPATs used at each polling station along with the serial numbers of each such unit. The record should also show the number of CUs, BUs and VVPATs along with their serial numbers, which have been prepared for use and kept in reserve. If any of such Control Units or Ballot Units or VVPAT 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.
- 12.8.2. 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 VVPATs 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 VVPATs 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 VVPATs 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 numbers of VVPATs put to use at that polling station;
- xv) Serial number of the ballot paper fixed on each Ballot Unit;
- xvi) Serial number of each Control Unit, Ballot Unit and VVPAT kept in reserve stock.

12.8.3. 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 or VVPAT has been used at that polling station from out of the reserve stock and if so, for what reason.

12.9. DISPERSAL of EVM & VVPAT

12.9.1. SUPPLY OF EVM AND VVPAT TO POLLING PARTIES

- 12.9.1.1. 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 on dispersal day. For this purpose, Returning Officer 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, Ballot Unit(s) and VVPAT supplied to him and his full signature in token of having received the same.
- 12.9.1.2. 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, Ballot Unit(s) and VVPAT so received back and should append his full signature in token of having received those units back.
- 12.9.1.3. If any machine is received back in a damaged condition, full record of each such machine should be maintained.
- 12.9.1.4. 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 EVM or VVPAT. 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 Returning Officer.
- 12.9.1.5. 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 and VVPATs are being shifted.
- 12.9.1.6. A list of various items of polling materials which will be required for use at the polling stations where EVM and VVPATs are used is given in Annexure 8.

12.9.2. Storage of EVMs and VVPATs after commissioning:

- 12.9.2.1. Store the commissioned EVMs and VVPATs in the strong room in the presence of candidates/their representatives under videography.
- 12.9.2.2. 24x7 CCTV coverage and 1 section Armed security.
- 12.9.2.3. Maintenance of log book.

12.9.3. Use of vehicles with GPS tracking/Mobile app-based tracking for movement of EVM & VVPATs:

- 12.9.3.1. Monitor the end-to-end movement of all GPS enabled vehicle carrying all EVMs and VVPATs including Reserve EVMs and VVPATs at all times.
- 12.9.3.2. Set up 'EVM Control Room at DEO as well as CEO level for round-the- clock monitoring and tracking through GPS Monitors and other related IT infrastructure/applications.
- 12.9.3.3. Sector Officers shall not remove the EVMs and VVPATs from the authorized vehicles except where required for election purpose or for safe storage at designated places.
- 12.9.3.4. DEO notifies the registration number and details of all vehicles carrying Reserve EVMs/ VVPATs along with the name of the Sector Officer to all political parties/candidates and Observers in the district.
- 12.9.3.5. DEO is responsible for the effective end-to-end GPS based tracking and monitoring.
- 12.9.3.6. The General Observer shall monitor the compliance of these instructions and record an entry to this effect in the General Observers' diary.

13. THE POLL

13.1. GENERAL

- 13.1.1. Polling is the most important event in the election process. In 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 was inserted after Rule 49. Further a Rule 66A was inserted after Rule 66, making provisions for counting of votes recorded by means of voting machines. Forms 17A, 17B and 17C (Annexure-54) were inserted after Form 17 appended to the Conduct of Election Rules, 1961.

13.3. POLLING STATIONS

- 13.3.1. 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. Returning Officer should interact with DEO and obtain a list of polling stations of his/her 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 re-poll 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. Returning Officer should ensure well in advance that arrangement is made foolproof. Please ensure that appointment orders have been served to each of the polling personnel so appointed.
- 13.4.2. It is imperative that intensive hands-on training regarding the operation of EVM with VVPAT 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. Returning Officer 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 8. The Presiding Officers must be instructed to take utmost care of the safety and security of the EVMs and VVPATs. It should be made clear to them that they will be held personally responsible for any damage to the machines 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 color coded as follows for easy identification of the same:

- a) The colour of Statutory Forms and covers should be White.
- b) The colour of Non-Statutory Forms and covers should be Yellow.

All the forms of statutory and non-statutory group should be bunched separately and provided in customized manner as per latest instruction issued by the Commission. 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.

- 13.5.3. For sake of clarity, various forms/ formats and other materials used in the polling station are to be placed inside 6 Set of Envelopes. The details are as follows: (Please refer latest instruction issued by the Commission)

- (i) First Packet: EVM Papers (Paper to be kept with EVM) – White colour (for AC election, pink)
- (ii) Second Packet: Scrutiny Documents (To be kept other than EVM Strong room) – White colour
- (iii) Third Packet: Statutory Covers - White colour
- (iv) Fourth Packet: Non-Statutory Covers – Yellow colour
- (v) Fifth Packet: Handbooks, ECI Inst., Indelible ink, and Stamp Pad – Brown colour
- (vi) Sixth Packet: All other material – Blue colour

13.6. LAW & ORDER AND FREE & FAIR ELECTIONS

- 13.6.1. Returning Officer 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 EVMs and VVPATs and other election materials till the polling parties reach the Receiving Centres after the close of poll.
- 13.6.2. Returning Officer must ensure 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 and Vulnerable Pockets should be identified and action taken to ensure a peaceful, free and fair poll (Please refer latest Manual on Vulnerability Mapping).
- 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. Returning Officer has 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 and directions are contained in a separate compilation, published by the Commission titled 'Compendium of Instruction on Conduct of Election' and 'Compendium of Instruction on Election Expenditure Monitoring' and on Commission's website. 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 Armed Police Forces should be deployed in sensitive areas and the Central Government and Central Government Public Sector employees should be chosen to man the polling stations in those areas.

- 13.6.6. CAPF personnel have to keep a watch on the proceedings in the polling stations. In the polling

stations where CAPF personnel have been deployed, one of the CAPF 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.

- 13.6.7. In case of occurrence of any untoward incident affecting the free and fair poll process, Presiding Officer shall exercise the power conferred under Section 131 of the R. P. Act. 1951 and use the presence of CAPF/State Police. There should be proper co-ordination between the Presiding Officer and CAPF/State Police posted in polling stations. [May please refer latest instruction issued by the Commission in the matter].
- 13.6.8. If a video camera/digital camera is deployed in the polling station, before the commencement of the poll apart from recording the events like mock poll and commencement of poll, the presence of CAPF/Police personnel should be recorded by clicking a photograph of the security personnel standing in front of the board of the polling station. If the video camera/ digital camera is not deployed the Presiding Officer or Micro Observer can make use of the mobile phone (if it has camera) and click the photograph of the security arrangements and forward the image to the control room or hand over the image at the time of handing over of EVM at the respective centres. In case of video camera/digital camera not being available at the polling station, the sector officer shall capture the image of the polling station along with security personnel deployed there when he visits the polling station.
- 13.6.9. If webcasting is done from any polling station as part of civil measure then the following should be ensured:
 - a) The camera is placed at sufficient height, say, 7-8 ft. above the ground.
 - b) The camera should be placed on a stable & sturdy platform or on a wall mounted stand and kept in fixed position.
 - c) The position of the camera should be such that a broad view of the following aspects of elections (poll) proceeding are clearly captured and transmitted:
 - i) Process of identification of voter by Polling Officer;
 - ii) Application of indelible ink on the finger of voter
 - iii) Initialization of Control Unit of EVM by Presiding Officer after satisfactory identification of voter;
 - iv) Voter's visit to Voting compartment for casting vote on the Ballot Unit of EVM, but without showing cover face of Ballot Unit so that voter's secrecy is preserved under all conditions.
 - v) Presence of Polling Agents to the possible extent.
 - vi) At the time of closing of poll, distribution of slips/tokens to the voters in queue and peripheral area of the polling station.
 - vii) Sealing of EVM (BU/CU), VVPAT and giving copies of form 17-C to polling agents.
 - d) The web-camera / laptop should be set up at the polling station on the P-1 day and a dry run of the webcasting should be done under the supervision of Returning Officer (RO). The name and number of polling stations along with date of poll should be pasted at such a place so that the camera view will always display throughout. The Booth Level Officer and the sector officer concerned should give polling station-wise certificate to the Returning officer that webcasting arrangements have been made as specified above and are functioning properly on the basis of above certificates, the District Election Officer shall furnish a consolidated report to the Chief Electoral Officer for onward submission to the Commission.
 - e) The RO shall prepare signage of size "30 inches by 18 inches" with colour scheme of black letters on fluorescent yellow background, having the following text – "YOU ARE UNDER WEBCAMERA/ CCTV SURVEILLANCE". These signages shall be displayed prominently

at multiple locations, inside and outside the polling booth.

- f) Further, it must be ensured that in the frame work used for webcasting, advertisement of any kind is not displayed.
- g) The DEO shall create a District Control Room (DCR) consisting of mainly following three components:

Communication Control Room: This Control Room shall be set up with adequate communication infrastructure and have adequate number of teams for each district or group of districts, for the purpose of poll day monitoring and communication by drawing effective manpower from different Offices.

Media Monitoring Control Room: A separate control room should be set up to monitor the coverage on National /State media with special emphasis on local media for poll day events.

Webcasting Control Room: A separate control room should also be set up to keep a close watch on webcasting data for the entire polling period.

- h) Returning Officer (also ARO in case of Parliamentary Constituency) shall establish Constituency/Segment Control Room (CCR) for communication, logistics management and emergency response etc. Detailed reporting matrix is specified below (always refer to updated reporting matrix):

Cumulative approx. Voter turnout	Data entry time by RO
Poll start to 9 AM	9:00 AM to 9:30 AM
Poll start to 11 AM	11:00 AM to 11:30 AM
Poll start to 1 PM	1:00 PM to 1:30 PM
Poll start to 3 PM	3:00 PM to 3:30 PM
Poll start to 5 PM	5:00 PM to 5:30 PM
Poll start to Close of poll	7:00 PM to 12:00 Night
End of Poll	P + 1 day

- i) Sector Officer shall continuously visit all the Polling Stations assigned at the shortest possible periodic intervals.
- j) Sector Officer shall mandatorily report, without any delay, on the following activities to Returning Officer or to the Constituency/ Segment Control Room:
- Completion of Mock Poll-issuance of Mock Poll Certificates, deletion of Mock Poll data (including removal of mock poll slips from VVPAT)
 - Commencement of poll
 - Replacement of EVM/ VVPATs during Mock poll and Poll
 - Approximate voter turnout data at given intervals through appropriate channel
 - End of poll -pressing of CLOSE button, sealing, departure of polling parties in the designated vehicles on designated routes only to reach the Reception Center etc.
 - Reporting of any unwarranted event and immediate response/ corrective measures taken
 - Any other reporting assigned by DEO/RO/ARO
- k) Sector Officers/ Magistrates shall make an entry in the 'Visit Sheet' to be kept with the Presiding Officer on the day of poll.
- l) Frequently visit and pay attention to the Polling Station(s) where the mock poll had to be conducted in the absence of any agents.
- m) The Sector Officers shall move in a pre-determined manner from booth to booth and after

inspection at every booth, shall communicate over phone to the designated control room the situation prevailing there before moving to the next Polling Station

- n) Quick Response Teams (QRTs) shall be formed to address the situation promptly and also to ascertain the facts quickly. A senior officer of the district shall supervise functioning of the District Control Room and QRTs.

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 (P-1), which is one clear day before the poll day. If due to difficult geographical terrain or any specific Law & Order 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. A model layout of the polling station for a single election and simultaneous election is given in Annexure 26. Make sure that that High voltage incandescent bulbs/tube-light should not be placed over or in front of voting compartment (as VVPAT may go into error mode in excess light). Voting Compartment should be placed in such a way that

- i) Sufficient light is available inside the voting compartment
- ii) No direct lighting is placed over or in front of the voting compartment
- iii) Secrecy of voting is not violated
- iv) Voting compartment is not placed near the window/door.

13.7.2. The distance between the voting compartment where the Ballot Unit(s) and VVPAT will be kept and the table of the Presiding Officer on which the Control Unit 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 so that 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 EVM and VVPAT should be set up in the polling station well before the time fixed for commencement of Mock 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 and VVPAT are kept under adequate security at the polling stations at all times.

Note: Unnecessary handling of the EVM 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 three Polling Officers where EVMs and VVPATs are 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/she 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. Adequate numbers of black paper envelopes may also be procured for storing the paper ballot slips from the VVPAT.

13.8.3. For details of duties of Presiding Officer and each Polling Officer please see latest 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.

13.8.4. **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 sit 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 crisscross movement of electors should be permitted.

13.10. POLLING AGENTS

1. Qualification for Polling Agent:

- (i) The law does not prescribe any qualification for a person to be appointed as a Polling Agent.
- (ii) The Polling Agents is expected to see the interest of the candidate in the Polling Station on Poll Day, it is expected and preferable that a local person who is an elector and ordinary resident of the same or, at most, neighbouring Polling Station is appointed as a Polling Agent. The Commission has further relaxed the norms and now the Polling Agents can be appointed, in case of any difficulty to appoint Polling Agents as above, from amongst any elector of the same Assembly Constituency area.
- (iii) The polling agent must have Elector Photo Identity Card (EPIC) or any other alternative document as prescribed by the Commission.
- (iv) There is no restriction on appointing Gram Panchayat Pradhan/Gram Panchayat Sarpanch/ Panchayat members, Councillors or Members of Municipal Corporation or Municipality and local persons, as Polling Agents.

2. Dis-qualification for appointment of Polling Agents:

- (i) To ensure level playing field among the candidates and political parties, following categories are not allowed to be a Polling Agent and relief Polling Agent:
 - (a) Sitting Minister either of Union Government or of a State Government, Member of Parliament, Member of Legislative Assembly, Legislative Council.
 - (b) Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc.
 - (c) Chairpersons and Members of Central PSUs/State PSUs, Govt. Bodies/Corporation.
 - (d) Persons receiving any honorarium from Government or Persons working on part time in any Govt./ Govt. Aided Institutions.
 - (e) Para Medical/Healthcare staff working in Govt./Govt. Aided institutions, Fair Price Shop

dealers, Anganwadi Employees.

- (f) Person in the service of the Government [This is an offence and Under Section 134-A of the R.P. Act 1951 and such appointees are punishable with imprisonment for a term which may extend to 3 (three) months, or with fine, or with both].
- (ii) It is further clarified that any person having security cover will not be allowed to surrender his security cover to act as such Polling Agent of a candidate during an election.

Polling agent 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 letter 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.

Returning Officer 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 90 minutes before the time fixed for the commencement of poll because during that 90 minutes' time, the Presiding Officer will prepare the EVM and VVPAT, 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/she has to prepare and commission the EVM and VVPAT for polling well before exact time of commencement of poll.

13.10.1. 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. Under no circumstances, the polling agent should be allowed to bring his/her copy of the electoral roll outside the polling station before the end of poll. Further, the polling agents may be allowed to go out of the polling stations even after 3.00 pm to attend the nature's call, etc. and come back inside the polling station. However, it may be ensured that only the polling agent or his/her substitute can be present inside the polling station at a time. The Presiding Officer shall brief the polling agents to remain present in the polling station till the voting is over to oversee the sealing procedure of EVMs and VVPATs and sign the declaration, etc.

13.10.2. To regulate the presence of polling agents in the polling station during poll hours, the Commission has prescribed for Entry Pass system and polling agent or his/her relief agent shall display the given pass on his/her body during his presence in the polling station. The Presiding Officer shall issue one Entry Pass to one polling agent of each candidate as per format given below:

Serial Number.....

ENTRY PASS OF POLLING AGENTS AC

Number and Name:

Polling Station No and Name:

Name of Candidate:

Name of Polling Agent:

Name of Relief Agents, if any:

Signature of the Presiding Officer

Format for account of Entry Passes issued to polling agents will be kept by Presiding Officer as follows:

Account of Entry Passes issued to Polling Agents

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 polling agents

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

6. Unused entry pass

Signature and seal of Presiding officer

- 13.10.3. Polling agents/relieving agent's movement sheet is to be provided to each polling station, in which each and every polling agent shall be required to sign, indicating the time of arrival at the polling station and time of departure.
- 13.10.4. Observer, Sector Magistrate, senior officers who visit the polling station during the course of poll shall also ensure that the aforesaid sheet is being properly maintained (Proforma given below):

POLLING AGENTS/RELIEVING AGENTS MOVEMENT SHEET

S. No.	No. and name of parliamentary constituency	No. and name of assembly constituency	Name of candidate	Name of political party	Name of Polling agent/ relieving agents	Time of entry	signature	Time of exit	Signature

Signature of the Presiding Officer

- 13.10.5. Telephone nos. of ROs/AROs/Key Police Officers/ Sector Officers/ Control Rooms shall be displayed at all the polling stations so that if polling agents have any complaint they can establish contact to register it for immediate intervention.
- 13.10.6. **Material to be brought by polling agents:**
 - i) Polling Agent should bring the following items to the polling station:
 - ii) Original Letter of appointment in Form -10;
 - iii) A copy of the latest integrated electoral roll for the Polling Station.
 - iv) A small brass seal, if he/she desires to put seal on the carrying case(s) of the Ballot Units(s), Control Unit and VVPAT before they are transported to the Counting/Receipt Centre;
 - v) Pen, paper and pencil;
 - vi) Details of EVM (Control and Ballot units) and VVPAT to be used in the polling station as provided by the Returning Officer and/or by the Candidate.

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/her 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 of other States who have been permitted to use their reserved symbols in the constituency, (iv) candidate of registered unrecognized parties, and (v) independent candidates.

13.12. PRESIDING OFFICER'S REPORT

Presiding Officer's Report has to be obtained from the Presiding Officers on poll day (**Annexure 27**). It has five parts.

- a) **Part-I (Mock Poll Certificate):** To be filled after completion of the mock poll on Poll Day. Since, Mock Poll Certificate has been included in Part-I, there is no need to issue separate 'Mock Poll Certificate'.
- b) **Part-II (Replacement of Power Pack of the Control Unit):** To be filled whenever Power Pack of the Control Unit is replaced.
- c) **Part-III (Pressing of Close Button after completion of Poll Certificate):** To be filled after completion of Poll.
- d) **Part-IV (EVM/VVPAT replacement Report, if replaced during Mock Poll) :** To be filled during Mock Poll, if any BU, CU or VVPAT replaced.
- e) **Part-V (EVM/VVPAT replacement Report, if replaced during Actual Poll) :** To be filled during Actual Poll, if EVM/VVPAT replaced.

Collection of Presiding Officer's Report

- (i) Part-I, Part-II and Part-III of the Presiding Officer's Report shall be kept in an envelope. Details to be printed on envelope:

Name of election.....(to be pre-printed)

No. and Name of AC/AS..... (to be pre-printed)

No. and Name of PC(to be pre-printed)

The Presiding Officer shall deposit the said envelope along with EVM, VVPAT and other election material at Collection Centre.

- (ii) Part-IV and Part-V of the Presiding Officer's Report shall be collected by the Sector Officer, whenever any replacement is done. Sector Officers shall submit the said Reports to the Returning Officer.

While filling Part-IV or Part-V of this report, Presiding Officers shall be careful to fill proper error code, like, 2.6 cutter error/2.7- fall error and also to mention beep sound is heard or not, busy lamp of CU keeps glowing etc. Non-compliance of the same shall lead to disciplinary action against them.

After completion of the poll, Returning Officer shall go through the Presiding Officer's Report and identify such polling station(s) where mock poll data was not cleared, well before counting of votes.

13.13 VOTING COMPARTMENT

Voters have to cast their vote in secrecy and for this purpose; the Ballot Units and VVPAT are required to be kept in Voting Compartment and ensure that it is not near a window or the door of the polling station. The Voting Compartment has three sides covered. The Ballot Unit(s) and VVPAT are 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 VVPAT, 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. However, this aperture in the Voting Compartment should not be too wide as to violate the secrecy of voting. Interconnecting cable of Ballot Unit(s), Control Unit and VVPAT should be routed in such a way that it does not obstruct the movement of voters inside the polling station.

While placing the Ballot Unit(s) and VVPAT in the voting compartment, it must be ensured without fail that secrecy of voting is not violated. VVPAT should be placed to the left side of the 1st Ballot Unit. It must be ensured that the voting compartment has been made of corrugated plastic sheet (flex-board) of steel grey colour (which is opaque and reusable). The Voting compartment has three folds and each fold is of the dimension 24"X24"X30" (Length X Width X Height) if one Ballot Unit is used. The height of the table on which the voting compartment is placed should be 30". If more than one BU is used in Poll, the Width of the voting compartment may be increased 12" for each additional Ballot Unit. Details of Election shall be pasted with sell-adhesive stickers on three sides of the Voting Compartment in the font and size, which shall be legible and readable from the CCTV/Webcasting cameras & Proper electricity arrangements at the polling stations shall be made. However, no direct lighting should be placed over the voting compartment.



ELECTION COMMISSION OF INDIA VOTING COMPARTMENT

Name of Election:
Name of State/UT:
AC/PC No. and Name:
Date of Poll:
Polling Station No. and Name:

13.14. CHECKING BEFORE MOCK POLL

13.14.1. CHECKING OF BALLOT UNIT

13.14.1.a. The Ballot Unit is already duly prepared in all respects at the Returning Officer'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 VVPAT unit.

13.14.1.b. 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 Chapter 12. In such a case, only the first Ballot Unit will be connected with the VVPAT unit.

- i) However, the Presiding Officer should check that the ballot paper is properly fixed in the ballot display panel under the ballot paper screen; and
- ii) The two seals affixed by RO at the top and bottom portion on the right-hand side of the Ballot Unit are intact.

Pink paper seal is fixed at the lower and upper portion of the BU. The thumbwheel switch on BU is correctly set.

13.14.2. CHECKING OF VVPAT UNIT

The presiding officer should check that Paper roll compartment is properly sealed on both sides with address tags. Battery compartment on the rear side has VVPAT power pack installed. Paper roll knob on the back side is in horizontal - "lock" position.

13.14.3. CHECKING OF THE CONTROL UNIT

The Presiding Officer should be first asked to check that the seal put by the Returning Officer on the 'Candidate Set Section' and 'Battery Section' on the Control Unit is intact. Both parts of the pink paper seal, pasted between the Candidate Set Section and Result Section, are intact.

13.15. CONNECTING THE EVM & VVPAT

The following preparations are then to be made by him on the Control Unit:

- i) Place the Ballot Unit(s) and VVPAT in the voting compartment and place the CU on polling/ presiding officer's table. It must be ensured without fail that secrecy of voting is not violated. VVPAT should be placed to the left side of the 1st Ballot Unit.
- ii) Connecting the Control Unit with the VVPAT: Presiding Officer should plug the interconnecting cable of the Ballot Unit or the first Ballot Unit where more Ballot Units than one is used into the socket provided for the purpose in the rear compartment of the VVPAT. Plug the interconnecting cable of the VVPAT into the socket provided for the purpose in the rear compartment of the Control Unit.
- iii) After making proper connections of the BU, CU and VVPAT, the connecting wires may be taped to the leg of the table in such a manner that the wire does not hang in the air so that the load of hanging wire does not impact the connecting switch of the BU and VVPAT and the tape is also easy to remove when replacement of units (BU/CU/VVPAT) are required. Accordingly, one transparent tape of half inch width has to be provided to the Presiding Officers for the aforementioned purpose. Taping shall only be done using "TRANSPARENT ADHESIVE TAPE" in such a way that taping does not affect the visibility of the connecting wires and it shall be removed easily when replacement of units (BU/CU/VVPAT) are required.
- iv) Switching the 'Power' switch to 'ON' position: First rotate the VVPAT paper roll knob in the back side of the VVPAT to "unlock" – vertical position. The 'Power' switch provided in the rear compartment of the Control Unit should then be put to 'ON' position. There will be a beep sound and the 'ON' lamp on the display section of the Control Unit will glow green. Watch the display carefully.

Close the rear compartment of CU after performing the functions as stated 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 VVPAT.

13.16. MOCK POLL

- 13.16.1. The Presiding Officer shall start mock poll 90 minutes before the commencement of poll. Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling

agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present; in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the Part-I of Presiding officer's report on this aspect. Mock poll is to be done for at least 50 votes and at equal votes to be casted for every unmasked button. For Mock Poll, the Ballot Unit(s) and VVPAT unit should be placed in the voting compartment and Control Unit on the table of the Presiding Officer/Polling Officer who will operate the Control Unit after being properly connected. One polling officer should be present in the voting compartment along with the polling agents to watch operations on the Ballot Unit(s) and the ballot slips printed by the VVPAT unit. This polling officer will keep a record of the votes cast.

- 13.16.2. With a view to satisfy himself/herself and the polling agents present that the EVM and VVPAT is in perfect working order and that no votes have already been recorded in the machines, the Presiding Officer should show to all present that the VVPAT drop box is empty and 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.
- 13.16.3. **Conduct a mock poll:** The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. A total of at least 50 votes should be polled in the mock poll. In the case of absence of polling agents of any of the candidates, one of the Polling Officers or other polling agents may record the votes for such candidates. The Polling Officers present in the Voting Compartment should ensure that equal votes are recorded for each of the contesting candidates including NOTA.
- 13.16.4. Press 'CLOSE' button on CU to end the Mock Poll. After the mock poll, Presiding Officer will ascertain the result of mock poll by pressing the 'RESULT' button of the CU and tally the result with the manual record. Count the VVPAT paper slips by taking out VVPAT paper slips from drop box in the presence of the polling agents and confirm that the result of CU and VVPAT paper slip count tally for each candidate.
The mock poll slips removed from the VVPAT drop box will also include slips of the self-test reports, which are easily identifiable, as the test report slips do not have either the name or the symbol of any candidate. These self-test report slips are to be preserved along with the VVPAT mock poll slips as part of the record but these should not be counted.
- 13.16.5. Thereafter, all mock poll data in CU must be cleared by pressing 'CLEAR' button on CU and the empty drop box of VVPAT must be verified by the Polling Agents.
- 13.16.6. The mock poll VVPAT paper slips, should be stamped on their back side with rubber stamp having inscription "MOCK POLL SLIP", thereafter these mock poll VVPAT paper slips shall be kept in an envelope made of thick black paper and sealed with the seal of the Presiding Officer. The Presiding Officer and polling agents must put their signatures on the envelope. The number and name of the polling station, number and name of Assembly Constituency, date of poll and the words "VVPAT paper slips of Mock Poll" shall be written on the envelope. This envelope must be sealed with a pink paper seal placed all around in such a manner that opening of the envelope will require breaking of the seal. The number and name of the polling station, number and name of Assembly Constituency and the date of poll shall be written on the envelope. The Presiding Officer and Polling Agents must put their signatures on the pink paper seal and keep the envelope along with other documents relating to election. Thereafter, Presiding Officer will prepare Part-I of the Presiding Officer's Report (Mock Poll Certificate) and seal the CU and VVPAT. The Presiding Officers shall mention the names of the Polling agents and the candidates (and their party affiliations), whom they represent and also obtain their signatures on the completion of mock

poll on the certificate.

Other polling officers shall witness the mock poll process and also certify in Part-I report that mock votes erased from the Control Unit and mock poll VVPAT slips removed from the VVPAT before start of actual poll.

- 13.16.7. **Recording of Date and Time:** The Presiding Officer, at the end of Mock Poll at the Polling Station, shall check and note the date and time shown in the display of the CU and also the actual date and time as well as any discrepancy between the two, if any, in the Part-I of Presiding Officer's Report.
- 13.16.8. **The Presiding Officers shall ensure that the data of the mock poll is cleared from Control Unit (CU) by pressing 'CLEAR' button on CU before sealing and all mock poll slips have been removed from the VVPAT drop box, without fail. This is very critical step before start of Actual Poll.**
- 13.16.9. **Sealing of Control Unit and VVPAT after completion of mock poll and before starting actual poll:**

The sealing process is as below:

- a. Switch the 'Power' switch of Control Unit to 'OFF' position.
- b. **Fixing the green paper seal to secure the Result Section:**
 - i) The modified Green Paper Seal is now provided with self-adhesive stickers at both ends on white side and marked as "A" and "B". Since the modified Green Paper Seal will have self-adhesion capability, outer paper strip seal will not be required for sealing the control unit. There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the result section of the Control Unit. Before the green paper seal is fixed in the frame provided for the purpose on the inner side of the door of the inner compartment of the result section of the Control Unit, it should be signed in full by the Presiding Officer immediately below the serial number of the paper seal. It shall also be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signatures. The Presiding Officer should verify that the signatures of the polling agents on the paper seal tally with their signatures on their letters of appointment.
 - ii) 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 Serial No. of paper seal for their record.
 - iii) Insert the Green Paper Seal in the frame provided for it on the inner side of the door of Result Section in such a way that after closing the inner door the Green Color Mark on white side of seal comes on top of the Result button and the Red Color Mark on the top of the Print button. Then close the door in such a manner that the two ends of the paper seal project outwards from the sides of the inner compartment.
 - iv) The inner door then 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/ She 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. A spoiled or torn Special Tag should never be used.
 - v) Close the outer door of the Result Section ensuring that the loose ends of the Green Paper Seal protrude out from both the sides of the closed outer door. Then the Presiding Officer shall seal the outer door with thread and address tag. 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.

- vi) Thereafter the wax paper from 'A' side of the Modified Green Paper Seal should be removed and the 'A' side shall be pasted on the outer door of the Result Section. The wax paper from 'B' side of the Modified Green Paper Seal should be removed and the 'B' side shall be pasted on top of the underlying 'A' side of the Modified Green Paper seal in such a way that the serial no. of the seal is visible on the top.
- c. **Sealing of VVPAT Drop Box:** After the entire process of Mock Poll and sealing of CU, the Presiding Officer should ensure that drop box of the VVPAT is empty and seal the drop box with the thread and the Address Tag. Presiding Officer and polling agents shall put their signatures on the address tag used for Sealing Drop box of the VVPAT.

Now the machine is ready to be used for the actual poll. So, switch 'ON' the CU.

- 13.16.10. The Returning Officer through the Sector Officers and using the communication link with the polling station/mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non-confirmation of mock poll could be indicative of some problem on the part of Presiding Officer or the EVM and/or VVPAT needing immediate intervention of the RO.
- 13.16.11. After the completion of poll on the basis of mock poll certifications reports 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.
- 13.16.12. The Commission has further directed that any deviation in compliance of the aforesaid instructions shall be viewed seriously by the Commission and the District Election Officer shall take suo-moto disciplinary action against defaulting Presiding Officers. Sector Officers shall be responsible to ensure these instructions are clearly understood by all Presiding Officers.
- 13.16.13. The dimension of the Poster for Presiding Officer for Mock Poll on the Poll Day should be minimum 3 feet x 2 feet. It may be handed over to each of the Presiding Officers during dispersal of EVMs/VVPATs with the instructions that the Poster must be pasted in front of Presiding Officer in the polling booth to follow the instructions as contained in the poster during conduct of Mock Poll on the Poll day. Sector Officers may be sensitized to check the pasted poster inside each Polling Station. (No. 51/8/T&A/2019 -EMPS Dated: 5th April, 2019)

13.17. ACCOUNT OF PAPER SEAL

- 13.17.1. The Presiding Officer should keep 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 10 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. REPLACEMENT PROTOCOL DURING MOCK POLL:

All 'ERROR' messages for BU, CU & VVPAT will be displayed on CU only. Please read message and act accordingly. **Switch OFF CU before any sort of replacement.**

Part-I of the Presiding Officer's Report will be prepared after every mock poll.

All non-functional units, replaced before start of actual poll, should not be left in the polling station. These non-functional units will be carried by Sector Officer after affixing the sticker "MOCK POLL REPLACED"

on the carrying case of the non-functional unit.

13.18.1. Replacement of Power Pack of the Control Unit: In case the Power pack of CU does not function properly or show low battery during mock poll or during actual poll or after completion of the poll, replace Power pack of CU.

For this purpose Presiding Officer shall replace the Power pack of CU in presence of polling agents and Sector Officer and again seal the Battery Section of CU with Address Tag and obtain their signatures. Part-II of the Presiding Officer's Report will be prepared, no mock poll is required in this case.

13.18.2. Replacement of Units During Mock Poll

If any of the units found non-functional before start of the actual poll only the respective non-functional unit(s) will be replaced and mock poll will be completed with the new unit(s). Part-IV of the Presiding Officer's Report will be prepared and given to Sector Officer.

13.19. REPLACEMENT OF UNITS DURING ACTUAL POLL

- (i) If BU or CU is found non-functional during actual poll, complete set of BU+CU+VVPAT will be changed. Mock poll by casting one vote to all candidate including NOTA will be done with the new set. Part-I and Part-V of the Presiding Officer's Report will be prepared and Part-V will be given to Sector Officer.
- (ii) If CU shows "Low Battery VVPAT", then replace power pack of VVPAT, no mock poll is required in this case. No separate report will be prepared.
- (iii) If VVPAT does not work properly, replace VVPAT only, no mock poll is required in this case. Part-V of the Presiding Officer's Report will be prepared and given to Sector Officer.
- (iv) If VVPAT has not printed the paper slip, or the printed paper slip remains uncut, then-

13.20. CASE OF UNCUT PAPER SLIP :

Do not try to remove/cut hanging slip from the paper roll, no effort should be made to make it fall into the drop box. It should be allowed to remain hanging as it means that the vote has not been recorded in Control Unit and as it is not to be counted at the time of counting of the printed- paper slips. The details of such an occurrence should be clearly recorded in the Presiding Officer's dairy in the following format: -

- a. The date and time of the occurrence.
- b. The name of the voter and his serial number in the part in the electoral roll, who was allowed to cast his vote after replacement of VVPAT.
- c. Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
- d. The Total number of votes cast before the occurrence.
- e. The last voter is allowed to cast his vote after the replacement of VVPAT.

13.21. DEMONSTRATION OF MARKED COPY OF ELECTORAL ROLL AND REGISTER OF VOTERS

Presiding Officers shall demonstrate the following before commencement of actual poll to the polling agents present in the polling stations: -

- (i) Marked copy of the electoral roll to be used in the polling station.
- (ii) The list of Classified Services Voters (CSVs) appointed proxies (if any).
- (iii) 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.
- (iv) Before the first voter signs in Form-17 A (Register of Voters), the Polling Officer-I shall check with the Presiding Officer and record in ink in Form 17A that "Total in the Control Unit checked and found to be Zero".
- (v) Read out the declaration prescribed by the Commission (Section 128, Representation of the People

Act 1951).

13.22. DECLARATION BEFORE COMMENCEMENT OF THE POLL

13.22.1. 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 before the commencement of the poll. The Presiding Officer should read out the declaration aloud to the hearing of all people present in the polling station and sign the declaration (**Annexure-51 Part-I**). 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.

13.23. WARNING ABOUT SECRECY OF VOTING

13.23.1. 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.

13.24. COMMENCEMENT OF THE POLL

13.24.1. 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, all such electors shall be allowed to vote even if polling continues for some more time.

13.24.2. Before the first voter signs in Form-17A (Register of Voters), the Polling Officer-1 shall check with the Presiding Officer and record in ink in Form-17A that "Total in the Control Unit checked and found to be zero".

13.25. PERSONS TO BE ADMITTED INSIDE THE POLLING STATION

13.25.1. 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.

13.25.2. 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.

13.25.3. 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.

- 13.25.4. 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.
- 13.25.5. 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.
- 13.25.6. To keep a track of any person covered under (d) and (e) of Para 13.25.1 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 Returning Officer or 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 Receiving Centre after poll.

VISIT SHEET

Day of Poll:

Name and Number of Assembly:

Name and number of Polling station:

Number of electors:

S. No.	Name and Designation of the Officer visiting (Observer/ DEO/ RO/ ERO /Sector Magistrate/ Zonal Magistrate/ Patrolling Magistrate	Time of visit	Brief description of polling process (peaceful/ Incidents, if any)	Number of votes polled till the time of visit	% polled till the time of visit	Remarks, if any	Signature of Officer

Signature of the Presiding Officer with date

13.26. REGULATION OF ENTRY OF VOTERS

- 13.26.1. 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. One men elector should be allowed to vote per two female electors.
- 13.26.2. Wearables like caps, shawls etc. with political party's name, symbol or slogan are not allowed inside the polling stations on the poll day. However, plain cap without any symbol or slogan is not prohibited.
- 13.26.3. As per the Commission's instructions the Presiding Officers are permitted to carry their mobile phones in silent mode. The Commission has also directed that the Micro Observers wherever posted in a polling station can also carry their mobile phones keeping them in silent mode. The contact number of the control room should be duly registered in their mobile phones so that in case of any need the Micro Observers can contact the control room after coming out of the polling station so that their conversation does not affect the proceedings of the polling station.

13.27. FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS

- 13.27.1. 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. In the event of violation of these instructions, most stringent action will be taken against the Presiding Officer.

13.28 IDENTIFICATION OF ELECTORS

- 13.28.1. The electors are required to produce the Electoral Photo Identity Card (EPIC) or alternative photo identity document to establish their identity. Those electors who have not been issued with the identity card, or those of them who are unable to produce the identity card for any reasons 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. Returning Officer 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.
- 13.28.2. 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.
- 13.28.3. 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 and dead 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.
- 13.28.4. There may be 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.
- 13.28.5. 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 and 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 pardanashin 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.
- 13.28.6. 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.

- 13.28.7. Identification of overseas electors at the time of casting of votes at the relevant polling station shall be done only on the basis of original passports produced by them.

13.29 SEQUENCE OF EVENTS INSIDE THE POLLING STATION

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

- A. When an elector enters the polling station, he will first go to 1st Polling officer, who shall
 - (i) First, check whether his/her name is in the electoral roll being used for the poll
 - (ii) Then check for his/her 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 original passports only.
 - (iii) 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. Having established the elector's identity put a cross the box containing the name and particulars in the electoral roll. In the case of woman elector, the serial number should be circled so as to help count the number of woman voters.
- B. Then elector will move to 2nd Polling Officer who will:
 - (i) Note down the serial number in electoral roll of that elector as it is read out aloud by 1st Polling Officer.
 - (ii) The indelible ink will be applied on voter's left-hand forefinger as a line with the help of brush from the top end of the nail to the bottom of the first joint 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. In column (3) of Form 17A (Register of Voters) the last four digits of the Identification document should be mentioned. In case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), respectively is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the last four digits of the document shall have to be written and the type of document produced should also be mentioned therein. The signature/thumb impression of the voter shall be obtained by the second Polling Officer in column (4) of that register.
 - (iv) Prepare a voter's slip (para 12.91) filling all required particulars.
- C. Thereafter, the elector will move to 3rd Polling Officer or Presiding Officer, who is in charge of Control Unit
 - (i) He 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/she will take voters slip and allow the voter to go to voting compartment so that he may cast vote. For this, he/she will press "Ballot" button of the Control Unit. The voter shall be allowed to vote exactly in the same sequence in which, his/her details have been recorded in Register of Voters (Form 17A).
- D. The voter shall record his/her vote. The voter shall be able to view through the transparent window of the VVPAT, the printed paper slip showing the serial number, name and the symbol of the candidate to whom he/she has cast his/her vote before such slips gets cut and drops in drop box of the VVPAT. After seeing VVPAT paper slip, the voter shall

immediately leave the voting compartment.

- E. Before leaving, a polling staff posted in polling station once again may check for indelible ink mark on voter finger.
- F. In case the Power Pack (Battery) of the control unit does not function properly or shows Low Battery, Presiding Officers shall take the following action:
 - (i) Presiding officer shall immediately inform the same to the Sector officer for replacement of Power Pack of the control Unit. For this purpose, additional power Packs of the Control Units shall be provided to the Sector officers.
 - (ii) Presiding officer shall replace the Power Pack of the control Unit in the presence of the Polling Agents and Sector officer. PO shall again seal the Battery Section of the Control unit with thread and Address Tag and obtain the signature of the polling agent on the tag.
 - (iii) Presiding officer shall submit a report in the Format attached with the Commission's latest instruction.

13.30. CHALLENGED VOTES

- 13.30.1. 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.
- 13.30.2. The Presiding Officer shall keep a record of such challenged votes in Form 14 appended to the Conduct of Elections Rules, 1961.

13.31 APPLICATION OF INDELIBLE INK

- 13.31.1. 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/she has on his/her left hand starting with his/her left forefinger. If he/she does not have any fingers on his/ her left hand, the ink should be applied on his/her right forefinger and if he/she has no right forefinger, any other fingers which he/she has on his/her right hand starting with his/her right forefinger. If he has/she no fingers on either hand, ink should be applied on such extremity (stamp) of his/ her left or right hand, as he/she possesses.

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

- 13.32.1. 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.
- 13.32.2. This Register of Voters should be in a book form and should be printed on good quality paper of A4 size.

FORM 17A (See rule 49L) REGISTER OF VOTERS

Election to the House of the People/Legislative Assembly of the State/Union Territory
 from constituency number and Name of the polling
 station..... Part no. of electoral roll

S. No.	Serial no. of elector in the electoral roll	Details of the documents produced by the elector in proof of his/ her identification	Signature / thumb impression of elector	Remarks
1	2	3	4	5
1				
2				
3				
4				

Signature of the Presiding Officer

- 13.32.3. 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.
- 13.32.4. Both sides of the paper should be used for printing the Register.
- 13.32.5. The Register should get 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.
- 13.32.6. Returning Officer should get the above Registers printed in sufficient quantity well in advance.
- 13.32.7. 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/her by 2nd Polling Officer. If any elector refuses to put his/her signature or his/ her thumb impression on the Register of Voters, he/she shall not be allowed to vote. An entry shall be made in the Remarks column "Refused to sign".
- 13.32.8. In the third column of the Register particulars of the documents produced by the voter is to be mentioned. In the case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the instructions to note down the last four digits of the document shall continue to apply. The type of the document produced should also be mentioned therein.
- 13.32.9. The Observers/Zonal/Sector magistrate etc. during their field visit shall give special attention to this aspect.

13.33. MEANING OF SIGNATURE

- 13.33.1. 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 sign using his/her name or initials. In case where a literate person refuses to sign his/her name and put a mark as his/her signature, then his thumb impression should be taken. If he refuses to give his/her thumb impression also, then he/she shall not be allowed to vote.

13.34. MEANING OF THUMB IMPRESSION

- 13.34.1. 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. 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.

13.35. ISSUE OF VOTERS' SLIPS

- 13.35.1. 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/she 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. 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 following particulars –

**General Election to House of the People, 2024
Voter Slip**

From (No. & Name of AC)
 within the Parliamentary Constituency
 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

- 13.35.2. 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/her to vote only on the basis of such voter's slip.
- 13.35.3. 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.
- 13.35.4. 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 remark's 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.

13.36. RECORDING OF VOTE BY ELECTOR IN THE VOTING COMPARTMENT

- 13.36.1. 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) and VVPAT 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.
- 13.36.2. The voter will record his/her vote by pressing the button provided against the name, photograph and symbol of the candidate of his choice. When he/she presses that button, the lamp provided on the Ballot Unit against the name, photograph 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. While casting the vote the elector shall be able to view through the transparent window of the VVPAT that the paper slip showing the serial number, name and the symbol of the candidate for whom he/she has cast his/her vote before such slips gets cut and drop in the drop box of the VVPAT. 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 / She should then come out of the voting compartment and leave the polling station.
- 13.36.3. 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.

13.37. RULE 49MA - PROCEDURE IN CASE OF COMPLAINT ABOUT PARTICULARS PRINTED ON VVPAT PAPER SLIP

- 13.37.1. If an elector after having recorded his/her vote alleges that the paper slip generated by the VVPAT has shown the name or symbol of a candidate other than the one he/ she voted for, the Presiding Officer shall obtain a written declaration (Annexure-55) 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 VVPAT. 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.

13.38. TALLYING OF NUMBER OF VOTES POLLED PERIODICALLY

- 13.38.1. 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.

13.39. MAINTENANCE OF SECRECY OF VOTING

- 13.39.1. Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He/ She should strictly observe the voting procedure mentioned above. If he/she 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 taken from him/her and cancelled.
- 13.39.2. 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 remark's 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/her 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.

13.40. VOTING BY BLIND & INFIRM VOTERS AND PROXY VOTERS

- 13.40.1. 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/her vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit that elector under Rule 49N to take with him/her 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/her wishes.

Infirmary voters who are capable of voting by himself/ herself by pressing the button of the candidate of his/her choice on the Ballot unit of EVM shall be permitted authorized companion only up to Voting Compartment in the Polling Station, but not inside the Voting Compartment. This will apply in cases where the nature of physical infirmity is such that the elector needs assistance only for his/her movement and not for voting. The Presiding Officer has to take decision in such cases.

- 13.40.2. The EVMs has a Braille signage on the extreme right side of the Ballot Unit indicating the serial number of the candidate. A dummy braille ballot sheet 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/her the dummy ballot sheet to enable him/her to note down the serial number of the candidate of his/her choice so that he/she can cast the vote on his/her 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.

- 13.40.3. No person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

As per the first proviso to sub-rule (1) of Rule 49N, one person cannot act as the companion of more than one elector. In order to facilitate the polling staff to ensure compliance of these provisions, application of indelible ink shall also apply to the companion. Indelible ink shall be applied on the right index finger of the companion. Marking of ink on the left index finger of the elector in such cases shall continue to apply as per the existing provisions.

Before an elector is permitted to take with him/her a companion inside the voting compartment,

the right index finger of the companion should be checked to ensure that it is not already marked with indelible ink. If it is found to be already marked, such person cannot be permitted to be companion for the purpose of Rule 49N.

- 13.40.4. Before any person is permitted to act as the companion of the elector, he/she shall be required to declare that he/she will keep the vote recorded by him/her on behalf of the elector secret and that he/she 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.
- 13.40.5. Sub-rule (2) of Rule 49N provides that the Presiding Officer shall keep a record of cases where electors record vote with the assistance of the companion in Form 14A. This should cover all cases where the companion is permitted to go into the voting compartment with the elector to assist him/her in recording the vote. Cases where a companion only comes to assist the elector in his movement and does not go into the voting compartment shall not be included in Form 14A. The Presiding Officer shall also keep a record of all such cases in Form 14A.
- 13.40.6. While Scrutinizing of various documents such as the Form 17A, Presiding Officers Diaries etc., by the Observer and Returning Officer on the day following the day of poll, Form 14A shall also be scrutinized to see whether there is unusually larger number of cases of companions accompanying the electors in recording votes in any Polling Station, which may create suspicion about the fairness of poll.

13.41. VOTING BY PROXY VOTERS

- 13.41.1. The proxy will record the vote on behalf of the CSVs at the polling station to which the CSV is assigned. This will be the polling station assigned for the area where the home address of the service voter concerned falls. The proxy will vote 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/she has been normally assigned.

13.42. ELECTORS DECIDING NOT TO VOTE

- 13.42.1. If an elector, after his/her electoral roll number has been duly entered in the Register of Voters (Form 17A) and he/she has put his/her signature/thumb impression on that register, decides not to record his/her vote, he/she shall not be forced or compelled to record his/her vote. A remark to the effect that he/she has decided not to record his/her vote shall be made in the remarks column against the entry relating to him/her 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 49O 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.

13.43. TENDERED VOTES

- 13.43.1. If a person presents himself/herself at the polling station and seeks to vote representing himself/herself to be a particular elector after another person has already voted as such elector, the Presiding Officer shall satisfy himself/herself about the identity of the elector concerned. If the Presiding Officer is satisfied about the identity of the elector on his/her satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, he/she shall allow the elector concerned to vote by means of a tendered ballot paper, but not through the voting machine.
- 13.43.2. 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.

- 13.43.3. Returning Officer should, therefore, provide to each polling station twenty (20) ballot papers, which he/she has 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.
- 13.43.4. The Presiding Officer shall keep a correct account of all ballot papers (i) received by him/ her for use as tendered ballot papers, (ii) issued as such to electors, and (iii) not used and returned to R.O., in Item 9 of Part I of Form 17C.
- 13.43.5. The Presiding Officer shall also maintain the record of the tendered ballot papers issued to electors in Form 17B. He/ She 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/her.
- 13.43.6. On receiving the tendered ballot paper, the elector concerned will mark his/her vote thereon in the voting compartment by placing a cross mark 'X' on or near the symbol of the candidate for whom he/she intends to vote. He/ She 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.
- 13.43.7. 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.
- 13.43.8. The tendered ballot paper, after the vote has been cast, will be sealed in an envelope superscribed 'Tendered Ballot Paper' and will be handed over the Collection Centre.

13.44. PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT

- 13.44.1. 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 BU/VVPAT 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/ her 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.
- 13.44.2. Whenever the Presiding Officer enters the voting compartment, he/she should permit the polling agents present to accompany him/her if they so desire.

13.45. MAINTENANCE OF DIARY BY PRESIDING OFFICER

- 13.45.1. 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. He should be asked to go on recording the relevant events in the diary as and when they occur. Format of this diary is given in Handbook for Presiding Officers.
- 13.45.2. All Presiding Officers Diaries 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.
- 13.45.3. 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.

13.45.4. In addition to Presiding Officer diary, Presiding Officer will be required to submit additional inputs report. Format is available in Handbook for Presiding Officers.

13.46. MICRO-OBSERVERS

13.46.1. The Commission has directed that Micro-observers as one of the civil measures may be deployed in the Critical Polling Stations. The Micro- Observer will be an official from central Govt. offices or Central Govt. PSUs. Please refer to latest Commission's instructions in this regard. They are required to give their reports in Annexure 28.

13.47. CLOSE OF POLL

- 13.47.1. 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 some time beyond the appointed closing hour. For this, the Presiding Officer 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.
- 13.47.2. 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 6 of Part I of Form 17C.
- 13.47.3. 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.
- 13.47.4. After all electors have cast their votes and no one is left, ensure that "CLOSE" button on CU is pressed 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.
- 13.47.5. Prepare Part-III of the Presiding Officer's Report after closing of the poll.
- 13.47.6. **Recording Poll-End Date & Time** At the time of closure of poll, the Presiding Officer shall make a note of the Poll end date and time displayed on the CU in the Presiding Officer's diary.

13.48. PREPARATION OF ACCOUNT OF VOTES RECORDED

- 13.48.1. 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.
- 13.48.2. 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.

13.49. SUPPLY OF ATTESTED COPIES OF ACCOUNT OF VOTES RECORDED

- 13.49.1. 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/her 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/her asking for it.

13.50. DECLARATION TO BE MADE AT THE CLOSE OF POLL

- 13.50.1. 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 (**Annexure 51 Part-II**), which should be made by the Presiding Officer at the close of poll.

13.51 SEALING OF EVM AND VVPAT AFTER THE CLOSE OF POLL

- 13.51.1. 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, EVM and VVPAT should be sealed and secured for transportation to the counting/collection centre.
- 13.51.2. For sealing and securing EVM and VVPAT, the power switch in the Control Unit should be switched 'OFF' and VVPAT paper roll knob should be put to "lock" position, then Ballot Unit(s) and VVPAT should be disconnected. The Presiding officer shall remove the power pack (battery) from VVPAT in the presence of polling agents. Thereafter Ballot Unit(s), the Control Unit and VVPAT should be put back in their respective carrying cases. The carrying cases of BU(s), CU and VVPAT 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 common address tag showing the particulars of the election and the polling station. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.
- 13.51.3. The names of the candidates/polling agents who have affixed their seals on the carrying cases of the Ballot Unit(s), Control Unit and VVPAT should also be noted by the Presiding Officer in the declaration which he/she makes at the close of the poll. The format of declaration is given in **Handbook for Presiding Officers**.

13.52. SEALING OF ELECTION PAPERS

- 13.52.1. After the close of the poll, the Presiding Officer will also seal all the election papers in separate packets in accordance with the rules and instructions. The Polling Agents present at the polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packets containing the following documents:
- (a) The marked copy of the electoral roll;
 - (b) Register of Voters;
 - (c) Voters slips;
 - (d) The tendered ballot papers and the list of tendered voters in Form 17B;
 - (e) The unused tendered ballot papers;
 - (f) The list of challenged votes;
 - (g) The unused and damaged paper seats, if any;
 - (h) Appointment letters of Polling Agents; and
 - (i) Any other papers that the Returning Officer has directed to be kept in a sealed packet.

13.53. TRANSMISSION OF ELECTION MATERIALS TO COLLECTION CENTRE

- 13.53.1. After the EVMs and VVPATs 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.
- 13.53.2. R.O. should make proper arrangements for the safe transportation and custody of EVMs and VVPATs and other election papers and materials after the close of the poll from the polling stations to the collection centre, where the EVMs and VVPATs and election papers will be stored for the counting. In this connection, the following instructions should be particularly taken note of and followed: -

- a) It will be desirable to have a storage centre at the place fixed for counting of votes. This arrangement would ensure that the sealed EVM and VVPAT 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. Proper planning should be done for receipt of EVM, VVPAT, VVPAT power pack and other election papers/materials efficiently and without any chaos.
- b) Returning Officer should inform the candidates or their election agents sufficiently in advance about the program of the collecting parties being sent by him/her, if any, and the route chart for the collection of EVM and VVPAT 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 EVM and VVPAT and other election materials and polling parties are transported.

13.53.3. Please follow the detailed instructions issued by the Commission on management of Receiving 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.

13.54. ARRANGEMENTS OF STRONG ROOMS

13.54.1. There are four categories of EVMs and VVPATs after the poll and three categories of their strong rooms after the poll as mentioned below:

Category	Types of EVM/VVPATs	Designated Strong Room
Category A	Polled EVMs & VVPATs	Polled EVM Strong Room: (for storage of category A & B)
Category B	Non-functional Polled EVMs VVPATs	
Category C	Non-functional Un-polled EVMs & VVPATs (failed during mock poll)	Repair Strong Room: (for storage of category C), not in the vicinity of polled EVM strong room
Category D	Unused Reserve EVMs & VVPATs	Reserve Strong Room: (for storage of category D), not in the vicinity of polled EVM strong room

13.54.2. Information about all categories of strong rooms and the related storage materials shall be given to all the contesting candidates in writing, under acknowledgement, sufficiently in advance. Under no circumstances, C & D category machines shall be stored in strong rooms having category A & B machines. This is to ensure that the right kind of CUs are brought to the counting tables, and further to ensure that unused machines are not blocked for future use. It shall be ensured that storage and security protocol for all categories of machines shall be followed as per the latest edition of 'Manual on Electronic Voting Machines'.

13.54.3. Types of strong rooms for storage of election papers: The following election papers, along with polled EVMs and VVPATs are received at the Receipt Centre. The table below lists the kind of strong room and storage of election papers therein: -

Packet Number	Strong Room for storage	Documents details
1 st Packet (EVM papers)	Polled EVM Strong Room (with proper signage)	(i) Unsealed envelope containing the account of votes recorded (Form-17C), (ii) Unsealed envelope containing the Presiding Officer Report I (Mock-Poll Certificate), II & III (iii) Printed VVPAT paper slips of Mock Poll (should be kept in Black Colored Sealed Envelope).
2 nd Packet (Scrutiny Cover)	Election Papers Strong Room (a strong room other than polled EVM Strong Room, with proper signage)	(i) Unsealed envelope containing the Presiding Officer's Diary (ii) Sealed envelope containing the Register of Voters (17A) (iii) Unsealed envelope containing the list of blind and infirm electors in Form 14-A and the declarations of the companions (iv) Unsealed envelope containing Visit Sheet
3 rd Packet (Statutory Covers)	Same as above	(i) Sealed envelope containing the marked copy of the electoral roll; (ii) Sealed envelope containing voter's slips; (iii) Sealed envelope containing unused tendered ballot papers;
		(iv) Sealed envelope containing the used tendered ballot papers and the list in Form 17-B (v) Sealed envelope containing the list of challenged votes in Form 14;
4 th Packet (Non-Statutory Covers)	Same as above	(i) Unsealed envelope containing the copy or copies of electoral roll (other than the marked copy); (ii) Unsealed envelope containing the appointment letters of polling agents in Form 10 and accounts of appointment of polling agent; (iii) Unsealed envelope containing the election duty certificate in Form 12B; (iv) Unsealed envelope containing the declarations by the presiding officer (v) Unsealed envelope containing the receipt book and cash, if any, in respect of challenged votes; (vi) Unsealed envelope containing unused and damaged seals and special tags; (vii) Unsealed envelope of unused voter's slip (viii) Unsealed envelope for the declarations obtained from electors as to their age and the list of electors who have refused to make declarations as to their age (ix) Form of declaration by elector under Rule 49MA (Test Vote); (x) Form of declaration by elector whose name is in ASD list; (xi) Letter of complaint to the S.H.O. Police

5 th Packet (Handbooks, ECI Inst., Indelible ink, and Stamp Pad)	Same as above	(i) Hand Book for Presiding Officer; (ii) Instructions of Electronic Voting Machine & VVPAT (a.) Posters on How to cast vote on EVM and VVPAT, (b.) Brochure for Presiding Officer on use of EVM and VVPAT and (c.) Trouble shooting on use of EVM and VVPAT); (iii) Sealed envelope containing (a.) Indelible ink set with stopper having been secured on each phial effectively with molten candle or wax applied thereon to prevent leakage or evaporation and (b.) used self-inking pads);
6 th Packet (All other material)	Same as above	(i) Used list of contesting candidates Form 7A, (ii) Used photocopy of signature of candidates, (iii) Other unused forms, (iv) Arrow cross-mark rubber stamp for marking tendered ballot papers, (v) Cup for setting the indelible ink.

13.54.4. In case of simultaneous elections, the above-mentioned materials shall be packed separately and be kept in separate strong rooms of Assembly Election and Parliamentary Election at distinctly identified places so that they are not mixed with each other. Candidates shall be informed about such arrangements in advance. Detailed directions on above subject as contained in Commission's latest instruction shall be scrupulously followed. The DEO shall remain over all in-charge of the safe custody of EVMs, VVPATs and Election Papers.

13.54.5. One control room adjacent to these strong room locations should be operative round the clock. A Gazetted officer along with a police officer should be put on duty round the clock for monitoring the security arrangements, including CCTV coverage, of strong rooms. CCTV cameras with sufficient storage facility shall be installed. CCTV Camera should cover sealed doors of Polled EVM Strong Room and Election Paper Strong Room, security and corridor etc. A proper system to take back up of CCTV footage shall be ensured. Such video data shall be in the custody of the District Election Officer. Videography shall be made at the time of the opening and closing of Polled EVM Strong Room and Election Paper Strong Room. Proper log books shall also be maintained. CEO may also inspect strong rooms after poll if counting is not immediately scheduled due to multi-phase elections.

13.54.6. Collection, storage and security of polled EVMs/VVPATs and election papers- In case the polled EVMs, VVPATs and election papers are temporarily to be stored in strong rooms at Receipt Centre, which are far away from the Counting Centre, the protocol of having different types of strong rooms i.e., Polled EVM Strong Room (for storing polled EVMs & VVPATs and 1st packet of election papers) and Election Papers Strong Room (for storing 2nd to 6th packets of election papers) shall be followed. These election materials shall be transported from the polling stations to the Receipt Center under proper escort/security. Candidates and their representatives shall be allowed to follow the vehicle transporting EVMs, VVPATs and election papers. These election materials shall be stored temporarily under proper videography and security arrangements.

When polled EVMs/VVPATs and six packets are received from all the polling stations at the Receipt Centre, these materials shall be taken from temporary strong rooms to the designated strong rooms at the Counting Centre with proper CAPF security. One senior officer shall be designated to supervise transportation of these election materials. Care shall be taken that, under any circumstances, no seals are broken during transportation. Candidates and their representatives

shall be allowed to follow the vehicle transporting EVMs, VVPATs and election papers. The process of depositing of all these materials in the designated strong rooms shall be video graphed and a report be sent by the DEO to the CEO. Observers shall also keep a close watch on this transportation process. The candidates and their representatives shall also be allowed to watch the process of depositing these materials in designated strong rooms at the Counting Centre. The candidate's/ election agents may be allowed to put their signatures on the seals of double lock system. Their signatures may also be obtained in the register / log-book maintained for this purpose.

13.54.7. Storage of polled EVMs/VVPATs and election papers in the Polled EVM Strong Room at Counting Centre: As mentioned above, the polled EVMs & VVPATs and related election papers shall be stored in the designated strong rooms immediately after receiving all EVMs & VVPATs and election papers either through transportation process or directly at the Receipt Centre. Following protocol for storage of polled EVMs/ VVPATs and 1st Packet (EVM Papers) shall be strictly followed:

- Separate space in the form of grid and shape of square/rectangular boxes should be marked for each polling station inside the strong rooms. The ballot unit(s), control unit(s) and VVPAT(s) used for poll received from one polling station must invariably be kept together at one place in the earmarked box for that polling station. The 1st packets (EVM Papers) as mentioned above, shall be kept and attached to the polled CU of Category A and B. The storage should follow the serial number of Polling Stations. If there is space constraint, these machines and packets shall be kept, polling station wise, in fabricated steel/iron/wooden multi-layer storage within the Polled EVM Strong Room.
- In case of single election, ideally all polled EVMs/VVPATs and 1st packet of election papers shall be kept in one 'Polled EVM Strong Room' AC wise or AS wise, as the case may be. However, in case of space constraint, these may be kept in multiple strong rooms, adjacent to each other in the same location preferably on same floor. A notice, containing particulars of the elections, AC/AS number and name and serial number of polling stations, shall be pasted outside each strong room.
- In case the size of the Polled EVM Strong Room is large, it shall be ensured that this strong room should not be used for storing the above materials for more than two ACs or ASs as the case may be. However, under such circumstances, it shall be ensured that proper bifurcation of the room is done before keeping them so that these are not mixed up. Each bifurcated space shall have separate door and has independent double lock system.
- All other categories of EVMs (i.e., C & D) shall be kept separately from strong rooms meant for category A & B and should not be in the vicinity of category A & B strong rooms. No other election material, except packets 1, shall be kept inside category A & B strong room under any circumstances.

13.54.8. Post- poll storage of election papers -The documents contained in the packets number 2 to 6, as mentioned above, shall be kept in a separate Election Paper Strong Room for each AC/AS wise under secure way mentioned above. Under no circumstance, these papers should be put in Polled EVM Strong Room. This strong room shall be opened and closed for taking out 2nd Packet (Scrutiny Papers) and again keeping them inside the strong room as per due protocol after giving due information, under acknowledgement, to candidates and their election agents in advance.

The Election Paper Strong Room shall have a double lock system, as prescribed. A separate log book shall also be maintained and in the event of opening of the strong room, entry should be made about date, time, duration and name(s) of person(s), purpose for opening the strong room. The other protocol for opening strong rooms such as prior intimation to contesting candidates, videography of the activity in the strong rooms, including opening and re-sealing etc. should be scrupulously followed.

13.54.9. Safety and security arrangements in the Polled EVM Strong Rooms at Counting Center: The designated strong rooms shall be set up in a secured place preferably in the district headquarters and in special cases in sub-divisional headquarters, where counting of votes is to be conducted. The following arrangements shall be made for setting up strong rooms:

- (a) Strong Room shall have only single entry/ exit with all other doors/windows sealed using brick masonry/concrete. Strong rooms shall have a double lock system. All the keys of Lock-1 shall be with RO concerned and all the keys of Lock-2 shall be with ARO concerned (for their AC/AS). In case of Parliamentary Constituency, if Counting Centre is established in a district other than RO headquarter, all keys of Lock-1 shall be kept with respective ARO and all keys of Lock-2 with officers duly nominated by the DEO for each Assembly Segment.
- (b) Main switch of these strong rooms should be installed outside of the strong rooms and electricity be disconnected after sealing of the strong rooms to avoid short circuiting. No external powered unit should be installed or kept inside the strong room. Arrangements should be made for fire and flood safety. Fire- extinguishers shall be installed inside and outside of strong room. Adequate fire alarm system shall also be put in place. It should be ensured that there is uninterrupted power supply at the strong room locations during the entire period wherein EVMs and VVPATs are stored. Appropriate arrangements of generators should be made to ensure uninterrupted power supply in case of any outages.
- (c) There shall be a two-tier guarding system for strong rooms. The inner most perimeter shall be guarded by CAPF and outer perimeter by State Armed Police. For this purpose, minimum one platoon CAPF for 24X7 security shall be provided to guard the strong room round the clock. The District Election Officer shall certify that the above security arrangement has been complied with. The Chief Electoral Officer of the State shall obtain the certificate from each District Election Officer. The Observers shall also inspect and confirm that these instructions of the Commission have been complied with.

13.54.10. Facilities to candidates to keep a watch on the strong rooms:

- a) All the candidates should be intimated in writing, *with proper acknowledgement*, to depute their representatives to keep a close watch on security arrangement of these strong rooms. They should be allowed to stay outside the outermost perimeter in a rain-proof tent erected officially for this purpose, which enables them to view the entry points of the strong room. Facilities such as proper shade, drinking water, toilets, etc. should be provided to them. If, there is no direct view to the strong room, CCTV should be arranged at the location, so that they can see the activities at strong room door on CCTV monitors. In such a case, they may be taken periodically to the inner perimeter in batches to see, verify and satisfy regarding strong room security.
- b) The phone numbers of CEO, Additional CEOs, control rooms set up by CEO/DEO/RO and the DEO/SP concerned should be given to the candidates, who may provide the same to their people keeping vigil at the strong room locations. They may contact the officials in case of any need. Media shall be briefed from time to time by the CEO for detailed safety and security arrangements in these strong rooms and Counting Centers for information of general public and to counter fake news, if any, mostly in social media.

13.54.11. Protocol to be followed to reach the inner perimeter of Polled EVM Strong Room: No one should be allowed to reach the inner perimeter without following the protocol, as under:-

- a) Proper Log book for each entry, exit and duty roster for security personnel shall be maintained by the CAPF. Date, time, duration and name of the person crossing the inner perimeter shall be entered into the log book and signature should be obtained in each case. This includes visits by the Observers or DEOs or SPs or candidates or their agents or any other persons. Video cameras should be provided to the CAPF to record all visits made by such visitors.

- b) No vehicle, including that of any official or ministers or any other political functionary should be allowed inside the secured campus where the EVMs and VVPATs and election papers are stored. Alighting point for the vehicles should be marked clearly ahead of the outer security perimeter itself; beyond it should be a pedestrian zone only.

13.54.12. Supervision by Returning Officers and District Election Officers:

- a) Returning Officers should visit the storage campus (up to the inner perimeter only) every day in the morning and evening and check the log book and videography and send a report to the DEO on the status every day. In case of strong rooms located in the district headquarters, the DEO should do the same every day. Where the strong rooms are situated outside the District Headquarters, DEO should visit the same as frequently as possible and at least once in 3 to 4 days. DEOs and SPs shall be personally responsible for security of strong rooms within the district and meticulous implementation of the protocol.
- b) The CEOs may submit a separate report to the Zonal Secretaries indicating the type of security arrangements made by the administration to guard the strong rooms involving the CAPF already available or otherwise. Other additional measures taken for guarding the strong rooms may also be indicated. 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.

13.54.13. Sealing of strong room:

- a) The sealing of all types of strong rooms shall be done in the presence of respective General Observer, Returning Officer, candidates and their election agents. In case more than one strong room are set up in the same premises or in the same town, the sequencing of closure or sealing of strong rooms shall be coordinated in such a way that one of the Observers remain present at the time of closing of each strong room without any deviation.
- b) In case General Observer is assigned more than one AC/AS and strong room locations are distributed in the district, senior most General Observer, in consultations with the DEO/RO in advance, will decide which Observer will remain present at the time of closure of which strong room. Senior most General Observer may also nominate Expenditure Observer to represent any General Observer for sealing of strong room in case of exigencies. In exceptional cases, senior micro-observers may be selected from the list of micro-observers deployed for poll day duty can also be authorized by the senior most General Observer to represent any General Observer for sealing of strong room.
- c) The information should also be made available to the contesting candidates or their election agents in advance. Similarly, candidates or their agents may also not be available for sealing of strong rooms, the candidates may be allowed to send an authorized representative, who will have the authority of the candidate in writing, also carry a photo ID card and who should be a voter within the concerned Parliamentary Constituency/Assembly Constituency.

13.55. SAFE CUSTODY OF EVM AND VVPAT AFTER POLL

- 13.55.1.** All Presiding Officers or the Collecting Parties should deposit EVMs and VVPATs and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself/ herself liable to disciplinary action.
- 13.55.2.** Returning Officer may earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking EVMs and VVPATs received from particular polling stations. The arrangement for this should follow the serial number of polling stations.
- 13.55.3.** All Ballot Unit(s), Control Unit and VVPAT received from one polling station must invariably be kept together at one place on the same square. 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. First packet (white colour) containing EVM papers (17C part

1, mock poll certificate in part I of PrO. report and mock poll VVPAT slip in black envelope) to be kept in strong room with EVM. The duplicate copy of the account of votes recorded and the paper seal account should be kept under Returning Officer's 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 and VVPAT power packs should be put in strong room where polled EVMs are kept.

- 13.55.4. 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.
- 13.55.5. 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 before the counting and allow him to affix his/her 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 Returning Officer. 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, Returning Officer should send for the candidates or their authorized representatives by giving them advance 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.
- 13.55.6. 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.
- 13.55.7. 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.
- 13.55.8. General Observer and Police Observer shall jointly visit the strong room(s) earmarked for Storage of polled EVMs and VVPATs within 3 days of reaching the assigned Constituency(ies). They will submit a report on the same day in the format below to Observer Portal.

Report on Arrangement at Strong Room

Name of State:

Name of District:

No. & Name of AC:

Address of Strong Room visited:

We have jointly visited the above mentioned strong room on..... All necessary arrangements at the strong room have been made for storage of polled EVMs & VVPATs pertaining to the ongoing General/Bye- election It is also submitted that Commissions instructions on storage of EVMs & VVPATs have been complied with. It is further certified that:

S. No.	Particulars	Status	If No, remarks thereon
1.	Whether strong room is spacious to accommodate all polled EVMs and VVPATs?	Yes/No	
2.	Whether strong room has single entry door and no unsealed window/ventilators?	Yes/No	
3.	Whether main switch of electric connection is installed outside of the strong room to avoid electric short circuit?	Yes/No	
4.	Whether strong Room has double lock system?	Yes/No	
5.	Whether there is arrangement for uninterrupted power supply at the strong room locations?		
6.	Whether keys of the locks of the strong room are kept as per ECI instructions No. 51/8/7/2018-EMPS, dated 13 th November, 2018?	Yes/No	
7.	Whether arrangement for installation of CCTV cameras at Strong room has been made?	Yes/No	
8.	Whether arrangement has been made for providing round the clock police security at strong room as per the norms prescribed by Commission vide letter no. 51/8/7/2018-EMPS, dated 29 th August, 2018?	Yes/No	
9.	Whether adequate arrangement for fire extinguisher has been made?	Yes/No	
10.	Whether alternate arrangement for lighting at strong room has been made?	Yes/No	
11.	Whether round the clock 02 tier security arrangements have been planned at the strong room having polled EVMs and VVPATs?	Yes/No	
12.	Whether arrangement for providing log book to CAPF has been made to maintain details of visitors?	Yes/No	
13.	Whether arrangement for providing video camera to CAPF has been made to record the visit of any permitted officials?		
14.	Whether there is provision for candidates representatives to stay outside the inner perimeter at a location which enables them to view entry point of the strong room?	Yes/No	
15.	If no direct view, whether CCTV arrangements have been planned to enable them to watch the main gate of the strong room?	Yes/No	
16.	Whether round the clock control room has been planned at the storage centre?	Yes/No	
17.	Whether candidates have been intimated in writing to depute their representatives to keep watch on the security arrangements of the strong room after the poll?	Yes/No	
18.	Whether you are satisfied with arrangements of strong room?	Yes/No	

Other remarks, if any:

(Signature of the Police Observer)

Name of Police Observer:

Police Observer Code:

No. & Name of AC/district allocated:

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC allocated:

- 13.55.9.** The District Election Officers shall submit a 'Certificate' in the prescribed format (given below) to the Chief Electoral Officer concerned on weekly basis and the Chief Electoral Officers concerned shall submit a consolidated 'Certificate' in the prescribed format on the very next day of receiving of weekly reports from the DEOs for kind perusal and information of the Commission.

Certificate

I, hereby certify that as per the Commission's instructions, DEO/RO/ARO personally visiting the above- mentioned Strong Room (s) every day in the morning and evening and are satisfied with the storage and security arrangements. The detailed arrangements are as under:

Sl.NO		Visit Report						
	Date							
	Time							
	Particulars	1	2	3	4	5	6	7
1	There is uninterrupted power supply at the strong room(s) locations							
2	Alternate arrangements made for uninterrupted power supply at the strong room(s) locations							
3	The strong room(s) have double lock system.							
4	Two cordoned security arrangements have been made round the clock for the strong room(s)							
5	Minimum Security arrangement of 1 Platoon for strong room(s)							
6	All contesting candidates have been intimated in writing to depute their representatives to keep a close watch on security arrangement for strong room(s).							
7	CCTV installed							
8	The CCTV display of the strong room(s) has been arranged on a large TV screen at the place earmarked for the representatives of candidates to monitor continuously the strong room(s)							
9	A log book has maintained for the persons who have been allowed/ deputed to view the CCTV coverage.							
10	A control room adjacent to the strong room is operative round the clock							
11	Arrangement for fire extinguishers near and inside the strong room(s)							
12	A Gazetted Officer along with a senior police officer have been put on duty round the clock for monitoring the security arrangements of the strong room (s)							
13	A log book has been maintained by the CAPF in which entry are made about date, time, duration and name of person, purpose of visit etc.							
14	Video camera has been provided to the CAPF contingent to record all visits made by visitors.							

Date of Report:

(Signature)

Name of District Election Officer

District Election Officer (District Name)

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13.55.10. Following action shall be taken for storage of non-functional un-pollled (Category C) and Un-used Reserve (Category D) EVMs/VVPATs, after Poll:

1. In case of Elections to the House of the People

- (b) Non-functional un-pollled EVM-VVPATs of all Assembly Segments (ASs) may be stored at district warehouse.
- (c) Un-pollled reserve EVM-VVPATs of all Assembly Segments (ASs) within the parliamentary Constituency may be stored in single warehouse with proper categorization of AC segments after the poll.

2. In case of Elections to the State Legislative Assembly

- (a) Non-functional un-pollled EVM-VVPATs of all Assembly Constituencies (ACs) of the respective district may be stored at district warehouse.
- (b) Un-pollled reserve EVM-VVPATs of all Assembly Constituencies (ACs) of the respective district may be stored in single warehouse with proper categorization of AC.

3. It must be ensured that non-functional un-pollled (Category C) and Unused Reserve (Category D) EVMs/VVPATs are deposited at the same time when all the EVMs and VVPATs of Categories 'A' and 'B' (i.e. Polled and non-functional Polled) are deposited in the strong room, under intimation to candidates and proper videography. Hence, the candidates shall be intimated in writing in this regard well in advance, so that they can depute their representatives where non-functional un-pollled (Category C) and Un-used Reserve (Category D) EVMs/VVPATs will be stored.

4. Minimum 1/2 section security shall be provided to the warehouse/ strong room, where non-functional un-pollled (Category C) and Un-used Reserve (Category D) EVMs/VVPATs shall be stored.

13.55.11. The Commission has considered the matter and prescribed the following SOP for P-2/P-3 dispatch and P + 1 arrival of Polling Parties :

- i. A Govt. building shall be earmarked at the cluster point for polling parties and EVMs and VVPATs of P-2/P-3 dispatch Polling Stations. The Returning Officers shall inform the same to all the contesting candidates in writing. Police Stations should not be used for such cluster points.
- ii. A room may be earmarked as strong room for storing EVMs & VVPATs of the P-2 / P-3 PSs at these designated Govt. buildings. All EVMs & VVPATs shall be kept in the said strong room and sealed in the presence of Sector Officers and entire process shall be videographed. The contesting candidate may be allowed to nominate their representative to watch the whole process, if they so desire.
- iii. In case there is more than one assembly segment involved, a sturdy partition should be made for each assembly segment of the said strong room in such a way that it can be properly secured by double lock system/seals etc. Under no circumstance, the units from Assembly segment strong room should be mixed with other assembly segment.
- iv. When the EVMs/VVPATs are taken out of the AC-strong rooms for dispatch arrival to/ from Polling Station, the usual precaution of informing the date and time of opening of strong room in writing to the candidate/agents shall be followed. Other instructions of ECI as mentioned in the Chapter-9 of Commission's Manual on EVM/VVPAT should strictly be followed.
- v. A logbook shall be maintained for opening and closing of the said strong room.
- vi. The aforesaid process shall also be followed for P+1 arrival of Polling Parties. Minimum half section CAPF shall guard the intermediate strong room, where polled EVMs are stored.

13.55.12. Storage of polled EVMs & VVPATs (including non- functional polled) slotted angle racks or wooden racks may also be considered. Besides -

- (i) unused EVMs and VVPATs including training/awareness EVMs and VVPATs and EVMs and VVPATs replaced prior to the start of actual polls and other miscellaneous election related materials should Not be kept in the Strong-room where polled EVMs and VVPATs are kept after poll and counting of votes.
- (ii) Further, it is directed that the EVM/VVPAT warehouse/strong room shall have only EVMs and VVPATs i.e. no other material whether non-election related or election related (except the documents/ materials prescribed by the Commission to be kept with the polled EVMs and VVPATs) should be kept with the EVMs and VVPATs.
- (iii) It is further directed that the building where temporary strong rooms are made should be handed over in its erstwhile condition i.e. after removing any modification done such as sealed windows etc., as soon as possible even if another election is expected within the next few months.

13.55.13. Handling of damaged/ broken EVMs/VVPATs, after dispersal to mock poll on poll day and during actual poll on poll day, by miscreants or any other reason, the following SoP shall be followed :

- i) **After dispersal to Mock poll on poll day:** EVM/VVPAT damaged after dispersal to mock poll on poll day shall be stored in the strong room having non-functional unpolled EVMs (Category C).
- ii) **During actual poll on poll day/before counting:** Handling of EVM/VVPAT having polled data damaged/broken during actual poll on poll day
 - (a) Such EVM/VVPAT shall be kept in the strong room having polled EVMs/ VVPATs (Category A) and non-functional polled EVMs/VVPATs (Category B), if the polled votes can be retrieved/paper slips are intact to obtain result during counting of votes.
 - (b) Such EVM/VVPAT shall be kept in the strong room having un-polled non- functional EVMs/VVPATs (Category C), if the polled votes cannot be retrieved/paper slips are not intact.
- iii) The damaged/broken machines shall be marked as damaged in EVM Management System (EMS) by the DEO.
- iv) In all such cases an FIR shall be filed under the relevant Sections of the Representation of the People Act, 1951, as under, and a detailed report with a copy of FIR shall be s to the Commission:
 - Section 129 (Officers, etc., at elections not to act for candidates or to influence voting)
 - Section 132 (Penalty for misconduct at the polling station)
 - Section 134 B (Prohibition of going armed to or near a polling station)
 - Section 135 (Removal of ballot papers from polling station)
 - Section 135A (Offence of booth capturing)
 - Section 136 (Other offences and penalties therefor)
 - In additions to the aforesaid offences under the Representation of the People Act, 1951, Section 171C (Undue influence at elections), Section 506 (Punishment for criminal intimidation), 425 (Mischief), etc. of IPC shall also be suitably considered along with any other applicable provisions/ statutes while filing FIR in all such cases.
- v) The Chief Electoral Officer concerned shall follow up the FIR case with Police Department concerned.
- vi) The damage/broken machine mentioned at para 2(ii) (a) above shall be inspected only on the order of the competent court as Rule 93 (1A) of the Conduct of Elections Rules, 1961, which specifies that the control units sealed under the provisions of rule 57C and kept in the

custody of the District Election Officer shall not be opened and shall not be inspected by or produced before, any person or authority except under the orders of a competent court.

- vii) The damage/broken machine mentioned at para 2(i) and 2(ii) (b) above shall be provided for investigation purpose, if required. However, such EVM/VVPAT shall be in the custody of District Election Officer concerned

13.56. SAFE CUSTODY OF METAL SEALS, RUBBER STAMPS ETC.

13.56.1. 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 Returning Officer 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.

13.56.2. Sealed black envelopes having VVPAT paper slips pertaining to Mock Poll conducted on Poll Day shall be stored in the strong room having EVMs and VVPATs of category 'A' and 'B' (i.e. polled EVMs/ VVPATs and non-functional polled EVMs/ VVPATs) with the respective EVM/VVPAT.

13.57. ALLEGATION AGAINST POLLING STAFF

13.57.1. Whenever specific allegations of a serious nature are made in writing against the Presiding Officer or the polling staff about his/her conduct during polling at an election, Returning Officer should inquire into the matter as soon as practicable and send the papers together with his/her report to the Chief Electoral Officer and the Commission. Where, however, the complaint is anonymous, Returning Officer should exercise his/her discretion in deciding whether it deserves to be inquired into or not.

13.58. RETURNING OFFICER TO BE IN HEADQUARTERS ON POLL DAY

13.58.1. Returning Officer or 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 Returning Officer will be available either on Land Phone or mobile phone for contact and instructions as and when necessary.

13.59. DEATH OF A CANDIDATE BEFORE POLL

13.59.1. 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/her nomination is found valid on scrutiny under section 36; or
- b) his/her nomination has been found valid on scrutiny under Section 36 and he/she has not withdrawn his/her candidature under Section 37, and he/she dies, and in either case a report of his/her death is received at any time before the publication of the list of contesting candidates under Section 38; or
- c) he/she dies as a contesting candidate and a report of his/her death is received before the commencement of the poll.

13.59.2. Returning Officer, 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. Returning

Officer 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.

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,

- 13.59.3.** 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.
- 13.59.4.** 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.
- 13.59.5.** On receipt of the report from Returning Officer 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/she 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.
- 13.59.6.** A person who had given a notice of withdrawal of his/her 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.
- 13.59.7.** If the list of contesting candidates had already been published under Section 38, before the adjournment of poll, Returning Officer should prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.
- 13.59.8.** Further stages of the election will continue as per the revised schedule as notified by the Commission.

13.60. ADJOURNMENT OF POLL

- 13.60.1.** 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.

13.60.2. 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.

Note: For use of EVMs and VVPATs for Re-poll, Item 12.6 in chapter 12 may also be seen.

13.61. PROCEDURE FOR COMPLETING THE ADJOURNED POLL

13.61.1. For completing the adjourned poll, Returning Officer 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 Returning Officer 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 Returning Officer propose for holding the adjourned poll;
- iii) Formally fix the date, hours and polling station as approved by the ECI;
- 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 his/her notice board notifying the date, hours and the polling station so fixed.
- vi) Announce by beat of drum or otherwise in the polling area concerned the date, hours, and the polling station so fixed.

13.61.2. 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 (**Annexure 41**). Returning Officer 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 piecemeal reports in this behalf.

[N.B. While suggesting the hours for holding an adjourned poll in the particular polling station, Returning Officer 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.]

13.61.3. 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. Returning Officer 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 17A and a new EVM and VVPAT. 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.

13.61.4. 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.

- 13.61.5.** 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.

13.62. PROCEDURE FOR HOLDING FRESH POLL

- 13.62.1.** 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 EVM and/or VVPAT has been unlawfully taken away by an unauthorized person, or
 - (ii) any EVM and VVPAT has been accidentally or intentionally destroyed or lost or damaged or tampered with and Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or
 - (iii) any EVM and VVPAT 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.
- 13.62.2.** Returning Officer 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 42**). Returning Officer 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.
- 13.62.3.** 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.
- 13.62.4.** On receiving intimation from the Commission, Returning Officer 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 his/her notice board, notifying the date and hours so fixed. Also, Returning Officer should announce by beat of drum or otherwise in the polling area concerned about the place, date and hours so fixed.
- 13.62.5.** 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.
- 13.62.6.** A new EVM and VVPAT and a new marked copy of electoral roll shall be used at the fresh poll.
- 13.62.7.** 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 EVMs and VVPATs 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.

13.63. PROCEDURE FOR HOLDING FRESH ELECTION IN CASE OF BOOTH CAPTURING

- 13.63.1.** 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.

- 13.63.2. 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 at **Annexure 43**. 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.
- 13.63.3. If the Commission directs fresh poll to be taken at any polling station, Returning Officer should proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.
- 13.63.4. If the election is countermanded by the Commission on account of booth capturing, all proceedings for that election will commence a new and a fresh notification calling for the election will be issued in due course.

13.64. CLOSING OF EVM IN THE CASE OF BOOTH CAPTURING

- 13.64.1. 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 EVM to ensure that no further votes can be recorded and he shall detach the Ballot Unit(s) from the Control Unit.
- 13.64.2. As soon as may be after a Presiding Officer has closed the EVM 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.
- 13.64.3. 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 EVM and VVPAT, 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.
- 13.64.4. 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 Para 13.58.1 to 13.59.7 above.

13.65. REPORTS TO THE COMMISSION ABOUT POLLING

- 13.65.1. 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 29**. 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. These reports should be sent by the quickest available means of communication.
- 13.65.2. 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.
- 13.65.3. 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. Returning Officer should, therefore, ensure that his/ her reports reach the Commission well in time

to enable it to take decision about the counting in his/her constituency. Though it is not mandatory now to take prior approval of the Commission to commence the counting of votes, Returning Officer's failure to furnish his/her report may lead to postponement of counting of votes in the constituency.

13.66. SCRUTINY OF FORM-17A AND OTHER DOCUMENTS

13.66.1. Purpose of scrutiny of Form 17A and other documents:

Effective and thorough scrutiny of critical documents created during the poll process will be necessary to identify cases of poll vitiation at any polling station. This exercise shall be carried out under close supervision of Observers and Returning Officers. The Commission desires to ensure that even subtle and concealed electoral malpractices at the polling station shall be detected through this document scrutiny process.

13.66.2. Intimation to all the contesting candidates:

All contesting candidates shall be given an advance notice in writing under proper acknowledgement so that they or their election agent/authorized representatives remain present. Candidates can authorize as many representatives as places fixed for scrutiny by the Returning Officer and Observer to watch the proceedings of scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate in writing may be present to watch, repeat only to watch, the proceedings of scrutiny.

13.66.3. Documents to be Scrutinized:

Following documents should be scrutinized by Observer and Returning Officer in the presence of contesting candidates or their election agents:

- (a) Presiding Officers' diary
- (b) Form 17-A (Register of Voters)
- (c) Other related documents which include but not restricted to Micro Observers Reports, visitor sheets, reports of zonal magistrates or sector officers, report of Presiding Officer, still photography, videography recordings, CCTV and Webcasting footages
- (d) If the number of blind/infirm voters voting at a Polling Station (Rule 40, Conduct of Election Rules 1961) is more than 1% of the total no. of electors in that polling station, scrutiny of Form 14A (list of blind/infirm voters).

13.66.4. Collection of Information at Receiving Center:

To facilitate identification of polling stations, where scrutiny of Form 17-A and other documents referred as above, is required, the Returning Officer shall collect the information for each Polling Station in prescribed format (Table-I) at the time of receipt of polled EVMs & VVPATs and other documents after completion of polls.

Polled EVMs and VVPATs along with envelopes containing original Form-17C and mock poll VVPAT slips shall be kept in the 'Polled Strong Room' as per existing instructions. Polling Station wise documents required for scrutiny should be stored separately in a strong room other than the Polled Strong Room having polled EVMs and VVPATs. For the sake of convenience in taking out the documents for scrutiny, it will be ideal to keep them separate in a clearly demarcated area so there is no confusion at the time of taking out the document.

13.66.5. Opening and closing of the strong room(s) having Form 17A and other documents

- (i) Strong room(s) having Form 17A and other documents shall be opened, at the time so appointed, in the presence of DEO/RO, Observer and contesting candidates/their election agents/their authorised representatives under videography.
- (ii) After taking out the packets containing Forms 17A and other documents required for scrutiny in respect of such polling stations selected for scrutiny, the strong room shall be duly closed and sealed after making entry in the log-book and obtaining the signatures of all candidates

or their representatives as may be present.

- (iii) In case of more than one strong room in the same premises or in the same town, opening and closing of strong rooms can be coordinated in such a way that one of the Observers remains present at the time of closing of each strong room without any deviation.
- (iv) In case strong room locations are distributed in the constituency, Observers shall decide, in advance in consultation with the Returning Officer(s) or District Election Officer, to ensure presence of one of the Observers at the time of opening and closing of strong room(s). The information should also be made available to the contesting candidates or their election agents in advance.
- (v) Even after making these arrangements, if the number of Observers is still less than the number of strong rooms, the Returning Officer/ District Election Officer and Observers concerned shall authorize one of the Micro Observers with due care to remain present as a representative of the Observer. In such cases, the DEO/RO shall ensure that one senior officer along with one of the AROs remain present. In such cases, a joint report along with videography will be submitted by the ARO and Micro Observer jointly to the RO and Observer concerned. After getting joint report from ARO/Micro Observer, the RO and the Observer concerned shall record their satisfaction about the process of opening and closing of strong room(s).
- (vi) The whole process of opening and closing of strong room(s), containing Form 17A and other documents, shall be video graphed.

13.66.6. Transportation of Documents to be Scrutinized:

Wherever relevant papers required for scrutiny of Form 17-A and other documents are required to be transported, they shall be transported under proper police escort along with Executive Magistrate. Candidates and their representatives shall be allowed to follow the vehicle transporting relevant papers. In this regard, proper information about the travel plan should be given to the candidates/ their election agents or their representatives.

13.66.7. Criteria for selection of Polling Stations for scrutiny:

Based on the information collected as above, scrutiny of documents shall be done by Observers and Returning officers in the presence of contesting candidates or their election agents for any of the following categories of the polling stations: -

- (i) In all polling stations, where any complaint of poll rigging, malpractices etc. was received by Observer, DEO or RO during the poll process.
- (ii) In all polling stations, where any significant event (EVM/VVPAT related or otherwise) was reported to the Observer, DEO or RO during poll process.
- (iii) In polling stations, where poll took place in the absence of any polling agent or in the presence of the agent of only one candidate.
- (iv) In polling stations, where the number of electors who cast their votes using documents other than EPIC (i.e., alternative documents specified by the Commission) exceeded 25% of the total votes cast in that polling station.
- (v) In polling stations, where more than 10% of such electors who had been identified as ASD turned up and voted.
- (vi) In polling stations, where polling percentage is plus 15% or minus 15% than the average polling percentage of that AC. Say, for e.g., in a particular AC 60% votes have been cast, then in all polling stations with polling percentage 75% or more and 45% or less shall be taken up for scrutiny.
- (vii) In polling stations, where there are at least 5 (five) tendered votes and challenged votes reported.

(viii) In Polling Stations, where in 10% or more remarks column of Register of Voters (Form-17A) are blank and does not indicate use of the EPIC/alternate document.

(ix) In Polling Stations, where Micro Observer has submitted an adverse report.

13.66.8. Procedure for Scrutiny of Documents: -

- (i) The scrutiny of Form-17A along with other documents will be taken up preferably at 11:00 A.M. on the day following the day of poll at the location fixed, in consultation with Observer.
- (ii) An assembly constituency/segment wise schedule for taking up scrutiny shall be prepared and it will be ensured that all documents with regard to assembly constituency/segments, where strong rooms are at the place different from the RO headquarters, are brought by the ARO to RO headquarters in time for the scrutiny to be undertaken.
- (iii) The Returning Officer, in presence of Observer, shall do the scrutiny with utmost care and shall submit a report to the Commission as soon as scrutiny is over. During the process of scrutiny, the candidates / their election agents or their authorized representatives may watch the proceedings so that they can get a clear view of the proceedings but, are not permitted to handle the election papers/material or interfere with the proceedings. The entire process of such scrutiny should be videographed.
- (iv) In case of absence of observer due to his preoccupation in scrutiny work in another AC, the Observer may decide to do the scrutiny at 11:00 AM on the day following the poll day in any one of the allotted AC first and after conduct of scrutiny in the first AC, he may proceed to another AC to do the scrutiny work there.

13.66.9. Post-scrutiny procedure:

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

After scrutiny of Forms 17A and other documents, the Returning Officer and Observer shall make necessary recommendations as per Table-II, to the Commission for repoll, if warranted and wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.

Polling Station Data for Scrutiny Decision

S.No.	Indicators	Details
1	Total Electors in the P.S.	(i) Male
		(ii) Female
		(iii) TG
		Total
2	Number of persons who voted in the P.S.	(i) Male
		(ii) Female
		(iii) TG
		Total
3	Number of Tendered votes.	
4	Number of challenged votes	
5	Number of Proxy votes by CSVs.	
6	Number of electors who exercised their right of vote on the basis of EPIC	
7	Number of electors who exercised their right of vote on the basis alternative document.	
8	Number of voters who exercised their right under Rule 49 O, who decided not to record vote	
9	Number of polling agents in the polling station.	
10	Number of overseas electors who voted in the poll.	
11	Number of BU, CU, VVPAT used.	
12	Whether the BU, CU or VVPAT was changed or replaced.	Y/N
13	If so, the time when changed and what was the reason for it.	
14	Total ASD voters in the ASD voters list	
15	Total persons who cast their vote from the ASD voters list.	
16	Any incident of violence or poll interruption due to any reason	Y/N
17	Any complaints received with respect to polling station	Y/N

Recommendation of Returning Officer for Re-poll after scrutiny of Form 17A and other documents

No. and Name of the Assembly Constituency	Recommendation of RO for Re-poll (Yes / No)	In case of recommendation for Re-poll		Reasons for Re-poll
		Polling Station Number	Name of Polling Station	

Returning Officer Constituency Name/ Number

Recommendation of Observer

14. SIMULTANEOUS ELECTIONS

14.1 GENERAL

14.1.1 For conducting simultaneous elections, two separate sets of EVMs and VVPATs 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 and VVPATs. Therefore, Returning Officer's requirement of Balloting Units, Control Units and VVPATs 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 and VVPATs 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, Balloting Units and VVPATs. Apart from the Identification Stickers, there shall be separate set of "Address Tags". The details are given below:

- A. Colour of stickers & address tags: (i) Lok Sabha Election: The colour of the Identification Sticker and Address Tag shall be WHITE (same colour as that of Ballot Paper). (ii) 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 Balloting 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 and Candidate Set Section" as described below:
- D. 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.
- E. 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 and Candidate 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 Balloting 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 for which election, the Balloting Unit is being used. However, thin strips of distinguishing stickers should be pasted on the outer thin frame of each Balloting 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 EVM AND VVPAT

The detailed procedure for the preparation of EVMs and VVPATs by the Returning Officer in his office has already been given in Chapter XII. For the preparation of the EVMs and VVPATs for conduct of simultaneous elections, the Returning Officers shall follow the procedure detailed below:

14.5.2 PREPARATION OF EVM AND VVPAT 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 and VVPATs for both the elections are done at the same place, there may be mix up of Lok Sabha Ballot Paper being fixed on the Balloting 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

1. The first task of the Returning Officer is to paste the Identification Sticker on each Unit. After pasting this sticker, he/she 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.
2. An identification sticker (similar to the one used on the Control Unit, Balloting Unit and VVPAT) shall be fixed/pasted on the top of the carrying cases of Control Unit, Balloting Unit and VVPAT.

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 and VVPATs for each election separately, the work of preparation of the EVMs and VVPATs shall be taken up one after the other. First, the EVMs and VVPATs meant for the Lok Sabha Election may be prepared and 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 and VVPATs for Lok Sabha Election are stored inside.

14.5.5 STORAGE OF UNITS PREPARED FOR ASSEMBLY ELECTION

Thereafter, preparation of EVMs and VVPATs 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 and VVPATs are stored, therein.

14.5.6 REGISTER FOR ALLOCATION OF EVM AND VVPAT

1. The Returning Officer should open a Register to enter, the distinct Identification Numbers of the Control Unit, Balloting Unit(s) and VVPAT allocated to each polling station.
2. There should be separate registers maintained for Lok Sabha Election and Assembly Election.

14.5.7 TRAINING TO POLLING PERSONNEL

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 Balloting Unit and VVPAT belonging to Lok Sabha Election to the Control Unit earmarked to Lok Sabha Election and similarly connect the Balloting Unit and VVPAT of the Assembly Election to the Control Unit of the Assembly Election.
- 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.

14.5.8 ELECTION MATERIAL FOR POLLING STATION

The essential items required for each polling station have been mentioned in greater detail in the Handbook for Presiding Officers. However, there are certain items of election materials, which are exclusively required for the conduct of poll with the use of EVMs and VVPATs. For the conduct of simultaneous elections, such materials required are detailed below:

14.5.9 VOTERS REGISTER

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 VOTER'S SLIP

After signing the Voter's Register, each voter is to be supplied with a Voter's slip. 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

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.
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.
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

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/She will be identifying the electors and will be in charge of marked copy of the electoral roll.
- b. Second Polling Officer: He/She will be in charge of the indelible ink and voter's register.
- c. Third Polling Officer: He/She will be in charge of the Voter's Slips.
- d. Fourth Polling Officer: He/She will be in charge of the Control Unit for Lok Sabha election.
- e. Fifth Polling Officer: He/She will be in charge of the Control Unit for State Assembly Election.
- f. Presiding Officer: He/She 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 It may be noted that there shall be TWO separate Voting Compartments – one for keeping the Balloting Unit(s) and VVPAT of the Lok Sabha election and the other to keep the Balloting Unit(s) and VVPAT of the Assembly Election.

14.7.2 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

See paragraph related to Voting Compartment in previous Chapter.

14.9 VOTING PROCEDURE

- (a) The voters, when they enter the polling station, will proceed to the first polling officer. The first polling officer will identify the electors by verifying his EPIC or other documents as prescribed by the Election Commission and marks his/her presence in marked copy of Electoral Roll. When an elector is allowed to cast vote at the polling station, a line will be drawn, in red ink, diagonally across the box containing the particulars pertaining to that elector in the marked copy of the Electoral Roll. Further, for easy verification and calculation of number of male and female voters, the serial number of the voter will be rounded off in the case of female voters.
- (b) The voter will then move to second polling officer. Second Polling Officer, who is in-charge of Register of Voters (Form-17A), Indelible Ink and Voter Slips, makes the entries of the voter's name including EPIC/any of the other alternative document prescribed by the Election Commission of India and obtain the signature of the voters or the thumb impression (in the case of illiterate voters) in the Register of Voters (Form 17A). Thereafter, marks the indelible ink as per the existing instruction (Rule 37/49 K Conduct of Election Rules 1961) and issues Voter Slip to the voter indicating his/her serial number as mentioned in Form 17A.. If the voter puts his/her thumb impression, the polling officer should ask the voter to wipe off the residuary stamp pad ink from his/her thumb with a piece of wet cloth kept on the table for this purpose.
- (c) When the second polling officer will apply the indelible ink mark and take 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 voter's slips – one on white paper and the other on pink paper and after examining the finger of the voter to ensure that the indelible ink mark is duly applied and not erased, will hand over both slips to the voter.
- (d) Fourth Polling Officer is the custodian of the CU for Lok Sabha Election and Fifth Polling Officer is the custodian of the CU for Assembly Election.
- (e) The Presiding Officer or other polling staff shall not visit frequently to the voting compartment as that may give scope for complaints.
- (f) In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the Presiding Officer may from time to time inspect ballot unit (BU) but he should make it a point to do so in the immediate presence of polling agents under Rule 49 Q of Conduct of Election Rules, 1961.
- (g) Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and shall be properly enquired. Observers are instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.
- (h) The following shall be followed for replacement of non- functional EVM/VVPAT:
 - (i) If the CU or the BU(s) becomes non-functional during actual poll, then the entire set of BU(s), CU and VVPAT shall be replaced by calling Sector Officer. In such case, mock poll shall be conducted by casting of one vote to each contesting candidate including NOTA and other instructions of mock poll be followed.
 - (ii) If only VVPAT becomes non-functional during actual poll, then only VVPAT shall be replaced. In such case no MOCK POLL is required to be conducted.

- (i) The poll shall be closed by pressing 'CLOSE' button on CU at the hour fixed for the purpose, if no elector is in queue at the polling station. If some electors are in queue at the hour appointed for the close of poll, the following procedure shall be followed:
 - All electors present at the polling station at the hour appointed for the close of poll should be permitted to cast their votes irrespective of the appointed closing hour.
 - The Presiding Officer shall distribute pre-numbered slips to all electors standing in queue, starting from the last person in queue at the prescribed time for end of poll.
 - After the last voter has recorded his vote, the voting machine has to be closed by pressing 'CLOSE' button on CU, so that no further recording of votes in the machine is possible.
- (j) After all electors have cast their votes, the Presiding Officer shall put a red line after entry of last voter and sign on Register 17A giving date and time. All polling agents may also be allowed to put their signature, if they desire so.
- (k) Under Rule 49S Conduct of Election Rules, 1961, at the close of poll, Presiding Officer shall furnish a true attested copy of the account of votes recorded as prepared by him/her in Form 17C to each polling agent, after obtaining a receipt from them. Copies of the accounts should be furnished to every polling agent present even without his/her asking for it.

14.10 VOTING FOR LOK SABHA

14.10.1 After receiving the two voter's slips, enabling him/her 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/She will hand over the white voter slip to the Fourth Polling Officer. The Fourth Polling Officer who will ensure 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 Balloting 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 the 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 depends 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 themselves 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 BU(s) and VVPAT, in their respective Voting Compartments; In no case the Balloting Unit or the Control Unit or VVPAT be placed on the floor. It must be kept on a table.
- ii) Connect the Balloting Units and VVPATs with their respective Control Units;
- iii) Switch on the power switch on GU;
- iv) Demonstrate before the hour fixed for actual commencement of the poll to the, candidates/ agents present that the Voting Machines and VVPAT drop boxes are clear and do not contain any votes;
- v) Conduct then, the 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, Balloting Unit(s) and VVPAT prepared for Lok Sabha Election;
- vii) Conduct, then, the mock poll for Assembly Election using the Control Unit, Balloting Unit(s) and VVPAT 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 Balloting Unit and VVPAT is kept inside:
- x) Ensure that the cables to connect the Balloting Units, VVPAT 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 Balloting Unit(s) and VVPAT 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, switch off the Control Units and disconnect the Balloting Units, VVPATs 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 Balloting Units, VVPAT 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 receiving 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 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 It is directed 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, there is no reason to allow storage of Balloting 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 and VVPATs used for Lok Sabha election and State Legislative Assembly election shall be stored in separate rooms. They shall, under no circumstances be stored in the same room. Candidates shall be informed about such arrangements in advance.

15. 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. Returning Officer 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. VVPATs, used additionally along with EVMs hold recorded ballot slips in sealed compartments which may become subject to counting under specific circumstances as have been instructed by the Commission, mentioned in subsequent paragraphs in this chapter.
- 15.1.3. Counting of votes is to be done by Returning Officer. Assistant Returning Officers are also legally empowered to supervise counting of votes. If the Returning Officer has been assigned more than one Parliamentary or Assembly Constituency, his/her Assistant Returning Officers can take up the counting of an Assembly segment separately. Such counting should be arranged in near-by buildings so that Returning Officer can keep an effective check at all such places of counting.
- 15.1.4. The DEOs, ROs and Observers shall ensure that the existing instructions related to counting arrangements in and around Counting Centers has been fully complied before counting of votes at the hour fixed for the purpose.
- 15.1.5. The counting of votes of constituency may commence if re-poll at any polling station(s) is taking place on counting day. In such case the penultimate round of counting shall start only after re-pollled EVMs & VVPATs, from such polling stations are received in the concerned Counting Hall under full security escort.
- 15.1.6. Under Rule 60 of the Conduct of Elections Rules, 1961, counting shall be continuous without any interval. No unauthorized person should be present in the counting hall. Under Rule 53(4), the RO has authority to direct anybody to go out of Counting Center, if anyone fails to obey the lawful directions of the returning officer.
- 15.1.7. The detailed guidelines, latest instructions and latest edition of Manual of EVM & VVPAT may be referred to.

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, appointment 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. Returning Officer 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.

15.2.5. The legal provisions governing counting process are contained in the Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961. The Observers, the District Election Officers (DEOs), the Returning Officers (ROs) and all other officers concerned should familiarize themselves with the relevant provisions of the law, rules and instructions issued by the Commission for proper arrangements, pre-counting and post-counting storages and smooth conduct of counting process.

15.3 PREPARATION OF COUNTING CENTER/HALL:

15.3.1 As per Rule 51 of the Conduct of Elections Rules 1961, the Returning Officer shall, at least one week before the date fixed for the poll, intimate in writing to each contesting candidate or his/her Election Agent the date, time and place(s) of counting of votes as per Annexure-33 or Annexure-34, as the case may be, including special cases of counting table arrangements.

15.3.2 A proposal for approval of Counting Centre with requisite information in prescribed proforma (Annexure- 32) shall be sent to the Commission, by the Chief Electoral Officer (CEO), immediately after the last date of withdrawal of candidatures so that the candidates/Election Agents may be intimated by the Returning Officer in compliance of the above legal provision. For this purpose, the suitability and location of the Counting Centre shall be identified well in advance. The following should contain in the proposal of Counting Centre:-

- List of Counting Centres with numbers and names of PC/AC/AS to be counted
- Information sheet on Counting Centres
- Layout of each Counting Centre, and
- Layout indicating the location of Counting Centres pertaining to Assembly Constituencies in each district(s)/Parliamentary Constituency (ies) with Assembly Segments falling within it and the district or districts in which it is spread over.

15.3.3 The Chief Electoral Officer, on receipt of proposals from all the Returning Officers through respective District Election Officers, shall scrutinize the same and forward a summary of Counting Centres proposed along with his/her recommendations. The CEO should specifically examine the special arrangement cases proposed by the RO and the DEO and send his/her recommendations for approval of the Commission. The Observers of the Commission will go for inspection of Counting Centres 2 days before the day of counting of votes and shall ensure compliance of all ECI's instructions/guidelines. They will give their inputs in their reports to the Commission as per following formats.

Report on Arrangement at Counting Centre

Name of State:

Name of District:

No. & Name of AC:

Address of Counting Centre visited:

I have visited the above mentioned Counting Centre on..... All necessary arrangements at the Counting Centre have been made for counting of votes of the ongoing General /Bye- election...

..... It is also submitted that Commission's instructions on the arrangement at counting centre have been complied with. It is further certified that:

Sl No.	Particulars	Status	If No, remarks thereon
1.	Whether Counting Hall is spacious to accommodate infrastructure, officials and counting agents?	Yes/No	
2.	Whether smooth flow of EVMs/VVPATs from the strong room to counting hall and vice versa has been made?	Yes/No	
3.	Whether adequate lighting with proper standby arrangements (generator etc.) has been made?	Yes/No	
4.	Whether 100 meter perimeter around the counting centre has been demarcated as 'Pedestrian Zone' and barricaded?	Yes/No	
5.	Whether 03 (three) tier cordoning security system has been made? [1 st (outer) cordon to start from pedestrian zone having adequate local police, 2 nd (middle) cordon at the gate of counting premises/campus manned by SAP and 3 rd (inner) cordon at the door of counting hall manned by CAPF]	Yes/No	
6.	Whether proper barricade using transparent material/wire mesh for each counting table to prevent agents/ candidates/ counting agents etc. from handling polled EVMs has been made?	Yes/No	
7.	Whether one of the counting table inside the counting hall has been earmarked as VVPAT Counting Booth (VCB) for counting of VVPAT paper slips?	Yes/No	
8.	Whether VCB has been wire-meshed just like a Bank Cashier Cabin so that no VVPAT slips can be accessed by any unauthorised person?	Yes/No	
9.	Whether you are satisfied with arrangements at Counting Centre?	Yes/No	

Other remarks, if any:

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC allocated:

15.3.4 The CEO will also conduct field visits to inspect as many Counting Centres as possible, but in case of General Election to Legislative Assembly not less than 10, and review the arrangements made therein.

15.3.5 Counting of votes will be done at Counting Centers comprising of one or more Counting Halls. To the extent possible, Counting Center should be located at District HQs, or in exceptional case at Sub- Division HQs. For Lok Sabha elections, it will be ideal, if votes of all Assembly Segments (ASs), comprised in a Parliamentary Constituency (PC), are counted at one place. However, there is no objection if Assembly Segments are counted at different place(s) owing to large area, long distances or difficult terrain, space constraints and difficulty in transporting election materials etc. of the Parliamentary Constituency or in case of Parliamentary Constituency is spread over more

than one district. Each Counting Center and each Counting Hall within that Counting Centre will have a distinct identity number.

- 15.3.6 The Observer's presence is essential during counting and he/she is also required to perform certain activities in ensuring fairness of counting of votes and ensure accuracy of compilation of results. It is necessary to rationalize the Counting Centres so that the Observers deployed need not oscillate between two or more Counting Centres. The practice of taking up Assembly Segment wise counting at different locations should be avoided and resorted to only in rare case where there is absolute need due to the reasons mentioned above.
- 15.3.7 So far as practicable, government buildings other than colleges/ educational institutions are to be requisitioned keeping in view the suitability to establish Counting Centre. Care should be taken while selecting the Counting Centres and Strong Rooms so that there are minimal disruptions to the educational activities and other societal interests. Creation of permanent Strong Rooms in such colleges /institutions should be done as a last resort.
- 15.3.8 Primary responsibility to ensure all arrangements for counting of votes, as prescribed in this instruction and otherwise, in a district shall be of the District Election Officer.
- 15.3.9 Each Counting Hall shall be a separate room walled on all sides preferably with separate duly guarded exit and entry.
- 15.3.10 Where pre-constructed separate rooms are not available and large rooms are proposed to be divided for creating halls, each part constituting a hall, will be separated by temporary partitions using strong material, preferably CGI (Corrugated Galvanized iron) sheets. Where there is no provision to dig holes on the floor, a suitable rigid frame, with CGI sheets fixed on two sides, may be used. The partition should be done in such a way that each hall is an independent room walled on four sides so that the movement of anyone from one hall to another hall is not possible without using exit door of the hall. Further, the partition should be erected in such a way that it is impossible to slip or pass any material from one hall to the other through the partition.
- 15.3.11 Important consideration for deciding the number of counting tables for CU (EVM) would be the number of Polling Stations, size of the room, the number of contesting candidates, counting agents and counting personnel proposed to be deployed and the security aspects.
- 15.3.12 Counting Centre premises should have adequate parking space, open space, fire-fighting arrangements, good speed internet facility, drinking water facility, food and refreshment, separate toilets for both male and female and uninterrupted power supply with power backup and other required infrastructural facility for smooth conduct of counting and maintenance of law and order.
- 15.3.13 Each Counting Hall, in general, shall have a minimum of 7 and maximum of 14 counting tables for counting of votes in CU (EVM). In addition, one table will be set up for counting of votes in postal ballots as mentioned above. In case the number of tables proposed to be set up is lower or higher than the prescribed number, specific approval of the Commission shall be obtained through CEO. The CEO should specifically mention this aspect in the report/recommendation to be provided as described above. Sample layouts of the Counting Hall are enclosed at Annexure-30 and Annexure-31.
- 15.3.14 Each hall, without exception, should be used for counting for only one AC/AS at a given point of time. However, if sufficiently big hall is not available i.e., size of the hall doesn't allow placing of 14 tables for counting of votes in CU (EVM) and one table for counting of votes in Postal ballots in that Hall then counting of one AC/ AS may be taken up in two halls, with prior approval of the Commission. In such case both the Halls should be adjacent to each other or on the same floor.
- 15.3.15 In cases where number of polling stations in an AC/AS is large, counting may be taken up in two halls with a maximum of 14 tables in each hall (excluding the table(s) in which postal ballots are counted). All such cases shall be personally scrutinized by the Returning Officer and the District Election Officer, considering all factors such as number of candidates, number of Counting Agents

- etc. before sending a proposal for approval of the Counting Centre through CEO to the Commission.
- 15.3.16 In all such cases, Polling Station numbers will be pre-allotted to these two halls (each room being one separate Hall) for counting of votes in CU (EVM). This allotment, along with the location of the table(s) on which postal ballots shall be counted, should be made known to all candidates and other stakeholders, in advance. It must be ensured that the table(s) for counting of votes in postal ballots shall be set up in the Hall where RO is sitting. In the other Hall the counting of votes in CU (EVM) shall be supervised by the ARO under overall control and supervision of the Returning Officer.
- 15.3.17 In exceptional cases, where one Hall is being used to count more than one Assembly Constituency/ Assembly Segment, the Counting of votes has to be taken up in a sequential order starting from AC/ AS with lower number e.g., if AC-23, AC-25 and AC-34 are to be counted in one Counting Hall then counting shall start from counting of AC-23 first. In such case, the ROs will need to intimate in advance different times of commencement of counting, by making a reasonable assessment, to the candidates/counting staff concerned and other stakeholders.
- 15.3.18 For the counting of votes in a simultaneous election to the Lok Sabha and Legislative Assembly, the following scenarios may be considered in the context of Returning Officer of Assembly Constituency and Assistant Returning Officer of Assembly Segment of Parliamentary Constituency being normally the same:
- If separate Counting Halls for Lok Sabha and Legislative Assembly are available, same can be used for counting of Assembly Constituency and Assembly Segment of Parliamentary Constituency. The Returning Officers for AC/ARO of AS may conduct counting of votes for Assembly Segment and ARO of AC may conduct counting of Votes for AC.
 - However, if no separate Halls are available half of the counting tables in a counting hall shall be allotted for PC and half tables for AC. In such case, the Counting Agents will sit accordingly for representing candidates for PC and AC respectively. Since the Strong Rooms for PC and AC are separate, the path to take the CUs and VVPATs and other materials from the Strong Rooms to the Counting Halls and back should be kept separate. The Hall shall also be bifurcated into two partitions with wire-mesh.
- 15.3.19 The Counting Halls, including partitions as planned, should be ready at least three clear days ahead of the date of Counting and a report should be sent by each RO to the Chief Electoral Officer. The CEO shall send a consolidated report to the Commission.
- 15.3.20 Ideally not more than 500 Postal Ballots should be counted on one table. The number of tables needed for counting of Postal Ballots should be assessed by the RO, sufficiently in advance, on the basis of number of the Postal Ballots issued and expected to be received, availability of space and number of AROs. Additional tables may be set up after approval. In such case, if there is space constraint, the counting of postal ballots may be arranged in a separate hall adjacent to it or on the same floor. If number of Postal Ballots expected to be received are significantly large, the proposal for approval of appointment of additional number of AROs and number of additional tables for such counting may be sent to the Commission, by the CEO, in advance. Each postal ballot counting table shall have one ARO each to supervise the counting.
- 15.3.21 Counting tables should be placed against the barricade of woodblock and wire-mesh behind which the Counting Agents of Candidates shall sit/stand. The agents shall be prevented from having physical access to the CU/VVPAT or Postal Ballots but must be able to clearly see and note the contents on the CU display or Postal Ballot. Adequate signage should be prepared and used appropriately for providing guidance to counting staff/candidates/Counting Agents and media personnel.
- 15.3.22 The RO/ARO table(s) shall be placed at the demarcated area in the Counting Hall itself and the seating arrangement for Candidates or their Election Agents, inside the hall, shall be made in such a way that they can watch the counting process. However, they shall not be allowed to access the counting tables and also not to cross the demarcated area. The Observer table will be placed

alongside the RO/ARO's table. Similarly, tables and computer on which the computation and compilation of data from each table is done in ENCORE at the conclusion of each round, shall be placed inside Counting Hall alongside the RO's table and not in any other Hall and one Counting Agent, besides a Micro Observer, shall also be allowed to sit on that table. The area of aforesaid table shall be clearly demarcated from the rest of the area. Separate tabulation team and setup shall be provided, in case simultaneous elections, for PC and AC.

- 15.3.23 A sufficiently large blackboard/whiteboard/TV in each Counting Hall shall be placed on which the candidates' name and round number will be pre-written/displayed. The round-wise results should be written/ displayed on the board/TV after the Observer has certified the result of that round followed by declaration of the result of that particular round by the Returning Officer. The Control Units for the next round shall be brought from the Strong Room to the Counting Hall only after this exercise is completed.

If due to any unavoidable reason, RO is unable to conduct the counting of votes on the appointed date, time or place, he can postpone the counting with prior approval of the Commission and fix a fresh date, time or place. RO shall give notice of any change, in writing, to each candidate / Election Agent.

15.4 OFFICIAL COMMUNICATION ROOM, MEDIA CENTER AND PUBLIC COMMUNICATION ROOM:

- 15.4.1 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 senior officer should be deployed in such Communication Room. A Media Centre, for use by the authorized media personnel, should also to be set up at some distance away from main Counting Halls in each Counting Centre. As far as possible, a separate room of adequate size should be used and it should have all reasonable facilities like telephone, fax, computer with printer and internet facility etc. In case of any Parliamentary or Assembly Constituencies being counted in one Counting Centre with multiple Counting Halls, the media passes will be issued for Counting Centre and not for Counting Hall.
- 15.4.2 One senior officer preferably from the Public Relations Department shall be exclusively designated as in-charge of the Media Center. Each RO shall also deploy other suitable officials to the Media Center who shall assist in dissemination of counting related information/latest trends etc. among the media persons. The officials on duty at Media Centre shall escort the media groups in small and manageable numbers to visit Counting Halls at regular intervals for short durations only. Suitable arrangements will be made to securely store mobile phones in the Media Centre, as mobile phones shall not be allowed to be taken inside the Counting Halls. Use of mobile phones and other communication equipment by media personnel shall be allowed in the Media Centre only. Proper arrangement of loudspeaker should be made for dissemination of counting trends and results to public and media.
- 15.4.3 The media personnel with the authority letters issued by ECI, while covering the counting process, can and should be allowed to come out of the Counting Hall(s), if they so desire, during the counting. They should also be allowed to re-enter on the basis of the very same authority letters subject to arrangement specified above. 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 orderly counting.
- 15.4.4 A separate Public Communication Room will also be provided for candidates, their agents, counting staff etc. to use their mobile phones in case of any need. This room should also have arrangements for safe-keeping of mobiles phones and other belongings of the candidates, their agents and counting staff. An officer from Public Relation Department shall also be deployed here.
- 15.4.5 No person other than the Commission's Observer is allowed to carry a mobile phone inside the Counting Halls. In addition to the Observer, the Returning Officer or Assistant Returning Officer or

the Counting Supervisor, whose mobile phone is linked to ETPBS, is also authorized to carry mobile phone, but in silent mode to receive One-Time Password (OTP) for the purpose of pre-counting of ETPBS.

- 15.4.6 The mobile handset will be switched ON only to receive 'OTP' and be switched off once the ETPBS system is logged in and be kept by the Observer/RO/ARO till counting is over. A declaration shall be signed by all users separately about DOs and DON'Ts for mobile usage.
- 15.4.7 Specific permission shall be obtained by the Returning Officers from the Chief Electoral Officer for the number of users and related mobile numbers in each case for permissible official activities and only then those mobile phones shall be allowed inside the Counting Halls for all such users.

15.5 MISCELLANEOUS ARRANGEMENTS:

15.5.1 The DEO/RO shall make all necessary arrangements such as:

- a) Adequate barricades with strong materials, signages and parking spaces as prescribed and as required to ensure safety, security and order.
- b) CCTV with supervised control room covering Strong Rooms, Counting Halls, corridors etc. with display of relevant movements of EVMs inside Counting Halls.
- c) Sufficient number of QR Code readers for ETPBS scanning
- d) Adequate number of computers, scanners, printers, UPS, stationery items, telephone, internet with prescribed speed (with minimum redundancy from two separate providers) etc. for online data transmission using ENCORE software provided by ECI (provisions and prior testing as prescribed to be ensured)
- e) Pre-printed white color paper cards of postcard size with name and number of Assembly Constituency/Assembly Segment, date of polling on the top and the polling station number printed in the Center in 1" x 1" size in black ink for conducting the draw of lots for mandatory counting of VVPAT slips.
- f) DEO/RO shall make adequate arrangements for photocopier machines for making required number of copies of duly filled/signed Part-II of Form 17C.
- g) Every counting table has to be provided with the necessary stationery items including a ball point pen of blue ink, a paper knife for breaking open the seals, Part-II of Form 17 C in which the names of the candidates including NOTA are pre-printed in the order they appear on the ballot paper and proformas for recording votes secured by each candidate and NOTA, to be used by the additional counting staff/Micro Observers.
- h) The Counting Agents are allowed to carry pen/pencil, plain paper/note pad and duplicate copy of Form 17C, furnished by the Presiding Officers to the Polling Agents after close of the poll, inside the Counting hall for their use/reference during the counting process.
- i) Adequate teams should be formed for sealing the EVMs, transfer of VVPAT slips to black envelopes and sealing various election papers after counting. These teams should be provided with all necessary paraphernalia. The Nodal Officer for sealing work will keep the ECI Secret Seal in his possession safely and use it, wherever needed. Candidates/ their representatives shall be allowed to observe the sealing process and to affix their signature on the seals.

15.5.2 A system should be set up for receiving counting related information and complaints in the DEO's Office and CEO's Office. For this purpose, the staff of DEO/CEO Control Room (helpline number 1950) should be properly briefed and activated 72 hours in advance. Due publicity of these arrangements should be given through all media.

15.6 SECURITY ARRANGEMENTS IN AND AROUND COUNTING CENTERS

15.6.1 There should be smooth flow of CU/VVPAT between the designated Strong Rooms, where polled EVMs/VVPATs of a particular AC/AS are kept and the respective Counting Halls. A proper barricading and colour coding (if need be) of the path used for this purpose should be done so that

the transportation from Strong Room to Counting Hall is not interrupted by any person. Trespassing through the barricade by any unauthorized person should be duly eliminated. No crisscross movement across the paths of two different ACs/ASs is permissible.

- 15.6.2 Three-tier cordoning system should be set up in all counting premises to prevent the entry of unauthorized persons inside the counting premises. 1st tier of security ring shall start from 100-meter periphery around the Counting premise/campus, which 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. Adequate local police force should be stationed at the entry point to check the identity of the persons seeking entry. Identification of candidates/counting agents and counting officials should also be thoroughly verified at the 1st tier itself. No person without duly issued authority letter of ECI or photo I-Card issued by the concerned DEO/RO or the Media Pass, duly displayed by such media person, shall be allowed to pass the 1st tier of security ring. An Executive Magistrate shall be posted at the entrance to control crowd and regulate entry.
- 15.6.3 The 2nd tier and the middle cordon will be at the gate of the counting premises. This will be manned by the State Armed Police of the State concerned. Before allowing the entry of persons into the 2nd cordon, proper frisking should be done by the State Police Personnel to ensure that no prohibited items like matchbox, arms and other inflammable articles etc. are carried inside. The frisking shall be done by State Police force personnel only. Women shall be frisked only by Female Police Personnel/ Female Home Guards. They should also ensure that mobiles/I-pad, laptop and similar electronic devices or any recording devices are not carried inside the counting hall. All such items shall be kept in the Media Room/Public Communication Room. The forces deployed at 2nd tier will also ensure that no one is loitering outside the Counting Hall. Mobile phones or other communication equipment can only be used from designated rooms at the Counting Centers.
- 15.6.4 The 3rd tier and the innermost cordon shall be at the door of the Counting Hall. This will be manned by Central Armed Police Forces (CAPF). There will be proper frisking arrangements at this stage too so as to ensure that no mobile phones and other prohibited items are carried inside the Counting Hall.
- 15.6.5 No still or video cameras except official video camera for official recording are allowed inside the counting hall. Hand-held cameras, without stand, can be allowed inside the counting hall by press persons carrying media pass issued by the ECI. Further, while taking audio-visual coverage of the counting process with hand held cameras by the media persons/journalists, the actual votes recorded on an individual CU/VVPAT or ballot papers should not be photographed or covered by audio-visual coverage under any circumstances. The officials on duty at Media Centre shall escort the media groups in small manageable numbers to visit the Counting Halls at regular intervals for short duration only. The exact boundary, up to which the still/video cameras of the media person/journalists can move, should be indicated, by the Returning Officer in advance. It may be marked by a coloured line or by a string for guidance of all concerned.
- 15.6.6 The entry into the Counting Centre, at all times is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting.

15.7 COUNTING STAFF

- 15.7.1 Unlike polling staff, counting staff is to be appointed by the Returning Officer concerned. From the available database of Counting personnel, as provided by the District Election Officer, the Returning Officer should appoint required number of Counting Assistants and Counting Supervisors (with some reserves in both categories), and such other officials as the Returning Officer may require for assisting him/her in the Counting. The Returning Officer should also appoint sufficient number of MTS/Group D Government employees as Counting Staff for transporting the CUs/VVPATs from Strong Room to pre-decided counting tables in the designated counting hall and vice-versa and to

assist Returning Officer in sealing of EVMs, VVPAT paper slips transfer in black thick envelope and other related papers/material after declaration of result.

- 15.7.2 The requirement of Counting staff is assessed on the basis of number of Counting halls, number of postal ballots expected to be received and number of Counting tables.
- 15.7.3 For each table earmarked for counting of votes in EVM, the Returning Officer shall appoint-
 - a. One Counting Supervisor (Gazetted Officer or equivalent)
 - b. One Counting Assistant
 - c. Counting staff from MTS/Group D employees
 - d. One Micro Observer
- 15.7.4 For each table earmarked for counting of Postal Ballots, the Returning Officer shall appoint-
 - a. One Assistant Returning Officer
 - b. One Counting Supervisor (Gazetted or equivalent)
 - c. Two Counting Assistants (Gazetted Officer or equivalent)
 - d. One Micro Observer
- 15.7.5 In addition to the above, the RO shall appoint two Micro Observers and one additional counting staff to assist the Observer.
 - a. The first Micro Observer to assist Observer in checking the compilation sheet of round wise results.
 - b. The second Micro Observer to watch over the data entry being made in the computer and round- wise compilation of votes recorded for each candidate.
 - c. One additional counting staff for each AC for assisting the Observer in parallel counting of two randomly selected CUs.
- 15.7.6 Each table for pre-counting of ETPBS following staff shall be appointed:
 - a. one Supervisor
 - b. one Assistant
 - c. One ARO for up to 10 tables for ETPBS pre-counting
- 15.7.7 For simultaneous election, there shall be additional set of officials in each category with clear cut assignment of duties. They 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. Under no circumstances CU, VVPATs and postal ballots relating to Assembly Election, shall be supplied to the table meant for counting of votes for Lok-Sabha elections and vice-versa. A senior officer should monitor distribution of relevant materials to the respective tables.
- 15.7.8 Returning Officer should not appoint any such person as Counting Staff who has been employed by or on behalf of, or has otherwise been working for a candidate in an election. Similarly, the staff of local bodies should also not be appointed for Counting of votes.
- 15.7.9 Counting staff appointments should be made in the form given in Annexure- 35. Counting supervisors should preferably be Gazetted officers (Group B or above), Counting Assistants should also be Group B or at least Group C officials of the Central or State Government or officers of comparable status from Central/State Government undertakings.
- 15.7.10 All Counting staff, including Micro Observers, should be given two intensive training for both counting of votes in CU, VVPAT slip counting (using dummy symbols) and Postal Ballots/pre-counting of ETPBS including legal and practical aspects of counting procedure sufficiently in advance. The first training shall be imparted immediately after the first randomisation. The second round of training shall be completed at least one day prior to the day fixed for counting.
- 15.7.11 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 Returning Officer has the liberty of replacing officials in

case of any exigency, but this replacement would also be done randomly from the pool of officials in reserve after consulting the Observer concerned.

15.8. RANDOMIZATION OF COUNTING OFFICIALS

15.8.1 The arrangements for randomization of counting official shall be done by the District Election Officer, where the Counting Centre(s) is located. The randomization of counting staff is to be done in three stages. For this purpose, the DEO should prepare a data base of more than 120% of employees in each category of counting official (Counting Supervisors/Counting Assistants/Micro Observers). The randomization of abovementioned counting staff shall be done using the software centrally developed by the Chief Electoral Officer.

15.8.2 First Randomization of Counting Officials:

- (a) The first randomization of counting officials shall be done only for randomly drawing 120% of the required number of officials for each category of counting officials (Counting Supervisors/Counting Assistants/Micro Observers).
- (b) It shall be done under direct supervision of the DEO using the software, one week prior to the date of counting.
- (c) It shall be done invariably in the presence of the Returning Officer(s). In case of Parliamentary Constituency, where Returning Officer Headquarters is not located, the Assistant Returning Officer(s) concerned shall be present.
- (d) The presence of Observer is not required at this stage.
- (e) The DEO shall issue Photo Identity Cards and intimation letter for counting duty.

15.8.3 Second Randomization of Counting Officials:

- (a) The second randomization of counting officials shall be done for randomly allocating counting officials to Assembly Constituency/Assembly Segment.
- (b) It shall be done by the District Election Officer using the software 24 hours prior to the commencement of Counting of Votes.
- (c) It shall be done invariably in the presence of the Returning Officer(s).
- (d) In the case of Counting of votes for Parliamentary Constituency, where the Counting locations for any Assembly Segment is far away from the headquarters of the RO, the second randomization of Counting staff shall be done by the DEO, as per above norms, and prepare a separate set of such counting officials for that Assembly Segment, up to 48 hours before commencement of Counting. The DEO shall intimate the ARO concerned accordingly. In such case, prior approval shall be taken from the CEO.
- (e) Similarly, for counting of votes for Assembly election where the Assembly Constituency is located at a far-flung area and counting is proposed to be taken up in that location and not centrally in district headquarters, the above-mentioned instructions shall apply.
- (f) The presence of Observer(s) is required at this stage.
- (g) The Returning Officer concerned shall issue the appointment letters to the officials allotted to his/her constituency.

15.8.4 Third Randomization of Counting Officials:

- (a) The third randomization of each category of counting officials shall be done for allotment of counting tables to them for counting of votes in CU & VVPAT and Postal Ballots in the Counting hall. No randomization is required for counting officials allocated for pre-counting scanning of ETPBS.
- (b) It shall be done by the concerned RO (ARO in case of Parliamentary Constituency, where RO is not located) in the presence of ECI Observer at 5.00 AM on the day of Counting.
- (c) It shall preferably be carried out by using software. In special cases, where randomization

through software is not feasible, this exercise shall be done manually. In case of manual randomization, the senior most Observer present would randomly assign the table number to the counting officials by the draw of lots i.e., picking up chits of the unique serial numbers assigned to counting officials and the table numbers. The DEO should make all arrangements in advance to ensure quick and smooth conduct of the randomization process. In case, it is done with the aid of a computer, 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.

- (d) The Counting officials would be provided with the details of duty assigned on reaching the control room at the Counting Center. Thereafter, they shall be directed to reach their respective tables in the Counting Hall of the assigned Constituency/ Segment.
- (e) It must be ensured that the whole process of randomization is over by 6:00 am on counting day so that the Counting Officials are able to reach their assigned position conveniently before the scheduled start of the Counting process.
- (f) A separate seating arrangement shall be made within the Counting Center/Campus for the reserve staff after third randomization.

15.8.5. In special cases, where any deviation from the above-mentioned procedure is required in case of any exigencies or geographical constraints, the prior approval of the Chief Electoral Officer is required with full justification. The DEO would ensure that videography (with date and time stamping) of entire process of all stages of randomization is carried out for record. Summary of the randomization process may be perused at Annexure 59.

15.9. MICRO-OBSERVERS

- 15.9.1 Each Counting table including tables for Counting of Postal Ballots, shall have one Micro-Observer (not below group 'C' officials of Central Government or Central PSUs). The Observer should properly train the Micro Observer. The Micro Observer shall be responsible for the purity of counting process on his/her respective table. Wherever adequate number of Central Govt. staff is not available for appointment as Micro Observer, the shortfall shall be met by the Chief Electoral Officer by mobilizing the required number of staffs from the neighbouring districts within the Division in coordination with Divisional Commissioner. The additional staff will be given a brief orientation training before being deployed at the Counting Center. The additional staff also will be provided ID Cards by the DEO of the district, where counting is taking place. The Observers may appoint Micro Observers as per the format given in Annexure-53.
- 15.9.2 The Micro Observers will note down the details of votes displayed by the CUs being counted in each round on the table assigned to them. Micro Observers would be provided with a pre-printed statement on which there will be space for noting down the CU Number, Round Number, Table Number, Polling Station Number and thereafter the names of all the contesting candidates, including NOTA, as they appear in the Ballot Paper. Micro Observers shall put their signatures at the end of the statement and shall hand over the statement to the Observer after completion of each round.
- 15.9.3 In cases where the Observer is assigned to look after Counting in more than one Hall/AC, the Micro Observers attached to the Observer in each Hall and who are preparing the round-wise tabulation format of randomly selected two CUs, should sign the round-wise tabulation format on behalf of the Observer in absence of the Observer. The Observer will countersign the same when he/she returns/visits the Counting Hall.
- 15.9.4 The two Micro Observers, attached with the Observer, should be entrusted with the following responsibilities: -
- a) 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/she should ensure that the entries of the Part II of the Form 17C are correctly entered in the computer by the data entry operator.

- b) The second Micro-Observer shall assist the Observer. He/ She shall by obtaining a print-out of the data entry done in the computer and verifying the entries with the statement handed over by the Micro-Observers, present on Counting tables, after each round of Counting.

15.9.5 In addition to the above, One Counting Assistant for each AC shall be appointed for assisting the Observer in parallel counting of two randomly selected CUs.

15.10. COUNTING AGENTS OF CANDIDATES

15.10.1. The law does not prescribe any qualification for a person to be appointed as a Counting Agent. However, the candidates are advised to appoint persons of the age of 18 years and above as their Counting Agents so that they are appropriately represented during counting of votes. The following persons cannot be appointed as Counting Agent of a Candidate during an election:

- a) Sitting Minister either of the Union Government or of the State Government, Member of Parliament or State Legislature.
- b) Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc.
- c) Chairpersons and Members of Central PSUs/State PSUs, Govt. Bodies/Corporation.
- d) Persons receiving any honorarium from Government or Persons working on part time in any Govt./ Govt. Aided Institutions.
- e) Para Medical/Healthcare staff working in Govt./Govt. Aided institutions, Fair Price Shop dealers, Anganwadi Employees.
- f) Person in the service of the Government [This is an offence and under Section 134-A of the R.P. Act 1951 and such appointees are punishable with imprisonment for a term which may extend to 3 (three) months, or with fine, or with both].

There is no prohibition against appointment of Gram Panchayat Pradhan/Gram Panchayat Sarpanch/Panchayat members, Councilors or Members of Municipal Corporation or Municipality and local persons, who are residents of the constituency, as Counting Agents of Candidates. There is no prohibition in appointing an NRI who is a citizen of India as Counting Agent.

Any other person having security cover provided by the State (both Union and State Govts.) shall not be allowed to act as Election Agent or Counting Agent of any candidate during an election even if they surrender or decide to relinquish their security. Further, such person cannot enter the Counting Hall along with or without his security personnel.

- 15.10.2 Each candidate is allowed to appoint as many counting agents as there are counting tables including table meant for counting of postal ballots for his/ her constituency. The candidate can appoint one more counting agent to watch the counting process at the Returning Officer's table in absence of himself or his election agent.
- 15.10.3 Appointment of a Counting Agent is to be made either by the candidate himself or by his election agent in Form 18 appended to the Conduct of Elections Rules, 1961. Any request on a plain paper received from a candidate/election agent should not be accepted by RO. The name and address of the counting agent will be filled up in that Form and the candidate or his election agent will personally sign that Form 18. The Counting Agent will also sign that Form as token of his acceptance of the appointment. Two copies of such Forms together with the photographs of the agents shall be prepared. One copy of that Form is to be forwarded by the candidate/election agent to the Returning Officer latest by 5.00 PM three days prior to the date fixed for counting of votes. The 2nd copy is to be given to the Counting Agent for production before the Returning Officer on the day of counting. On receiving the same, RO will prepare the photo identity cards for the Counting Agents, under his seal and signature, and issue the same, to the Contesting Candidate or his election agent, under acknowledgement.
- 15.10.4 A candidate may appoint all his counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that Form 18, in token of having accepted

the appointment.

- 15.10.5 Counting Agents shall produce photo identity cards issued by the RO along with the 2nd copy of Form 18 and sign the declaration, contained therein, before the RO on the day of counting, not later than one hour before the time fixed for the counting. The RO shall not accept the appointment letter which is received after the aforesaid time. RO shall inform the Candidates that if the Counting Agents fail to bring the 2nd copy of Form 18 and photo-identity card, they shall be denied entry in the Counting Hall. Similarly, the Election Agents of the Candidates are also required to produce the attested duplicate copy of their appointment letters. Thereafter, the RO shall allow the agents to enter the Counting Hall.
- 15.10.6 The candidate or his election agent is authorized to revoke the appointment of a Counting Agent in Form 19 appended to the Conduct of Elections Rules 1961. Such revocation becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorized to appoint another counting agent in place of the one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced, no appointment of fresh Counting Agent can be made. Appointment of such fresh counting agent is to be made in Form 18 of Conduct of Election Rules 1961 as mentioned above.
- 15.10.7 On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign the declaration contained in his letter of appointment regarding maintenance of secrecy of voting before the Returning Officer. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the Counting Agent to enter the Counting Hall. The Returning Officer is empowered to order for searching any Counting Agent before his entry into the counting hall. Each Counting Agent will be given a badge by the Returning Officer indicating whose agent he is and showing the serial number of the table at which, he will watch the counting. He should keep sitting/standing at the table allotted to him. He will not be allowed to move about all over the Hall. However, the candidate, his election agent and in their absence, only his Counting Agent at the Returning Officer's table will be allowed to go around all counting tables.
- 15.10.8 The counting will be done on the tables arranged in rows. The tables in each row will be serially numbered. On each counting table, the seating arrangement for the counting agents shall be made having regard to the following categories of priority, namely: -
 - a) Counting Agents of Candidates of recognized National parties;
 - b) Counting Agents of Candidates of recognized State parties;
 - c) Counting Agents of Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the constituency;
 - d) Counting Agents of Candidates of registered-unrecognized parties;
 - e) Counting Agents of Independent candidates.
- 15.10.9 Only the following persons can be allowed inside the Counting hall-
 - a) Counting supervisors and Counting Assistants, Micro-Observers; Persons authorized by ECI (possessing authority letter duly issued by ECI), and Observers, Public servants on duty in connection with the election; and Candidates, their Election Agents and Counting agents. Before Counting begins, RO should ensure that no one else is present in the Counting hall.
 - b) RO should note that expression of "public servant on duty in connection with election" does not 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 RO decides to call them in for the maintenance of law and order or some similar purpose.
 - c) RO should also note that the above expression "public servant on duty in connection with election" also does not include the Ministers/State Ministers/Deputy Ministers of the Union Govt. or State Govt. They can come inside the Counting hall only as candidate. As per ECI

instruction, they can't be allowed to be appointed as election agents or Counting agents as they have to be escorted by their security guards who are not to be allowed entry into the Counting Halls.

- d) Entry of persons should be strictly regulated as detailed above. No other unauthorized person, whosoever he may be, should be allowed to enter the place of counting. No security personnel accompanying the candidates or their agents should be permitted to enter the Counting Halls. However, contesting candidate who is a SPG protectee or other similarly placed contesting candidates can be permitted to be accompanied inside counting hall only with one security personnel in plain clothes with one concealed arms.
- e) Besides, a contesting candidate, if having security personnel with arms, gives an undertaking that they are surrendering their security on their own voluntarily to sit in the Counting Hall, he/ she may be allowed (this exemption is not available to any other persons having personal armed security)

15.11 MAINTENANCE OF DISCIPLINE AND DECORUM AT COUNTING CENTER:

- 15.11.1 ROs are only bound by the provisions of law and the instructions of the Election Commission while performance of duties as Returning Officer. ROs are not, thus, to take orders from or show any favour to any superior officer or any political functionary including but not restricted to Ministers. In case RO has a reasonable doubt about the presence of any person in the Counting Hall, he 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.
- 15.11.2 Security Personnel should be posted on duty at the door or doors of the Counting hall. No person should be allowed to enter or leave the room without RO's permission. RO must ensure that complete order and discipline prevail and Counting takes place in a professional/judicious manner. The Counting staff shall leave the Counting Hall, with the permission of RO, only after the result is declared. Smoking and e-cigarette are not allowed anywhere in the Counting Centre. Mobile phones, I-pads, laptops, or any other similar electronic devices capable of recording audio or video are not allowed inside the Counting Center. The only exception will be Commission's Observers. However, computer/ laptops or mobile devices required for official use to transmit Counting data through ENCORE will be allowed.
- 15.11.3 An uninterrupted CCTV coverage of movement of all CU, VVPAT machines and relevant documents from Strong Rooms to Counting Halls and back should be ensured. The CCTV coverage of the movement shall be displayed in TV/Monitor etc. inside the Counting Hall for viewing by the candidates/their agents.
- 15.11.4 Entire counting process in the Counting Halls must have 360-degree CCTV coverage or videography with date and time stamping and stored in appropriate retrievable storage device safely. Video coverage shall also be ensured at every stage of counting. This video coverage shall include Counting Hall arrangements, security arrangements in and outside the Counting Hall/Center, presence of candidates and their Agents in the Counting Centers, the process of randomization of counting staff, opening of Strong Rooms, counting process in the Counting Hall, tabulation at the Returning Officer's table, counter checking of two CUs by the Observer, declaration of result, handing over of Certificate of Return of Election to elected candidate, transfer of VVPAT slips to thick black envelopes, sealing of CU/VVPAT and election papers after counting and any other significant events of the counting process.
- 15.11.5 CCTV Camera for counting table earmarked for VVPAT Counting Booth (VCB) shall be installed on ceiling just above the counting table, as per instructions contained in the latest edition of 'Manual on Electronic Voting Machine and VVPAT'. However, in no circumstances, the actual votes displayed on individual EVMs or Ballot papers are to be video recorded.
- 15.11.6 The unedited video recording should be sealed, clearly labeling all the details contained therein,

after the counting process is over, for future reference. It should be ensured that the video recording of the entire counting process is kept intact and unedited with proper locking seals so that it cannot be copied by anyone after it has been sealed. All the recordings of the counting process shall be under the custody of the District Election Officer and shall be treated as records under Rule 93(1) of Conduct of Election Rules 1961. The Commission's latest instructions on storage and retention of videography/CCTV data, shall be followed strictly in this context. There shall be no webcasting (transmission of video recording) of the process of counting of votes.

15.12 COUNTING PROCESS

- 15.12.1 **Commencement of counting:** Unless otherwise directed, Returning Officer is not required to obtain any specific permission for commencement of counting of votes. However, Returning Officer will have to ensure that all complaints received regarding polling have been duly looked into by him/her and nothing is pending. Returning Officer should keep the Commission informed of the progress of poll on polling day. For that purpose, Returning Officer is 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. It is very important that Returning Officer's 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.
- 15.12.2 The RO should commence the counting at the hour fixed for the purpose. The Polled EVM Strong Room should be opened in the presence of the Observer, RO/ARO(s), the candidates/ their election agents. After making necessary entries in the log book maintained for the purpose, the seal of the lock should be checked, shown to the candidates/ their election agents and then shall be broken. Entire proceedings shall be videographed with date-time stamping. An uninterrupted CCTV coverage shall be done to record to and for movement of all CUs, VVPAT and relevant documents from strong room to Counting Hall.
- 15.12.3 Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the Section 128 of the R.P. Act, 1951 and Rule 54 Conduct of Election Rules 1961 regarding maintenance of secrecy for the information of all present and for compliance on their part.
- 15.12.4 Every person inside the counting hall is required by law to maintain, and to aid in maintaining, the secrecy of vote and should not communicate to any person any information intended to violate such secrecy. Everyone is required to fully cooperate and comply with the instructions of the Returning Officer. Any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the Representation of the People Act, 1951)
- 15.12.5 Counting Agent and others will not be allowed to go outside the Counting Center during counting process. They will ordinarily be allowed to go outside only after the declaration of result. However, Counting Agents other than those allowed to watch counting of VVPAT slips in VCB, may be allowed by the RO to leave the counting hall once counting of votes in CU and PB is over.

15.13 COUNTING OF ELECTRONICALLY TRANSMITTED POSTAL BALLOT PAPERS (ETPBs) FOR SERVICE VOTERS

- 15.13.1. Counting of ETPBs shall be done at ROs Table as in the case of the other postal ballots. Only such Postal Ballots as are received before the hour fixed for commencement of counting shall be counted. The pre-counting arrangements for Electronically Transmitted Postal Ballots (ETPBs), being used for Service Voters, shall be done as under:
 - a) The Returning Officer should carry out advance planning about the number of tables and teams that would be required for ETPBs QR code reading, without undue delay by assessing the estimated number of ETPBs that are likely to come back and other factors such as total time likely to be taken for EVM counting and mandatory VVPATs counting

(approximate gross scanning speed of 4 scans per minutes per team may be assumed in assessing arrangements).

- b) Purchasing of QR Code Readers in sufficient numbers and testing for their error-free functioning should be ensured in advance. Before going to start pre-counting scanning, QR Scanner is to be configured
- c) QR code reading may be taken up in a separate room, adjacent to the main Counting Hall. Each team should comprise one Supervisor and one Assistant with a QR code Reader. One ARO should be assigned to supervise a maximum of ten QR code reading teams. One counting agent for each candidate, irrespective of number of tables for QR code reading, may be allowed to watch the process of QR code reading and suitable seating arrangements for them should be made.
- d) There shall be arrangement of separate trays for physical segregation of valid and invalid Form 13B. The mobile numbers or E-mail ids of RO/ARO/Counting Supervisors that are linked with ETPBS to receive OTP, should not be changed till elections are over. It should be ensured that 'Do Not Disturb' is activated in the RO's/ARO's and Counting Supervisors' mobile. When multiple tables and teams are provided for QR code reading work, each team will be given a separate login credential which will enable to trace the envelopes and documents read by the team. After completing the QR code reading, as per laid down procedure, the set of envelopes will be assigned to counting tables arranged for the postal ballot counting.
- e) Following shall be followed in critical cases during QR Code reading:

Scenario 1:

If the QR Code available on Form 13C is damaged and cannot be scanned, then follow the procedure given below.

- Step 1:** Open the Outer covers (Form 13C) and read the name of the elector from the declaration (Form 13-A). Select the name of the elector from drop down list in **Scan Form 13C tab** and click on **ADD** button. Necessary valid checks will be performed for possible duplicates and verification of the service voter by the software. A unique serial number will be provided by the software. The Counting Supervisor will manually write the computer generated serial number on the envelope being verified.
- Step 2:** If no duplicate and correct verification is found, then Scan two QR Codes on Form 13A one by one, which is on the lower side of Form 13A. Note down the computer generated Sl. No. on Form 13A.
- Step 3:** Scan the QR Code on Form 13-B, which is on lower right side. Note down the computer generated Sl. No. on Form 13B.
- Step 4:** If the QR Code reading does not raise any anomaly, keep Form 13-B envelope and Declaration (Form 13A) back in Form 13-C envelope and keep the envelope in a tray marked as **VALID BALLOT**.

Scenario 2:

If the QR Code available on Form 13A is damaged and cannot be scanned, then follow the procedure given below.

- Step 1:** Scan the outer cover (Form 13C) which has a QR Code on lower right hand side. It will be read by the QR Code Reader and necessary valid checks will be performed for possible duplicates and verification of the service voter. A unique serial number will be provided by the computer. The Counting Supervisor will manually write the computer generated serial number on the envelope being verified.
- Step 2:** If no duplicate and correct verification is found, then only outer envelope (Form 13C) will be opened.
- Step 3:** If the QR Codes on Form 13A is damaged and cannot be scanned then select the name of the elector and enter 40 digit e-PBID in **Scan Form 13-A tab** and click on **add** and after

that scan the QR Code which is on lower right side on Form 13B.

Step 4: After that scan the QR Code which is on lower right side on Form 13B.

Step 5: Note down the computer generated Sl. No. in all the above Covers respectively.

Step 6: If the QR Code reading does not raise any anomaly, keep Form 13B envelope and Declaration 13A back in Form 13C envelope and keep the envelope in a tray marked as **VALID BALLOT**.

Scenario 3: If QR code available on Form 13B is damaged and cannot be scanned, then follow the procedure given below.

Step 1: The Outer cover (Form 13C) which is having QR Code on lower right hand side, will be read by the QR Code Reader and necessary valid checks will be performed for possible duplicates and verification of the service voter. A unique serial number will be provided by the software. The Counting Supervisor will manually write the computer generated serial number on the envelope being verified.

Step 2: If no duplicate and correct verification is found, then only outer envelope (Form 13C) will be opened.

Step 3: Open the outer cover (Form 13C) and take out the two documents which are required to be found inside. The first one is declaration (Form 13A) and the second one is inner cover (Form 13B) containing the postal ballot paper.

Step 4: Counting Supervisor should take out the declaration from Outer Envelope, Form 13A and the inner cover in Form 13-B.

Step 5: Scan two QR Codes on Form 13A one by one, which is on the lower side of Form 13A. Note down the computer generated Sl. No. on Form 13A.

Step 6: If the QR Code which is on lower right side on Form 13B is damaged and cannot be scanned then enter the 40-digit e-PBID available on the Form 13B in the text boxes available in **Scan Form 13B tab** and click on **ADD** button for confirmation.

Step 7: Note down the computer generated Sl. No. in all the above Covers respectively.

Step 8: After completion of above steps keep Form 13B envelope and Declaration Form 13A back in Form 13C envelope and keep the envelope in a tray marked as **VALID BALLOT**.

Scenario 4: If Form 13A or Form 13B QR code cannot be scanned and 40-digit e-PBID is also not readable, then follow the procedure given below.

If Form 13A or Form 13B QR code cannot be scanned and because of damage 40-digit e-PBID is also not readable then the user has to select "other reason" from the drop down menu in which you have to write the reason of not scanning or entering the 40-digit e-PBID from the declaration Form 13A and RO has to mark it as **INVALID BALLOT**.

Scenario 5: In case duplicate or spurious E-Postal Ballot, then follow the procedure given below.

If the QR Code reading indicates any discrepancy such as the documents not being genuine or multiple copies of the document have been received, such envelopes shall be kept in a separate tray meant for **INVALID BALLOT**. In case of rejection of envelopes/ documents on QR Code reading, the ARO in-charge of the team should see and satisfy himself about the discrepancy shown in QR Code reading that results in rejection and write the same on back of Form 13C.

15.14. COUNTING OF POSTAL BALLOT PAPERS-

15.14.1 Under Rule 54A of the Conduct of Elections Rules 1961, the counting of postal ballot papers shall be started first at the RO's table. Only such Postal Ballot Papers shall be taken up for counting which are received by the RO before the hour fixed for commencement of counting. The Returning Officer shall furnish the latest account of the total number of postal ballot papers (received from the facilitation centers and through post) to the Observer at the time of commencement of counting.

- 15.14.2 RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro-observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor. The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.
- 15.14.3 All the cases of rejection of postal ballot on account of defects in Declaration in Form-13A should be re-verified by the Returning Officer before they are actually put in the rejected category.
- 15.14.4 The Observer shall very closely oversee the process of counting of votes by postal ballot especially the scrutiny of the declaration in Form 13A. While submitting the report on counting after declaration of result, the Observer shall include therein a detailed description of the procedure followed for the postal ballot counting. This should specifically make a mention about the total number of postal ballot papers received for counting, number of PB rejected, number of tables provided for postal ballot counting and the total time taken for the counting of PB.
- 15.14.5 All PBs received by the RO up to the hour fixed for commencement of counting shall be counted, so all such PBs should be brought before the RO. Please note that no 'Cover -B' in Form 13-C which contains the Postal Ballot, received late after the time fixed for the commencement of counting shall be opened and counted [Rule 54A (2)], and a suitable endorsement to that effect on the cover in Form 13-C should be made by RO/authorized ARO on each such cover received after the commencement of counting. Thereafter these covers in Form 13C will be put into a larger cover and sealed, before proceeding further.
- 15.14.6 All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots following points /stages must be scrupulously followed-
- (a) All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are to be opened one after another.
 - (b) 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 is the inner "Cover A (Form 13-B) containing the postal ballot paper. Before opening the cover "A" containing the postal ballot paper, the Returning Officer shall check the declaration (Form 13-A).
 - (c) He shall reject a postal ballot paper without opening its inner cover (Form 13-B) in any of the following cases:
 - If the declaration in Form 13-A is not found inside the cover "B" in Form 13-C;
 - the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective,
 - If the serial number of the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover "A" in Form 13-B
- 15.14.7 A postal ballot paper shall not be rejected merely on the ground that the attesting officer has not put his seal on the declaration of the elector in Form 13-A if the attesting officer has given all relevant details with regard to his name and designation on that Form. Further, a postal ballot paper shall also not be rejected on the ground that the sender (elector) has not put his signature on the outer cover "B" (Form 13 C) in which he has returned the Postal Ballot Paper, if the identity of the sender is verifiable on the basis of his declaration in Form 13-A.
- 15.14.8 All such rejected covers "A" in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the RO or the authorized ARO. and will be back with the respective declarations in the larger cover "B" in Form 13-C.
- 15.14.9 All such larger covers "B" will be kept in a separate packet, which will be sealed by the RO/ARO concerned and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.

- 15.14.10 Thereafter, the RO/ARO will proceed to deal with the remaining covers "A" in Form 13-B, i.e., other than those rejected as aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their cover "A" in Form 13-B, to ensure secrecy of vote as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.
- 15.14.11 Thereafter, the RO/ARO will proceed to open the covers "A" in Form 13-B one after another to take out the postal ballot papers contained in them. The RO/ARO will scrutinize every such ballot paper and decide its validity.
- 15.14.12 Postal ballot paper will be rejected on the following grounds: -
- (a) If no vote is recorded thereon; or
 - (b) If votes are given on it in favour of more than one candidate, or
 - (c) If it is a spurious ballot paper, or
 - (d) If it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or
 - (e) If it is not returned in the cover "B" sent along with it to the elector by the Returning Officer, or
 - (f) If the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or
 - (g) If it bears any mark or writing by which the voter can be identified.
- 15.14.13 There is no particular mark required by law to be made by a voter to indicate his/her vote on a Postal Ballot. Any mark can be accepted as valid so long as it has been so made on the Postal Ballot that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Vote recorded on a postal ballot paper shall 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 shall be for a particular candidate clearly appears from the way the paper is marked. (Rule 54A (10) of the Conduct of Elections Rules 1961)
- 15.14.14 The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.
- 15.14.15 Thereafter all the valid postal ballot papers and all rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the RO and the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon.
- 15.14.16 Counting of votes in postal ballots received for Parliamentary Constituency: The Assistant Returning Officer for the Parliamentary Constituency, who will count the votes polled at a component Assembly Segment 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 Counting Centers than one (as in most cases they will be in the case of Parliamentary election), the provisions of Rule 54A of the said rule will apply only to the counting at the last of such places. The place at which the Returning Officer finally counts and declares the result should be considered as the last place of counting.
- 15.14.17 Elaborate instructions issued from time to time by the Commission shall be followed scrupulously on pre-counting activities for ETPBS, intimation to candidates about postal ballots received from facilitation centers and by post, storage and transmission of such postal ballots and counting of votes by Postal Ballot and results thereof.

15.15 PROCEDURE OF COUNTING OF VOTES THROUGH EVM.

15.15.1. After 30 minutes of the commencement of counting of postal ballots, counting of votes from EVMs should be started. Counting of votes from EVMs shall be started on the scheduled time of counting in the following cases:

- (a) If there is no postal ballot paper in the constituency.
- (b) Other Assembly Segments of the Parliamentary Constituency where postal ballots are not counted.

15.15.2 At the time of counting, only the Control Unit of the EVM used in the polling station is required for ascertaining the result. Hence, for counting of votes in EVM, only Control Units along with the respective Form 17-C shall be brought to the counting tables.

15.15.3 Allotment of CUs on Counting Table:

- (a) Distribution of Control Units of EVMs on the various counting tables should be done in the serial order of the polling stations i.e., CU used at PS No. 1 should be given to counting table number 1, that of PS No. 2 to counting table number 2, and so on.
- (b) Only after completion of counting of all the CUs of a particular round and taken out of all CUs of that round from the Counting hall, the CUs of the next round shall be brought in the counting hall after getting verbal clearance of RO/ARO and the result of that round has been posted on the blackboard/whiteboard/TV etc.

15.15.4 Ascertaining the Result:

- a) Before ascertain the result from the Control Units of EVMs, Counting Officials shall ensure that
 - Paper seal used in the Control Unit is intact and the same was provided to that particular polling station.
 - Control Unit is switched ON.
 - Total votes displayed on the Display Panel of the Control Unit (Press TOTAL button of the Control Unit) tallies with the total votes polled mentioned in Form 17C.
- b) For ascertaining the result from the Control Unit, tear the Green Paper Seal and remove the Address Tag of the Result Section of the CU and press 'Result' Button of the CU without removing Green Paper Seal.
- c) The total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the CU.
- d) The Control Unit may be kept lifted, by the Counting Assistant in such manner and position that the display panel is clearly visible to the Counting Supervisor, Micro Observer and Counting Agents of candidates sitting across the wire-mesh/fence to note down the votes polled against each candidate including NOTA. This process shall be repeated, if any Counting Agent desires.
- e) After the result has been noted in Part-II of Form 17C, the cover of Result Section shall be closed and the Control Unit should be switched OFF. Control Units along with Paper Seals shall be kept inside the carrying case and send for sealing purpose.
- f) In case of non-display of result in the display panel of Control Unit the said unit shall be kept inside carrying case and keep under RO custody. In such case VVPAT slips of respective VVPAT shall be counted after completion of all CUs count.
- g) In case of close button was not pressed at the end of poll, Total Button of the CU should be pressed to see total votes in CU.
 - If total votes polled in the CU tallies with total votes polled in CU mentioned in Form 17 C, result from the CU shall be ascertained after pressing Close button and then Result button.

- If total votes polled in the CU does not tally with total votes polled in CU mentioned in Form 17 C, keep the CU back in carrying case and keep under RO custody.
- h) Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C: In all pre-identified such cases (on poll day, during scrutiny of documents on P+1 day etc.), their lists shall be shared with the contesting candidates before the commencement of counting. In all such cases CU(s) shall not be brought to the counting hall for retrieving result from that Control Unit(s).
- i) EVM counting can go on irrespective of the stage of Postal Ballot counting.
- j) As a measure to cross check the correctness of counting, the observers should randomly select two CUs counted in each round with the help of additional counting staff. A performa for such cross checking is available at Annexure-56.
- k) If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer, then: -
 - The result of that round for each table shall be re-verified from the CU.
 - The erring official would be taken off and replaced by another set of staff. Severe disciplinary action should be initiated against him/her.
 - 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.

15.16 COMPILATION OF RESULT OF COUNTING OF FORM 17C PART II:

- 15.16.1 Candidate wise result of each CU (Polling Station) is noted in Part II of Form 17C and sign by the respective Counting Supervisor. Signatures of candidates or their counting agents present at the counting table shall be obtained. Before taking signature of candidates/their agents/counting agents in Part II of Form 17C, in space between counting supervisor signature and signature of candidates/their agents/counting agents, write in pen - "We, hereby certify that CU No(s) is/are the same which were used in the Polling Station No.....".
- 15.16.2 Result sheet is to be prepared in duplicate using carbon paper so that there is no discrepancy between the two copies. Original copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes. The carbon copy will be used for taking multiple photocopies for supplying copy each to the counting agents at the respective table. These copies should be got signed from the counting agents present and thereafter by the Counting supervisor present at the table.
- 15.16.3 The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope superscribed "Duplicate copy of result of counting in Form 17C-Part-II, mention the Table number, total number of rounds counted and the Name of the Counting Supervisor and handover the envelope personally to the RO/ARO after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.
- 15.16.4 Returning Officer shall ensure that the name of candidates entered in this list is exactly as per the order in the ballot paper used on the BU.
- 15.16.5 When tabulation sheet of each polling booth (Form 17C) is received at the RO/ARO'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. RO/ARO should countersign on the original filled Part-II of Form 17C after satisfying himself 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.

15.17 PREPARATION/COMPILATION OF FINAL RESULT SHEET IN FORM 20:

- 15.17.1 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 of 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 as per the report of the Presiding Officer. Tendered votes are not to be counted.
- 15.17.2 In addition to above, on the basis of Part II of Form 17 C duly completed by counting supervisors, RO shall get prepared a round wise statement in the proforma as per Annexure 57.
- 15.17.3 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 and a print out of the same shall be taken out and compared by the observer and also be signed by the officer.
- 15.17.4 Both RO and the observers should get 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.
- 15.17.5 In case Observer is allotted to look after counting in more than one Hall/AC/AS, the Micro-Observers attached to the Observer in each hall and who are preparing the round-wise tabulation format of randomly selected two CUs and sign the round-wise tabulation format on behalf of the Observers in their absence. The Observer will countersign the same thereafter immediately.
- 15.17.6 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 of 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 ENCORE.
- 15.17.7 As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced after completion of each round.
- 15.17.8 Similarly, the consolidated position of the PC by combining the position of the rounds of different ASs should also be announced and repeated at suitable intervals over the public address system for public, preferably from a centralized location where the public announcement booth is located.
- 15.17.9 If RO is counting the votes of an Assembly Constituency, he has 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.
- 15.17.10 After the total number of votes polled to each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, RO should strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and tendered votes. But, before striking this grand total, the entire Final Result Sheet shall have to be carefully checked and it must be ensured that each and every entry in respect of each candidate for every polling station has been made correct and that the Form is not incomplete in any respect.
- 15.17.11 Proper care should be taken that only the voting machine used for taking re-poll, wherever ordered, is taken for counting and its count of votes candidate wise are entered in the Result Sheet.
- 15.17.12 Any incorrect totaling is going to materially affect the result of election. This, in turn, will affect the declaration of result, which has to be made on the basis of Form 20. RO shall be held personally responsible for any inaccuracy/discrepancy in that Form. Any slackness shall be viewed very seriously by the Commission and severe disciplinary actions will be taken against the RO.
- 15.17.13 ARO of Assembly segment of a Parliamentary Constituency, after completion of counting of

votes, shall prepare the Result Sheet in respect of that 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. ARO of an assembly segment in a LS election, is not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers because the counting of Postal Ballots, under the law, is required to be done by the Returning Officer for the Parliamentary Constituency and he will record the result of voting of postal ballot papers in Part II of the said Form 20. If RO is counting the votes of an Assembly constituency, he has to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled to each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

15.17.14 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.

15.17.15 The RO for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from ARO should incorporate the result in respect of each Assembly Segment in the Final Result Sheet in Part II of the said Form 20. RO 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.

15.18 COUNTING OF VVPAT SLIPS

15.18.1 Counting of VVPAT slips shall be started only after completion of counting of votes from CUs i.e. no CU(s) is left for counting of votes.

15.18.2 Counting of VVPAT slips shall be done only in VVPAT Counting Booth (VCB) under close supervision of RO and Observer in the presence of candidates/their agents. Before starting VVPAT slips count, Counting Officials and counting agents of other counting tables should be taken out from the counting hall.

15.18.3 Sequence of VVPAT Slips Count:

- a) Counting of VVPAT slips of polling station(s) for which result is not displayed on the Display Panel of the Control Unit.
- b) Counting of VVPAT slips of polling station(s) having cases of improper conduct of mock poll procedure by non-clearance of mock poll data/slips or mismatch of votes polled in CU and votes polled in CU mentioned in Form-17C, if winning margin is equal to or less than total votes polled in these polling stations.
- c) Counting of VVPAT slips under Rule 56D of the Conduct of Elections Rules 1961, if RO decides (speaking order) to count the printed paper slips of any polling station(s) on a written application received from any candidates/election agents/counting agents under Rule 56(D).
- d) Mandatory verification of VVPAT slips of randomly selected 05 polling stations per Assembly Constituency/each Assembly Segment of Parliamentary Constituency shall be done only after completion of counting of votes.

15.18.4 Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C:

- a) For all the polling stations where EVM and VVPAT has been kept aside as mentioned above, will not be taken up for counting in any Assembly Segment of the Parliamentary Constituency till completion of counting of votes in all Assembly Segments of that Parliamentary Constituency.

- b) If the winning margin is more than the total votes polled in all such polling stations, these polling stations, identified as mentioned above, will not be taken up for counting and the result will be declared without these polling stations.
- c) If the winning margin is equal to or less than total votes polled in these polling stations, in such case only counting of the respective VVPAT paper slips will be done and the Control Units shall be discarded for counting purpose i.e. the Control Units shall not be used for counting of votes.
- d) Even in cases where VVPAT paper slips pertaining to mock poll have not been taken out from the drop box of the VVPAT, the VVPAT slips shall be counted and the candidate wise votes from mock poll certificate shall be deducted to arrive at correct count of candidate wise votes polled.
- e) The VVPAT slip count result of all these polling stations shall be added to the candidate-wise tally and the final result compiled.
- f) If there is any discrepancy or difficulty to arrive at correct count of candidate wise votes polled, the matter shall be referred to the Commission for further direction in the matter.

15.18.5 Candidate Demanding VVPAT Paper Slip Counting under Rule 56D:

After announcement of result sheet entries, if any candidate, their election agent or their counting agents apply in writing to the RO for counting of the printed VVPAT paper slips in any or all polling stations and if such application is received, the RO should pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO should give due consideration to the following:

- a) Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate demanding the counting.
- b) Whether EVM and VVPAT had a problem and was replaced at that polling station during poll.
- c) Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

15.18.6 Mandatory verification of VVPAT paper slips:

Mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations must be conducted in all General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after completion of the last round of counting of votes, recorded in the EVMs, as under: -

- a) The verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be by Draw of lots, by the Returning Officer/Assistant Returning Officer concerned for each AC/AS. It should be done after the completion of the last round of counting of votes recorded in the EVMs and VVPAT paper slips count due to non-display of result from the Control Unit(s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reason, in the presence of candidates/their agents and the Observer appointed by the Commission for that Constituency.
- b) This verification should be done in a VVPAT Counting Booth (VCB).
- c) In Draw of lots, the following polling station(s) shall not be included:
 - The polling station(s) where VVPAT slips have been counted due to non-display of result from CU(s)
 - The polling station(s) where VVPAT slips have been counted under Rule 56(D) of the Conduct of Elections Rules 1961
 - The polling station(s), where is the cases of non-deletion of mock poll data from the

Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C.

- d) In case, counting of votes to Lok-Sabha and Legislative Assembly is held simultaneously, separate tables should be arranged for VVPAT Counting Booth for PC and AC elections.

- 15.18.7 As per Rule 56D (4) (b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count should prevail. Hence, if there is discrepancy between the counts of votes displayed on the Control Unit and the count of printed-paper slips in respect of that Polling Station, the result sheet shall be amended as per the printed-paper slips count. Election authorities shall refer to the latest Manual of Electronic Voting Machines for any reference or guidance on counting of votes in EVM and VVPAT.

15.19 RECOUNT:

- 15.19.1 Normally, there will be no question of recount of votes recorded in the voting machines as every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 63 of the Conduct of Elections Rules, 1961, still apply.
- 15.19.2 When the counting is complete and the Final Result Sheet in Form 20 has been prepared, RO should announce the total number of votes polled by each candidate as entered in Form 20. Then RO should 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, RO should ascertain from him the time required for making an application for recount in writing. However, in the case, where the counting places are in different locations, application for re-count in respect of such can be presented before the ARO supervising the counting in that Assembly Segment. The concerned ARO may deal with application for re-count with the approval of the RO as it would be difficult for candidates/agents located in other counting locations to reach the RO's location in time to make application for re-count. 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.
- 15.19.3 If RO consider that the time applied for is reasonable, he shall allow it and announce the exact hour and minute up to, which RO will wait for receiving the written application for recount. RO must not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced. If RO receives an application for recount, he should consider the grounds urged and decide the matter judiciously. RO may allow the application in whole or in part if it is reasonable or may reject it if it appears to be frivolous or unreasonable. 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, which the counting was not accurate and recount is necessary in the interest of justice. In every case, RO should record a brief statement of reasons for the decision and should give a speaking order. ROs decision will be final.
- 15.19.4 In case, RO allow an application for recount either wholly or in part, he shall have the votes recorded in the voting machines counted over again in accordance with his decision. The postal ballot papers will also be counted over again if so, decided by RO. After the recount, the RO shall correct the final result sheet necessary and announce the amendments so made, if any.
- 15.19.5 After the total number of votes polled by each candidate after recount has been announced by RO, complete and sign the Result Sheet. No candidate has a right to demand a recount after RO have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after RO have completed and signed the Final Result Sheet. Entire process shall have to be video-recorded carefully.
- 15.19.6 A candidate has right to file request for 2nd recount. It would be unreasonable to demand second recount if the first recount showed only minor variations from the first recount 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.

- 15.19.7 In every case of 2nd recount, RO should recount a brief statement of reasons for the decision and should give a speaking order. But RO 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. It is pertinent to mention that a Returning Officer's duty is to count accurately the votes. Hence, at any point of time during counting, he has the right to order the counting staff to do the count of the votes again.
- 15.19.8 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. If recount is permitted by the RO of PC, then all the voting machines and all relevant papers would have to be taken to the last place of counting (i.e. place of PC of RO) which will be very troublesome and inconvenient. Hence, it would be better and desirable that, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, RO check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

15.20 ADJOURNMENT OF COUNTING:

- 15.20.1 RO should proceed with the counting at each place continuously. In case RO have to suspend or adjourn the counting before its completion for any unavoidable reason, he should seal up all the voting machines and also all other papers relating to elections. He will also 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.
- 15.20.2 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 RO's seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to ROs on such room.
- 15.20.3 For storage of Polled EVMs, VVPAT slips, CD/Storage devices and six packets containing elections papers, latest instruction of the Commission may be referred to.

15.21 ROLE OF OBSERVERS:

- 15.21.1 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 (for General Election) and Form 21 D (for Bye election) sends it to appropriate quarters. One copy each of the Forms 20, 21C and 21D and Form 21E duly filled in will be collected by the Observers and attached with their reports on counting and submission to the Commission.
- 15.21.2 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.
- 15.21.3 **Power of Observers to stop counting:** The observers, appointed by the Commission under section 20B of the Representation of People Act 1951, have the power to direct RO to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in his/her opinion 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 ROs 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 place 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.

15.22 PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS ETC. OF ELECTRONIC VOTING MACHINE BEFORE COMPLETION OF COUNTING:

Under the law (Section 64A of the Conduct of Elections Rules 1961), 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:

- a) Unlawfully taken out of his custody, or
- b) Accidentally or intentionally destroyed or lost, or
- c) Damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained. If any such occasion arises, RO should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

15.23 PROCEDURE TO BE FOLLOWED IN THE CASE OF BOOTH CAPTURING AT THE COUNTING CENTRE:

15.23.1 Under Section 58A(b) of the Representation of the People Act 1951, if booth capturing takes place at any place of counting of vote 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 Commission.

15.23.2 On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a re-poll at the affected polling stations or countermand the election. In such cases, RO has to proceed as per direction of the Commission.

15.24 COUNTING AFTER RE-POLL DIRECTED AFTER COMMENCEMENT OF COUNTING:

If any re-poll has been held at a polling station in accordance with the directions given by the Commission, RO should fix the date, time and place for counting the votes recorded in such Re-poll and give notice of the same in writing to every candidate or his election agent. RO should follow the same procedure as detailed above for such further counting as far as it is applicable.

15.25 MANDATORY RE-COUNTING OF ALL POSTAL BALLOT PAPERS:

Where the margin of victory is less than the number of postal ballot papers rejected as invalid at the time of counting, all the rejected Postal Ballot papers shall be mandatorily re-verified by the Returning Officer before declaration of result. Whenever, such re-verification is done, the entire proceedings should be videographed.

15.26 DECLARATION AND PUBLICATION OF RESULT OF ELECTION:

15.26.1 After the counting has been completed in all respects, RO have to proceed to make the formal declaration of result of election. RO must, however, verify and satisfy himself that there is no 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 the constituency. If that be so, he should send a detailed report to the Commission forthwith giving all required information and obtain its prior approval before making the declaration of result.

15.26.2 Before RO declare result of an election, RO should obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he shall issue an authorization to the Returning Officer concerned for declaration of result in **Annexure 58**.

15.26.3 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Elections Rules, 1961, and necessary approval of the Commission, wherever required, and a No Objection Certificate (NOC) from the Observer in the above format, the candidate to whom the largest number of valid votes have been given should then be declared elected RO must declare the result by a loud announcement.

15.26.4 It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of

counting of votes and accurate compilation of result.

15.27 SEALING OF EVM/VVPAT AND OTHER DOCUMENTS AFTER COUNTING OF VOTES:

- 15.27.1 After declaration of result, all Control Units, after removing the power-packs, shall be kept in their respective carrying cases and sealed with address tag. Further, printed paper slips shall be taken out from VVPATs and sealed in black envelopes (one envelope for one VVPAT) and shall be kept in a trunk (s). One trunk should contain envelopes of one AC or AS, as the case may be, with all relevant election details pasted/ written on it. The procedure prescribed in the latest edition of Manual on Electronic Voting Machine shall be followed.
- 15.27.2 The four packets 1 to 4, as mentioned in para 13.54.3, shall also be sealed with the bilingual secret seal supplied by the Commission. These packets shall be kept in steal trunks (separately for each type of packet) with double lock system. Returning Officers shall ensure that the bilingual secret seal supplied by the Commission is put on the packets only and not on any of the locks of the steal trunk. The bilingual secret seal shall be returned to the Commission as per the prescribed instruction. Remaining packets (Packets 5 and 6) shall not be sealed with the bilingual secret seal supplied by the Commission.
- 15.27.3 Returning Officers shall nominate a responsible officer-in-charge for the supervision of sealing process. Utmost care should be taken that all election related papers are properly sealed and labelled.
- 15.27.4 Candidates or their agents/authorized representatives shall be invited, with proper acknowledgement, to remain present during the sealing process. They shall also be permitted to note down the number of the bilingual secret seal of the Commission and also to affix their seals, if they so desire. The entire sealing process shall be under CCTV coverage/videography. The CCTV coverage/videography shall be done in a way that entire sealing process is clearly visible.

15.28 STORAGE OF EVM/VVPAT AND OTHER DOCUMENTS UNDER THE CUSTODY OF DISTRICT ELECTION OFFICER (DEO) AFTER COUNTING OF VOTES:

- 15.28.1 Rule 92 read with Rule 93 of the Conduct of Elections Rules 1961 provides that the voting machines and printed paper slips, sealed 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 and printed paper slip (VVPAT slip) so sealed shall be retained intact for such period as mentioned in the latest edition of Manual on Electronic Voting Machines/direction issued by the Election Commission of India.
- 15.28.2 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 EVMs (BU and CU), VVPATs and the sealed trunks(s) containing the packets should be dispatched to the District Election Officer at his headquarters and on receipt of the same the District Election Officer should forthwith arrange to store them safely under his custody.
- 15.28.3 The following protocol shall be followed for movement of EVMs, VVPATs and Election Papers for safe storage under the custody of DEO, if the location is other than the Counting Centre: -
 - a) The contesting candidates/their agents shall be intimated in writing under proper acknowledgement, about the storage place where EVMs, VVPATs and Election Papers are to be stored after counting of votes.
 - b) Proper armed escort (CAPF) shall be provided for the vehicles carrying EVMs, VVPATs and election papers with videography. Candidates/their agents shall also be permitted to follow the vehicles.

15.29 STORAGE OF EVMS (BALLOT UNITS AND CONTROL UNITS):

- 15.29.1 EVMs of each AC/AS shall be kept in separate district strong room. In no case, EVMs of two or more than two Assembly Constituencies/Segments shall be kept in the same district strong room till completion of Election Petition (EP) period.

- 15.29.2 In case of simultaneous elections, EVMs pertaining to AC and AS shall be stored in separate district strong rooms with double lock system.
- 15.29.3 If the size of the district strong room is not sufficiently large, the EVMs can be kept in fabricated steel/iron/wooden multi-layer storage racks inside district strong room. Further, these EVMs can be stored in two adjacent district strong rooms if EVMs of one AC/AS is not accommodated in one district strong room. In such case, labels containing the details of AC/AS and corresponding serial number of polling stations shall be pasted outside such strong rooms.
- 15.29.4 No other material, whether related to election or not shall be kept in the district strong room having EVMs.
- 15.29.5 Candidates or their agents/authorized representatives shall be allowed to affix their seals on the locks of the district strong room, if they so desire.

15.30 STORAGE OF VVPATS:

- 15.30.1 The VVPATs should be stored in the separate room/hall of the district warehouse, under double lock system. They should not be kept in the district strong room having polled EVMs, so that VVPATs can be used in future elections.
- 15.30.2 Candidates or their agents/authorized representatives shall be allowed to affix their seals on the locks, if they so desire.

15.31 STORAGE OF VVPAT SLIPS AND ELECTION PAPERS:

- 15.31.1 All the trunks containing Packets 1 to 4, as mentioned in para 13.54.3, along with the trunk(s) having VVPAT printed paper slips shall be kept preferably in the Treasury/Sub-treasury.
- 15.31.2 In the districts where, there is no system of Treasury/Sub Treasury, an exclusive safe and secured room, with double lock system, in the office of District Election Officer or any other safe building, shall be selected for safe custody of these election papers.
 - a) Trunks of Packets 5 & 6 shall be placed safely in a separate room for further use, provided the material is usable.
 - b) Further, the CD/Storage devices containing photos/ webcasting/CCTV/Videography data for other election events shall also be stored, clearly labelling/indexing all the details, in the safe custody of DEO concerned along with the above 4 packets.
- 15.31.3 Custody of keys:
 - a) There shall be double lock system with all keys of each lock with two separate specified officers.
 - b) In cases of storages/ trunk(s) provided in para (15.29), (15.30) and (15.31), all the keys of lock-1 shall be kept with the District Election Officer and all the keys of lock-2 shall be with the Dy. DEO or the equivalent officer not below the rank of Dy. DEO.
 - c) Proper handing over and taking over of these keys shall be made and documented when transfer takes place.
 - d) Proper records of stored items and election material taken out (for court case, destruction of election papers etc.) shall be maintained and shown to DEO and his signature shall be obtained.
- 15.31.4 For detailed instructions on the storage and safety of EVMs and VVPATs and their retention period till shifting the district warehouse(s), kindly refer the latest Manual on Electronic Voting Machines. For retention and destruction of election related papers kindly refer Rule 92-94 of the Conduct of Elections Rules 1961. Election Papers shall not be destructed till final disposal of Election Petition, if any.
- 15.31.5 The DEO shall obtain a certificate from concerned officer-in-charge of such room for having received all election papers contained in packets 1-4 and any other relevant election related documents and send a copy to the CEO for record.

16. DECLARATION AND PUBLICATION OF RESULT OF ELECTION

16.1 GENERAL

After the counting has been completed in all respects, Returning Officer has to proceed to make the formal declaration of result of election.

- 16.1.1 If any polled EVMs have been kept apart on account of technical malfunction or tampering with, the Commission's permission is mandatory before declaring the result. Hence, before declaring result, Returning Officer must verify and satisfy himself/herself 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 his/her 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/herself about the fairness of counting of votes and complete accuracy of compilation of result, 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 Elections 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, Returning Officer may complete and sign the Result Sheet in Form 20 appended to the Conduct of Elections Rules 1961. The candidate obtaining the largest number of valid votes should then be declared elected. Returning Officer 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 draw of lot. This will be in the rarest of rare cases and in such a case also, the matter first should 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 Returning Officer either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate (ANNEXURE 37). 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 the list of contesting candidates in Form 7A. Name of the political party should be written as given in the latest Political Parties and Election Symbols notification. Returning Officer should authenticate his/her signature by affixing his/her 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 Returning Officer has to rectify some error in his/her 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, Returning Officer should send copies of the declaration of result in Form 21C or 21D as the case may be, to the:

- i) Election Commission of India;
- ii) Chief Electoral Officer of the State/UT;
- iii) In the case of election to the Lok Sabha:
 - (a) Union Ministry of Law and Justice (Legislative Department), New Delhi; and
 - (b) The Secretary General of the Lok Sabha, New Delhi;
- iv) in the case of election to the State/UT Legislative Assembly
 - (a) The State Government/Lt. Governor; and
 - (b) The Secretary to State/UT Legislative Assembly.)

16.6 REPORT OF RESULT OF ELECTION

- 16.6.1 Returning Officer 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. 23052205);
- ii) The Director of New Services, All-India Radio, New Delhi;
- iii) A.I.R. Station in the Headquarters of the State/UT;
- iv) The Director, Doordarshan Kendra, Parliament Street, New Delhi- 110001;
- v) Doordarshan Kendra concerned, if any, in the headquarters of the State/UT.
- vi) The information Officer, P.I.B., New Delhi;
- vii) The Ministry of Law and Justice (Legislative department), New Delhi (in respect of election to the House of the People); OR the State Government/UT; (In respect of election to be State/UT 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/UT Legislative Assembly (in respect of the election to the State/UT Legislative Assembly); and
- ix) The Chief Electoral Officer of the State/UT

- 16.6.2 The Fax/Email may be addressed to the Commission and repeated to the other addresses at (ii), (iv), (v) and (vii).

- 16.6.3 The message communicating the result should indicate the following particulars;

- i) Serial number and name of the constituency (Parliamentary / Assembly, State) 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 Returning Officer should further ensure that whenever he/she refers to a woman candidate in a message/mail communicating the result, he/she should add the prefix 'Kumari' or 'Srimati' to her

name as the case maybe, so that it should be understood that the candidate is a woman.

- 16.6.5 Returning Officer should also ensure that the number of votes mentioned while reporting the result is given in words and not in numerals as the latter are likely to be mutilated during transmission.

16.7 CERTIFICATE OF RETURN OF ELECTIONS – FORM 21E

- 16.7.1 When Returning Officer has declared the result of election in the manner indicated above, he/she should complete and certify the return of Election in Form 21E of the Conduct of Elections 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. Returning Officer may supply a copy of such return to an applicant on payment of fee of Rupees 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, Returning Officer 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 receipt of the certificate of election in Form 22
in respect of my election to from.....Constituency,
declared on

Signature of the returned Candidate

Date:

Attested and forwarded to the Secretary

Returning Officer

- 16.8.2 The certificate 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 centre. 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.

17. 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 Rupees 25,000 in the case of election from a Parliamentary Constituency or as the case may be, Rupees 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
 - (iii) 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 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 OF DEPOSIT

- 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.

17.4. DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY

- 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.
- 17.3.3. 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, Returning Officer is entitled to satisfy himself/herself from such other materials and information as may be available to Returning

Officer that he did not in fact, do so.

17.5. 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 in the same constituency. Such 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.
- 17.5.2. If at a general election, the candidate is a contesting candidate in more than one Parliamentary Constituency or in more than one Assembly Constituency, not more than one of the deposits shall be returned, and the others shall be forfeited.

17.6. FORM OF APPLICATION FOR REFUND

- 17.6.1. The law does not prescribe any form in which a candidate may apply to Returning Officer for the return of his security deposit. However, in order to facilitate the candidate in making the application and to enable Returning Officer to verify the claim for return easily, he may be asked to apply in the form given in **Annexure 38**. If the deposit was made by someone else on behalf of the candidate, the application may be obtained in the form given in **Annexure 39**.
- 17.6.2. If the candidate has died, his legal representative may make the application in the form given in **Annexure 40**.
- 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 claim not being filed 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 Returning Officer 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 Rupees 12,500 instead of Rupees 25,000 in the case of an election from a Parliamentary Constituency and Rupees 5,000 instead of Rupees 10,000 in the case of an election from an Assembly Constituency. If he deposits by mistake or otherwise the full amount of Rupees 25,000 or Rupees 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. Returning Officer should satisfy himself/herself 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 Returning Officer to the District Election Officer after the declaration of the result, Returning Officer may, before ordering refund, get the application and other details required for the purpose verified by the District Election Officer concerned.

18. MONITORING OF ELECTION EXPENDITURE AND ACCOUNTS ELECTION EXPENSE OF CANDIDATES

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/herself or by his/her election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him/her or by his/her election agent between the date on which he/she has been nominated and the date of declaration of result of the election, both dates inclusive.
- 18.1.2 The total of the said expenditure shall not exceed such amount as may be prescribed under Section 77(3) of the R. P. Act 1951. Rule 90 of the Conduct of Elections Rules, 1961 prescribes for maximum election expenses is to be kept under section 77 of the R. P. Act, 1951 and which is incurred or authorized in connection with an election in a State/UT. The last amendment regarding of ceiling limit in a PC/AC in a State has been notified in January, 2022. 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 Under Section 78 of the said Act, every contesting candidate at election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer (DEO) an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77. Under Section 10A of the R. P. Act, 1951, if the Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and such person shall be disqualified for a period of three years from the date of the order.
- 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 filing of their returns of election expenses in the manner and within the time required by law, Returning Officer shall invite the attention of each candidate to the above provisions of law in writing. (see para 5.29.3 of chapter 5) This should be done by addressing a letter to each candidate as in **Annexure-49**, as soon as he/she files his nomination paper.
- 18.1.5 Each candidate has to file his/her accounts of election expenses in the format prescribed in **Annexure 48**. The account shall contain such particulars as prescribed under section 77 (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 or/and authorized by
- candidate himself or his Election Agent
 - political party which has set him up, and
 - any other political party supporting him,
 - any other association/organization/ body supporting him, and
 - any other individual supporting him.
- 18.1.7 The standard format of the Register of Day to Day account, Cash Register, Bank Register and the Abstract Statement comprising of Part I-IV including Affidavit, Acknowledgment and Schedules 1 to II have been given in **Annexure 48**. The candidates are advised to acknowledge the receipt of day to day Expenditure Register and to receive acknowledgement from the District Election Officer after lodging the account of election expenses with the District Election Officer in the format prescribed in **Annexure 48**.
- 18.1.8 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 Letter No 76/2004/JSII dated 6.8.2004).

18.2 ELECTION EXPENDITURE INCURRED ON STAR CAMPAIGNERS (Leaders of a Political Party)

- 18.2.1 The law relating to expenditure incurred on leaders of a political party popularly known as Star

Campaigner has been provided under Section 77 of the R. P. Act, 1951, Explanations '1' and '2' of Section 77(1), are as under –

Explanation 1 – For the removal of doubts, it is hereby declared that-

- (a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating program of political party shall not be deemed to be the expenditure in connection with the election incurred or authorized by a candidate of that political party or his election agent for the purposes of this sub-section;
- (b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2 – For the purposes of clause (a) of Explanation 1, the expression “leaders of a political party” in respect of any election, means,-

- (i) where such political party is a recognized political party, such persons not exceeding forty in number, and
- (ii) where such political party is other than a recognized political party, such persons not exceeding twenty in number.

Whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under this Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party by further communication to the Election Commission and the Chief Electoral Officer of the States, substitute new name, during period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

In the case of multi-phase election, a political party can submit separate lists of leaders of different phases and separate list for bye-election. A question has been raised as to how expenditure incurred on the travel of star campaigner will be accounted for in case the star campaigner for Lok Sabha election and Assembly/bye-election is same. In such cases, it is clarified that the specific requirement of law is that the names of leaders of political party should be communicated within 7 days from the date of notification for the election. Therefore, a party can communicate such names for each phase of general election and for the bye- election separately. However, as the schedule for all the phase of general election and the bye-election has been announced with a single press note, the names of leaders of political parties communicated within 7 days from the date of notification for the 1st phase will be valid for all the phases of elections unless separate list is submitted later separately with regard to subsequent phases.

In case, any party wants to give fresh list for each phase of election and the bye-election then benefit of exemption of expenses from the accounts of candidates under Explanation (1)(a) could be confined to the travel to the constituencies concerned. In other words, if a leader whose name is included in the list of leaders for the first phase but not for the second phase, and if such a person travels to the second phase constituencies the benefits of exemption of expenses under explanation (1) (a) would not be available in respect of the second phase constituencies.

In case any party communicate the names without mentioning any phase but the communication is received after the prescribed period in the first phase, then they will be

treated as star campaigners, for all the subsequent phase of election also. Then those parties will not be eligible to substitute a star campaigner, except in the contingencies mentioned in the said Explanation.

The RO shall obtain the list of such leaders of political parties (Popularly known as Star Campaigner) from the Chief Electoral Officer or/ and the Commission. The Returning Officer shall not 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 leaders, referred to above, may also be downloaded from the Commission's website.

- 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 R. P. Act, 1951. In other words, a person who is not a member of the party cannot be nominated as 'leader' of that 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, organized 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 organized 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 organized 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 organized and no part of such rally/ meeting expense, organized outside his constituency shall be added to the election expense of the leader (star campaigner).
- (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.
- (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 – the Star Campaigners/ Campaigners have actually campaigned for the candidate, and 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.

18.3 ELECTION 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.

In such cases, any advertisement by political parties, whether in print or electronic or any other media, falling in category (i) above, which is not relatable to the election of any particular candidate or a given group of candidates, the expenditure may be treated as expenditure of the political party on general party propaganda. In the cases of expenditure falling in categories (ii) and (iii) above which is relatable to a particular candidate or group of candidates, the expenditure shall be treated as expenditure authorized by the candidate concerned and such expenditure shall be accounted for in the election expenditure of the said candidate or group of candidates.

18.3.2 Monitoring of use of Social Media in election campaigning

The Commission has issued detailed guidelines on social media, which mentions about furnishing details of social media accounts by the candidates in the affidavit filed during nomination. The Commission has also brought the political advertisements to be issued on social media sites under the purview of pre certification. The Commission has further instructed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. This expenditure shall broadly include payment to internet companies and websites for carrying advertisements and campaign related operational expenditure on creative development of content, operational expenditure on salaries and wages paid to the team of workers employed by such candidates and political parties to maintain their social media accounts etc. Google, Facebook are facilitating transparency in paid political advertisement by displaying "Ad Transparency Links" on their platforms showing the payments made by different political parties for their political campaigns on these platforms, at the following links: -

- (i) <https://transparencyreport.google.com/political-ads/region/IN?hl=en>
- (ii) https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=IN

(Twitter, WhatsApp, Share Chat don't host any Advertisements)

Any political content in the form of messages/comments/photos/videos posted/uploaded on the 'blogs/self-accounts' on website will not be treated as political advertisement and therefore would not require pre- certification, even if the same is posted/uploaded by the political parties candidates.

18.3.3. During 48 hours ending with the hour fixed for conclusion of poll, there shall be no transmission of bulk messages of political nature. Bulk messages transmitted during campaign period will be brought

to notice of CEO by Returning Officers or District Election Officers and the cost be apportioned to election expenditure of candidate(s) concerned. Mobile Service Providers shall also be appropriately briefed and directed about the sensitivities involved and legal provisions.

18.4 THE ROLE OF RETURNING OFFICER BEFORE NOMINATION PROCESS STARTS

18.4.1 Returning Officer will take into his disposal the updated list of all the disqualified candidates, who have incurred disqualification u/s 8A and 11A (for corrupt practices) and 10A (failure to lodge the account of election expenses in time and manner) of the R.P. Act, 1951. Returning Officer may get the updated list regarding list of disqualified persons u/s 10A of the R.P. Act, 1951 downloaded from Commission's website www.eci.gov.in under the link MENU – Judicial References – List of Disqualified Persons and also from Supplementary List, if any.

18.4.2 Returning Officer will ensure that the following formats / register as prescribed by the Commission have to be kept ready at his/her office in sufficient quantity in advance so that the same may be made available to the candidates / election authorities involved.

I. Election Expenditure Register of the candidates (duly serial numbered) comprising of Day to Day Account Register, Bank Register, Cash Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 11, Format of Affidavit and Acknowledgement.

II. Shadow Observation Register (SOR)

III. Video Cue Sheet

IV. Reporting formats by Flying Squad / Static Surveillance Team

V. Compendium of Election Expenditure guidelines in local language

VI. Form 26 regarding criminal cases, educational qualifications and assets and liabilities.

(Please refer to the latest Compendium of Instructions on Election Expenditure Monitoring)

18.4.3 It is responsibility of Returning Officer to identify Expenditure Sensitive Pockets (ESPs) in the Constituency on the basis of the level of development, literacy and complaints received during the last General Assembly election. Returning Officer will report about the Expenditure Sensitive Pockets, if any, to the District Election Officer for onward communication to the Chief Electoral Officer of the State and the Election Commission.

18.4.4 It is the duty of the Returning Officer to ensure that the Flying Squads, Video Surveillance Teams, Video Viewing Teams, Accounting Teams and Media Certification and Monitoring Teams are functional from the date of announcement of election. Returning Officer will ensure that the vehicles earmarked for the Flying Squads and the Video Surveillance Teams are fitted with GPRS and the Flying Squads attend all Model Code of Conduct and Expenditure cases within ½ an hour of receipt of complaint. SSTs will be made functional from the date of issue of notification.

18.4.5 Returning Officer will oversee that the Booth Level Awareness Groups (BAGs) are formed by BLOs comprising of Booth level government functionaries, para workers, representatives of Local Bodies, Booth Level Agents, Booth level Volunteers, Heads/Representatives of local CSOs/NGOs ensuring that members other than BLAs are not aligned to any political party.

18.4.6 Other than its role in respect of electoral rolls, the specific responsibilities entrusted upon Booth Level Awareness Group (BAGs) during elections are as follows:

- a. To spread messages of ethical voting among voters to abstain from any inducement of cash, gift, liquor or community feast organized for campaign purpose during election process.
- b. To organize 'nukkad' meetings/rallies/group discussions against the evil effects of bribe during elections in their respective areas. Sector Officers may be invited to remain present in such meetings.
- c. To associate senior citizens, retired officers, NSS or NCG Cadets, CSOs for spreading the message of ethical voting.
- d. To popularize advertisements/posters/banners against bribery.
- e. To encourage collection of evidence of malpractices either by mobile software developed by

the Commission or otherwise, to train any member of the group or any citizen to capture such photos, videos, audios of malpractices and to upload to DEO website/CEO website and the District Complaint Monitoring Cell for necessary action. It should be remembered that the members of the BAGs will not take any action against malpractices.

AFTER THE NOMINATION PROCESS STARTS -

- 18.4.7 As soon as the nomination is filed, the Returning Officer will issue a copy of the standard letter, along with the Expenditure Register (Day to Day Account Register, Cash Register, Bank Register), Abstract Statement comprising Part I-IV-form of Affidavit & Acknowledgement and Schedules 1 to 11 as given in **Annexure 48** to the candidate or his duly appointed agent against a proper receipt thereof.

As soon as the nomination is filed, the Returning Officer will issue a copy of the standard letter in **Annexure 49** along with following documents:

- Expenditure Register duly certified and numbered by RO. Abstract Statement comprising Part I to IV form of Affidavit, Acknowledgement, Schedule 1-11 as per **Annexure 48** (It is required to be acknowledged by the candidates)
 - Copy of Notifications of Rates of items of Election Expenditure issued by DEO
 - Copy of Compendium of Instruction on Election Expenditure Monitoring. Relevant guidelines to be provided also in local language.
 - Commission's letter no. 3/4/2020/SDR/Vol. III, dated 6th March, 2020 regarding order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (c) No. 2192 of 2018 in WP (c) No. 536 of 2011- Requirement of publishing details regarding candidates with pending criminal cases.
 - In the case of all candidates who have criminal cases as per the declarations in Item 5 and 6 of Form 26, the Returning Officer shall give a written reminder about the directions of the Commission for publishing declaration about the criminal cases in Newspaper and TV channels for wide publicity. Relevant formats and notices for Publicizing of Criminal Antecedents by Candidates and Political Parties in Newspaper and TV as per **Annexure 47**.
 - Notice to the candidates if separate Bank Account not opened for the purpose of Election Expenditure only not later than one day before the date on which the candidate files his/her nomination paper. In this regard, ECI latest instruction on the subject matter may be referred.
 - Commission's latest instructions regarding Restriction on the printing on pamphlets, posters etc.
- 18.4.8 All the acknowledgements obtained from the candidates should be sent by Returning Officer to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.
- 18.4.9 One day facilitation training program will be organised by the Returning Officer along with the Assistant Expenditure Observers for training all election agents of the candidate for explaining the procedure of maintaining registers on various expenses and dates of inspection.
- 18.4.10 Returning Officer shall 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. He also issues permission letters for vehicles/public meetings etc., promptly to the candidates as required under the law or rules. The Returning Officer shall ensure that the format of Affidavit (Form 26) for filing criminal records, educational qualifications and asset and liability statement by the candidates is made available to all the candidates. He shall also give the expenditure register, duly signed and page numbered, to the candidates at the time of filing of nomination.
- 18.4.11 The RO shall also give a copy of Compendium of Instructions on Election Expenditure Monitoring (available on ECI website) and notification of rates of items of election expenditure to each candidate. For advertisement in the local or national dailies/ magazines (English/Regional), rates of the DAVP/

DIPR rates shall also be communicated to the candidates. The Assistant Expenditure Observer or Expenditure Observer shall also attend this meeting along with the RO.

18.5 TRANSPARENCY MEASURES

18.5.1 Returning Officer will ensure that all documents required to be put up on the notice board of the RO under these or any other instructions, rules or law are put up on the notice board. It is necessary that the copies of documents, when demanded, are given immediately to members of the public on payment of the prescribed fees.

18.5.2 The affidavits (Form 26) of the candidates of recognized political parties shall be put up on the website on the same day. The affidavits in respect of other candidates may be put within one day after scrutiny of nominations. The Commission has also provided additional facilities for e-filing of affidavits (Form 26) of criminal cases, assets, liabilities and educational qualifications by the candidates. At present, e-filing can be done in Hindi and English.

18.6 INTIMATION TO CONTESTING CANDIDATES REGARDING RESTRICTIONS ON THE PRINTING OF PAMPHLETS OR POSTERS ETC

18.6.1 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.

18.6.2 Section 127A of the RP Act, 1951 imposes 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: 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 unless within a reasonable time after printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.
 - a. Where it is printed in the capital of the State, to the Chief Electoral Officer; and
 - b. 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.

18.6.3 As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrate shall, within three days of such announcement of election, write to all printing presses in their district.

- 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.

18.6.4 The Chief Electoral Officer shall do likewise in respect of the printing presses located at the State capitals.

- I. 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. 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.
- II. 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. 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.

18.6.5 The Chief Electoral Officer and District Magistrate 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. [Please refer to Hon'ble Supreme Court of India observation in *Rahim Khan vs Khurshed Ahmed and others* (AIR 1975 SC 290)].

18.6.6 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.

18.6.7 Hoardings, flex boards etc. containing any election related advertisement shall be treated as coming within the purview of "poster" as defined under Section 127A. The requirement for giving the name and address of the publisher should be followed in the case of hoarding, flex board including on hoardings of photos of party leaders.

18.6.8 In terms of directions of the Commission in the case of hoarding, flex board etc. prior permission is required to be obtained from the owner of the property before displaying them. In case of such materials whether in public place or private premises, the party/ candidate concerned has to give information to the Returning Officer as per format attached with the Commission's latest instructions along with two photographs of such hoardings/flex boards.

18.7 SINGLE WINDOW SYSTEM

Instructions regarding Single Window system using the online platform- Suvidha for public meetings/ rallies/ Procession, use of loud speakers and use of vehicles for election campaigning as well as use of non-commercial / remote / uncontrolled airports / helipads.

18.7.1 The Commission has directed that all applications seeking permissions through its platform 'Suvidha' shall have to be disposed of within 24 hours in the offices of the District Election Officer/Returning Officer of the parliamentary/assembly constituency to grant permissions to the political parties and candidates for:

- I. Usage of non-commercial/remote/uncontrolled airports/helipads
- II. Organizing public meetings/rallies/processions, use of loudspeakers, and

III. Use of vehicles for election campaigning.

- 18.7.2 All DEOs/ROs shall set up and operationalize Single Window/Permission Cell in their offices, which will be equipped with necessary infrastructure such as photocopier machine, scanner, computer, telephone etc. and dedicated staff who will provide photocopies of applications received by Permission Cell in charge, to various Nodal Officers of other departments present in the office of the Returning Officer for prompt action at their end with regard to obtaining specific clearances from their respective department.
- 18.7.3 SSP/SP or equivalent level officer of different designations of district shall designate one officer of the rank of DSP as Permission Cell In-charge for each RO office who shall camp in the office premises of the DEO/RO.
- 18.7.4 The political party/candidate seeking permission has to apply to the Permission Cell In charge in the office of the Returning Officer concerned at least 48 hours before the event along with details of expenditure plan in the prescribed format - Annexure - D1 given in the latest Compendium of Instructions on Election Expenditure Monitoring.
- 18.7.5 A political party/candidate may apply through an application for permission in respect of those events/rallies/processions scheduled to be organized within 7 days of making the applications.
- 18.7.6 Separate application has to be filed for more than one event for a particular day.

Annexure – D1

Details of Expenditure on Public Meetings/ Rallies etc.

Name of District –

No. and Name of Constituency –

Name of Candidate –

Political Party if any –

Date, time and duration of Public Meeting/ Rally etc. [Location] Venue of Public Meeting/ Rally etc.

(To be given by the candidate his election agent at the time for applying for permission to hold the Public Meeting/ Rally):-

Sl. No.	Item of Expenditure	Proposed to be used by the Candidate/ his Election Agent		Proposed to be used by the Political Party		Proposed to be used by any other Association		According to the Report of the Officer In-Charge	
		Number of Units	Cost	Number of Units	Cost	Number of Units	Cost	Number of Units	Cost
1	Pandal and fixture								
2	Barricading & Arches								
3	Tables								
4	Chairs								
5	Other Furniture								
6	Loudspeaker & Microphone								
7	Posters								
8	Banners								
9	Cut Outs								
10	Digital Boards								
11	Illumination items like Serial Lights, etc.								
12	Power Connection charges paid/ payable to EB etc.								
13	Other items								
14									
Total									

Name and Signature of Candidate/Election Agent/ Name and Signature of Political Party/any other Association Officer in-charge.

Date:

18.8 COMPLAINT MONITORING SYSTEM

- 18.8.1 Returning Officer will also be required to supervise the complaint monitoring system and ensure that every complaint lodged at the National Grievance Redressal System is inquired into within 24 hours of receipt. A prompt complaint redressal should be in place so that every complaint on MCC and illegal use of expenditure is attended by the Flying Squads within stipulated time.
- 18.8.2 The 24X7 Call Centre shall be established in the Control Room at the district level to operate from the date of announcement of election. The call centre shall be given a toll- free telephone number with 3 or 4 hunting lines which will be widely publicized for the public to inform the election monitoring machinery regarding corrupt practices related to the election. A senior officer shall be put in-charge of the control room and call centre that shall be responsible for receiving and recording the complaints and passing them on to the officer concerned or the Flying Squad for action without any delay. The Call Centre will be provided with sufficient staff to man the telephone lines round the clock.
- 18.8.3 All voice complaints made by any member of the public/whistle blower should be entered in the complaint register with timings noted against each complaint. The expenditure related complaints are to be passed on immediately to the officer concerned of the Flying Squad with intimation to the Expenditure Observer, and in case of MCC related complaints, a copy is to be passed on to the General Observer. The Expenditure Observer and General Observer shall inspect this register from time to time to ensure that the control room functions smoothly and the complaints are passed on instantly for further necessary action.
- 18.8.4 The ECI has created an app called C-Vigil (Citizen Vigilance) to help citizen lodge complaint on MCC/ Expenditure violation through C-Vigil app with live photo/ Video / audio from GPS enabled mobile set. Returning Officer must drop/ dispose/ escalate that complaint within 100 minutes of lodging of that complaint after doing a field level enquiry by Magistrate of FST/SST.
- 18.8.5 On P-1 and P day, violation of model code /Expenditure violation and Law & Order violation etc. reported on different Media or receipt from Electronic Media Monitoring (EMM) should be promptly enquired into and action taken report to be sent to ECI through C.E.O.

18.9 MEDIA CERTIFICATION AND MONITORING COMMITTEE (MCMC)

- 18.9.1 There is a Media Certification and Monitoring Committee (MCMC) in each district. If the MCMC finds any advertisement or advertorial published in print media, it shall bring it to the notice of Expenditure Observer and a copy of the same will be placed in the Folder of Evidence. The expenditure on this advertisement will be mentioned in the Shadow Observation Register and intimated to the candidate during inspection of his register.

18.10 PAID NEWS

- 18.10.1 The Commission has directed to go by the definition of the "Paid News" as given by the Press Council of India as 'any news or analysis appearing in any media (print and electronic) for a price in cash or kind as consideration'. The MCMC shall see all the newspapers, print media, electronic media, cable network, mobile network and other modes of mass communication, like bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews relating to the candidates and parties.
- 18.10.2 The MCMC committee will submit a Daily Report with respect to each candidate in a prescribed format to the Accounting Team with copy to the Returning Officer and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of Paid News. This will be accompanied with supportive paper cuttings/clippings, recordings of relevant TV and radio advertisement. The entire cost that accrues upon it will be included in the Shadow Observation Register. The rate cards which exhibit DAVP/DIPR rates of advertisements in print and electronic media will help the Accounting Team for calculation of cost involved and showing it in the Shadow Observation Register.
- 18.10.3 The Returning Officer will issue notice to the candidate with regard to the incidents of Paid News in consultation with the Expenditure Observer for not showing the expenditure on such publication. The Expenditure Observer shall send a report of Paid News along with a copy thereof to the Election

Commission within 24 hours. The copies of all such notices along with the paid news should be displayed on the notice board of R.O. and the District Election Website/ CEO Website. The copies of the same can be given to any member of public on payment of Rs.1/- per page

18.11 STANDARD OPERATING PROCEDURE FOR SEIZURE AND RELEASE OF CASH AND OTHER ITEMS

18.11.1 For the purpose of maintaining purity of elections, the Election Commission of India issued the following Standard Operating Procedure for Flying Squads constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or in kind, movement of illegal arms, ammunition, liquor, or antisocial elements etc. in the constituency during election process:

18.11.2 FLYING SQUAD (FS)

1. There shall be three or more Flying Squads (FS) in each Assembly Constituency/ Segment. The FS shall start functioning from the date of announcement of election and shall continue till completion of poll.
2. The Flying Squad shall (a) attend to all Model Code of Conduct violations and related complaints; (b) attend to all complaints of threat, intimidation, movement of antisocial elements, liquor, arms and ammunition and large sum of cash for the purpose of bribing of electors etc.; (c) attend to all complaints regarding election expenditure incurred or authorized by the candidates / political party; (d) videograph with the help of Video Surveillance Team (VST), all major rallies, public meetings or other major expenses made by political parties after the announcement of election by the Commission.
3. In Expenditure Sensitive Constituencies (ESC), there shall be more FSs depending on requirement. The FS shall not be given any other work during the period. The names and mobile numbers of the Magistrate as head of the FS and other officials in FS shall be provided to the Complaint Monitoring Control Room and Call Centre, RO, DEO, General Observer, Police Observer, Expenditure Observer and Assistant Expenditure Observer. In ESCs, CAPF or State Armed Police may be mixed in the FS, depending on the situation and the DEO shall take necessary steps in this regard. The DEO shall constitute the FS with officers of proven integrity.
4. Whenever a complaint regarding distribution of cash or liquor or any other item of bribe or regarding movement of antisocial elements or arms and ammunition, is received, the FS shall reach the spot immediately. In case of suspicion of commission of any crime, the In-Charge Police Officer of FS shall seize cash or items of bribe or other such items and gather evidence and record statement of the witnesses and the persons from whom the items are seized and issue proper Panchnama for seizure as per provisions of Cr. P.C. to the person from whom such items are seized. He shall ensure that case is submitted in the Court of competent jurisdiction within 24 hrs. The Magistrate of the FS will ensure that proper procedure is followed and there is no law and order problem.
5. The Magistrate of the FS shall send a Daily Activity report in respect of items of seizure of bribe or cash to the D.E.O. in a prescribed format, with a copy to R.O., S.P. and the Expenditure Observers, and shall also send Daily Activity report in respect of model code of conduct violations to RO, DEO, S.P. and General Observer in the prescribed format. The SP shall send daily activity report to the Nodal Officer at the Police Headquarters, who shall compile all such reports from the district and send a consolidated report in the same format on the next day by fax/e-mail to the Commission with a copy to the CEO of the state.
6. The entire proceeding shall be video recorded. The In-charge Officer of FS shall also file complaints/F.I.R. immediately against (i) the persons, receiving and giving bribe; and (ii) any other person from whom contraband items are seized, or (iii) any other antisocial elements found engaged in illegal activity. The copy of the complaint/ FIR shall be displayed on the notice board of the R.O. for public information and be sent to the DEO, General Observer, Expenditure Observer and Police Observer. The Expenditure Observer shall mention it in the Shadow Observation Register, if it has links with any candidate's election expenditure.
7. In case, a complaint is received about distribution of cash, gift items, liquor or free food; or

about threat/ intimidation of electors; or of movement of arms/ammunitions/ antisocial elements and it is not possible for the FS to reach the spot immediately, then the information shall be passed on to the Static Surveillance Team, nearest to the spot or to the police station of that area, who shall rush a team to the spot for taking necessary action on the complaint. All seizures made by the police authorities either on receipt of complaints forwarded by FS or received independently shall also be reported to the FS which shall incorporate such seizure reports in its Daily Activity Reports in relevant rows/columns and this is done to avoid duplication of reports of seizure.

8. Each FS shall announce through a Public-Address System, fitted onto its vehicle, the following in local language in the area under its jurisdiction: "As per section 171 B of Indian Penal Code, any person giving or accepting any gratification in cash or kind during election process, with a view to inducing the person to exercise his electoral right is punishable with imprisonment up to one year or with fine or with both. Further, as per section 171 C of Indian Penal Code, any person who threatens any candidate or elector, or any other person, with injury of any kind, is punishable with imprisonment up to one year or with fine or both. Flying Squads have been formed to register cases against both the giver and the taker of bribe and for taking action against those who are engaged in threat and intimidation of electors. All the Citizens are requested to refrain from taking any bribe and in case, anybody offers any bribe or is having knowledge about the bribe or cases of threat/intimidation of electors, then he should inform on the toll-free number 1950 of the 24x7 Complaint Monitoring Cell of the district, set up for receiving the complaints".
9. Booth Level Awareness Groups (BAGs) formed for purification and authentication of electoral rolls of the booth will also be associated in collecting the evidences of malpractices taking place in their area either by mobile software developed by the Commission or otherwise. Whenever the BAG provides any information, the Flying Squad should reach the spot within shortest possible time and take necessary action and gather corroborative evidences.
10. The DEO shall publish pamphlets quoting the above in English or Hindi or local language and distribute through the Flying Squad in prominent places. Press release should also be issued by the DEO on the election expenditure monitoring measures.
11. After the announcement of elections, DEO shall make an appeal as mentioned in para 8 above in print and electronic media for the benefit of general public about the monitoring mechanism, which is being put in place during election process.
12. All the vehicles used by the Flying Squads shall be fitted with the CCTV cameras/ webcams or shall have video cameras (keeping in view the availability and economic viability) for recording the interception made by the Flying Squads.

18.11.3 STATIC SURVEILLANCE TEAM (SST)

1. There shall be three or more Static Surveillance Teams in each Assembly Constituency/ Segment with one executive magistrate and three or four police personnel in each team who shall be manning the check post. Depending upon the sensitivity of the area, the CAPF members will be mixed in the SSTs. The SSTs shall start functioning after issue of notification.
2. This team shall put check posts at Expenditure Sensitive pockets/hamlets, and shall keep watch on movement of illicit liquor, items of bribe, or large amount of cash, arms and ammunition and also movement of antisocial elements in their area. The entire process of checking shall be captured in video or CCTV.
3. The Magistrate of the SST shall send Daily Activity report to the D.E.O. with copy to R.O., S.P. and Expenditure Observer, General Observer, and Police Observer in a prescribed format on the same day. The S.P. shall send daily activity update to Nodal Officer of Police Headquarter, who shall compile all such reports from the district and send a consolidated report in the same format on the next day by fax/ e-mail to the Commission with a copy to the CEO of the State.
4. The checking by the SSTs shall be done in the presence of an Executive Magistrate and shall be video- graphed. No such checking shall take place without the presence of Executive

Magistrate. The video/CCTV record with an identification mark of date, place and team number shall be deposited with the Returning Officer, on the next day that shall preserve the same for verification by the Commission at later point of time. It may also be widely advertised by the DEO that any member of the public can obtain a copy of the video/ CCTV record by depositing Rs. 300/-.

5. Whenever Check Posts are put at the borders of the District/State or at any other place by any agency, for any purpose, then the nearest SST shall be present there in such team, to avoid duplication of checking in the area and reporting of seizure of cash or items of bribe has to be done by the SST.
6. Checking by SST on the major roads or arterial roads shall commence from the date of notification of election. The SSTs shall be controlled by the DEO and S.P. in consultation with General Observer and Expenditure Observers and the mechanism shall be strengthened in last 72 Hrs. before the poll, particularly in vulnerable areas or in Expenditure Sensitive Pockets (ESPs) and during such period, the SST shall not be dismantled under any circumstances.
7. During checking, if any cash exceeding Rs. 50,000/- is found in a vehicle carrying a candidate, his agent, or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items which are valued at more than Rs. 10,000/-, likely to be used for inducement of electors or any other illicit articles are found in a vehicle, shall be subject to seizure. The whole event of checking and seizure is to be captured in a video/CCTV, which will be submitted to the Returning Officer, every day.
8. If any star campaigner is carrying cash up to Rupees 1 Lakh, exclusively for his/ her personal use, or any party functionary is carrying cash with certificate from the treasurer of the party mentioning the amount and its end use, then the authorities in SST shall retain a copy of the certificate and will not seize the cash. If cash of more than Rs 10 lakh is found in a vehicle and there is no suspicion of commission of any crime or linkage to any candidate or agent or party functionary, then the SST shall not seize the cash, and pass on the information to the Income-Tax Authority, for necessary action under Income - Tax Laws
9. During checking, if there is any suspicion of commission of crime, the seizure of cash or any item shall be done by the in-charge Police Officer of the SST as per provision of Cr PC in presence of the Executive Magistrate. The Police Officer in charge of SST shall file complaint/ FIR in the Court, having jurisdiction, within 24 hours.
10. FS and SST shall be polite, decent and courteous, while checking the baggage or vehicle. The purse held by the ladies shall not be checked, unless there is a lady officer. The FS shall also supervise the functioning and proper conduct of SSTs during checking in their areas.
11. Advance training of FSs and SSTs should be done as per direction of the Commission. The DEO and the SP of the district shall ensure that the teams are constituted and properly trained. The Nodal officer at the Police Headquarters shall ensure that proper training and sensitization of the police force in this regard is done.
12. In case of any grievance about the conduct of the FS or SST, the Authority, whom the person can appeal for redressal of grievance on misconduct or harassment shall be the Dy. DEO of the District (in charge of the Expenditure Monitoring Cell).
13. After seizure, the seized amount shall be deposited in such manner as directed by the Court and a copy of seizure of cash, in excess of Rs. 10 lacs shall be forwarded to the Income Tax authority, engaged for the purpose. The DEO shall issue necessary instructions to the treasury units to receive the seized cash beyond office hours and on holidays also, in case it is required.
14. Wherever the FS or SST or police authorities receive information about any suspicious items in their area, including movement of huge amount of cash, they shall keep the respective Law enforcement agencies informed about such items.
15. All the vehicles, used by SSTs and FSs may be fitted with GPRS enabled tracking unit so that timely action by the teams can be monitored.

18.11.4 RELEASE OF CASH

- i. In order to avoid inconvenience to the public and genuine persons and also for redressal of their grievances, if any, a committee shall be formed comprising three officers of the District, namely, (i) CEO, Zila Parishad/ CDO/ P.D., DRDA (ii) Nodal Officer of Expenditure Monitoring in the District Election Office (Convener) and (iii) District Treasury Officer. The Committee shall suo-moto examine each case of seizure made by the Police or SST or FS and where the Committee finds that no FIR/Complaint has been filed against the seizure or where the seizure is not linked with any candidate or political party or any election campaign etc., as per Standard Operating Procedure, it shall take immediate step to order release of such cash etc. to such persons from whom the cash was seized after passing a speaking order to that effect. The Committee shall look into all cases and take decision on seizure.
- ii. The procedure of appeal against seizure should be mentioned in the seizure document and it should also be informed to such persons at the time of seizure of cash. The functioning of this committee should be given wide publicity, including telephone no. of the convener of the Committee.
- iii. All the information pertaining to release of cash, shall be maintained by the Nodal Officer expenditure monitoring in a register, serially date wise with the details regarding amount of Cash intercepted/seized and date of release to the person(s) concerned.
- iv. If the release of cash is more than Rupees 10 Lac (ten lakh), the nodal officer of Income Tax shall be kept informed before the release is put in effect.
- v. All cases of seizure of cash etc., effected by FS, SST or Police authorities shall immediately be brought to the notice of the Committee formed in the District and the Committee shall take action as per para (i) mentioned above. In no case, the matter relating to seized cash/ seized valuables shall be kept pending in malkhana or treasury for more than 7 (Seven) days after the date of poll, unless any FIR / Complaint is filed. It shall be the responsibility of the Returning Officer to bring all such cases before the appellate committee and to release the cash/ valuables as per order of the appellate committee.

18.12 TRAVEL EXPENSES ON VISITS TO FOREIGN COUNTRIES FOR PURPOSE OF CANVASSING

18.12.1 Under Rule 8A of the of the Registration of Electors Rules, 1960, Indian Citizens registered as overseas electors are entitled to vote in their respective native constituencies in India if they happen to be present in their native places on the day of poll in the constituency in which they are registered as overseas electors.

18.12.2 The Commission has clarified that seeking votes of overseas electors by going abroad by the candidates or their agents or party leaders is not prohibited under the law. However, all expenditure, incurred by those candidates, their agents or party leaders on their travel, boarding, and lodging while travelling in these countries would be deemed to be expenditure incurred or authorized by the candidates in connection with their election. All such expenditure would be considered expenses within the meaning of Section 77 (1) of the Representation of People Act, 1951 and will have to be included by the concerned candidates in their accounts of election expenses which are subject to the limits prescribed by Rule 90 of the Conduct of Election Rules, 1961.

18.13 MAINTENANCE OF ACCOUNTS BY THE CANDIDATE AND THE REGISTERS OF ELECTION EXPENDITURE

18.13.1 Each candidate is required to maintain a day-to-day account of his election expenditure in a register (Annexure 48), given to him by the Returning Officer at the time of filing of nomination paper. This register consists of three parts:

- i) Register of day-to-day accounts in Part A, in white pages,
- ii) Cash Register as Part B, in pink pages and
- iii) Bank Register as Part C, in yellow pages.

The candidate shall have to submit the above-mentioned registers for inspection by the Expenditure Observer at least three times during the campaign period. Every page of the

register must be numbered and a certificate must be given by Returning Officer on the first and last page of the register about the total number of pages in the register. The register should have sufficient number of pages for the entire campaign period. However, if the register gets filled up earlier, the candidate can ask for a supplementary register and the Returning Officer shall issue a supplementary register to him in the same format. The candidate shall give an acknowledgement for having received these registers. Returning Officer will provide the District Election Officer with the receipts of the Registers of the Candidates.

18.13.2 MAINTENANCE OF THE DAY-TO-DAY ACCOUNT OF ELECTION EXPENDITURE

- 18.13.2.1 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.
- 18.13.2.2 If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses and an entry shall be made in the Bank Register. If the 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. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. After the cash is deposited in Bank, the Bank Register (Part C) will be updated.
- 18.13.2.3 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 Bank account opened for election expenditure. If, it is cheque from his own bank account, then in the Bank Register, "Candidate's own fund" is to be mentioned.
- 18.13.2.4 If any person/party /body/association provides some goods or services in kind, for election campaigning of the candidate, then for these items, necessary entries shall be made in the Day to Day accounts register of the Candidate. Further, if the items in kind have been provided by the political party or any person/association, then the total value and name and address of the political party/person/association shall be mentioned in the register.
- 18.13.2.5 On the other hand, all election expenditure shall be entered in the Register of Day to Day Accounts. If the amount is paid by the candidate/political party/person, then the amount and other details will be mentioned at appropriate columns in the Register with details of name and address of the payee. All the payments for expenses (except petty expenses up to Rs. 10,000/- to a single party during the entire election process) are to be made only through A/c payee cheques. Payment of petty expenses may be made in cash only if the total amount paid to a person during whole period of campaigning does not exceed Rs. 10,000/-. After payment is made for the petty expense, such expenses shall be entered in the Register of the Day to Day Accounts.
- 18.13.2.6 **RECEIPT OF DONATIONS ETC BY CANDIDATES FOR PURPOSE OF ELECTION CAMPAIGN**
Under the existing instructions, the candidate(s) shall also not receive any donation or loan in cash in excess of Rupees 10,000/- from a single person or entity during the election process and all donations/loans in excess of Rupees 10,000/-shall have to be received by the candidate by A/c payee cheque or draft or by account transfer. The candidate(s) shall maintain the full name and address of such persons/entities, which shall be mentioned in relevant columns of day-to-day accounts and the abstract statement of election expenditure.

18.13.2.7 EXPENSES BY CANDIDATES IN CASH

- 18.13.2.7.1 All candidates, while maintaining their register of accounts of election expenditure, shall account for all expenditure incurred on the day of filing of nomination (i.e.

from day 1) and also those incurred prior to the date of nomination like expenditure on campaign materials which are used during the post nomination period. All expenses relating to the rally or procession organized while filing nomination are included in the accounts of the candidates.

- 18.13.2.7.2 When members of public attend a public rally/procession/public meeting of candidate(s) by using their own personal vehicle, without receiving any payment or reimbursement from anybody, it shall not be included in the expenditure of the candidate. However, the personal vehicles used in the rally or public meeting for campaign purpose by putting flags or banners or poster for the benefit of any candidate(s) shall be included in the expenses of the candidate(s). If the commercial vehicles bearing commercial registration number are used for rally or public meeting of any candidate(s) the expenditure on such vehicles shall be included in the account of the candidate(s).
- 18.13.2.7.3 One personal vehicle owned and used by the candidate(s) for campaign purpose shall be treated as campaign vehicle and notional expenditure on fuel and driver salary as per the market rate shall be included in the accounts of the candidate(s). In case other vehicles, owned by the candidate(s), are used for campaign purpose, then the notional expenses as per the notified rate for hiring of such vehicles shall be calculated by the candidate(s).
- 18.13.2.7.4 The expense on the vehicle of the district level party office bearers/leaders (other than star campaigners) for the purpose of their visit to multiple ACs within the district for electioneering shall not be included in the accounts of candidate(s). If the district functionary himself is a candidate, contesting from the same district and such vehicle is used for his movement in the constituency from where he is contesting, or such vehicle is used for campaign for any particular candidate(s), then the hiring charges of the vehicle shall be included in the accounts of the candidate(s) using the vehicle for campaign purpose.
- 18.13.2.7.5 The expense on items such as flags, mufflers or caps with party symbol shall be accounted for by the party concerned as its election expense. If they bear the name(s) or photo(s) of candidate(s), it shall be added to the accounts of the candidate. However, supply and distribution of main apparels like saree, shirt, T-shirt, dhoti etc. by party/ candidate is not permitted as it is bribery of voters.
- 18.13.2.7.6 If during inspection, the seized cash or other items are found to be linked with a candidate, then a complaint /FIR will be lodged by the R.O or any other officer authorized by him. He will send the copy of complaints/FIR to the Expenditure Observer/Assistant Expenditure Observer who shall mention it in Shadow Observation Register. However, the seized amount will not be treated as election expenditure of the candidate till the case filed in the court is decided finally and till such time it shall not be entered in Shadow Observation Register. The Complaint/ FIR copy shall be kept in the folder of evidence.

18.13.2.8 MAINTENANCE OF ACCOUNT AND PARTICULARS TO BE ENTERED IN ACCOUNT

- 18.13.2.8.1 All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorized shall be obtained from day to day as the expenditure is incurred or authorized and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.
- 18.13.2.8.2 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: - (The Conduct of Elections Rules, 1961)

- (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.

18.13.2.8.3. 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.

18.13.2.8.4. 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).

18.13.2.8.5. 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).

18.14 APPOINTMENT OF ADDITIONAL EXPENDITURE AGENT ON PART OF CANDIDATES:

Under the existing instruction of the Commission, every candidate is permitted to appoint Additional Agent in the prescribed format (Annexure E-3 of latest Compendium of Instructions on Election Expenditure Monitoring) assisting the candidate in the various expenditure related matters. A person who is disqualified under the law for being chosen as, and for being a Member of Parliament or State Legislature and who cannot be appointed as Election Agent u/s 40 of the R. P. Act, 1951 should not be appointed such as additional agent. The general Prohibition against appointing minister/MP/MLA/MLC/Mayor or Corporation/Chairman or Municipality/Zilla Parishad, as any agent for candidate, would also apply to such Additional agent. It may be noted that such Additional agent would be for the purpose of performing only the non-statutory duties and not the duties that the election agent appointed under section 40 read with rule 12 of the C.E. Rules, 1961 is authorized to perform on behalf of the candidate.

18.15 ACCOUNT TO BE MADE AVAILABLE BY CANDIDATES FOR INSPECTION AND DISPLAY

18.15.1 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.

18.15.2 The RO shall prepare a schedule for inspection of Expenditure Register of each candidate, by the Expenditure Observer, or a senior officer designated by the R.O. in consultation with the Expenditure Observer for the purpose. The candidate is required to produce the register either in person or through his election agent or any other person duly authorized by him before the Expenditure Observer/ designated officer for inspection at least three times during the campaign period.

18.15.3 The gap between two inspections should be at least three days. This schedule shall be given wide publicity through the press. For convenience, for each candidate the timing of inspection may be specified between 10 A.M to 5 P.M. Timings should be fixed in such a way that the work should be completed before 7 P.M. The inspection should be done either in Returning Officer's office room or any other conference room/office chamber. The last inspection should be fixed not before 3 days from the day of poll. After every inspection, during the election process, the day-to-day election

account register of a candidate shall be scanned till the date of inspection and uploaded onto the DEO's portal with a link provided to the CEO's website besides displaying a photocopy on the notice board of the Returning Officer.

- 18.15.4 If a candidate or his agent does not produce his Election Expenditure Register for inspection on the day fixed for this purpose, a notice shall be issued to the candidate by the Returning Officer in writing, informing him that if he fails again to produce the Register for inspection on the day specified in the notice, it shall be presumed that he has failed to maintain a day to day account of election expenditure as required under Section 77 of RP Act 1951. This notice shall be given the widest possible publicity and a copy shall be displayed on Returning Officer's notice board. If, in spite of the notice, the candidate fails to produce the register of election expenditure for inspection, a complaint under Section 171-I of IPC shall be filed in the competent court. Besides this, the permission given to the candidate for use of vehicles during election should be withdrawn, if the candidate does not produce the register after three days of service of the notice. The withdrawal of permission for use of vehicles shall be intimated to all the Surveillance Teams and Flying Squads and displayed on Returning Officer's notice board.
- 18.15.5 While inspecting the accounts of the candidates as per the schedule of inspection fixed, Returning Officer will ensure that two photocopies of the relevant pages of the register are retained by the inspecting officer. One copy of the relevant pages will be displayed on Returning Officer's notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with Returning Officer and furnished to the District Election Officer on conclusion of the poll process. In this exercise, Returning Officer 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.
- 18.15.6 Publicity should also be given that members of the public can be present during inspection of expenditure registers/ accounts and that anybody can obtain a copy of the expenditure register of any candidate, on payment of Rs.1 per page, from the Returning Officer. The inspection of registers should be done, as far as possible, by the Expenditure Observers only. Where the inspection of register is carried out by a designated officer, other than the Expenditure Observer due to some unavoidable reasons, the Expenditure Observer shall be kept apprised of the outcome of each such inspection and the reasons for such inspection by any other officer.
- 18.15.7 **PROCEDURE TO BE ADOPTED BY THE RETURNING OFFICER ON UNDER STATEMENT OR NON- SHOWING CERTAIN EXPENDITURE BY A CANDIDATE**
 1. If the Returning Officer or any officer authorized, by the District Election Officer/ Returning Officer, is in receipt of information during election process that any candidate has incurred or authorized certain expenditure and has not shown either a part or whole of it in his day to day account of election expenditure, maintained by him under section 77(1) of the Representation of the People Act, 1951, or has not produced the said accounts for inspection on the scheduled date before the authorized officer or Expenditure Observer, then the Returning Officer shall issue a notice along with the evidence thereof to the candidate preferably within 24 hours of the date of receipt of information or inspection of accounts mentioning the details of expenses, which are not shown truly or correctly in day-to-day account or informing him that he failed to produce his account, as the case may be. However, in case of suspected Paid News items, where notice is issued or is being issued by the Returning Officer as per the recommendation of the Media Certification and Monitoring Committee (MCMC), such items shall not be covered in this notice.
 2. Such candidate may reply to the notice within 48 hours, explaining the reasons for omission of default which is brought to his notice. In cases where the candidate accepts the fact of suppressed expense mentioned in the notice, the same shall be added to his election expenses.
 3. Where candidate fails to produce his day to day account for inspection and in spite of the notice, the failure continues, then FIR is to be filed under section 171 (1) of Indian Penal Code, after 48 hours of service of such notice and the permission for use of vehicles etc. by the candidate for election campaign shall be withdrawn.
 4. Where no reply is submitted by the candidate or his election agent within 48 hours of receipt

- of the notice, then the candidate shall be deemed to have accepted the suppressed amount mentioned in the notice and the same shall be added to the election expenses of such candidate.
5. If the candidate or his election agent disputes the suppressed expenditure, mentioned in the notice, he shall submit the reply mentioning the reasons for disagreement and the same shall be forwarded to the District Expenditure Monitoring Committee (DEMC) consisting of the following:
 - a) Expenditure Observer in charge of the Constituency
 - b) DEO
 - c) Dy. DEO/Officer in charge of Expenditure Monitoring of the District.
 6. The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate thereto, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not to the election expenses account of the candidate.
 7. The candidate shall be given another opportunity to reconcile the understated amount of the election expenditure, if any, in the Account Reconciliation meeting, to be conducted by the DEO, on the 26th day of the declaration of the result.

18.16 TRAINING

The DEO shall organize one-day facilitation program for all the candidates/ election agents and the personnel engaged for receiving the accounts within one week before the last date of submission of the account of election expenses.

- a. The Nodal Officer of the Expenditure Monitoring Cell and Assistant Expenditure Observer should be associated in the training program to explain the procedure of e-filing of accounts, the forms and affidavits to be filed and the frequently noticed defects. Consequences of not filing or filing incomplete forms or not filing in the manner prescribed or not showing correct accounts shall also be explained to the candidates/agents.
- b. In this training program they will also be apprised about the Account Reconciliation Meeting, in which they should come prepared with all final accounts and registers.
- c. The DEO shall notify the date and venue of training on procedure of lodging the final accounts and also about the date of Account Reconciliation Meeting, positively on or by the date of declaration of result.

18.17 PREPARATION OF RATE CHARTS

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 the 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) MPVs/LCVs/MCVs/Sedan/Hatchback, (ii) Three-Wheelers, (iii) 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.

18.18. EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.

- 18.18.1 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 is 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.

18.18.2 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.

18.18.3 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.

18.19 CANDIDATES ELECTION EXPENSES ON ACCOUNT OF CANDIDATES KIOSKS (BOOTH) OUTSIDE POLLING STATIONS

18.19.1 Commission has directed that candidates' booths set up outside polling stations should be deemed to have been set up by the candidates as part of their individual campaign and not by way of general party propaganda. All expenditure incurred on candidates' booths set up outside polling stations on poll day shall be deemed to have been incurred/authorized by the candidate/his election agent so that it may be included in the account of the candidate's election expenses.

18.19.2 The District Election Officer will notify the rates of candidates' booths (kiosks) outside the polling stations (10 feet X 10 feet enclosure with shade, two chairs and one table including the notional expenses on daily allowances and refreshment etc. to the party workers) after due consultation with the political parties along with other items of expenditure used for election campaign.

18.20 ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS

Though under Section 77 of the R. P. Act, 1951, every candidate is required to keep an account of his election expenses as aforesaid, under Section 78 of the R. P. Act, 1951, it is only the contesting candidates who are required to lodge their accounts of election expenses.

18.21 ELECTION FROM MORE THAN ONE CONSTITUENCY

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.

18.22 AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED

18.22.1 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 the 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 lodge it with the DEO in terms of statutory requirement. 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 under acknowledgement.

18.22.2 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.

18.22.3 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.

18.23 MANNER OF LODGING THE ACCOUNT

18.23.1 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.

- 18.23.2 Further, the candidate is also required to furnish the abstract statement in Parts I to IV of the proforma (**Annexure 48**) 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 authorized on any item listed therein, a 'Nil' entry should be made in the appropriate column.
- 18.23.3 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 (Part IV of the Abstract Statement). The proforma of the affidavit to be filed by each candidate is a part of the model proforma (**Annexure 48**) mentioned above.
- 18.23.4 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 hence, even if election agent certifies the account, it should again be certified by the candidate himself.

18.24 VOUCHERS TO BE FILED WITH ACCOUNTS

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 rail and the likes. All vouchers should be serially numbered and signed by the candidate or his election agent.

18.25 VOUCHERS TO BE SIGNED

Parts I-IV of the Abstract Statement including 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.

18.26 LAST DATE FOR FILING ACCOUNTS

The account should be lodged by the candidate within 30 days from the date of election of the returned candidate under section 78 of the Representation of the People Act, 1951.

- [N.B. (i) In computing the period of 30 days, the date on which Returning Officer declared the returned candidate elected should be excluded.
- (ii) If the 30th day so computed is a Sunday or other holiday and DEO's office is closed on that day, the account of election expenses may be lodged on the next day on which Returning Officer's office functions. The account will be deemed to have been lodged in time in such cases.]

18.27 MEANING OF DATE OF ELECTION

The "date of election" of a returned candidate is the date on which Returning Officer declares him to have been elected whether it was a contested or an uncontested election.

18.28 ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT

As soon as the account of election expenses is lodged by a candidate, District Election Officer should acknowledge its receipt in the prescribed proforma (**Annexure 48**). If the account is received by DEO by post, he/she should send the acknowledgement forthwith by post. One copy of the acknowledgement should be kept by the DEO/ Designated Official receiving the accounts.

18.29 NOTICE OF FILING OF ACCOUNTS

Within two days from the date on which the candidate lodges his account of election expenses, affix a notice on DEO's 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

18.30 INSPECTION AND COPIES

- 18.30.1 Any person can, on payment of a fee of rupee one, inspect the account lodged with Returning Officer 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.
- 18.30.2 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.

18.31 REPORT TO THE COMMISSION

- 18.31.1 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 Expenditure Observer and submit a report to the Commission through the CEO within 45 days of the declaration of the results in the prescribed form along with the Summary Report (Please refer to the Annexure C-13 of the latest Compendium of Instruction on Election Expenditure Monitoring available at ECI website www.eci.gov.in). The comments of the Expenditure Observer should also be taken in the DEO's Report. The procedure to be adopted by DEO in preparation of Scrutiny report and Summary report in respect of accounts of election expenses of the candidates is explained in latest instructions issued by the ECI in the Subject Matter.
- 18.31.2 DEO's Report shall be prepared meticulously scanned copy of the Abstract Statement (Part-I to Part- IV) 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.
- 18.31.3 The Commission has developed a new data entry portal ENCORE for online filing of the DEO's Scrutiny Reports in respect of contesting candidates. It is relevant to mention that the online form contains the same columns as the physical format of DEO's Scrutiny Report. The data has to be entered online within 3 days of finalization of DEO's Scrutiny Reports.

18.32 SEPARATE REPORT FOR EACH CONSTITUENCY

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 (Whether the account lodged or not lodged). 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 and their addresses shall be spelt out as in the list of contesting candidates Form 7A.

18.33 ACCOUNTS FILED LATE

If a contesting candidate has lodged his account of election expenses after DEO has sent his/her report to the Commission, send a supplementary report in respect of him in the same format as has been sent for other candidates.

If the candidate has lodged his account after the Commission's notice issued under Rule 89(5) of the C. E. Rules, 1961, then send the DEO's comments in the same format as supplementary report after 20 days of delivery of notice along with acknowledgement receipt in original obtained from the defaulting candidate clearly indicating date of delivery of ECI notice and representation of the candidate if any, regarding why he has submitted delayed account.

18.34 NATURE OF EXAMINATION

Since the return of election expenditure filed by a candidate has to reflect the "correct" account of "all" election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report 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.

18.35 PUBLICATION OF REPORT

DEO shall publish a copy of every report sent to the Commission by affixing a copy thereof to his/her noticeboard.

18.36 COMMISSION'S DECISION ON DEO'S REPORT ON ACCOUNT OF ELECTION EXPENSES FILED BY THE CANDIDATES

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.

18.37 DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES

18.37.1 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 and CEO to cause the same to be delivered to the candidates concerned through the DEO. It should be got delivered by the DEO in 3 days of receipt of ECI notice.

18.37.2 The notice should be delivered to the candidate concerned against a proper acknowledgement necessarily indicating the date of delivery of notice from him in token of having received the same.

18.37.3 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.

18.38 REPRESENTATION BY DEFAULTING CANDIDATE

Any contesting candidate who has been called upon to show cause, may within twenty days of the receipt of such notice, represent in writing to the Election Commission, and shall, at the same time, send DEO a copy of his representation together with a complete account of his election expenses if he has not already furnished such an account.

18.39 SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER

18.39.1 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 in ORIGINAL clearly indicating 'Date of Delivery of Notice' 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.

18.39.2 The supplementary report should be sent even where the candidate has not filed any representation within 20 days of delivery of notice.

18.40 FINAL ORDER BY THE COMMISSION

If, after considering the representation submitted by the candidate and the comments made by the DEO and after such enquiry it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified under Section 10-A of the Representation of the People Act, 1951 for a period of three years from the date of the order and cause the order to be published in the official gazette.

18.41 REMOVAL OF DISQUALIFICATION

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.

18.42 TIME LIMITS TO BE STRICTLY ADHERED

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 DEO's comments to the Commission, etc. should be strictly adhered to. The Commission takes serious exception to any lapse in this regard. The Commission has issued a detailed instruction to all the CEOs regarding adherence to the statutory time limit vide its No. 76/ECI/INST/FUNC/EEM/ EEPs/2020/Vol. VI, dated 24th July, 2020. For latest instructions on the subject matter, the Compendium of Instructions on Election Expenditure Monitoring (latest version), available on ECI website may be referred to.

19. MISCELLANEOUS

19.1 SIGNING BY ILLITERATE PERSONS

- 19.1.1 Sub-rule (2) 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 regard 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, 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, Returning Officer should, through the Chief Electoral Officer of the State, forward to the Election Commission two copies of his/her report on the various item as shown in **Annexure 44** for preparation of the Report on the elections by the Commission. Returning Officer should advise the Presiding Officers working under him/her 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 Returning Officer to the Chief Electoral Officer within a fortnight from the declaration of the result. If someone is Returning Officer for more than one constituency, he/she should submit a separate report for each constituency). Returning Officer 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. Returning Officer shall provide the required information by filling in the 'Index Card' of Annexure 46 as early as possible but not later than 07 days after the counting and declaration of result and send it through the Chief Electoral Officer of the State/Union Territory.

19.5 SAFE CUSTODY OF EVM, VVPAT 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;
8. Printed Paper slips sealed under the provision of Rule-57C; and
9. 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 In case of storage/trunk(s), as provided in para 19.5.1, all the keys of lock-1 shall be kept with the District Election Officer and all the keys of lock-2 shall be with the Dy. DEO or the equivalent officer not below the rank of Dy. DEO.
- 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 petition by the High Court or by the Supreme Court or other competent Court.
- 19.6.4 The boxes 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 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 these are not available.
- 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.

Note: For detailed guidelines on safe storage of EVMs, VVPATs and other election papers, before and after counting of votes, Commission's latest instructions on the subject matter may be referred to.

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.
- 19.7.2 Documents mentioned at Sl. No. 2 to 8 in para 19.5.1 shall not be opened or inspected by, or produced before any person or authority without 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 Part 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 Rupees 2 for each copy under sub-rule (3) of Rule 93 of the Conduct of Election Rules, 1961.

19.10 STORAGE AND SUPPLY OF CCTV RECORDINGS

19.10.1 Videography /CCTV footage of various stages of election process like nomination, scrutiny, withdrawal, polling and counting process, FLC & Commissioning of EVM-VVPATs etc. should be kept in the safe custody of the District Election Officer till the expiry of 45 days from the date of declaration of result of the election.

19.10.2 The video recordings of election campaign activities of candidates and political parties made by the election expenditure monitoring teams, flying squads, SSTs etc. the recorded version thereof shall be kept in the custody of District Election Officer till the expiry of 8 months from the date of the declaration of result of the election.

19.10.3 In any one files an application for copies of the data/record or to inspect such data/record within the prescribed period, copies should be given free of cost to the candidates and on due payment of Rs.300/- per CD/storage device (exclusive of cost of CD/storage devices) to any other person.

19.10.4 In case no election petition or any other petition/complaint etc. is pending, the CCTV/ Video recording should be destroyed after expiry of the prescribed period of 45 days or 8 months, as the case may be, following the usual procedure prescribed for the purpose. If there is any election petition filed in respect of the election or any other petition etc. in any court in respect of which the recording would be relevant, then the recorded version shall be retained in safe custody of DEO

till the disposal of such matter.

19.11 DISPOSAL OF ELECTION PAPERS

19.11.1 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:

19.12 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.

19.13 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 retained 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 petition is over.

Note: For detailed guidelines, Commission latest instructions on the subject matter may be referred.

19.14 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.

19.15 DIRECTION UNDER RULE 94 (c)

- i) Papers specified in Annexure 45 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, 21A, 21B, 21C, 21D, 23 and 23A) and Return of Election (Forms 21E and 23B) 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 reclamation petition pending in respect of the election in which the question of the applicant's election expenses is at issue.

19.16 PERIOD OF RETENTION OF THE AFFIDAVITS IN FORM 26 AND THE NOMINATION PAPERS FILED BY THE CANDIDATES

- 19.16.1 In the case of Nomination Papers and Affidavit (Form 26), the same shall be retained for a period of 06 (six) years after the completion of elections or till disposal of election petition, if any, or any other suit/petition in any court in which any of the declarations made in any of these documents is under challenge. All the supporting documents filed by the candidates along with their nomination papers shall also be likewise retained for the same period.

19.17 RETENTION OF PAPERS WHERE ELECTION PETITION IS PENDING

- 19.17.1 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 should not be destroyed until the expiry of three months from the date of disposal of such petition or the matter finally.

19.18 MODE OF DISPOSAL OF ELECTION PAPERS

- 19.18.1 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.
- 19.18.2 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.
- 19.18.3 Whenever shredders are not available, the District Election Officer should purchase a shredder out of his office expense budget.
- 19.18.4 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.

19.18.A. DISPOSAL OF MOCK POLL VVPAT SLIPS

For retention and disposal of VVPAT paper slips generated during mock poll on poll day and actual poll, the following protocol shall be followed:

- (a) After completion of Election Petition period, the CEO/DEO shall immediately obtain within 7 days the status of Election Petition or Court Case from the competent court.
- (b) If any Election Petition or Court case is pending, the VVPAT paper slips pertaining to mock poll and actual poll shall be kept in the custody of District Election Officers till final disposal of Election Petition or Court Case.
- (c) If no Election Petition or Court case is pending, the VVPAT paper slips pertaining to Mock poll and actual poll shall be disposed of as per following procedure:
 - * In the case of elections, where no election petition has been filed or no other court cases are pending, after the aforesaid period,
 - * VVPAT paper slips pertaining to mock poll and actual poll shall be disposed of as per relevant provision mentioned in the Rule 94 of the Conduct of Elections Rules 1961.

19.19. DISPOSAL OF SURPLUS AND WASTE BALLOT PAPERS

19.19.1 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.

19.20 FACILITIES ALLOWED BY THE POSTAL DEPARTMENT FOR THE CONDUCT OF ELECTIONS

- 19.20.1 The Postal Department has been requested to extend special facilities during period of elections for receipt and delivery of letters and other communications.
- 19.20.2 Ministry of Home Affairs have issued instructions that police wireless facilities may be used wherever postal facilities are not available.
- 19.20.3 For receipt and issue of urgent communications, Fax machines are installed in the office of the Commission. Returning Officer can also send the fax messages to the Secretary to the Commission concerned with his/her State or communicate with him through his e-mail which is available on the website of the Commission i.e. www.eci.gov.in.

19.21 TWO UNUSED BALLOT PAPERS FOR RECORD OF THE COMMISSION

- 19.21.1 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.

- 19.21.2 Two unused 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.

Chapter 20

ANNEXURES

(1- 59)

ANNEXURE 1
NUMBER OF SEATS IN LOK SHABHA

S. No.	State/UT	Total	SC	ST
1	Andhra Pradesh	25	4	1
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	Jharkhand	14	1	5
11	Karnataka	28	5	2
12	Kerala	20	2	-
13	Madhya Pradesh	29	4	6
14	Maharashtra	48	5	4
15	Manipur	2	-	1
16	Meghalaya	2	-	2
17	Mizoram	1	-	1
18	Nagaland	1	-	-
19	Orissa	21	3	5
20	Punjab	13	4	-
21	Rajasthan	25	4	3
22	Sikkim	1	-	-
23	Tamilnadu	39	7	-
24	Telangana	17	3	2
25	Tripura	2	-	1
26	Uttarakhand	5	1	-
27	Uttar Pradesh	80	17	-
28	West Bengal	42	10	2
	TOTAL	524	83	45
29	UT of Jammu & Kashmir	5	-	-
30	Andaman & Nicobar Islands	1	-	-
31	Chandigarh	1	-	-
32	Dadra & Nagar Haveli and Daman & Diu	2	-	1
33	NCT of Delhi	7	1	-
34	Lakshadweep	1	-	1
35	Puducherry	1	-	-
36	UT of Ladakh	1	-	-
	TOTAL	19	1	2
	GRAND TOTAL	543	84	47

ANNEXURE 2
NUMBER OF SEATS IN STATE LEGISLATIVE ASSEMBLIES

S. No.	State/UT	Total	SC	ST
1	Andhra Pradesh	175	29	7
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	Jharkhand	81	9	28
11	Karnataka	224	36	15
12	Kerala	140	14	2
13	Madhya Pradesh	230	35	47
14	Maharashtra	288	29	25
15	Manipur	60	1	19
16	Meghalaya	60	-	55
17	Mizoram	40	-	39
18	Nagaland	60	-	59
19	Orissa	147	24	33
20	Punjab	117	34	-
21	Rajasthan	200	34	25
22	Sikkim**	32+	2	12++
23	Tamilnadu	234	44	2
24	Telangana	119	19	12
25	Tripura	60	10	20
26	Uttarakhand	70	13	2
27	Uttar Pradesh	403	84	2
28	West Bengal	294	68	16
	TOTAL	3933	589	555
29	NCT of Delhi	70	12	-
30	Puducherry	30	5	-
31	Jammu & Kashmir @	90	7	9
	TOTAL	190	24	-
	GRAND TOTAL	4123	613	564

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 LIST OF POLLING STATIONS

For.....(Assembly Constituency comprised within the).....
..... Parliamentary Constituency.

S. N. 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* area	Whether all voters are men only or women only	Total number of voters assigned	Max distance that a voter will have to travel to reach the PS	Remarks
1	2	3	4	5	6	7	8	9	10

Total numbers 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 number of the electoral roll assigned. In case part is split into two polling station, then the serial numbers (not the house numbers) of the voters assigned should be mentioned.
- * will not apply in case of Union Territories (1) Andaman and Nicobar Islands, (2) Chandigarh (3) Dadra and Nagar Haveli (4) Lakshadweep (5) Daman and Diu.

ANNEXURE 4

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 PS.
4. Total number of Polling stations actually provided.
5. Average number of voters per polling station.
6. Numbers of polling station 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. Number of polling station 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 station has been clearly indicated in the list
14. Number of polling stations which have less than 20 square meter 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 numbers of separate polling station 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**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, 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:

Date:

Signature of District Election Officer /
Returning Officer

ANNEXURE 6

NOTICE FOR PUBLICATION OF LIST OF POLLING STATIONS

In pursuance of the provisions of the 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

Constituency

Date:

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

Date:

District Election Officer / Returning Officer

Place:

Note: Will not apply in the case of Union Territories of (1) Andaman and Nicobar Islands (2) Chandigarh (3) Dadra and Nagar Haveli and Daman and Diu (4) Lakshadweep (5) Ladakh.

ANNXEURE 7

ORDER OF APPOINTMENT OF PRESIDING OFFICER AND POLLING OFFICER

(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	Name 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 on(date) 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).

* 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 - 8
LIST OF POLLING MATERIALS FOR A POLLING STATION

S. No.	Items	Quantity
(A) EVM, Electoral Rolls and others		
1	Control Unit	01 Nos
2	Ballot Units	01 or more depending upon the number of candidates plus NOTA
3	VVPAT	01Nos
4	Marked copy of electoral roll	01Nos
5	Working copies of electoral roll	03 Nos
6	Ballot papers (for tendered votes)	20 Nos
7	ASD List	01Nos
8	CSV List if any	01Nos
9	Braille Ballot Sheet	01Nos
10	Dummy Ballot Unit	01Nos
11	Voting Compartment	01 Nos as per design approved by Commission
(B) Forms and other formats:		
1	Statutory Booklet-01: White Colour Register	01 Nos
	(i) Register of voters in Form 17A	
2	Statutory Booklet-02: White Colour Booklet	01 Nos
	(i) List of Tendered votes in Form-17 B	02 Nos
	(ii) The account of votes (Form-17C) recorded	10+ Nos,(Depending upon the number of candidates)
	(iii) List of challenged votes in Form-14	02 Nos
	(iv) List of blind and infirm electors in Form 14A	02 Nos
	In case of simultaneous election, for Assembly election, addition accounts of votes (17C) recorded should be given in pink colour	10+ Nos,(Depending upon the number of candidates in the assembly election)
3	Statutory Booklet-03: White Colour Booklet	01 Nos
	(i) Voter's Slip	Number of voter's slip shall be depended upon the number of voters in that booth.
	In case of simultaneous election, for Assembly election, Voter's Slip Pink Booklet should be provided.	Same as above
4	Non-statutory Booklet- Part-A: Yellow Colour Booklet	01 Nos
	(i) The declarations by the Presiding Officer before the commencement of poll and at the end of poll (Part-I to IV)	02 Nos
	(ii) The Presiding Officer's Diary	02 Nos
	(iii) Visit Sheet	02 Nos
	(iv) Presiding Officer's Report (I, II, III, IV & V)	01 Nos
	(v) Form M21- Receipts of return of election records and materials after poll	02 Nos
5	Non-statutory Booklet- Part-B: Yellow Colour Booklet	01 Nos
	(i) Polling agents/ relieving agents movement sheet;	01 Nos

	(ii) Entry Pass of Polling Agents/Relief Agents	(10 + depending upon the number of candidates)
	(iii) Declarations by the companions of blind and infirm voter	10 Nos
	(iv) The receipt book and cash, if any, in respect of challenged votes;	10 Nos
	(v) Form of declaration by elector under Rule 49MA (Test Vote)	05 Nos
	(vi) Form of declaration by elector whose name is in ADS list	10 Nos
	(vii) Letter of complaint to the S.H.O. Police	04 Nos
	(viii) Declarations obtained from electors as to their age	04 Nos
	(ix) List of Electors who voted after giving declaration/refused to give declaration	04 Nos
6	Candidate Information Booklet-06: Blue Colour Booklet	01 Nos
	(i) List of contesting candidates Form-7A	01 Nos
	(ii) Photo copy of signature of Candidates/Agents	01 Nos
(C)	Envelopes	
1	Envelope Set-01: EVM Papers (White colour)	
	(i) Master envelope for EVM papers (White colour)	01 Nos,
	(ii) Envelope for account of votes (Form-17C) recorded.	01 Nos
	(iii) Envelope for Presiding Officers Report- I (Mock Poll Certificate), II & III	01 Nos
	(iv) Envelope for VVPAT paper slip of Mock Poll (Black Colour)	01 Nos
	In case of simultaneous election, for assembly election, one addition Master envelope for EVM Papers in pink colour, one additional Envelope for account of votes recorded (17C) in pink colour and one additional envelope for Presiding Officer's Report-I (Mock Poll Certificate), II & III in pink color and one additional envelope for VVPAT paper slips of Mock poll in black colour for assembly poll EVM.	01 Nos each
2	Envelope Set-02: Scrutiny Documents (White Colour)	
	(i) Master Envelope for Security Documents (White Colour)	01 Nos
	(ii) Envelope for Presiding Officer's Diary (White colour)	01 Nos
	(iii) Envelope for register of voters (17A) (White Colour)	01 Nos
	(vi) Envelope for the list of blind and infirm electors in Form 14-A and the declarations of the companions (Yellow colour)	01 Nos
	(v) Envelope for Visit Sheet (White colour)	01 Nos
3	Envelope Set-03: Statutory Cover (White colour)	
	(i) Master envelope for Statutory Cover (White colour)	01 Nos
	(ii) Envelope for marked copy of the electoral roll and list of CSV (If any) (White colour)	01 Nos
	(iii) Envelope for voter's slips (White colour)	01 Nos
	(iv) Envelope for used tendered ballot papers and the list in Form 17B (White colour)	01 Nos
	(v) Envelope for unused tendered ballot papers (white colour)	01 Nos
	(vi) Envelope for the list of challenged votes in Form 14 (white colour)	01 Nos
	In case of simultaneous election, for assembly election, one additional Envelope for Voter's slip (Pink Colour)	01 Nos
4	Envelope Set-04: Non-Statutory Cover (Yellow colour)	
	(i) Master envelope for non-Statutory Cover (Yellow colour)	01 Nos
	(ii) Envelope for Copy or copies of electoral roll (other than the marked copy) (Yellow colour)	01 Nos

	(iii) Envelope for appointment letters of polling agents in Form 10 (Yellow colour)	01 Nos
	(iv) Envelope for election duty certificate in Form 12-B (Yellow colour)	01 Nos
	(v) Envelope for declarations by the Presiding Officer (Yellow Colour)	01 Nos
	(vi) Envelope for the receipt book and cash, if any, in respect of challenged votes (Yellow colour)	01 Nos
	(vii) Envelope for (i) unused and damaged paper seals and (ii) Unused and damaged special tags (Yellow colour)	01 Nos
	(viii) Envelope for Unused Voter's Slip (Yellow Colour)	01 Nos
	(ix) Envelope for the declarations obtained from electors as to their age and the list of such electors and the list of electors who have refused to make declarations as to their age (Yellow Colour)	01 Nos
	x) Envelope for the Form of declaration by elector under 49MA	01 Nos
	xi) Envelope for Form of declaration by elector whose name is in ASD list	01 Nos.
	xii) Envelope containing letter of complaint to SHO	01 Nos
	In case of simultaneous, one additional envelope for declaration by the Presiding Officer in pink colour for assembly poll.	
5	Envelope Set-5: Handbook, Instructions and other (Brown Colour)	
	(i) Master Envelope for Handbooks, Instructions, etc (Brown Colour)	01 Nos
	(ii) Envelope for (i) Used and remaining Indelible Ink Phials) and (ii) Used Stam Pad (Brown Colour)	
6	Envelope for other polling materials (Blue colour)	01 Nos
(D)	Seals, Tags and Marks	
1	Common Address tags for Ballot unit, Control Unit and VVPAT	14 Nos
2	Special Tags	03 Nos
3	Green paper seals for EVM	03 Nos
4	Indelible Ink	02 Phials of 10CC
5	Rubber stamp with arrow cross mark	01 Nos
6	Metal seal for Presiding Officer	01 Nos
7	Distinguishing mark rubber stamp	01 Nos
8	Pink Paper seal for sealing Black Envelope	02 Nos
9	Mock Poll Slip Stamp	01 Nos
(E)	Handbooks and Instructions	
	(i) The Hand Book for Presiding Officer	01 Nos
	(ii) Instructions of Electronic Voting Machine & VVPAT	
	(a) Poster on How to cast vote on EVM & VVPAT	01 Nos
	(b) Brochure for Presiding Officer on use of EVM & VVPAT	01 Nos
	(c) Trouble shooting on use of EVM & VVPAT (Annexure-22)	01 Nos
	(iii) Mock Poll leaflet	01 Nos
	(iv) Commission order of identification of electors through alternative documents	01 Nos
	(v) Phone Book/Contact Book for Polling parties	01 Nos
	(vi) Checklist of Presiding Officer	01 Nos
(F)	Stationery items	
1	Stamp pad (purple)	01Nos
2	Match box	01Nos

3	Sign Boards	
	(i) Presiding Officer	01 Nos
	(ii) Polling officer-1	01 Nos
	† (iii) Polling Officer-2	01 Nos
	(iv) Polling Officer-2	01 Nos
	(v) Entry	01 Nos
	(vi) Exit	01 Nos
	(vii) Male	01 Nos
	(viii) Female	01 Nos
	(ix) Polling Agent	01 Nos
	(x) You are under WEB CASTING/CCTV surveillance	04 Nos
	(xi) Miscellaneous notice specifying area, etc as required by under Rule 31(1) (a) of The Conduct of Elections Rules 1961	01 Nos
4	Ordinary pencil	01 Nos
5	Ball pen (three blue, one red and one silver white)	05 Nos
6	Blank paper	08 sheets
7	Pins	25 Nos
8	Sealing wax	06 sticks
9	Gum paste	01 Nos
10	Blade	01 Nos
11	Candle sticks	04 sticks
12	Thin twine thread	20 meters
13	Metal rule	01 Nos
14	Carbon paper	03 Nos
15	Cloth or rag for removing oil etc.	small quantity
16	Packing paper sheets	03 Nos
17	Cup/empty tin/plastic box for holding indelible ink bottle	01 Nos
18	Drawing pins	24 pieces
19	Rubber bands	20 Nos
20	Transparent Adhesive tape	01 Nos

LIST OF POLLING MATERIALS TO BE RETURNED BY THE PRESIDING OFFICER TO THE SECTOR OFFICER SEPARATELY WHO IN TURN WILL DEPOSIT THEM INSTORE AT THE OFFICER OF THE CEO/DEO.

S. No.	Items
1	Arrow cross mark rubber stamp
2	Metal seal of Presiding Officer
3	Stationary bag containing
(i)	Self-inking pad
(ii)	Material for Voting Compartment
(iii)	Metal rule
(iv)	Container for holding indelible ink bottle
(v)	All other unused items

Additional Items of Polling Materials to be provided to the Polling Party with VVPAT.

- Mock Poll Slip Stamp.

ANNEXURE 9
FORMS RELATED TO NOMINATION UNDER CONDUCT OF ELECTION RULES, 1961

Notice is hereby given that -

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
- (2). 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.
- (3). nomination papers may be delivered by a candidate or any of his proposers 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
- (4). forms of nomination paper may be obtained at the place and times aforesaid;
- (5). nomination paper will be taken up for scrutiny at on
 at ;
- (6). notice of withdrawal of candidature may be delivered either by a candidate or by any of his proposers or by
 his election agent 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

- (7). in the event of the election being contested, the poll will be taken on between the hours of
 and

Place:

Date:

Returning Officer

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 candidates	Name of proposers	Electoral roll number of proposers
6	7	8	9	10

Place.....

Date.....

.....
Returning Officer

*Strike off the inappropriate alternative.

FORM 4
(See rule 8)

LIST OF VALIDLY NOMINATED CANDIDATES

* Election to the*

Sl. No.	Name of candidate	Name of **father/mother/ husband	Address of candidates	@Party affiliation	Photograph of the candidate
1	2	3	4	5	6

- (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

* 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.

FORM 5
[See Rule 9(1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the*.....

The Returning Officer,

I,.....
[candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Place.....

Date.....

Signature of [validly nominated candidate]

This notice was delivered to me at my office at.....(hour) on.....
(date) by..... (name), the + ...

Date:

Returning Officer

Receipt for Notice of Withdrawal

.. (To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by..... a I [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 the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of(State).
- (4) Council of States by the members of the electoral college of.....(Union territory)
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

+Here insert one of the following alternatives as may be appropriate:

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorised in writing by the candidate to deliver it.

FORM 6
[See Rule 9(2)]

NOTICE FOR 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 [validly nominated candidate]	Address of [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.

FORM 7A

[See rule 10(1)]

LIST OF CONTESTING CANDIDATES

Election to the House of the People/Legislative Assembly from the

..... constituency

Sl. No.	Name of candidate	Address of candidate	*Party affiliation	Symbol allotted	Photograph of the Candidate
1	2	3	4	5	6

Candidates of recognised National and State Political Parties.

- (i) Candidates of registered political parties (other than recognised National and State Political Parties).
- (ii) 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.

ANNEXURE 10

FORM 2A

(See rule 4)

NOMINATION PAPER

Election to the House of the People

Recent stamp size
(2cm X 2.5cm) pho-
tograph in white/off
white background with
full face view to be
attached.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised 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 name 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. No..... in Part No..... of the electoral roll for
.....*(Assembly constituency comprised within)
.....Parliamentary constituency. Date

Signature of Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the 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 with- in) Parliamentary constituency.

We declare that we are electors of the above Parliamentary Constituency and our names are entered in the
electoral roll for that Parliamentary Constituency as indicated below and we append our signatures below in token of
subscribing to this nomination: -

Particulars of the proposers and their signatures

Elector roll no. of Pro-Poser						
S. No.	Name of component Assembly constituency	Part No. of Electoral Roll	S. No. in that part	Full Name	Signature	Date
1	2	3	4	5	6	7
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 that -

- (a) I am a citizen of India and have not acquired the citizenship of any foreign State or country.
(b) I have completed. years of age:

[STRIKE OUT c(i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

- (c) (i) I am set up at this election by the party, which is a recognised National Party
/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

- (c) (ii) 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).....

(d) my name and my Father's/ Mother's/ Husband's name have been correctly spelt out above in..... (name of the language);

(e) 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 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.

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 IIIA

(To be filled by the candidate)

(1) 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 Yes/No

(2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence(s) for which

He has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

(i) Case/first information report No./Nos.

(ii) Police station(s).....District(s)..... State(s).....

(iii) Section(s) of the concerned Act (s) and brief description of the offence(s) for which he has been convicted.....

(iv) Date(s) of conviction(s)

(v) Court(s) which convicted the candidate.....

(vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine s)].....

(vii) Date(s) of release from prison.....

- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s). Yes / No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
- (a) Date (s) of disposal.....
- (b) Nature of order (s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government?.....(Yes / No)
- If Yes, details of the office held.....
- (3) Whether the candidate has been declared insolvent by any Court?.....(Yes / No)
- If Yes, has he been discharged from insolvency.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes / No)
- If Yes, give details.....
- (5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?.....(Yes/No)
- If Yes, the period for which disqualified.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?.....(Yes/No)
- If Yes, the date of such dismissal.....
- (7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?.....(Yes/No)
- If Yes, with which Government and details of subsisting contract (s).....
- (8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share?.....(Yes/no)
- If Yes, with which Government and the details thereof
- (9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act (Yes/No)
- If yes, the date of disqualification.....

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. (name of proposer.....)

Date.....

Returning Officer

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(43 of 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.....
 Parliamentary 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 the word not applicable.

**ANNEXURE 11
FORM 2B**

(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of.....(State)

Recent stamp size
(2cm X 2.5cm)
photograph in
white/off white
background with
full face view

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised 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 Sl. No. in Part No.....
of the electoral roll for Assembly constituency.

My name is..... and it is entered at Sl. No.....in Part
No.....of the electoral roll for Assembly constituency.

Date

Signature of Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the Legislative Assembly from the.....Assembly Constituency.

Candidate's name.....Father's/mother's/husband's name.....
His postal address.....His name is entered at Sl. No.....in Part No.....
of the electoral roll for Assembly constituency.

We declare that we are electors of the above Assembly Constituency and our names are entered in the electoral roll for that 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

Elector Roll no. of Proposer					
S. No.	Part No. of Electoral Roll	S. No. 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 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 that—

- (a) I am a citizen of India and have not acquired the citizenship of any foreign State/country.
 (b) I have completed.....years of age;

[STRIKE OUT c(i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

- (c) (i) I am set up at this election by the.....party, which is a recognised National Party/ State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

- (ii) 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).....

- (d) my name and my Father's/Mother's/Husband's name have been correctly spelt out above in (name of the language); and
 (e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

*I further declare that I am a member of the..... **Caste/tribe which is a scheduled **caste/tribe of the State of.....in relation to. (area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the Legislative Assembly.....of (State) from more than two Assembly Constituencies.

Date.....

Signature of Candidate

* Strike out this paragraph, if not applicable.

** Strike out the words not applicable.

N.B.—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IIIA

(To be filled by the candidate)

- (1) 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), Yes/No of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
 - (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.
If the answer is "Yes", the candidate shall furnish the following information:
 - (i) Case/first information report No./Nos.....
 - (ii) Police station(s).....District(s)..... State(s).....
 - (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted.....
 - (iv) Date(s) of conviction(s)
 - (v) Court(s) which convicted the candidate.....
 - (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine (s)].....
 - (vii) Date(s) of release from prison.....
 - (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s).
..... Yes/No
 - (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
 - (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed
 - (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
 - (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
 - (a) Date(s) of disposal.....
 - (b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government?.....(Yes/No)
-If Yes, details of the office held.....
- (3) Whether the candidate has been declared insolvent by any Court? (Yes/No)
-If Yes, has he been discharged from insolvency.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country? (Yes/ No)
-If Yes, give details.....
- (5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?. (Yes/No)
-If Yes, the period for which disqualified.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?..... (Yes/No)

-If Yes, the date of such dismissal.....

- (7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government? (Yes/No)

-If Yes, with which Government and details of subsisting contract (s).....
.....

- (8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share? (Yes/no)

-If Yes, with which Government and the details there of
.....

- (9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act
..... (Yes/No)

-If yes, the date of disqualification.....

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. (Name of proposer)

Date.....

Returning Officer

~~*Strike 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(43 of 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 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 the word not applicable.

ANNEXURE 12

FORM 26
(See rule 4A)

Please affix your
recent passport
size photograph
here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION

TO..... (NAME OF THE HOUSE)

FROM.....CONSTITUENCY (NAME OF THE CONSTITUENCY)

PART-A

I.....**son/ daughter/ wife of Aged.....years,
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 No
..... in Part No.....
- (3) My contact telephone number(s) is/are and my email id (if
any) is and my social media account(s)
(if any) is /are
 - (i).....
 - (ii).....
 - (iii).....
- (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 been filed	Total income shown in In- come- Tax return (in Rupees) for the last five Financial Years completed (as on 31st March)	
1.	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/ Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent-1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
5.	Dependent-2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent-3			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

- (i) I declare that there is no pending criminal case against me.

(Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

- (ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table Below)

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section of IPC, etc.)			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal / Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

- (i) I declare that I have not been convicted for any criminal offence.

(Tick this alternative, if the candidate has not been convicted and write **NOT APPLICABLE** against alternative (ii) below)

OR

- (ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Section(s) of Acts/Codes involved (give no. of the Section, e.g. Section of IPC, etc.)			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES or NO)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

- (6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[Candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6 (i), above]

Note:

1. *Details should be entered clearly and legibly in BOLD letters.*
2. *Details to be given separately for each case under different columns against each item.*
3. *Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.*
4. *Additional sheet may be added if required.*
5. *Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W.P. (C) No.536 of 2011.*
6. 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' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets. Explanation - For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

Sl. No.	Description	Self	Spouse	HUF	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), Deposits with Financial Institutions, Non-banking Financial Companies and Cooperative societies and the amount in each such deposit						
(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 Company and the amount						
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount						
(vi)	Motor Vehicles/ Aircrafts/ Yachts/Ships (Details of Make, registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(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.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No.	Description	Self	Spouse	HUF	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 number(s)						
	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 purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	Commercial Buildings (including apartments) -Location(s) -Survey number(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 purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iv)	Residential Buildings (including apartments) -Location(s) -Survey number(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 purchase						
	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)

S. No.	Description	Self	Spouse	HUF	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 of Loan						
	Loan or dues to any Other individuals/entity other than mentioned above Name(s). Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						
(ii)	Government dues: Dues to departments dealing with government accommodation	(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election? (B) If answer to (A) above is YES, the following declaration may be furnished namely: - (i) The address of the Government accommodation: (ii) There is no dues payable in respect of above Government accommodation, towards- (a) rent; (b) electricity charges; (c) water charges; and (d) telephone charges as on (date) [the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter]. Note -- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above <u>Government accommodation</u> should be submitted.					YES/NO (Pl. tick the appropriate alternative)

(iii)	Dues to department dealing with government transport (including air-crafts and helicopters)						
(iv)	Income tax dues	Self	Spouse	HUF	Dependent -1	Dependent - 2	Dependent - 3
(v)	GST Dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	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

(9A) Details of source(s) of income:

(a) Self

(b) Spouse

(c) Sources of income, if any, of dependents, ...

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners

(f) details of contracts entered into by private companies in which candidate or spouse or dependents have share

(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:**

1.	Name of the Candidates					Sh./ Smt./Kum.	
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total number of cases in which Convicted						
7.	PAN of					Year for which last income Tax return filed	Total income shown
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(c) Dependents						
8.	Details of Assets and Liabilities (including offshore assets) in Rupees						
	Description	Self	Spouse	HUF	Dependent-I	Dependent-II	Dependent-III
1	2	3	4	5	6	7	8
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
I.	Purchase Price of self-acquired immovable						
II.	Development/ construction cost of immovable property after purchase (if applicable)						
III.	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 therefrom. 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 the day 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 columns 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.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

ANNEXURE 13
FORM OF OATH OR AFFIRMATION
[ARTICLE 84(A) OF THE CONSTITUTION OF INDIA]
 (To be made by a candidate for election to Parliament)

I..... having been nominated as a candidate to fill a seat in the Council of States (*House of the People) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/ Shrimati at
 (Place) at (hour) this the..... day of 200.....
 before me.

Signature of authorized person

Name and 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:

*Strike 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/ 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 (*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).

Signature of authorized person
 Name Designation and Seal

Date:

*Strike 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
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 NCT 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

Date:

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

(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 Puducherry has made and subscribed the oath / affirmation as required by the Government of Union Territory Act, 1963 before me at my office at (hour) on (date).

Signature of authorized person
 Name, Designation and Seal

Date

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the Union Territory.

ANNEXURE 14

NOTIFICATIONS

Notification 1: For Council of States or in the House of the People or in the Legislative Assembly of a State or in the Legislative Council of a State having a Legislative Council.

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 or in the Legislative Council of a State 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 Assembly of 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

Notification 2. For Legislative Assembly of a Union Territory

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 India

Notification 3: For Legislative Assembly of the National Capital Territory of DelhiDated the 18th March 1968

NOTIFICATION

No. 3/6/68 (3) - In pursuance of clause (a) section 4* of the Govt. of National *Capital Territory of Delhi Act 1991 (1 of 1992) and in supersession of its notification No. 3/3/66(1), dated 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 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

ANNEXURE 15 STATES AND LANGUAGES IN AC

As per direction No. 3/4/2018/SDR dated 31st October 2018 and direction No. 3/4/2008/JS.II, dated 16th September, 2008 and in pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules 1961, the Election Commission directed 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

S.No.	State/Union Territory	No. and Name of Assembly	State/Union Territory
1	2	3	
1	Andhra Pradesh	All Assembly Constituencies	Telugu
2	Arunachal Pradesh	All Assembly Constituencies	English
3	Assam	1-Ratabari (SC)	Bengali
		2-Patharkandi	
		3-Karimganj North	
		4-Karimganj South	
		5-Badarpur	
		6-Hailakandi	
		7-Katlichera	
		8-Algapur	
		9-Silchar	
		10-Sonai	
		11-Dholai (SC)	
		12-Udharbond	
		13-Lakhipur	
		14-Barkhola	
		15-Katigora	
		16-Haflong (ST)	English
		All other assembly constituencies	Assamese
4	Bihar	All assembly constituencies	Hindi
5	Chhattisgarh	All assembly constituencies	Hindi
6	Goa	All assembly constituencies	English and Konkani/ Marathi in Devanagari script
7	Gujarat	All assembly constituencies	Gujarati
8	Haryana	All assembly constituencies	Hindi
9	Himachal Pradesh	All assembly constituencies	Hindi
10	Jharkhand	All assembly constituencies	Hindi

11	Karnataka	1-Nippani	Kannada and Marathi
		2-Chikkodi - Sadalga	
		11-Belgaum Uttar	
		12- Belgaum Dakshin	
		13- Belgaum Rural	
		14-Khanapur	
		47-Basavakalyan	
		51-Bhalki	
		52-Aurad (SC)	
		76-Haliyal	
		44- Gulbarga Dakshin	Kannada and Urdu
		45- Gulbarga Uttar	
		146- Kolar Gold Fields (SC)	
		154-Rajarajeshwarinagar	Kannada and English
		156- Mahalakshmi Layout	
		157-Malfeshwaram	
		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	
		All other assembly languages	Kannada
12	Kerala	1-Manjeswar	Malayalam and Kannada
		2-Kasaragod	
		88-Devikulam (SC)	Malayalam and Tamil
		All other assembly constituencies	Malayalam
13	Madhya Pradesh	150-Bhopal Uttar	Hindi and Urdu
		151-Narela	
		152-Bhopal Dakshin-Paschim	
		153-Bhopal Madhya	
		180-Burhanpur	Hindi
		All other assembly constituencies	
14	Maharashtra	52- Nagpur South West	Marathi and English
		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-Charkop
162-Malad West
163-Goregaon
164-Versova,
165-Andheri West
166-Andheri East
167-Vile Parle
168-Chandivali
169-Ghatkopar West
170-Ghatkopar East
171-Mankhurd Shivaji Nagar
172-Anushakti Nagar
173-Chembur
176-Vandre East
177-Vandre West
178-Dharavi (SC)
179-Sion Koliwada
180-Wadala
182-Worli
183-Shivadi
185-Malabar Hill
187-Colaba
205-Chinchwad
206-Pimpri (SC)
207-Bhosari
208-Vadgaon Sheri
209-Shivajinagar
210-Kothrud

15	Manipur	211-Khadakwasala	Marathi and Urdu
		212-Parvati	
		213-Hadapsar	
		214-Pune Cantonment (SC)	
		215-Kasba Peth	
		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	
		137-Bhiwandi East	
		174-Kurla (SC)	Marathi, English and Urdu
		175-Kalina	
		181-Mahim	
		184-Byculla	
		186-Mumbadevi	
		250-Akkalkot	Marathi and Kannada
		251-Solapur South	
		271-Chandgad	
		280-Shirol	
		288-Jat	
		All other assembly constituencies	Marathi
		41-Chandel (ST)	English
		42-Tengnoupal (ST)	
		43-Phunyar (ST)	
		44-Ukhrul (ST)	
		45-Chingai (ST)	
		46-Saikul (ST)	
		47-Karong (ST)	
		48-Mao (ST)	
		49-Tadubi (ST)	
		50-Kanpokpi	
		51-Saitu(ST)	
		52-Tamei (ST)	
		53-Temenglong (ST)	
		54-Nungba (ST)	
		55-Tipaimukh (ST)	
		56-Thanlon (ST)	
		57-Henglep (ST)	
		58-Churachandpur (ST)	
		59-Saikot (ST)	

24	Telangana	8-Boath (ST)	Telugu and Marathi
		10-Mudhole	
		13-Jukkai (SC)	
		17-Nizamabad (Urban)	Telugu and Urdu
		57-Musheerabad	Telugu, English and Urdu
		58-Malakpet	
		59-Amberpet	
		60-Khairatabad	
		61-Jubilee Hills	
		62-Sanathnagar	
		63-Nampally	
		64-Karwan	
		65-Goshamahai	
		66-Charminar	
		67-Chandrayangutta	
		68-Yakutpura	
		69-Bahadurpura	
		70-Secunderabad	
		71-Secunderabad Cantt. (SC)	
		All other assembly constituencies	Telugu
25	Tripura	All assembly constituencies	Bengali
26	Uttar Pradesh	3-Saharanpur Nagar	Hindi and Urdu
		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-Kanli	
		26-Thakurdwara	
		27-Moradabad Rural	
		28-Moradabad Nagar	
		29-Kundarki	
		30-Bilari	
		31-Chandausi (SC)	
		32-Asmoli	
		33-Sambhal	
		34-Suar	
		35-Chamraua	

		37-Rampur	
		40-Naugawan Sadat	
		41-Amroha	
		47-Meerut Cantt.	
		48-Meerut	
		49-Meerut South	
		60-Garhmukteshwar	
		75-Koil	
		76-Aligarh	
		97-Firozabad	
		115-Badaun	
		124-Bareilly	
		125-Bareilly Cantt.	
		127-Pilibhit	
		135-Shahjahanpur	
		171-Lucknow West	
		174-Lucknow Central	
		213-Sishamau	
		214-Arya Nagar	
		278-Tanda	
		286-Bahraich	
		313-Khalilabad	
		312-Menhdawal	
		356-Mau	
		All other assembly constituencies	Hindi
27	Uttarakhand	All assembly constituencies	Hindi
		22-Kalimpong	
		23-Darjeeling	
		24-Kurseong	
		25-Matigara Naxalbari (SC)	
		26-Siliguri	
		27-Phansidewa (ST)	
		29-Islampur	
		30-Goalpokhar	
		31-Chakulia	
		115-Rajarhat New Town	
		116-Bidhannagar	
		153-Behala Purba	
		154-Behala Paschim	
		157-Metiaburaz	
		158-Kolkata Port	
		159-Bhabanipur	
		160-Rashbehari	
		161-Ballygunge	
28	West Bengal		

		162-Chowrangee	
		163-Entally	
		164-Belegkata	
		165-Jorasanko	
		166-Shyampur	
		167-Maniktala	
		168-Kashipur Belgachhia	
		224-Kharagpur Sadar	Bengali and English
		All other assembly constituencies	Bengali
29	NCT of Delhi	20-Chandni Chowk	Hindi, Urdu and English
		21-Matia Mahal	
		22-Ballimaran	
		54-Okhla	
		63-Seemapuri (SC)	
		65-Seelam Pur	
		69-Mustafabad	
		All other assembly constituencies	Hindi and English
30	Puducherry	29-Mahe	Malayalam
		30-Yanam	Telugu
		All other assembly constituencies	Tamil

ANNEXURE 16

STATES AND LANGUAGES IN PC

As per direction No. 3/4/2018/SDR, dated 31st October 2018 and direction No. 3/4/2008/JS.II, dated 06th February, 2009, and in pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules, 1961, the Election Commission of India directed 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.

S. No.	State / UT	Parliamentary Constituency	Language / Languages
1	Andhra Pradesh	All Parliamentary Constituencies	Telugu
2	Arunachal Pradesh	All Parliamentary Constituencies	English
3	Assam	1-Karimganj (SC)	Bengali
		2-Silchar	
		3-Autonomous District (ST)	Assamese and English
		All other Parliamentary Constituencies	Assamese
4	Bihar	All Parliamentary Constituencies	Hindi
5	Chhattisgarh	All Parliamentary Constituencies	Hindi
6	Goa	All Parliamentary Constituencies	Konkani in Devanagari 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 and Kashmir	4-Udhampur	Urdu and Hindi
		5-Jammu	
		All other Parliamentary Constituencies	Urdu

11	Jharkhand	All Parliamentary Constituencies	Hindi
12	Karnataka	1-Chikkodi 2-Belgaum 7-Bidar 12-Uttara Kannada 23-Bangalore Rural 24-Bangalore North 25-Bangalore Central 26-Bangalore South 28-Kolar (SC) All other Parliamentary Constituencies	Kannada and Marathi Kannada and English Kannada
13	Kerala	1-Kasaragod 13-Idukki All other Parliamentary Constituencies	Malayalam and Kannada Malayalam and Tamil Malayalam
14	Madhya Pradesh	19-Bhopal All other Parliamentary Constituencies	Hindi and Urdu Hindi
15	Maharashtra	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 All other Parliamentary Constituencies	 Marathi and English Marathi
16	Manipur	1-Inner Manipur 2-Outer Manipur (ST)	Manipuri 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	1-Gurdaspur	Punjabi and Hindi
		2-Amritsar	
		4-Jalandhar(SC)	
		5-Hoshiarpur(SC)	
		8-Fatehgarh Sahib (SC)	
		9-Faridkot(SC)	
		13-Patiala	
		All other Parliamentary Constituencies	Punjabi
22	Rajasthan	All Parliamentary Constituencies	Hindi
23	Sikkim	Entire Parliamentary Constituency	English
24	Tamil Nadu	2-Chennai North	Tamil and English
		3-Chennai South	
		4-Chennai Central	
		7-Arakkonam	Tamil and Telugu
		9-Krishnagiri	Tamil, Telugu and Kannada
		19-Nilgiris (SC)	Tamil and Malayalam
		39-Kanniyakumari	
		All other Parliamentary Constituencies	Tamil
25	Telangana	1-Adilabad (ST)	Telugu and Marathi
		5-Zahirabad	
		4-Nizamabad	Telugu, English and Urdu
		7-Malkajgiri	
		8-Secunderabad	
		9-Hyderabad	Telugu
		All other Parliamentary constituencies	
26	Tripura	All Parliamentary Constituencies	Bengali

27	Uttar Pradesh	1-Saharanpur	Hindi and Urdu
		4-Bijnor	
		5-Nagina (SC)	
		6-Moradabad	
		7-Rampur	
		8-Sambhal	
		9-Amroha	
		10-Meerut	
		All other Parliamentary Constituencies	Hindi
28	Uttarakhand	All Parliamentary Constituencies	Hindi
29	West Bengal	4-Darjeeling	Bengali and Nepali
		5-Raiganj	Bengali and Hindi
		17-Barasat	Bengali and English
		21-Diamond Harbour	
		34-Medinipur	
		23-Kolkata Dakshin	English
		24-Kolkata Uttar	
		All other Parliamentary Constituencies	Bengali
30	Andaman and Nicobar Island	Entire Parliamentary Constituency	Hindi and English
31	Chandigarh	Entire Parliamentary Constituency	Hindi and Punjabi
32	Dadra and Nagar Haveli and Daman and Diu	Entire Parliamentary Constituency	Gujarati, Marathi and English
33	NCT of Delhi	All Parliamentary Constituencies	Hindi and English
34	Lakshadweep	Entire Parliamentary Constituency	Malayalam
35	Puducherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam
36	UT of Ladakh	1-Ladakh	As Instructed by ECI

ANNEXURE 17

FORMAT FOR PUBLICATION OF LIST OF CONTESTING CANDIDATES IN GAZETTE (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 7A

LIST OF CONTESTING CANDIDATES [SEE RULE 10(1)]

Election to the House of the People/Legislative Assembly from the constituency.

Serial No.	Name of Candidate	Address of Can- didate	Party Affiliation	Symbol allotted	Photograph of Candidate
1	2	3	4	5	6
(i)	Candidates 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:					
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.

ANNEXURE 18**FORMAT FOR PUBLICATION OF LIST OF CONTESTING CANDIDATES IN GAZETTE
(FOR USE AT BYE ELECTION)****ELECTION COMMISSION OF INDIA**

To be published in an Extraordinary Issue of the Gazette of India Part....., Section
....., 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 7A**LIST OF CONTESTING CANDIDATES [SEE RULE 10(1)]**

Election to the

Serial No.	Name of Candidate	Address of Candidate	Party Affiliation	Symbol allotted	Photograph of the Candidate
1	2	3	4	5	6
(i)	Candidates 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:					
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.

ANNEXURE 19

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 IPC. 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. REPRESENTAION 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 20**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	Name of his/her election agent	Specimen Signature
1. Shri/Smt./Ms		Shri/Smt./Ms	
2. Shri/Smt./Ms		Shri/Smt./Ms	
3. Shri/Smt./Ms		Shri/Smt./Ms	
4. Shri/Smt./Ms		Shri/Smt./Ms	

Place:

Date:

SIGNATURE

(SEAL) RETURNING OFFICER

ANNEXURE 21

FORM A

Communication with regard to Authorized Persons to intimate names of the candidates set up by recognized National or State political party or Registered un-recognized political party.

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 – Authorization of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorized by the party, which is National Party/ State Party in the State of...../Registered Un-recognized Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorized to send notice	Name of office held in the party	District(s)/area (s) constituency/ constituencies in respect of which he has been authorized.
1	2	3
1.		
2.		
3.		
4.		

2. The specimen signatures of the above mentioned person (s) so authorized 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,

Place:

Date:

President/Secretary

Name of the Party

(Seal of the Party)

- NB.
1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3p.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/ Hus- band's name of substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

- *2. The notice in Form 'B' given earlier in favour of Shri/Smt./ Sushri.....as party's approved Candidate/Shri/Smt./ Sushri.....as Party's substitute candidate is hereby rescinded.
3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Place.....

Date.....

Yours faithfully,

(Name and Signature of the authorized person of the Party)

(Seal of the Party)

* Strike 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.

ANNEXURE 22

APPOINTMENT OF PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE

I..... (name of the classified service voter) aged about s/o, d/o, w/o.....r/o
presently working as and 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/o.....r/o.....
 as my proxy to give vote on my behalf and in my name in*[.....Assembly constituency] and/or
 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

Serial number of his name in the last

And part no. of electoral roll of part of electoral roll of the concerned constituency the concerned constituency

service identity card no.....

name of the force to which 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

FORM 13G

[SEE RULE 27N (4)]

**REVOCATION OF APPOINTMENT OF PROXY OR REVOCATION OF APPOINTMENT OF
PROXY AND APPOINTMENT OF SUBSTITUTE PROXY BY CLASSIFIED SERVICE VOTER
TO GIVE VOTE**

I (name of the classified service voter) aged about s/o, d/o, w/o
..... r/o presently working as and posted at had appointed
..... (name of the proxy) aged about s/o, d/o, w/o r/o as 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/o as 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 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 No. in ER

Serial no. in ER

Service identity card no.

Name of the force to which 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**

Serial No.

(To be handed over to the person depositing the said form)

Received Form 13F of Shri / Smt. / Kum.

R/o dated

(Signature and Seal)
Returning Officer

ANNEXURE 23

LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

1. Name of State
2. No. and Name of Constituency

S no	Name of CSV	Name of the force to which he belongs and Service Id no.	Age	Father's/ Hus- band's/ Mother's name	Address	S. No. of his name in the last part of the elector- al roll of the constituency	Name of the proxy	Age of the proxy	Father's/ Hus- band's/ Mother's name	Full address of the proxy	Date on which Intimation about appointment was received by the 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 the Returning Officer

ANNEXURE 24

POLLING STATION-WISE LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

(See Rule 27P (3) of Conduct of Elections Rules 1961)

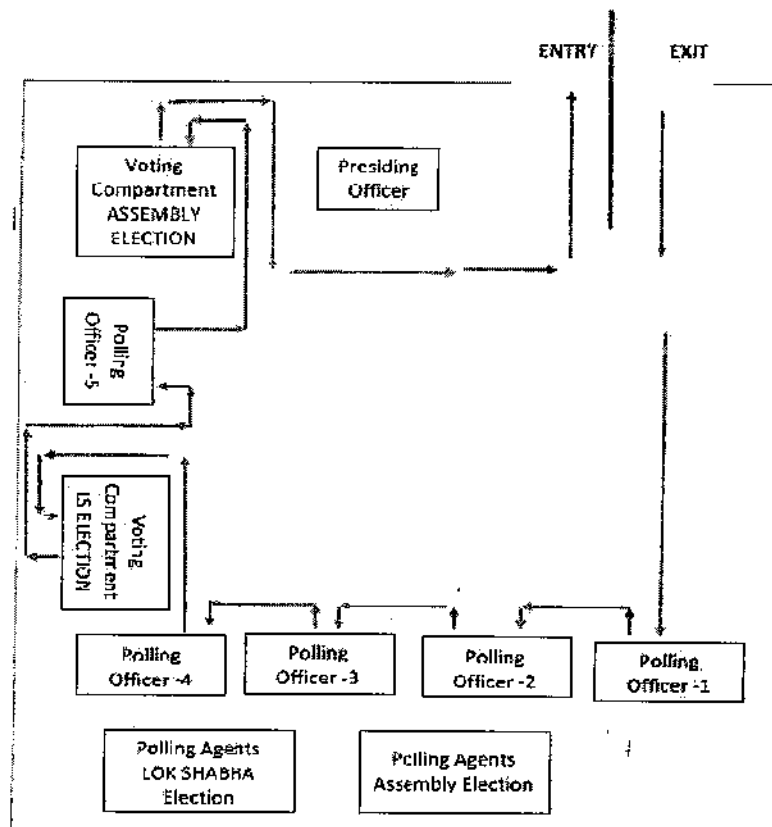
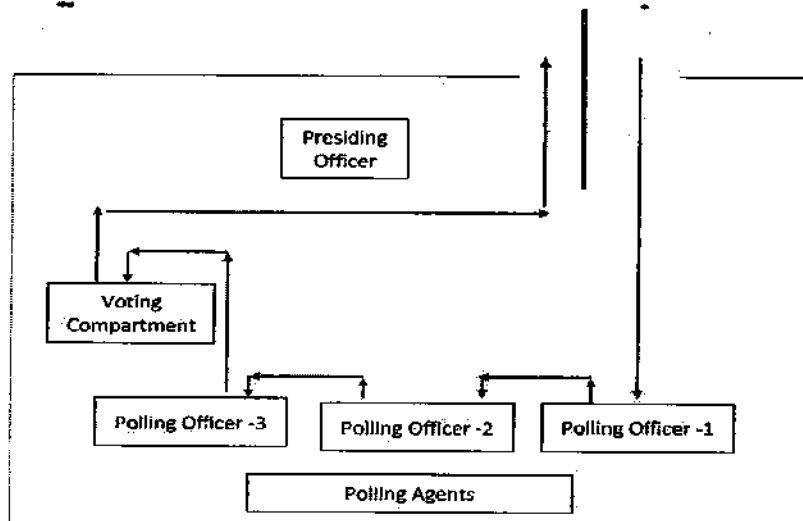
1. No. and Name of Constituency:
2. Part number of Electoral Roll:

S no.	Name of CSV	Name of the force to which he belongs and 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
1	2	3	4	5	6	7	8	9	10	11

ANNEXURE 25
ACCOUNT REGISTER OF POSTAL BALLOT PAPERS ISSUED TO PERSONS DRAFTED
FOR
ELECTION DUTY

S.No.	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 no in electoral roll	Date on which postal ballot paper issued and entry made in the marked copy of the Electoral	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 RO has taken action to deliver the P.B. at the person's address (Date of Delivery)	Remark
1	2	3	4	5	6	7	8	9

ANNEXURE 26 **SEATING ARRANGEMENT PLAN AT PS**



ANNEXURE 27
PRESIDING OFFICER'S REPORT
PART-I: MOCK POLL CERTIFICATE

Name of election.....(to be pre-printed)

No. and Name of AC/AS.....(to be pre-printed)

No. and Name of PC.....(to be pre-printed)

Polling Station No:.....

(a) Conduct of mock poll and verification of mock poll data

S. No.	Name of the Candidate (Name of Candidates including NOTA to be pre-printed)	Number of votes cast during mock poll	Number of votes displayed in CU on checking the result	Number of VVPAT printed Paper slips against candidates	Result displayed in CU & Printed Paper Slips count tallied with each other (YES/NO)	Signature of polling agents with party abbreviation/ Independent
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
	NOTA					
	TOTAL					

- (b) 'CLEAR' button on the Control Unit has been pressed to clear mock poll data (Yes/No) If Yes, then write the above sentence in ink.

- (c) All paper slips taken out from VVPAT after mock poll (Yes/No)
- (d) Empty VVPAT shown to all polling agents (Yes/No)
- (e) Before actual poll ensure that no printed paper slip is in VVPAT Drop Box and shown to polling agents (Yes/No)
- (f) 'TOTAL' button on the Control Unit has been pressed to show total vote '0' to polling agents (Yes/No)
- (g) Mock poll VVPAT slips stamped with 'MOCK POLL SLIP' and sealed in black envelope sealed with Pink Paper Slip (Yes/No)
- (h) Following witness Mock Poll and certify that mock votes tallied and that the mockvotes erased from CU after mock poll

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

- (l) Time display on the Control Unit is... minutes more/less than Indian Standard Time (IST), if any.
- (j) Signature of Micro-Observer (if posted at the polling station)
Name and signature of the Presiding Officer
- (l) It is, hereby, certified that before commencement of actual poll, 'TOTAL' button of the Control Unit has been pressed in the presence of all polling officials to ensure that 'Total Vote is 0'. Tick the appropriate observation:
- (i) Control Unit shows total vote '0' OR
- (ii) Control Unit shows total vote more than '0' (means mock poll votes not cleared), hence, clear the mock poll data.

(Signature of Presiding Officer)

Following witness the above process and certify that mock votes erased from the Control Unit and mock poll VVPAT slips removed from the VVPAT before start of actual poll:

S.No.	Name of Polling Officer	Signature

PART-II: POWER PACK REPLACEMENT IN CU
(TO BE FILLED DURING MOCK POLL, POLL & AFTER COMPLETION OF
POLL DEPENDING ON CASE/SITUATION)

Name of election.....(to be pre-printed)

No. and Name of AC/AS.....(to be pre-printed)

No. and Name of PC.....(to be pre-printed)

Polling Station No:.....

(a) Details of replacement of Power Pack of the Control Unit during mock poll/actual poll (strike out which one is not applicable)

(i) Unique ID of Control Unit:.....

(ii) Reason for replacement of Power Pack of the Control Unit:.....

(iii) Unique ID of old address tag that was cut by the Presiding Officer to replace the Power Pack of the Control Unit:.....

(iv) Unique ID of new address tag used by the Presiding Officer to seal the Battery Section of the Control Unit:.....

(b) Following polling agents witness the replacement of power pack from the Control Unit:

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

Repeat the above information in same format, if multiple replacements happen.

Signature of Presiding Officer

Signature of Sector Officer

PRESIDING OFFICER'S REPORT
PART-III: PRESSING OF CLOSE BUTTON AFTER COMPLETION OF POLL

Name of the Election.....(to be pre-printed)

No. & Name of the AC/AS.....(to be pre-printed)

No. & Name of the PC.....(to be pre-printed)

Date of Poll.....(to be pre-printed)

Number & Name of Polling Station :

It is certified that I have pressed the "Close Button" of the Control Unit at the end of poll in the presence of the following:

S. No.	Name & Designation of the Polling Officer	Signature

S. No.	Name of the Polling Agent	Name of the Party /Independent	Name of the Candidate	Signature of the Polling Agent

Signature of the Presiding Officer

PART-IV: EVM/VVPAT REPLACEMENT
(TO BE FILLED DURING MOCK POLL, IF THERE IS ANY REPLACEMENT)

Name of election.....(to be pre-printed)

No. and Name of AC/AS.....(to be pre-printed)

No. and Name of PC.....(to be pre-printed)

Polling Station No:.....

- (a) Details of Electronic Voting Machine and VVPAT used- (BU- Ballot Unit, CU- Control Unit and VVPAT- Voter Verifiable Paper Audit)

S.No.	Particulars	BU	CU	VVPAT	Signature of Sector Officers in case of replacement
1	Unique ID of units given at the time of dispersal				
2	(a) Tick (✓) which one found non- functional during mock poll				
	(b) Reason for non- functioning (mention error/ code noticed in CU)				
3	Unique ID of unit(s) given as replacement during mock poll				

- (b) Following polling agents witness the replacement process:

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

(Signature of Presiding Officer)

**PART-V: EVM/VVPAT REPLACEMENT
(TO BE FILLED DURING POLL & AFTER COMPLETION OF POLL
DEPENDING ON CASE/SITUATION)**

Name of election.....(to be pre-printed)

No. and Name of AC/AS.....(to be pre-printed)

No. and Name of PC.....(to be pre-printed)

Polling Station No:.....

- (a) Replacement of EVM and VVPAT during actual poll process

S.No.	Particulars	BU	CU	VVPAT
1	(a) Unique ID of unit(s) found non- functional during actual poll			
	(b) Time of occurrence of defects			
	(c) No. of votes recorded in the Control Unit by the time the unit(s) got non- functional			
	(d) Reason for non-functioning (mention error/code noticed in CU)			
	(e) Beep Sound is heard	Yes/No		
	(f) Unique ID of new unit(s) provided as replacement			
2	(g) Time of re-starting poll			
	Remarks, if any			

- (b) Following polling agents witness the replacement process during actual poll:

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

Repeat the above information in same format, if multiple replacements happen.

Signature of Presiding Officer

Signature of Sector Officer

ANNEXURE - 28 **MICRO OBSERVER REPORT ON POLL DAY**

Name of the Election —.....

Name of AC/AS —.....

Name of Assigned Polling Station -

S.N.	Point	Remarks
1	Whether Assured Minimum facilities like Provisions of ramp, drinking water, adequate furniture, proper lighting/electricity arrangement, proper signage, toilets, shade, etc. were available at the polling station?	Yes or No
2	Whether mock poll has been conducted in presence of micro-Observer?	Yes or No
3	Whether data of mock poll from the Control Unit was cleared and all slips are taken out from VVPAT & put in black envelop and the EVM count was set to zero after the mock poll and before the beginning of actual poll?	Yes or No
4	How many polling agents and of which political party, were present during poll?	Yes or No and brief details
5	Whether more than one polling agent from the same political party were present inside the polling station at any time?	Yes or No
6	Whether polling agents were allowed to note the serial numbers of balloting unit and Control Unit and green paper seal?	Yes or No
7	Whether voting compartment was properly placed to ensure secrecy of voting?	Yes or No
8	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
9	Whether marking of indelible ink was done properly?	Yes or No
10	Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17A)?	Yes or No
11	(a) Whether the information of voters issued with Postal Ballot was available with the Presiding Officer & Polling Agents?	Yes or No
	(b) Did any person already issued with Postal Ballot appeared to vote again in person?	Yes or No
	(c) Whether any person cast a vote on the basis of EDC?	Yes or No
12	Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?	Yes or No
13	Whether the Presiding Officer or Polling Officer was going towards voting compartment without valid reasons or giving any undue instructions to the voters?	Yes or No
14	Whether the scrutiny of voters in the Absentee, Shifted and Dead list was done meticulously by the Presiding Officer in accordance with ECI Guidelines?	Yes or No

15	Whether sealing of voting machines was done according to instruction?	Yes or No
16	Whether copies of accounts of votes recorded in Form 17C have been given to the polling agents?	Yes or No
17	Whether any complaint by polling agent, election agent or any political party was received? If yes, its substance.	Yes or No
18	Any other incident or issue that you would like to highlight?	Yes or No

Signature of the Micro Observer

Name (in Full):

Designation:

Mobile No:

Date and Time:

ANNEXURE - 29**PROFORMA FOR SUBMISSION OF THE REPORTS BY RETURNING OFFICER 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. Vitiation of the poll by any of the EVMs and/or VVPAT 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.

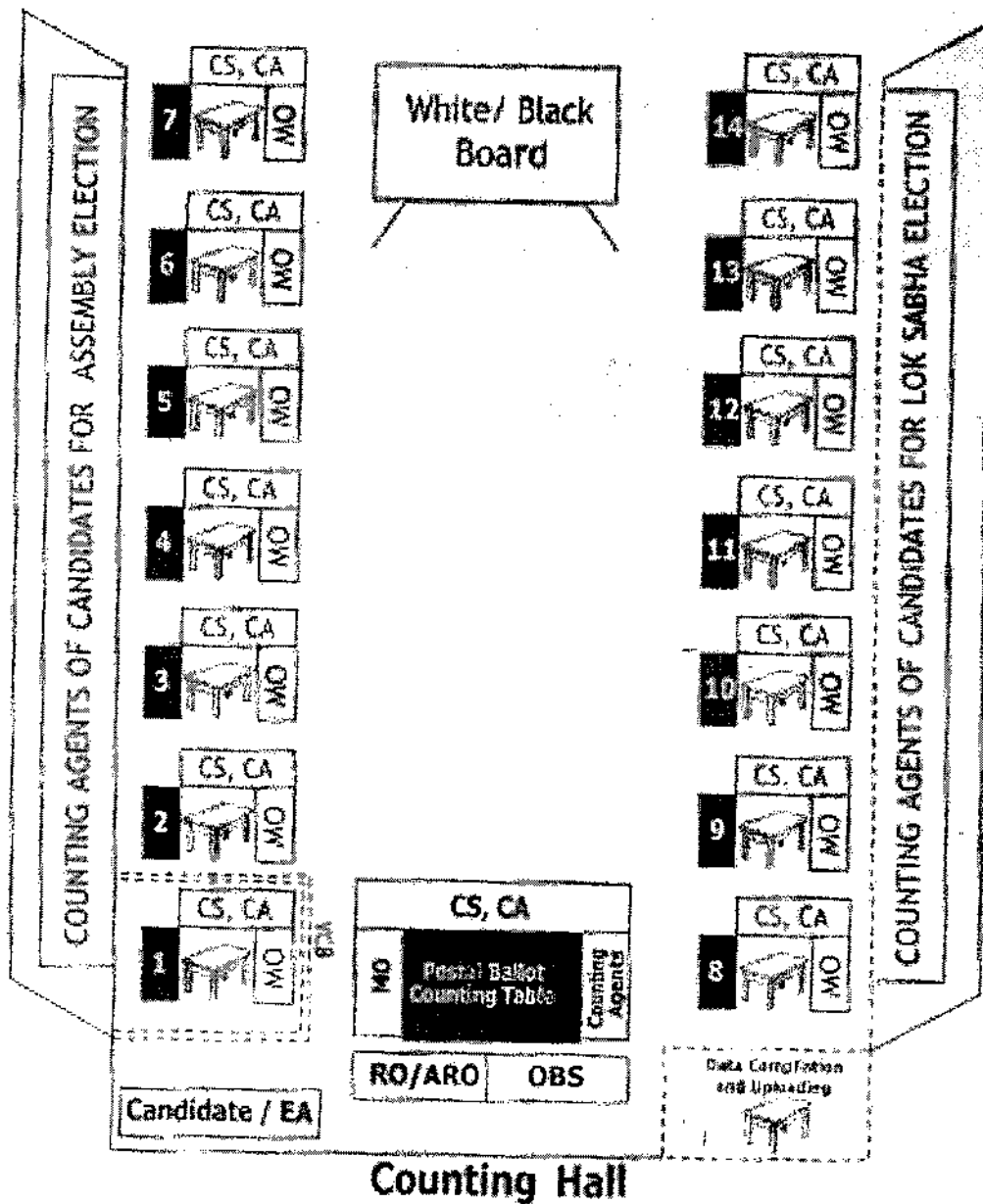
Place

Date

Signature of Returning Officer

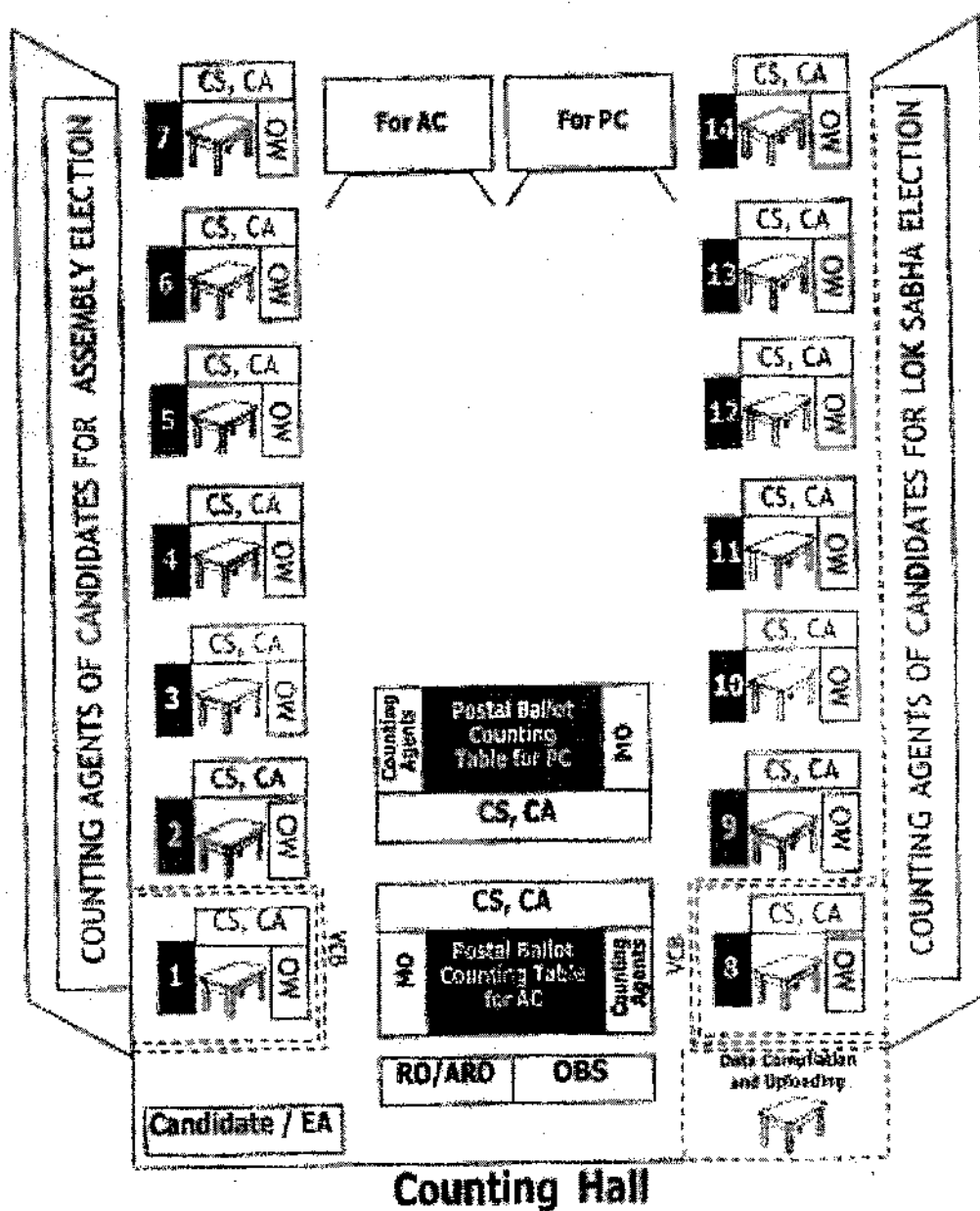
ANNEXURE 30
LAYOUT OF COUNTING HALL

**Layout of counting hall
for AC/AS (Single Election)**



ANNEXURE 31
LAYOUT OF COUNTING HALL

LAYOUT OF COUNTING HALL
SIMULTANEOUS ELECTIONS



ANNEXURE 32
INFORMATION SHEET ON COUNTING CENTRES

State/UT Code:		State/UT Name:	
Basic Information			
(a) Counting Centre No.		(b) Category: Urban/Rural	
(c) No. of Parliamentary/Assembly Constituencies proposed to be covered in this Centre:			
	Sl. No.	PC No.	PC Name
	1.		
	2.		
	3.		
(d) Building			
(e) Area - ID (Particulars of the Street/locality/ area in which the building is situated):			
(f) Village/Town/Metro Name*:			
A.	(g) Police Station No.:		(h) Police Station Name:
	(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 (l) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this location:		
	(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:		
	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	
B.	(e) First-aid facilities: Yes/No		(f) Regular electricity availability: Yes/No
	(g) Arrangements proposed for emergency lighting:		
	(h) fire-fighting arrangements proposed:		

Strike out whatever is not applicable.

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*		No. of tables proposed to be places in the Hall
	Length	Width		In whole* ²	In part* ³	

Note: Please use continuation sheets, if required, for Giving information on all counting halls.

No. of continuation sheets added: _____

No. of continuation sheets added: _____

*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* ¹			(a) STD Code:
	(b) Tel: (1)	(2)	(3)	(c) Fax:
E.	VCB (VVPAT Counting Booth)			Sl. No of Counting Table proposed for setting up as VCB
F.	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:
	(Use stamp, if available)	
G	Comments of DEO	Signature
H	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:

** Phone/fax nos. should be obtained in advance, even though these may be made operational later.

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 S28 and U01 to U09 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: State/UT code, District Number, Police Station Number etc. shall be same as provided in the latest version of **ERONET**. 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 in the form.

State/ UT Code	Name of State/ UT	Short Name of State/ UT
S01	Andhra Pradesh	AP
S02	Arunachal Pradesh	AR
S03	Assam	AS
S04	Bihar	BR
S05	Goa	GA
S06	Gujarat	GJ
S07	Haryana	HR
S08	Himachal Pradesh	HP
S10	Karnataka	KT
S11	Kerala	KL
S12	Madhya Pradesh	MP
S13	Maharashtra	MT
S14	Manipur	MR
S15	Meghalaya	MG
S16	Mizoram	MZ
S17	Nagaland	NG
S18	Orissa	OR
S19	Punjab	PB
S20	Rajasthan	RJ

S21	Sikkim	SK
S22	Tamil Nadu	TN
S23	Tripura	TP
S24	Uttar Pradesh	UP
S25	West Bengal	WB
S26	Chhattisgarh	CG
S27	Jharkhand	JKD
S28	Uttarakhand	UKD
S29	Telangana	TG
U01	Andaman and Nicobar Islands	ANI
U02	Chandigarh	CHD
U03	Dadra and Nagar Haveli and Daman & Diu	DNH & D&D
U05	NCT of Delhi	DL
U06	Lakshadweep	LKD
U07	Puducherry	POND
U08	Jammu & Kashmir	J&K
U09	UT of Ladakh	LD

ANNEXURE 33**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME
AND PLACE OF 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.....

Date

Signature of Returning Officer

To,

All candidates or their election agents

ANNEXURE 34

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME
AND PLACE OF 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.....

Date

Signature of Returning Officer

To

All candidates or their election agents

ANNEXURE 35
APPOINTMENT OF COUNTING STAFF

ORDER

No.

Dated:

Election to the House of the People / Legislative Assembly.....Constituency 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.....

Date.....

Signature.....

Returning Officer.....

ANNEXURE 36

FORM 20

[See rule 56(7)]

Final Result Sheet

(To be used for recording the result of voting at polling stations other than notified polling stations)
 Election to the.....from the.....constituency.

PART I

(To be used both for Parliamentary and Assembly elections)

Name of the Assembly segment
 (in the case of election from a Parliamentary constituency).....

Total No. of electors in Assembly
 constituency/segment.....

Serial No. of Polling Station	No. of valid votes cast in favour of A B C	Total of valid Votes	No. of rejected votes	Total No. of tendered votes
(1)				
(2)				
(3)				
etc.				

TOTAL No. of votes recorded at Polling Stations.

No. of votes recorded on postal ballot papers.

(To be filled in the case of election from an Assembly constituency.)

TOTAL votes polled.

Place.....

Date.....

Returning Officer.

PART II
(To be used for a Parliamentary election only)

Name of Assembly segment	No. of valid votes cast in favour of A B C	Total of valid Votes	No. of rejected votes Nota	Total No. of tendered votes
(1)				
(2)				
(3)				
etc.				
TOTAL				

No. of votes recorded on postal ballot papers.

GRAND TOTAL

Place.....

Date.....

Returning Officer.

ANNEXURE 37

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).....(Address) sponsored by... (n a m e
of the recognised / registered political party) has been duly elected to fill the seat in that House from the above
constituency.

Place.....

Date.....

Signature

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 Biennial 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 14 of the Conduct of Elections Rules, 1961, I declare that—
 (Name) sponsored by (Address) sponsored by (name of the recognised / registered political party) (Name) sponsored by (Address) sponsored by
 (name of the recognised / 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

Date

Signature

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 recognised/ 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.

*seat of.....*having become / *having been declared vacant.

Place

Date

Signature

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 recognised /registered political party) has been duly elected
to fill the seat in that House from the above constituency.

Place

Date

Signature.....Returning Officer

*Score out, if inappropriate.

FORM 21D

(Sec 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.

*seat of having become./having been declared
vacant.

Place

Date

Signature.....

Returning Officer

*Score out, if inappropriate.

FORM 21E

(See rule 64)

Return of Election

Election to the from the constituency

Return of Election

Serial No.	Name of Candidate	Party affiliation	Number of votes polled

[Total number of electors.....]

Total number of valid votes polled.....

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 recognised/ 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 38

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE
REPRESENTATION OF THE PEOPLE ACT, 1951 BY A CANDIDATE

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.....*withdrew 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 39

APPLICATION FOR REFUND OF DEPOSIT

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 to..... from the..... Constituency.
2. On behalf of the said candidate, I made a deposit of Rs..... for that election in the..... Treasury 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.

Place

Date

Yours faithfully,

(Signature of Applicant)

I.....the above mentioned candidate at the election to the.....from the.....Constituency 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 40

APPLICATION FOR REFUND OF DEPOSIT

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 41
(MODEL FORM FOR REPORT U/S 57 OF R.P. ACT 1951)

FAX/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 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 Re-porting Authority	Circumstances under which Poll ADJOURNED
1	2	3	4
1.			
2.			
3.			
4.			

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:

Place Date Returning Officer for.....PC/AC Copy by post, in
confirmation forwarded to the:

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

RETURNING OFFICER FOR.....PC/AC

ANNEXURE 42
MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951

FAX/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 Vitiating
1	2	3	4
1.			
2.			
3.			
4.			

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 for.....PC/AC

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer

RETURNING OFFICER FOR.....PC/AC

ANNEXURE 43

MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951

FAX/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 Booth Capturing has taken place at the following station(s) in such a manner that the
 result of poll there at on.....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 Vitrated
1	2	3	4
1.			
2.			
3.			
4.			

Matter is reported under sub-section (1) of section 58A 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 for.....PC/AC

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer

RETURNING OFFICER FOR.....PC/AC

ANNEXURE 44

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 Ballot Units, (iii) Number of VVPATs; (iv) Number of Voting Machines kept in reserve stock: (a) Number of Control Units (b) Number of ballot Units, (c) Number of Control Units; (d) Whether any machine from the reserve stock was used: if so, how many Control Units and how many ballot units	
37	Number of paper seals used:	
38	Number of indelible ink phials supplied to each polling party	

39	Number of Electoral Offences with their details- Number of cases of- (a) disorderly conduct at election meetings (b) convening, holding or attending public meetings within the constituency on a polling day: (c) illegal hiring or procuring of conveyances for the transport of voters: (d) canvassing within one hundred meters of a polling station: (e) impersonation of voters: (f) fraudulent defacing, destroying or removal of a list or notice or other document at a polling station: (g) bribing of voters: (h) intimidation of voters (and other persons): (i) booth capturing	
40	Mistakes and irregularities committed by Presiding Officers	
41	Highest and lowest polling-polling station-wise:	
42	(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. (b) Number of slips issued at the closing hour of the poll:	
43	Serious complaints, if any, made by the candidates	
44	Number of cases of breach of law and order	
45	Recounting of votes- (i) Number of applications received for recounting in part or in toto: (ii) Number of applications allowed for recounting in part or in toto: (iii) Result before recounting and after recounting of votes:	
46	Was the poll interrupted or obstructed by? (1) riot (2) open violence (3) natural calamity (4) failure of voting machine (5) any other cause Please give details of the above.	
47	Was the poll vitiated by? (1) any ballot box used at the polling station having been unlawfully taken out of the custody of the Presiding Officer- (a) accidentally or intentionally destroyed or lost: (b) damaged or tampered with: (2) Booth capturing	
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:	

ANNEXURE 45

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.
32. A Sealed packet containing the proceedings drawn by the Returning Officer after counting of votes.
33. Sealed packets containing check memos for counting of votes.
34. Certified extract of electoral rolls filled along with the nomination papers.
35. Forms of account of ballot papers/account of votes recorded.
36. Paper seal account.
37. Publicity material such as wall posters, handbills and open statements issued by the candidates at the election.
38. Election duty certificates (Form 12-B)
39. Declarations under rule 40 (1)/49N.

ANNEXURE 46
INDEX CARD
ELECTION INDEX CARD
FOR LOK SABHA ELECTIONS ONLY

General / Bye Election

State..... District Year of Election.....
 Number & Name of Parliamentary Constituency Type of Constituency (Gen./SC/ ST)

I	CANDIDATES	MALE	FEMALE	THIRD GENDER	TOTAL
1.	Nominated				
2.	Nominations Rejected				
3.	Withdrawn				
4.	Contested				
5.	Deposit Forfeited				
II.	ELECTORS	GENERAL		SERVICE	TOTAL
		Other than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender (Not applicable to service electors)				
4.	Total				
III.	VOTERS TURNED UP FOR VOTING	General		TOTAL	
		Other than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender				
4.	Total [Male + Female + Third Gender]				
IV. DETAILS OF VOTES POLLED ON EVM					
1.	Total votes polled on EVM				
2.	Test votes under Rule 49 MA				
3A	Votes counted from CU of EVM				
3B	Votes counted from VVPAT (whenever votes not retrieved from CU)				
4.	Rejected votes due to other reasons				
5.	Votes polled for 'NOTA' on EVM				
6.	Total of test votes + Rejected votes due to other reasons + NOTA [2+4+5]				

7.	Total valid votes counted from EVM [1-6]	
V.	DETAILS OF POSTAL VOTES	
1.	Postal votes counted for Service Voters under sub-section (8) of Section 20 of R.P. Act, 1950	
2.	Postal votes counted for Govt. Servants on election duty (including all police personnel, drivers, conductors, cleaners) and Absentee Voters	
3.	Postal votes rejected	
4.	Postal votes polled for 'NOTA'	
5.	Total of postal votes rejected + NOTA [3+4]	
6.	Total valid postal votes [1+2-5]	
VI.	COMBINED DETAILS OF EVM & POSTAL VOTES	
1.	Total votes polled [IV (1) + V (1+2)]	
2.	Total of test votes + rejected votes + NOTA [IV (6) + V (5)]	
3.	Total valid votes [IV (7) + V (6)]	
4.	Total votes polled for 'NOTA' [IV (5) + V (4)]	
VII.	MISCELLANEOUS	
1.	Proxy votes	
2.	Tendered votes	
3.	Total number of polling stations set up in the Constituency	
4.	Average number of Electors per polling station in a constituency	
5.	Date(s) of Poll	
6.	Date(s) of Re-poll, if any	
7.	Number of Polling Stations where Re-poll was ordered (mention date of Order also)	
8.	Date(s) of counting	
9.	Date of declaration of result	
10.	Whether this is Bye election or Countermanded election? Yes/No	
11.	If yes, reasons thereof	

Note: Please read the instructions supplied with the Index Card before filling up

VIII. DETAILS OF VALID VOTES POLLED BY EACH CANNIDATE

Sl. No	Name of the Contesting Candidates (in Block Letters)	Sex (Male/ Female/ Third Gender)	Age (years)	Category (Gen./SC/ ST)	Full name of the Party	Election Symbol Allotted	Valid Votes Counted from Electronic Voting Machine								Valid Postal Votes	Total Valid Votes
							AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name		
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 numbers 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 Election Commission in full.

IX 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	AC No.& Name	Total
1. General [Other than NRIs]	Male									
	Female									
	Third Gender									
	Total									
2. General [NRIs]	Male									
	Female									
	Third Gender									
	Total									
3- Service	Male									
	Female									
	Total									
4- Total	Male									
	Female									
	Third Gender									
	Total									

Certified that the Election Index Card has been checked with Forms 3A, 4, 7A, 20 and 21C or 21 D or 21 E and R.O.'s Report etc. and that there is no discrepancy. Further it is certified that the Party Affiliations and symbols allotted have been verified from the list of contesting candidates in Form 7 A.

Date: (Signature & Seal) Chief Electoral Officer	प्रेसनोट की तारीख Date of Press Note	Signature (Seal) Returning Officer
	अधिसूचना की तारीख Date of Notification	

General / Bye Election

ELECTION INDEX CARD **FOR LEGISLATIVE ASSEMBLY ELECTIONS ONLY**

State..... District..... Year of Election.....

Number & Name of Assembly Constituency Type of Constituency (Gen./SC/ST)

I	CANDIDATES	MALE	FEMALE	THIRD GENDER	TOTAL
1.	Nominated				
2.	Nominations Rejected				
3.	Withdrawn				
4.	Contested				
5.	Deposit Forfeited				
II.	ELECTORS	General		SERVICE	TOTAL
		Other than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender (Not applicable to Service electors)				
4.	Total				
III.	VOTERS TURNED UP FOR VOTING	General		TOTAL	
		Other Than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender				
4.	Total [Male +Female+ Third Gender]				
IV. DETAILS OF VOTES POLLED ON EVM					
1.	Total votes polled on EVM				
2.	Test votes under Rule 49 MA				
3A	Votes counted from CU of EVM				
3B	Votes counted from VVPAT (whenever votes not retrieved from CU)				
4.	Rejected votes due to other reasons				
5.	Votes polled for 'NOTA' on EVMs				
6.	Total of test votes + Rejected votes due to other reasons + NOTA [2+4+5]				
7.	Total valid votes counted from EVM [1-6]				

V.	DETAILS OF POSTAL VOTES	
1.	Postal votes counted for Services Voters under sub-section (8) of Section 20 of R.P. Act, 1950	
2.	Postal votes counted for Govt. Servants on election duty (including all police personnel, drivers, conductors, cleaners) and Absentee Voters	
3.	Postal votes rejected	
4.	Postal votes polled for 'NOTA'	
5.	Total of postal votes rejected + NOTA [3+4]	
6.	Total valid postal votes [1+2-5]	
VI.	COMBINED DETAILS OF EVM & POSTAL VOTES	
1.	Total votes polled [IV (1) + V (1+2)]	
2.	Total of test votes + rejected votes + NOTA [IV (6) + V (5)]	
3.	Total valid votes [IV (7) + V (6)]	
4.	Total votes polled for 'NOTA' [IV (5) + V (4)]	
VII.	MISCELLANEOUS	
1.	Proxy votes	
2.	Tendered votes	
3.	Total number of polling stations in the Constituency	
4.	Average number of Electors assigned to a polling station	
5.	Date(s) of Poll	
6.	Date(s) of Re-poll, if any	
7.	Number of Polling Stations where Re-poll was ordered (mention date of order also)	
8.	Date(s) of counting	
9.	Date of Declaration of result	
10.	Whether this is Bye election or Countermanded election? Yes/No	
11.	If yes, reasons thereof	

Note: Please read the instructions supplied with the Index Card before filling up

VIII. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl.No.	Names of the Contesting Candidates (In Block Letters)	Sex (Male/ Female/ Third Gender)	Age (Years)	Category (Gen./SC/ST)	Full name of the Party	Election Symbol Allotted	Valid Votes Polled		
							Counted from EVM	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 Forms 3A, 4, 7A, 20 and 21C or 21 D or 21 E and R.O.'s Report etc. and that there is no discrepancy. Further, it is certified that the Party Affiliations and symbols allotted have been verified from the list of contesting candidates in Form 7 A.

Date:	प्रेसनोट की तारीख Date of Press Note	Signature
(Signature & Seal) Chief Electoral Officer	अधिसूचना की तारीख Date of Notification	(Seal) Returning Officer

Note Before printing all fields must be compare with physical card

ANNEXURE 47
FORMATS C-1 TO C-8 and CA

Format C-1

(for candidate to publish in Newspapers, TV)

Declaration about criminal cases

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011(Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate:.....

Name of political party:.....

(Independent candidates should write "Independent" here)

Name of Election:.....

*Name of Constituency:.....

I.....(name of candidate), a candidate for the above mentioned election, declare for public information the following details about my criminal antecedents:

(A) Pending criminal cases				
Sl. No.	Name of Court	Case No. and dated	Status of case(s)	Section(s) of Acts concerned and brief description of offence(s)

(B) Details about cases of conviction for criminal offences			
Sl. No.	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	Maximum Punishment Imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note:

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.
3. Details should be given separately for each case in separate rows.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The candidate shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, he shall submit a report about publishing of the declaration regarding cases in Format C-4 along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned

This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature

and up to two days before the date of poll

Format C-2

(for political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and Political Party:.....

*Name of Election:.....

Name of State/UT:.....

1	2	3	4		5		
S I No.	Name of constituency	Name of candidate	(A) Pending criminal cases		(B) Details about cases of conviction for criminal offences		
			Name of Court , case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date (s) Of order(s)	Description of offence(s) & punishment imposed	Max i m u m Punishment Imposed

* In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note:

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.
3. The above information shall be published State wise for each State/UT.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The political party shall be obligated to put up on its website the information pertaining to candidates having criminal antecedents.
6. The political party shall submit a report about publishing of declaration regarding criminal cases in Format C5 to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

Office of Returning Officer

Name of Constituency:.....

Name of State:.....

Name of Election:.....

Format C-3

(Reminder to the Candidate)

It is informed that as per the judgment dated 25th September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs Union of India & Anr., and the directions in the Commission's letter No. 3/ER/2018/SDR, dated 10.10.2018, and letter No. 3/4/2019/SDR/Vol. IV, dated 16.09.2020 all candidates with criminal cases-either pending cases or cases of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the campaign period for the purposes of publishing of such details. The Commission has prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

- i. Within first 4 days of withdrawal of nominations
- ii. Between next 5th – 8th days
- iii. From 9th day till the last day of campaign (the second day prior to date of poll)

Since you, Sh./Smt./Ms.....(mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form-26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on at least three occasions each as mentioned above. The Format C-1 for publishing the information is enclosed herewith. You shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, you shall submit a report about publishing of the declaration regarding cases in Format C-4 with copies of the newspapers publishing the information about criminal cases along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned.

Date:

Signature:.....

Name of the RO/ARO.....

Signature of Candidate.....

Note: One copy of this should be given to candidate and one copy retained with RO.

Format C-4

Report by Candidate about publishing of declaration regarding criminal cases

Name and address of candidate:.....

Name of political party:.....

(Independent candidates should write 'Independent' here)

Name of Election :.....

*Name of Constituency:.....

I (name of candidate), a candidate for the above mentioned election, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl No.	Newspaper			Television			Mode of Payment (electronic /cheque/ DD/Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & time of insertion/ telecast	Expenses that may have been incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date:-.....

Name & Signature of Candidate

Note:-

- (i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.
- (ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

Format C-5**Report by Political Party about publishing of declaration regarding criminal cases**

Name and political party:.....

Name of Election :.....

It is certified that(name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Website	Newspaper			Television			Mode of Payment (electronic/cheque/DD/Cash)(PL specify)
		Period during which displayed	Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & time of insertion/telecast	Expenses incurred (in Rs.)

Copies of newspapers in which declaration was published are enclosed. Date:-

Signature of office bearer.....

Name & designation

Note:- This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

Format C-6

Statement regarding publishing of criminal cases against candidates set up by political parties as per directions in the Commission's letter No. 3/4/2017/SDR/Vol. II, dated 10th October, 2018-Report regarding compliance by Political Parties

Name of State/UT.....

Name of the Election.....

(General/Bye-election, Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council) Date (s) of Poll.....

No. & Name of Assembly/Parliamentary Constituency	Name of the Political Party	Whether submitted Report in Format C-5 by the party (Yes/No)	Whether declaration has been published on the website of the party as per direction (Yes/No)	Publishing in Newspaper by the party		Publishing on Television by the party	
		If yes, then date of submission		Name(s) of Newspaper	Date(s) of publishing	Name(s) of Channel	Date(s) & time of insertion/telecast
01-abc	ABC						
	...						
	...						
	...						
02-def	DEF						
	...						
	...						
and so on							

Note 1- Only such Political Parties which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to submit Report in this regard to the CEO concerned.

Chief Electoral Officer

Name of the State.....

Format C-7

(for political parties to publish in
the newspapers, social media platforms
& website of the party)

Information regarding individuals with pending criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party: _____

*Name of the Election: _____

Name of State/UT: _____

(1) Name of the Constituency-.....

Name of the candidate-.....

Sl.no.	
1.	Criminal antecedents
a.	Nature of the offences
b.	Case no.
c.	Name of the Court
d.	Whether charges have been framed or not (Yes/No)
e.	Date of conviction, if any
f.	Details of punishment undergone, if any
g.	Any other information required to be given
2.	The reasons for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere "winnability" at the polls (not more than 100 words)
3.	Reasons as to why other individuals without criminal antecedents could not be selected as candidates (not more than 100 words)

(2) Name of the Constituency-.....

Name of the candidate-.....

.....and so on

* In the case of election to Council of States or States or election to Legislative Council by MLAs, mention the election concerned in place of name of Constituency.

Signature of office bearer of the Political Party Name and designation.....

Note:-

- (1) Political parties (at the Central and State election level) shall upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.

- (2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.
- (3) This information shall also be published in:
 - (a) One local vernacular newspaper and one national newspaper;
 - (b) On the official social media platforms of the political party, including Facebook & Twitter.
- (4) The matter in newspapers shall be published in font size of at least 12.
- (5) The above information shall be published State wise for each State/UT.
- (6) **These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**
- (7) **The political party concerned shall then submit a report of compliance in Format C-8 with the Election Commission within 72 hours of the selection of the said candidate.**

Format C-8

Report of political party as required under the Commission's directions issued in pursuance of the Order dated 13-02-2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011

Name of political party:

Details of Social Media Accounts of the party:

(i)

(Facebook, Twitter etc.) (ii)

(iii)

Name of Election: _____

Gen. Election/ Bye-election to Lok Sabha/ Leg. Assembly/ Biennial election/ Bye-election to Council of States/Leg. Council

(Write the appropriate alternative)

Name of State: _____

It is certified that _____ (name of political party) has published detailed information regarding the persons with pending criminal cases in the Format prescribed by the Commission (Format C-7) as per the directions in the Commission's letter No. , ...dated..... in the following media:

Sl. No.		Date of publication & cost of publication to be mentioned in column below	
		Date	Cost
1.	One National Newspaper (copy to be furnished)		
2.	One Local vernacular Newspaper (copy to be furnished)		
3.	Social Media Platforms of the party (print to be furnished)		
4.	Website of the party (printout of the material enclosed)		

Declaration

It is declared that full information, explanation and details have been published in respect of each of the persons with pending cases who have been selected to be the candidates of the party in the abovementioned election, as per the directions in the Order dated 13-02-2020 of the Hon'ble Supreme Court referred to above, and nothing has been concealed.

Place:

Date:

(seal of the Party)

Signature of office bearer of the Political Party

Name and designation

Note:-This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 72 hours of selection of the candidate, whichever is earlier.

Format-CA

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/Council of States/Legislative Councils to be held in.....20

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

S. No.	Name of State	No. of Name of Constituency	No. of seats	Party affiliation	Name of Candidates	Whether the candidate has declared anything about pending criminal case(s) against him/her in item 5 of Form 26 (Yes/No)	Whether the candidate has declared anything about case(s) of conviction(s) for criminal offence(s) in item 6 of Form 26 (Yes/No)	In the information given in column no. 7 & 8 is yes, whether the political party has sent report in Format C 8 (Yes/No)
1	2	3	4	5	6	7	8	9

Date:

Signed by RO of the Constituency

Countersigned by CEO.....

State:.....

ANNEXURE 48

(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)

Date of expenditure event	Nature of Expenditure			Total amount in Rupees (paid + out- standing)	Name and address of payee	Bill no. 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)	Remark if any
1	2			3	4	5	6	7	8	9
	De- scrip- tion	Quan- tity	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 I to II) 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. A part 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 address	Nature of Expenditure	Amount	Places at which or persons with whom the balance is kept (if cash is kept at more than one place / person, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of the 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)

Receipt				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 the 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

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.10,000/- 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 Rupees 10,000/-) 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" in 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.

(ECI No. 76/Instructions/2014/EEPS/Vol. 1 dated 23.01.2014)

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:

Place:

Signature of the Candidate Name:

PART II: ABSTRACT OF STATEMENT OF ELECTION EXPENDITURE OF CANDIDATE					
S. No.	Particulars	Amount incurred / authorized by Candidate / Election agent (in Rupees)	Amount incurred / authorized by political party (in Rupees)	Amount incurred / authorized by others (in Rupees)	Total Election expenditure (3)+(4)+(5)
I	2	3	4	5	6
I	Expenses in public meeting, rally, procession etc: I. a: Expenses in public meeting, rally, procession etc. (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 Star Campaigner(s) (i.e. 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. 1 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) (b) Campaign, through print and electronic media including cable network, bulk SMS or internet and social media in newspaper/ TV/radio channels etc. owned by the candidate or by the political party sponsoring the candidate (enclosed as per schedule - 4A				
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				
VII	Expenses incurred on publishing of declaration regarding criminal cases (Enclose as per Schedule - 10)				
VIII	Expenses incurred on Virtual Campaign (Enclose as per Schedule - 11)				
	Grand Total				

PART III: ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE		
S. No.	Particulars	Amount (in Rupees)
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 at this day of 202.....before 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 Election Officer
Office Seal

Schedules- 1 to 11: Details of Elections Funds and Expenditure of Candidate

Schedule- 1

Expenses in public meeting, rally, procession etc. (i.e. 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, tickersboards, 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, partyfunctionary 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)

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
			Source of Expenditure			
			Amount by Candidate/ Agent	Amount by Political Party	Amount by Others	
1						
2						
3						
4						
Total						

Schedule-3

Details of expenditure on campaign materials, like handbills, pamphlets, posters, boardings, 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, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in privately owned newspapers/TV/radio channels etc.

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-4A

Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or Internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in newspapers/TV/radio channels, owned by the candidate or by the political party sponsoring the 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.	Sources of Expenditure		
		Amt. By candidate/ agent					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
		Amt. By Pol. Party	Amt. By others	Amt. By others					
		Rate for Hiring of vehicle / maintenance	Fuel charges (If not covered under hiring)	Driver's charges (If not covered under hiring)					
1	2	3a	3b	3c	4	5	6	7	8
1									
2									
3									
4									
Total									

Schedule- 6

Details of expenditure on Campaign workers / agents and on candidates' booths (kiosks) outside polling stations for distribution of voter's slips

S. No.	Date and Venue Nature of Expenses	Expenses on Campaign workers			Total amt. incurred/ auth. in Rs.	Sources of Expenditure		
		Amt. By candidate/ agent		Party Amt. By others		Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
		Nature of Expenses	Rate					
1	2	3a	3b	3c	4	5	6	7
1		Candidates' booths (kiosks) set up for distribution of voter's slips						
2		Campaign workers honorarium/ salary etc.						
3		Boarding						
4		Lodging						
5		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
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 & 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							

Schedule- 10*

Details of expenditure incurred on publishing criminal antecedents, if any in newspaper and TV Channel

S. No.	Newspaper			Television			Mode of payment (electronic/ cheque/ DD/Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & Time of insertion/ telecast	Expenses that may have been incurred (in Rs.)	
1	2	3	4	5	6	7	8
Total							

Schedule 11

Details of election expenses incurred on Virtual Campaign

Sl. No.	Nature of Virtual Campaign (Indicate Social Media Platforms/ Apps/Other means)	Name of content creator	Name of media to disseminate message Amount by candidate/ agent	Total Amount in Rs. Amount by political party	Sources of Expenditure		
					Amount by candidate/ agent	Amount by political party	Amount by others
1	2	3	4	5	6	7	8

Note:

1. In Schedule 5: -

- copy of the order containing list of all vehicles for which permit issued by the Returning Officer to be enclosed.
- 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 driver's 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.

(Commission's letter no. 76/Virtual Campaign/EEPS/2022, dated 15th January, 2022)

ANNEXURE 49

(CHAPTER 5 & 18, PARA 5.29.3, PARA 18.1.4)

No.

Dated:

To

(Name)

And Address of Candidate)

Subject: Maintenance of account of election expenses u/s 77 by the candidate and lodging of true copy thereof with the District Election Officer, u/s 78 of the RP Act, 1951 by contesting candidate- Regarding

Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself/herself or by his/ her election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he/she has been nominated and the date of declaration of the result thereof, both the dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him/her or by his/ her election agent under Section 77 of R.P Act 1951.
3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit, etc., he/she is required by law to lodge his/ her account of election expenses.
4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951 for a period of three years.
5. The amount of election expenses to be kept by a candidate or his/her election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred / authorized from day to day, as prescribed under rule 86 of the Conduct of Election Rules, 1961.
6. The Expenditure Register containing the *Day-to-Day account Register, Cash Register, Bank Register, Abstract Statement (Part I to IV including affidavit), Schedules I to 11 and Acknowledgement Forms* (Acknowledgment to be handed over to the RO at the time of Receipt of Expenditure Register and to be taken from the DEO at the time of lodging of Expenditure Register by the candidate) is being furnished to you herewith. You are requested to maintain account of your election expenses in this very Expenditure Register of election expenses and in no other document. All supporting voucher, bills etc., should also be kept along with the Register arranged in proper chronological order at all times. An Abstract Statement of expenditure is also to be prepared by you after the declaration of result with Schedules I-11 in the format and true copy to be lodged with the DEO concerned with duly sworn in an Affidavit (Part IV of Abstract Statement).
7. All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure incurred or authorized shall be obtained on day to day basis and shall be maintained in the correct chronological order along with the Register showing the day- to- day account.
8. You are also required to produce the register either in person or through your election agent or any other person duly authorized by you before the Observer/Designated Officer for getting it inspected at least 3 times during the campaign period.

9. After declaring of result if you are having any issue relating to your election expenses like understatement of election expenditures etc. which requires reconciliation then you may avail of opportunity to resolve the issue in the Account Reconciliation Meeting (ARM) as and when called for by the DEO (which is to be held normally on 26th date of declaration of results) and lodge your account within 30 days of declaration of results.
10. For detailed instructions the Candidate is advised to refer to latest instruction contained in *Compendium of Instructions on Election Expenditure Monitoring* available on the Commission's Website www.eci.nic.in

Yours faithfully,

(Returning Officer)

AC/PC.....

Name of Election.....

ANNEXURE 50

CHECKLIST FOR RO FOR ELECTION EXPENDITURE MONITORING

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions in Compendium of Instructions on Election Expenditure Monitoring]

A. Before announcement of elections: -

1. To have the updated list of all the disqualified candidates, who have incurred disqualification u/s 8A and 11 A (for corrupt practices) and 10A of Disqualification Orders of RP Act 1951 (failure to lodge the account of election expenses in time and manner), be viewed on Commission's website, www.eci.gov.in
2. To ensure that the following formats are ready at the o/o the DEO/RO:
 - (i) Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 11, Format of Affidavit and Acknowledgement
 - (ii) Shadow Observation Register (SOR)
 - (iii) Video Cue Sheet
 - (iv) Reporting format of Flying Squad / Static Surveillance Team
 - (v) Compendium of Election Expenditure guidelines in local language
 - (vi) Form 26 regarding criminal cases, assets and liabilities.
3. To identify Expenditure Sensitive Pockets (ESPs), in the Constituency on the basis of level of development, literacy and complaints received during the last Assembly elections and to report to Commission.
4. To identify the Master Trainers of State Police and State Excise Department of the district for Expenditure Monitoring Team.
5. To pursue all pending cases of last election, where FIR was filed and take them to their logical conclusion.
6. To identify officers who will be notified as Executive Magistrate for the Flying Squad / Static Surveillance Team.
7. To prepare plan for training of all manpower to be deployed in Expenditure Monitoring Teams in 2/3 phases.
8. To arrange vehicles for all teams and the logistics.
9. To interact with BAGs and sensitize them about their role in ethical voting campaign and provide information on malpractices during election.

B. After announcement of election: -

10. To ensure that FS, VST, VVT, MCMC and Accounting team are functional from the date of announcement of election.
11. To ensure that GPRS is fitted in all FS vehicles and the Flying Squads shall attend both the MCC cases and expenditure related cases within ½ an hour of receipt of complaint.
12. The expenses incurred by the political parties shall be observed from the date of announcement of election till completion of election and reported to CEO party wise, after declaration of result.
13. To file FIR in appropriate cases, as detected by FS or E.O.

C. After issuance of notification of elections: -

14. To ensure that SSTs are functional from the date of issue of notification.
15. Take note of the list of Star Campaigners received by the CEO and ECI within 7 days of notification of election.

16. To scan the affidavit of assets and liabilities submitted by the candidates and upload on to the CEO's website within 24 hours of its receipt.
17. To hold a meeting of all the candidates or agents 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.
18. Expenditure Register in prescribed format is ready to be handed over to the candidate
19. To notify date for inspection of accounts by the Expenditure Observer during the campaign period and issue notices to the defaulting candidates as directed by the Expenditure Observer.
20. To supervise complaint monitoring system and ensure that every complaint is enquired within 24 hours of its receipt.
21. To ensure that all the documents required are put on his website and copies of the same, if requested, are given immediately to the members of public on payment of prescribed fee.
22. To ensure that after seizure by FS/SST, FIR/ complaint is filed promptly in appropriate cases.
23. To interact with Expenditure Observers/Assistant Expenditure Observers and to ensure that all teams are working smoothly.
24. To issue notice to the candidate, when any defect is pointed out by the EO/DEO and received reply from the candidate/agent.
25. To issue notice to the candidate, preferably within 24 hrs. of the date of receipt of information about suppression/omission of the expenditure incurred by the candidate or if the candidate has not produced his account of election expenses for inspection on scheduled date or if the expenses incurred in election campaign are not correctly shown by the candidate.
26. To ensure that the reply of the notices issued to the candidates are received within 48 hrs.

ANNEXURE 51
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 hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present –
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the green 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 represent 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 paper 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.)
5..... (of candidate.....)	6. (of candidate.)
7..... (of candidate	8. (of candidate.)
9..... (of candidate.....)	

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

1.....(of candidate	2.....(of candidate.)
3.....(of candidate.....)	4..... (of candidate.)

Signature.....

Presiding Officer

PART II**DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT VOTING MACHINE, IF ANY,**

Election..... Parliamentary/Assembly Constituency

Serial No. and Name of Polling Station.....

Date of poll.....

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present –
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the backside 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 paper 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.)
5.....(of candidate.....)	6.....(of candidate.)
7.....(of candidate.....)	8.....(of candidate.)
9.....(of candidate.....)	

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

1.....(of candidate.....)	2.....(of candidate.....)
3.....(of candidate.....)	4.....(of candidate.....)

Signature.....

Presiding Officer

PART III**DECLARATION AT THE END OF POLL**

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part-I- Account of Votes Recorded' of Form 17C as required under rule 49-S (2) of the Conduct of Elections Rules, 1961.

Signature.....

Presiding Officer

Date.....

Time.....

Received an attested copy of the entries in the accounts of votes recorded (Part I of Form 17C) Signature of polling agents:

1.....(of candidate.....)	2.....(of candidate.)
3.....(of candidate.....)	4.....(of candidate.)
5.....(of candidate.....)	6..... (of candidate.)
7..... (of candidate.....)	8.....(of candidate.)
9..... (of candidate.)	

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 17C and to give a receipt therefor and so an attested copy of that Form was not supplied to them.

1.....(of candidate.....)	2.....(of candidate.)
3.....(of candidate.....)	4..... (of candidate.)
5.....(of candidate.....)	6.....(of candidate.)
7.....(of candidate.....)	8.....(of candidate.)
9.....(of candidate)	

Signature.....

Presiding Officer

Date.....

Time.....

PART IV**DECLARATION AFTER THE SEALING OF THE VOTING MACHINE**

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the Control Unit and ballot units of the voting machine.

Signature.....of

Presiding Officer

Date.....

Time.....

The following polling agents have affixed their seals. Signature of polling agents:

1.....(of candidate.....) 4.....(of candidate)

2.....(of candidate.....) 5.....(of candidate)

3.....(of candidate.....) 6.....(of candidate)

The following polling agents refused or did not want to affix their seals.

1.....(of candidate.....) 3.....(of candidate)

2.....(of candidate.....) 4.....(of candidate)

Signature.....

Presiding Officer

Date.....

ANNEXURE 52
PRESIDING OFFICER'S DIARY

1. Name of the constituency (in block letters):
2. Date of poll: -
3. Number and Name 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 polling officer made in the absence of duly appointed polling officer, if any, and the reasons of such appointment:
6. Electronic Voting Machine --
 - (i) Number of Control Units used:
 - (ii) S. No.(s) of Control Units used:
 - (iii) Number of ballot units used:
 - (iv) S. No.(s) of ballot units used:
7.
 - (i) Number of paper seals used:
 - (ii) S. 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. Applicable in the polling stations where VVPAT system is used
 - (i) No. of Printers used:
 - (ii) S. No.(s) of Printer(s):
8. Number of candidates who had appointed polling agents at the polling stations:
9.
 - (i) Number of polling agents present at the commencement of poll:
 - (ii) Number of polling agents who arrived late:
 - (iii) Number of polling agents present at the close of the poll:
10.
 - (i) Total number of voters assigned to the polling station:
 - (ii) Number of electors allowed to vote according to marked copy of the electoral roll:
 - (iii) Total number of electors as entered in the Register of Voters (Form 17A):
 - (iv) Number of votes recorded as per the voting machine:
 - (v) Number of voters deciding not to record vote, if any:

Signature of the first Polling Officer

Signature of Polling Officer
In-charge of Register of Voters

11. Number of electors who voted - Men.....

Women.....

Third Gender.....

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 overseas electors who voted:

14. Number of electors who voted with the help of companions:

15. Number of voters cast through proxy:

16. Number of tendered votes:

17. No. of electors –

(a) From whom declarations as to their age obtained.....

(b) Who refused to give such declaration.....

18. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment:

19. Number of votes cast in every two hours – 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.

(Necessary changes may be made depending on the hours fixed for commencement and close of poll)

19B. Details of visitors at polling stations as per Visit Sheet

S. No.	Name & Designation of the officer visiting (Observer/DEO/RO/ARO/Sector Magistrate/Zonal Magistrate/Pa trolling Magistrate)	Time of Visit	Brief description of polling process (Peaceful/Incident, If any)	Number of votes polled till the time of visit	
				As per Form 17	As per the EVM

20. (a) Number of slips issued at the closing hour of the poll to electors standing in the queue:

(b) Time at which poll finally closed after the last such elector cast his/her vote:

21. Electoral offences with details: Number of cases of –

- (a) Canvassing within one hundred meters of the polling station:
 - (b) Impersonation of voters:
 - (c) Fraudulent defacing, destroying or removal of the list of notice or other documents at the polling station:
 - (d) Bribing of voters:
 - (e) Intimidation of voters and others persons:
 - (f) Booth capturing:
22. 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.

23. 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.
24. Serious complaints, if any, made by the candidate/agents:
25. Number of cases of breach of law and order:
26. Report of mistakes and irregularities committed, if any, at the polling station:
27. Whether the declarations have been made before 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 the poll as necessary.

Place:

Date:

Presiding Officer

This diary should be forwarded to the Returning Officer with the voting machine, Visit Sheet and other sealed papers.

ANNEXURE 53
(CHAPTER 15, PARA 15.18.1)

APPOINTMENT OF MICRO OBSERVERS FOR COUNTING

ORDER

No.

Dated.....

Election to the House of the People / Legislative Assembly Constituency

I (name) (designation) appoint the persons whose names are specified below to act as Micro Observers for Counting and to attend at for the purpose of assisting me in observing the counting of votes at the said election.

1.....

2.....

Place.....

Signature

Date

(Returning Officer)

ANNEXURE 54**FORM 17C**

[See rules 49S and 56C (2)]

PART I - ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union Territory

from.....constituency.

Number and Name of Polling Station:

Identification Number of voting Machine used at the Polling Station:

Control Unit.....

Ballot Unit.....

VVPAT

1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17A)
3. Number of voters deciding not to record votes under rule 49-O
4. Number of voters not allowed to vote under rule 49M
5. Test votes recorded under rule 49MA (d) required to be deducted-
 - (a) total number of test votes to be deducted:
 Total No. Sl. No.(s) of elector (s) in Form 17A

 - (b) Candidate(s) for whom test vote(s) cast:
 Sl. No. Name of candidate No. of votes

6. Total number of votes recorded as per voting machine.....
7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4(i.e. 2-3-4) or any discrepancy noticed.....
8. Number of voters to whom tendered Ballot papers were issued under rule 49P.....
9. Number of tendered Ballot papers:

		Sl. No.	Total
	From		Tow
(a)	received for use		
(b)	issued to electors		
(c)	not used and returned		
10.	Account of papers seals		
			Signature of polling agents
1.	Paper seals supplied for use:	Total No.....	1.....
		Sl. No. from.....	To.....
2.	Paper seals used:	Total No.....	2.....

Sl. No. from..... To

3. Unused paper seals returned to

Returning Officer: Total No.....

3..... Sl. No. from..... To.....

4. Damaged paper seal, if any: Total No..... 4.....

Sl. No. from..... To

5.....

6.....

Date.....

Place.....

Signature of Presiding Officer

Polling Station No.....

PART II- RESULT OF COUNTING

Sl. No. of candidate	Name of candidate	Number of votes as displayed on Control Unit	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
N.	NOTA			
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals (YES/NO).

Place.....

Date.....

Signature of Counting Supervisor

Name of candidate/election agent/counting agentFull signature

1.

2.

3.

4.

5.

6.

7.

Place.....

Date.....

Signature of Returning Officer

ANNEXURE 55

DECLARATION UNDER RULE 49MA

General/Bye-Election to.....

Sl. No. and Name of Parliamentary/Assembly Constituency.....

No. and Name of Polling Station.....

FORM OF DECLARATION BY ELECTOR UNDER RULE 49MA OF CONDUCT OF ELECTIONS RULES, 1961

- (1) I hereby solemnly declare and affirm under sub-rule (1) of Rule 49 MA of the Conduct of Elections Rules 1961 that the paper slip generated by the printer attached to the Ballot Unit has shown the name and/ or symbol of a candidate other than the candidate for whom I voted by pressing the concerned blue button against the name and symbol of the candidate of my choice on the Ballot Unit. I am ready to cast a test vote again to show that the allegation made by me is true and bonafide.
- (2). I am aware of the penal provisions of Section 177 of the IPC that I shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if the declaration given by me in para 1 above to the Presiding Officer appointed under Section 26 of the RP Act, 1951 is found to be incorrect.

Signature/Thumb impression of the Elector
Name of the Elector.....

Father/Mother/Husband's Name.....

Part No. of elector roll.....

Sl. No. of elector in that Part.....

Sl. No. in Register of Voters (Form 17A)

Dated.....

Certified that the above declaration was made and subscribed by the elector above named before me.

Dated.....

Signature of the Presiding Officer

ANNEXURE 56
(CHAPTER 15, PARA 15.18.2)

PROFORMA FOR VERIFYING VOTES OF RANDOMLY SELECTED CUs

Number and name of AC/AS:

Round number:

Polling Station number and name:

Table number:

CU number:

Number of votes as per Form 17C:

Number	Name of candidates (pre-printed)	Number of votes recorded in CU

(Micro Observer)

ANNEXURE 57

Format 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 RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO		
	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.

ANNEXURE 58

Authorisation by the Observer for declaration of result

I, Observer Code (____) for Assembly Constituency (Name/Code) /Assembly Segment of -----Parliamentary Constituency (Name/Code) 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 _____ Parliamentary/Assembly Constituency to declare the result.

Signature of the Observer_____

Name of the Observer_____

Code of the Observer_____

Parliamentary/Assembly Constituency No. &
Name_____

ANNEXURE-59

Matrix for Randomization of Counting Staff for counting of votes in CU, Postal Ballots and pre-counting scanning of ETPBS in case of PC/AC

Level of Randomization	Authority	Time of Randomization	Purpose	Remarks/ Presence	Randomization tool
First Randomization	DEO concerned where Counting Centre is located.	One week before the date of counting	To draw requisite 120% pool of staff for deployment from the database for each category	RO/ARO* to remain present.	Software developed by CEO
Second Randomization	DEO concerned where Counting Centre is located	(i) 48 Hours prior to time fixed for counting in case counting is also held at locations other than district headquarter (ii) 24 Hours prior to time fixed for counting in case counting is held district headquarter	To allocate staff in each category to AC/ AS	In presence of Observer and RO/ ARO*	Software developed by CEO
Third Randomization	RO/ARO*	5:00 am on the counting day	To allocate tables	In presence of Observer	Manual (if software facility not available)

*ARO in cases of PC where RO is not present.

Appendix - I
ELECTION PLANNER FOR RETURNING OFFICER

Tentative Target date of Poll: P Day				
Sl No	Activities	Days required		
Tentative Date of Poll			Start day	End day
1	Electoral roll			
	Final publication of integrated roll after the last day of nomination- (Disposal of continuous updation)		P-18	P-17
	Supply to political parties/Candidates		P-18	P-17
	Preparation of roll (marked copy)		P-18	P-14
	Printing of Electoral Roll in alphabetical order		P-18	P-17
	Distribution of Voter Information Slips		P-9	P-5
2	EVM			
	Procurement of EVMs, power packs, seals, tags etc.		P-180	P-50
	1st Randomization with due Notice to recognized political parties		P-30	P-27
	Physical segregation for training EVMs		P-90	P-90
	2nd randomization with due notice to candidates, physical segregation.		P-10	P-10
	Preparedness for Commissioning - venue selection and preparation, notice to candidates, training of staff, deployment of personnel, procurement of ballot paper and other materials, meeting with police		P-20	P-10
	Commissioning of EVMs		P-10	P-6
	Movement to DC (if required)		P-9	P-9
	Selection of Strong Room - through joint inspection with police		P-9	P-7
	Selection of storage for unused EVMs		P-18	P-18
	Awareness programme		P-90	P-45
	Storage of power pack for counting centre		P-10	P-10
3	Ballot paper for Polling station			
	Procurement of paper		P-20	P-10
	Selection of printing press		P-60	P-60
	Printing of ballot papers		P-15	P-15
	P.S. wise sorting of Tender Ballots-sealing/packeting		P-10	P-9
	Printing of Braille Ballot		P-15	P-12
4	Postal Ballot			
	Interface with Postal department		P-35	P-35
	Fixing up of list of service voters(CSV)		P-81	P-77
	Printing of postal ballot papers for service voters		P-15	P-15
	Dispatch of ballot papers of service voters		P-15	P-14
	Printing of postal ballot papers for other categories		P-22	P-20
	Updation of database and envelope generation		P-22	P-20
	Dispatch of other categories of postal ballot papers		P-14	P-13
	Receiving Arrangements for Polled Postal Ballots		P-15	P+5
	Arrangement of absentee postal ballot		P-15	P-15

5	Materials			
	Stock taking and requirement assessment of forms/stationeries for Poll, Commissioning, Counting including reserve		P-90	P-80
	Tendering and Procurement of materials		P-60	P-40
	Polling station wise Material bagging		P-12	P-10
	DC register preparation		P-11	P-10
6	Statutory			
	Nomination		P-25	P-18
	Scrutiny		P-25	P-25
	Withdrawal		P-17	P-17
	Allotment of Symbol		P-23	P-23
	Form 7A-Preparation		P-15	P-15
	Distribution of I card, Roll, List of Polling stations, electoral rolls to Candidates		P-21	P-20
	Appointment of Add. ARO		P-40	P-40
7	Polling Personnel			
	Category wise requirement-firming up		P-140	P-100
	Database preparation		P-210	P-180
	Appointment letter generation through 1st randomization		P-40	P-38
	Servicing		P-35	P-30
	Appointment letter generation through 2nd randomization		P-15	P-14
	Servicing		P-35	P-30
	Appointment letter generation through 3rd randomization		P-2	P-2
	Appointment letter generation for Micro observer (through randomization), VAB, Camera personnel		P-10	P-10
8	Training			
	Training at RO's level		P-46	P-45
	Training of Sector Officers		P-45	P-41
	Training of Teams for Expenditure Monitoring		P-50	P-45
	Training of Assistant Expenditure Observers		P-50	P-45
	2nd Training		P-35	P-35
	By Exp. Observer		P-30	P-30
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	Training of PP (1st Training(Small Groups)		P-27	P-25
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9	DCRC-Strong Room Counting Venue			
	Selection		P-65	P-55
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10	Polling Station			
	Physical verification		P-110	P-90
	Proposal for shifting/ setting up of Auxiliary Polling Stations		P-37	P-37
	Readying for poll		P-15	P-10
	Vulnerability-assessment		P-50	P
	Publication of polling station list		P-30	P-29
	Premise requisition		P-7	P-5
	Signage of Polling Station		P-35	P-30
11	Law & Order			
	Vulnerability mapping and visit by sectors (at least 3 times)		P-50	P
	Criticality analysis		P-45	P-40
	Force deployment planning		P-50	P-41
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	Imposition of ban on carrying fire arms and deposition of licensed arms		P-40	P-40
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12	Vehicles			
	Requirement -fixing up (for polling personnel & sector)		P-70	P-70
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	Readying for poll- labelling, fueling etc.		P-4	P-3
13	Interface with Political parties/ Contesting Candidates			
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	Nomination		P-27	P-27
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	At RO		P-40	P
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	Voter Assistance Booth		P-3	P-2
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	Income Tax Deptt		P-45	P-45
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	Health		P-20	P-20
23	Infrastructure			
	For DC/RC		P-29	P-20
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24	IT, Communications and sms based poll management			
	Uploading information on Nomination and Affidavit in ENCORE and Form 7A		P-25	P-15
	Single Window System		P-40	P-2
	Sms based poll monitoring system		P-1	P
25	SVEEP			
	Implementaion of SVEEP plan		P-90	P

W= Withdrawal, N= Nomination, P= Poll day

Appendix -II
Risk Assessment and Mitigation of RO's Activities

Risk	Mitigation
E. Roll & EPIC related	
Auxiliary booth improperly separated and not communicated well to electors	Auxiliary booth has to be made section wise and electors have to be thoroughly communicated
EPIC does not reach to electors included in continuous updation	It has to be ensured as inclusion continues till last date of nomination
Names of leading personalities are missing electoral roll.	It has to be checked before notification.
Inadequate distribution of Voter Information Slips	Completion of distribution of VIS has to be ensured by P-5 day.
VAB without use of alphabetical roll locators	The BLO has to be provided with the ARL and has to be trained accordingly.
Polling Stations	
Absence of AMF	Ensuring physical verification of each polling station and ensuring AMF, Publicity is required.
Electors don't know the newly created PS /auxiliary PS.	Ensuring wide publicity through all possible modes for notified Polling stations, change of polling station building and the change in nomenclature etc., Display prominent signage
Inaccessible during calamities	Alternative arrangement should be planned.
Communication Plan	
Communication shadow zone	Identification of Communication Shadow Zone and Polling Stations falling in the Shadow zones & action plan. Test run has to be done.
SVEEP	
Improper and non-standardized SVEEP materials create confusion	SVEEP materials approved by ECI /CEO should be used.
Preparation of State / District Election Management Plan	
All components /facets of DEMP are not covered	All components should be covered.
Personnel Management	
Database of various election personnel is insufficient, inadequate. Seniority is not maintained.	Data entry of personnel have to be done correctly and have to be checked and certified by concerned source office.
Exempted categories, retired, higher officials are given appointment wrongly and improperly.	Ensuring generation of database of polling personnel in each district as per ECI instructions
Remuneration disbursement to wrong person, exempted persons due to improper database, bank details etc.	Bank details have to be rechecked by the concerned employee during training and proper documents have to be kept.
Law & Order enforcement	
Non-maintenance of updated list of NBW, trouble monger, worry list.	Mapping of Poll related violence and FIRs during elections
Improper VMSO, VMRO preparation	Status of election related cases during previous elections and other relevant guidelines have to be considered.
Complaint disposal	
Delay in complaint disposal	Ensuring that Complaint Monitoring System is in place with adequate staff and infrastructure.

Risk	Mitigation
Use of Android Mobile, Video Cameras and for Live Web-casting	
High non performances of these devices on poll day	Availability and requirement (Resource Mapping) of Android Mobile, Video Cameras and for Live Web-casting. Test run required.
Training	
Back dated /non-standard training materials, language	Standardization and preparation of updated training material (audio-visual CDs etc.) at state level and providing to districts
High absenteeism of trainees	No untrained person should be engaged in election. Absent personnel must be trained.
The SLMTs are not trained properly, infrastructure lacunae	Ensuring proper training of Returning Officers/ AROs/ Police Officers/ Polling Personnel /Sector Officer/Law & Order machinery/ Micro-observer/ Voter Assistance Booth Staff/ Digital camera supervisors
EVMs & VVPATs	
Warehouse and strong room are not set up as per extant protocol	No EVM & VVPAT should be kept in any place other than designated place, without observing storage protocol.
Damage of CU pink paper seal during segregation after 1 st and 2 nd randomisation	Precautions should be taken so that CU PPS is not damaged. Any unit with damaged pink paper seal should not be used in the poll.
Wrong symbol uploading in VVPAT, regional language font problem	The printed paper slips must be checked by RO and counter checked by senior officials
Improper reflection in EMS, movement of machines without noting in EMS.	'No machine movement without EMS entry' should be strictly followed.
The political parties/ candidates are not informed prior to opening of EVM warehouse/ strong room and during shifting	They should be communicated with proper receipt.
Shortage of consumable/use of expired consumables	To procure consumable items which will be used in FLC
Mishandling of machines resulting in more defects.	Training of EVM/VVPAT should be given through compulsory hands on training.
Election Materials	
Shortage of materials, low quality materials, Improper bagging. Missing items	Procurement/ printing and distribution of material like rubberstamps, indelible ink, brass seals, green paper seal, pink paper seal, power-pack batteries, self-inking stamp pads, bottles of stamping ink, envelopes and forms with proper assessment and checking validity, if applicable.
Nomination	
Disqualified person may file nomination	Ensuring availability of list of disqualified persons of ECI to ROs
Wrong allotment of free symbol	Ensuring availability of the latest updated list of free symbols provided by ECI to ROs and Providing information of Concessions granted u/s 10A of Symbol Allotment Act, 1968 by ECI to ROs
Communication to candidates/agents	Regular meeting with political parties at the State Level which should be once a week after the announcement of election schedule.

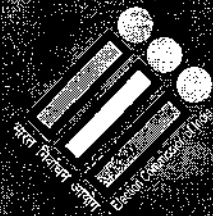
Risk	Mitigation
Postal Ballot & EDC	
Dispute during PB voting at facilitation centre near training venue for compromising secrecy	To ensure that full and adequate measures are taken in districts in relation to Postal Ballots.
Inadequate form 12 and others documents 13A, 13B, 12C printing	All categories probable PB electors have to be taken into account while assessing requirement and forms should be distributed accordingly.
Ballot Papers	
Inadequate printing of various ballot papers	Ballot paper rechecking teams should be engaged.
Wrong ETPBS uploading	ETPBS should be checked by two teams. Monitor 24 hrs after despatch.
Mistake found at last moment	Ensuring timely and proper Printing of Ballot Papers and Postal Ballot Papers after obtaining statutory information of final candidates for each constituency
Criminal Antecedent	
Improper record maintenance and missing issuance of notice	Records submitted in three time slot i.e. W+4, W+5 to W+8, W+8 to P-2 should be preserved and tracked. CA report has to be submitted to CEO. (W-withdrawal)
Absentee Postal Ballot voting	
Lacunae in distribution of 12D and collection of filled in 12D.	Form 12D must be distributed to all probable PWD electors and Senior citizen of ERONET.
Non-maintenance of secrecy during home voting	Due training to be given to poll party for maintaining secrecy and decorum
Improper storage of polled ballot may create aspersion	Polled ballot must be stored in approved place of ECI with proper prescribed protocol.
Election Expenditure Monitoring	
Inadequate number of teams and their training	Formation of adequate teams with reserve Video Surveillance Teams (VST), Video Viewing Teams (VVT), Flying Squads, Static Surveillance Team (SSTs) and Accounting Teams.
Improper maintenance of shadow register which may create dispute with the register of candidates	Regular interaction with Additional election agent and reconciliation accordingly may reduce the scope.
POLE DAY	
Improper replacement, Delay in replacement	Training should be proper. Sector Officer should monitor.
Low response of Pr.Os in SMS poll monitoring	Test run of mobile on P-1 day for better response.
Non deletion of data/ non removal of paper slips of mock poll	Proper training to PP, Agents, MO to avoid the situation.
Wrong filling up of 17C, Pr.O's dairy, PS05, Pr.O's report (I-V)	Proper training and hands on training for filling up of forms are required.
Delay in report returns	Sector officer should be provided with app/ portal uploading facilities.
REPORT	
Lack of communication to all concerned	Sufficient publicity should be done.

Improper Storage of Repolled machines	It must be stored in main strong room following due protocol and marking to avoid confusion during counting.
POST-POLL PHASE/ COUNTING	
Lack of security immediately after counting due to withdrawal of CAPF	Advance planning of deploying State armed police force at counting venue for safe machine shifting to designated warehouse/strong room.
Problems in updating results in encore, wrong uploading of result	Manual compilation should be kept ready as back up.
Mistake in preparation of Forms 20, 21C and 21E	Three tier checking system should be adopted
Mismatching online and hard copy index card	While filling up hard copy index card later on it should be at par with online copy.

Appendix - III
Various IT initiatives of ECI

Sl No	Web Portal/ Mobile App Details	Description
1	voters.eci.gov.in	Web Portal for citizens. Citizens can use the following options for submitting the forms online 1. Submit Form 6,6A,6B,7 and 8 applications 2. Download e-Epic 3. Search name in Voter list 4. Go to Voter Portal
2	https://voterportal.eci.gov.in/	Citizen can Lodge Complaint regarding following along with options available in voters.eci.gov.in 1. Voter ID related 2. Electoral Roll related 3. Complaint against Official 4. Complaints against Facility in Polling Station 5. Feedback/Suggestions
3	https://officials.eci.gov.in/	Eronet is used by Officials for processing Form 6,6A,7, and 8 submitted online by citizen through voters.eci.gov.in, voterportal, Voter Helpline app and Garuda app. Also the forms submitted Offline can be uploaded by the Operator and forms can be processed.
4	Voter Helpline Mobile App	Used by Citizens. Citizens can use the following options for submitting the forms online 1. Submit Form 6,6A,6B,7 and 8 applications 2. Download e-Epic 3. Search name in Voter list
5	BLO App	Official mobile app. Used by BLOs who are registered for the following processes. 1. Uploading Maps 2. Uploading AMF report of Polling Stations 3. Submission of Form 6,6A,6B,7 and 8 4. Marking Absentee Voters 5. Marking PwD Voters 6. Searching the names of Voters in particular part assigned to BLO
6	Suvidha.eci.gov.in	Citizen can use this site during Elections for the following purposes 1. Submission of Online Nomination Forms (yet to be implemented) 2. Applying for permission regarding public meetings/ rallies/ Processing, use of loud speakers and use of vehicles for election campaigning as well as use of non- commercial / remote / uncontrolled airports / helipads.
7	encore.eci.gov.in	Official i.e Returning Officer can use this site for applications submitted in Suvidha.eci.gov.in like 1. Entire Nomination process 2. Issuing the permissions for candidates 3. Counting Process and Result declaration 4. Expenditure Monitoring 5. Voter Turnout
8	http://servicevoter.nic.in/	Management website for registration of Service Voters i.e. processing of forms for enrolment of Service Voters in Voter list of Service Voters.
9	http://etpbs.in	Website for sending Electronically Transmitted Postal Ballot Management System (ETPBMS)

10	cVigil Mobile App	1. cVigil Mobile App is available for Citizens to raise the complaints regarding violation of Model Code of Conduct. 2. cVigil for Investigator is for MCC Nodal Officers appointed to investigate the complaints 3. cVigil for Observer i.e Returning Officer to supervise the complaints.
11	EMS (EVM Management System) https://ems2.eci.gov.in/	This site is used for management/movement of EVMs 1. Order Generation 1. Manufacturer order 2. Scan process before sending units 3. Scan process before receiving units 4. Order receiving at District Warehouse 2. First Level Check 1. FLC announce by Manufacturer/DEO 2. FLC carries out through temp user 3. FLC ok units will be transferred to Strong room 4. Not ok units will be transferred to the Repair room 3. Randomization 4. Scheduling of the Randomization 5. First Randomization 6. Second Randomization 7. Supplementary Randomization 8. Replacement 9. Replacement of the units during the poll at different levels 10. Undo of the replacement, if required 11. Election Petition 12. Mark EP 13. Unmark EP
12	EMS Mobile App	Scanning of Units at Warehouse level to perform below activities: 1. Sending/ Receiving EVMs 2. Awareness Units 3. Non-functional Repaired 4. First Level Check (FLC) 5. AC Level Randomization (First Randomization) 6. PS Level Randomization (Second Randomization) 7. Stock Entry 8. Receive After Poll 9. Loan to SEC
13	https://eci-citizenservices.eci.nic.in/	• A Citizen can register them self while entering their Mobile number and input the OTP to validate the mobile number and fill their profile information. • They can get an OTP having with Complaint id in it as soon as complaint lodged. • The registered complaint gets marked to the concerned officer for further action. • Complaint status can be tracked using complaint id
14	eci.gov.in	Website for Election Commission of India
15	https://ecisvecp.nic.in/	SVEEP Activities Website



भारत निर्वाचन आयोग
Election Commission of India

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Lok Sabha elections: BJP gets first seat, Surat candidate wins unopposed

By HT News Desk

Apr 22, 2024 04:56 PM IST

LOK SABHA ELECTIONS: BJP GETS FIRST SEAT, SURAT CANDIDATE WINS UNOPPOSED

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The Bharatiya Janata Party secured its first victory in the Lok Sabha elections on Monday, as its candidate from Gujarat's Surat constituency won uncontested, state chief minister Bhupendra Patel said. This victory came

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Surat: BJP leader Mukesh Dalal receives the 'certificate of election' after he was elected unopposed from Surat Lok Sabha seat, in Surat, Monday, April 22, 2024. (PTI)

"Hearty congratulations and best wishes to Surat Lok Sabha seat candidate Shri Mukeshbhai Dalal for being elected unopposed," Gujarat CM said in an X post.

On the final day of nomination form withdrawals, a total of 8 candidates, predominantly Independents, along with Pyarelal Bharti from the Bahujan Samaj Party (BSP), opted to withdraw their nominations.

'SIGNATURES FORGED': CONGRESS PARTY CANDIDATES' NOMINATION REJECTED

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The nomination papers of Nilesh Kumbhani, the Congress candidate for the Surat Lok Sabha seat, were rejected on Sunday after his three proposers said the sign on the papers was not theirs. Similarly, the nomination form of Suresh Padsala, the alternate Congress candidate from Surat, met a similar fate, effectively sidelining the main opposition party from the city's electoral race.



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According to Returning Officer (RO) Sourabh Pardhi, the nomination was rejected after a preliminary examination revealed inconsistencies in the signatures of the proposers.

According to election nomination rules, a candidate endorsed by a recognised political party needs one voter from the constituency to propose their candidacy. However, if the candidate is independent or nominated by an unrecognised political party, ten electors from the constituency must sign the nomination paper as proposers.

Congress has said to pursue the matter in the high court.

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BJP OPENS ACCOUNT IN LOK SABHA ELECTIONS 2024

"Surat offered the first lotus to Prime Minister Narendrabhai Modi!!" state BJP president CR Paatil congratulated Dalal.

Voting for other seats in Gujarat will be held on May 7 during the third phase of the 2024 general elections. The result will be announced on June 4.

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Arunachal Pradesh Assembly polls | BJP wins 10 Assembly seats uncontested

The party fell short of the Congress record of 11 seats in 2014; Chief Minister Pema Khandu from Mukto and Deputy Chief Minister Chowna Mein from Chowkham were among those won the election

March 30, 2024 06:45 pm | Updated March 31, 2024 06:57 am IST - GUWAHATI

THE HINDU BUREAU



Arunachal Pradesh Chief Minister Pema Khandu being congratulated by BJP leader Ashok Singhal after he was elected unopposed in the state assembly polls, in Itanagar, on March 30, 2024. | Photo Credit: PTI

The Bharatiya Janata Party (BJP) has won 10 seats uncontested in the 60-member Arunachal Pradesh Assembly.

The party, however, fell short of the Congress record of 11 seats won unopposed in 2014.

While no Opposition parties fielded candidates in five constituencies, rivals of the BJP withdrew their nominations in five more by Saturday, the last day of withdrawal of candidature.

Among those who won uncontested were Chief Minister Pema Khandu from Mukto and Deputy Chief Minister Chowna Mein from Chowkham.

The other winners are Ratu Techhi from Sagalee, Jikke Tako (Tali), Nyato Dukam (Taliha), Mutchu Mithi (Roing), Hage Appa (Ziro-Hapoli), Techhi Kaso (Itanagar), Dongru Siongju (Bomdila), and Dasanglu Pul (Hayuliang).

High confidence

"...It's all because of the people's love and trust in #ModiKiGuarantee and our dedication in ensuring all-round development of the State," Mr. Khandu wrote on X in celebration of the unopposed win of the 10 BJP candidates.

Later, he told journalists that the party was confident of bagging the remaining 50 Assembly seats and the two Lok Sabha seats in the State.

The 2014 elections had the highest number of uncontested winners – 11 of Congress, including Mr. Khandu, Phurpa Tsering (Dirang), Mama Natung (Seppa West), Kameng Dolo (Pakke-Kessang), Nabam Rebia (Doimukh), Nabam Tuki (Sagalee), and Lombo Tayeng (Mebo).

The decade-old record continues to stand.

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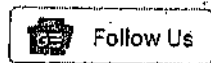
Free pass to the House: How often MPs, MLAs have been elected unopposed

As 10 MLAs in Arunachal Pradesh, or one-sixth of the Assembly, get elected unopposed, crunching the numbers on uncontested poll wins since 1952

Written by Anjishnu Das

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 NewsGuard



10 BJP candidates for the Arunachal Pradesh Assembly have already won their seats, including Chief Minister Pema Khandu, who also won unopposed in 2014 and 2011 in a bypoll. (PTI Photo)

Just two weeks after the Election Commission (EC) announced the schedule for the Lok Sabha and four state Assembly polls, 10 BJP candidates for the Arunachal Pradesh Assembly have already won their seats, including Chief Minister Pema Khandu who also won unopposed in 2014 and 2011, the latter in a bypoll. A sixth of the 60-member Arunachal Pradesh Assembly has been elected unopposed, one seat shy of the record set in 2014, when 11 candidates won without an election being required.

It is more common for MLAs to win unopposed than Lok Sabha MPs. Since the first elections in 1952, 298 MLAs and 28 MPs won their seats in the absence of any opponent.

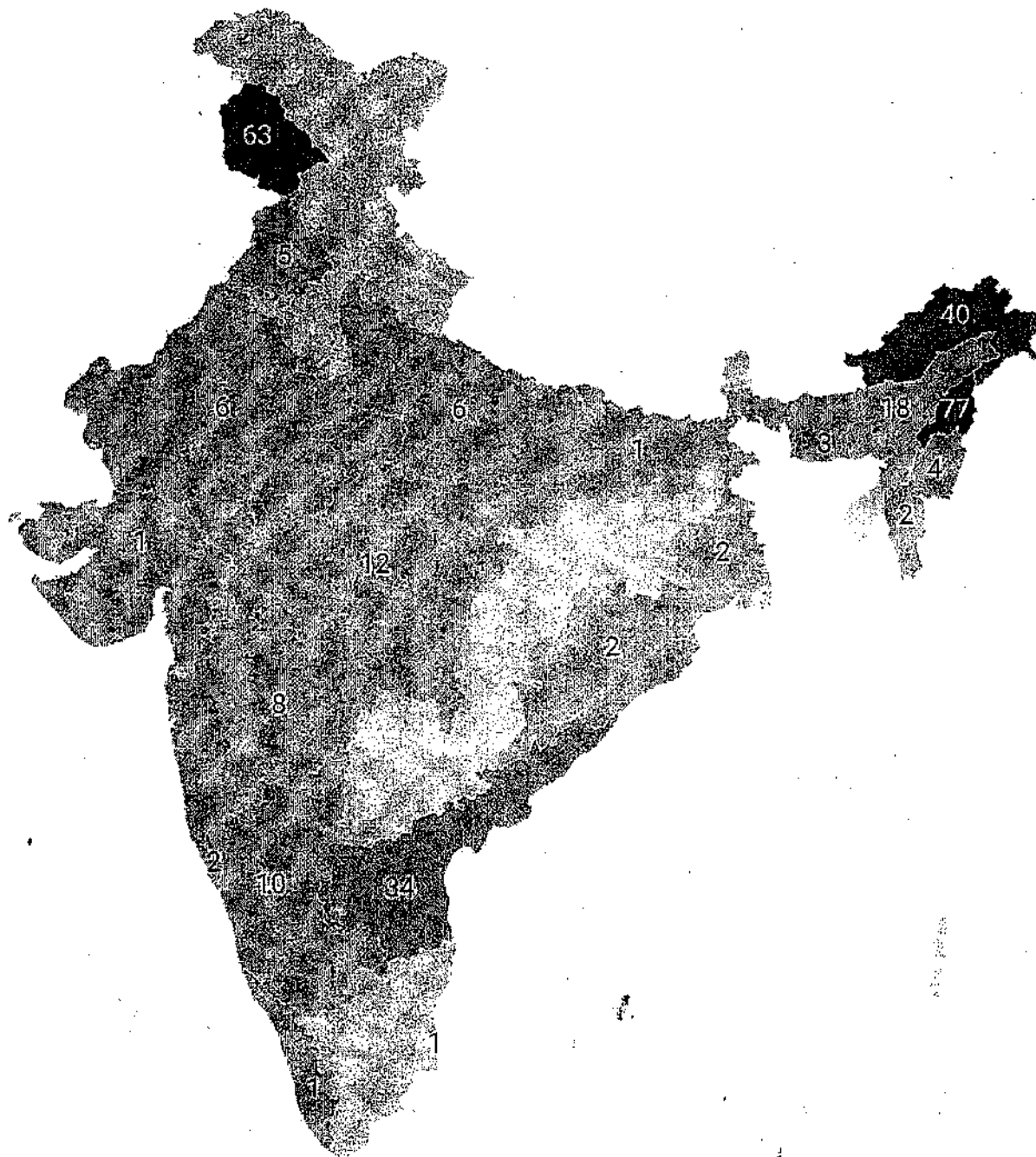
State Assemblies

In Assemblies, Nagaland leads the way with the most MLAs elected unopposed at 77, followed by Jammu and Kashmir at 63, and Arunachal Pradesh at 40.

In 1962, the Assembly polls in Andhra Pradesh, Madhya Pradesh, Rajasthan, West Bengal, Mysore, and J&K saw the most state legislators elected unopposed in a single year at 47. After that, the highest tallies for a single year came in 1998 at 45, and in 1967 and 1972 at 33 each.

State-wise number of MLAs elected unopposed

No. of MLAs



Source: Election Commission • Map data: © OSM • Created with Datawrapper

State-wise MLAs elected unopposed.

The Congress has, by far, had the most MLAs elected unopposed at 194, followed by the National Conference (NC) at 34, and the BJP at 15. To date, 29 Independents have also been elected unopposed.

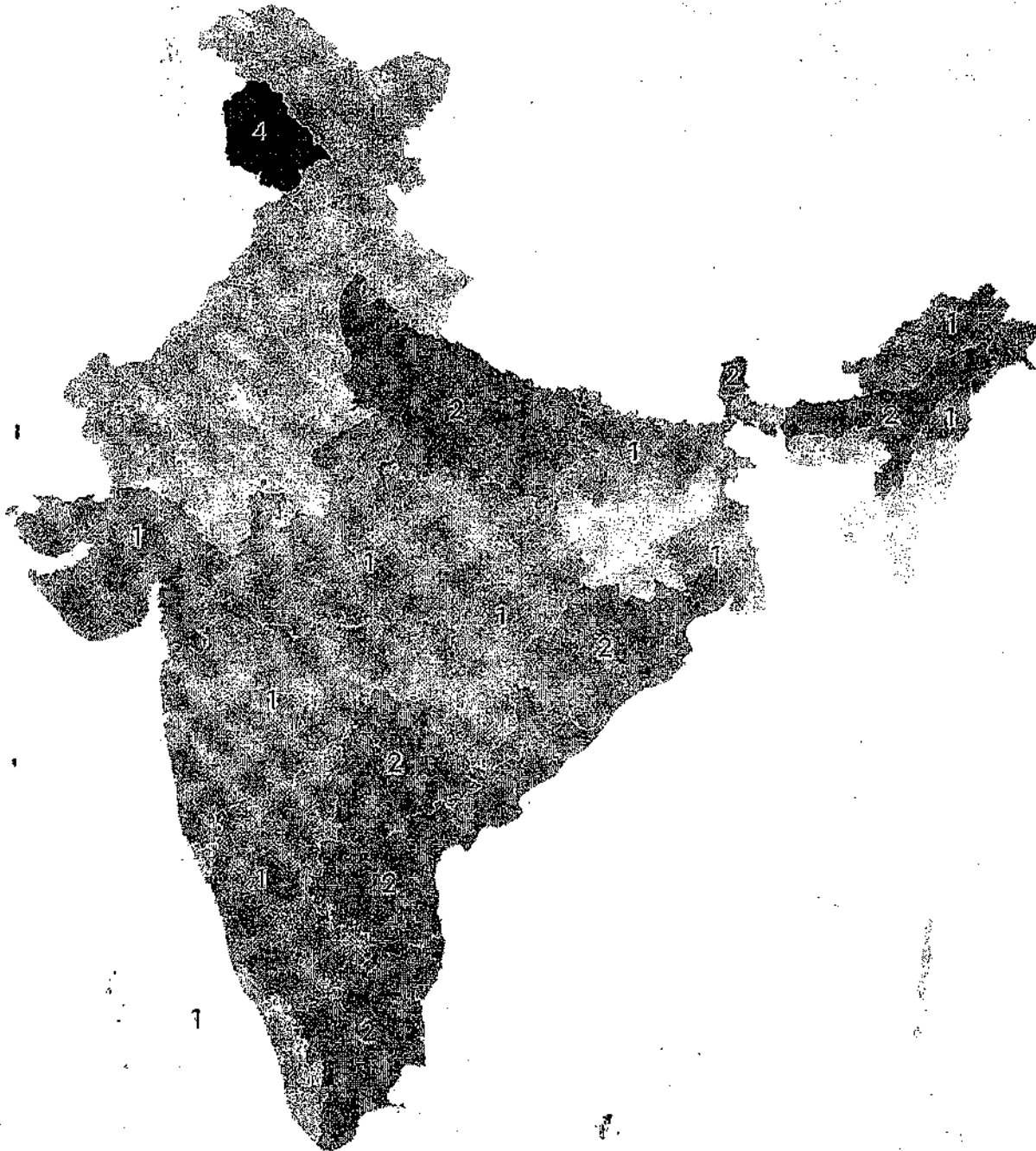
Khandu and former J&K CM Syed Mir Qasim have been elected unopposed a record three times each. Khandu's Mukto Assembly seat has seen the most instances of an MLA elected unopposed at five. Before Khandu, his father and former CM Dorjee Khandu won the seat in 1990 and 2009 without a contest.

Lok Sabha

Since 1952, J&K has seen the most MPs elected unopposed at four. Only eight states have sent more than one legislator to Parliament uncontested, including Andhra Pradesh, Assam, Odisha, Tamil Nadu, Telangana, and Uttar Pradesh.

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State-wise number of MPs elected unopposed



Source: Election Commission • Map data: © OSM • Created with Datawrapper

State-wise MPs elected unopposed.

The most MPs elected unopposed in a single election came in 1952, 1957, and 1967

at five each. The most recent unopposed election was in a 2012 bypoll, when Dimple Yadav, the wife of Samaajwadi Party (SP) president Akhilesh, won Kannauj in Uttar Pradesh. Before that, the last time an MP won uncontested was in 1995.

The Congress has seen the most MPs get elected unopposed at 20. The NC and SP follow with two each. Just one Independent has won the parliamentary election unopposed. There is no BJP candidate on this list.

Only two Lok Sabha seats have seen an MP elected unopposed more than once – Sikkim and Srinagar.



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Among the notable MPs who were elected unopposed are former Deputy Prime Minister and Maharashtra CM Y B Chavan from Nasik; former J&K CM and NC chief Farooq Abdullah from Srinagar; former Nagaland CM and ex-Governor of four states S C Jamir; Odisha's first CM Harekrushna Mahatab from Angul; former member of the Constituent Assembly T T Krishnamachari from Tamil Nadu's Tiruchendur; and former Union Ministers P M Sayeed from Lakshadweep and K L Rao from Vijayawada in Andhra Pradesh.

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In the Supreme Court of India

(BEFORE P. SATHASIVAM, C.J. AND RANJANA P. DESAI AND RANJAN GOGOI, JJ.)

PEOPLE'S UNION FOR CIVIL LIBERTIES AND
ANOTHER . . Petitioners;

Versus

UNION OF INDIA AND ANOTHER . . Respondents.

Writ Petition (C) No. 161 of 2004⁺, decided on September 27, 2013

A. Constitutional Law — Basic features or structure of the Constitution — Elements of basic structure — Democracy and free and fair elections — Statutory right to vote and mechanism of negative voting serves a very fundamental and essential part of a vibrant democracy — Provision of a "None of the Above" (NOTA) button in the EVMs, held, will accelerate effective political participation, foster purity of the electoral process, wider participation and empowerment of voters — Voter must be given an opportunity to choose NOTA button, which will indeed compel political parties to nominate sound candidates of integrity — Various countries have provided for neutral/protest/negative voting in their electoral systems — Constitution of India — Arts. 368, 19(1)(a), 14, 21 and Preamble — Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) — Representation of the People Act, 1951 — Ss. 79(d), 2(d), 62 and 128 — Democracy — Role of NOTA

B. Constitution of India — Art. 19(1)(a) and Preamble — Freedom of speech and expression — Provision for negative voting while protecting such voter's secrecy — Gives voters right to express disapproval with the kind of candidates being put up by the political parties, forcing them to accept the will of the people in bringing systemic change ultimately in fielding candidates of integrity — Representation of the People Act, 1951 — Ss. 79(d), 2(d), 62 and 128 — Democracy — Role of NOTA

C. Constitution of India — Arts. 14, 19(1)(a), Preamble and Art. 368 —

Protection of secrecy of voter in elections — Arbitrary distinction between affording secrecy to voter who casts his vote, and, the voter who does not cast his vote (negative vote), held, violative of Art. 14 — Secrecy is required to be maintained for both categories of persons — Free and fair election is a basic feature of the Constitution and necessarily includes within its ambit the right of an elector to cast his vote without fear of reprisal, duress or coercion — Conduct of Elections Rules, 1961 — Rr. 41(2) & (3) and 49-O — Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) — Representation of the People Act, 1951 — Ss. 79(d), 2 (d), 62 and 128 — Democracy — Role of NOTA

Held :

Free and fair elections are a part of the basic structure of the Constitution and necessarily includes within its ambit the right of an elector to cast his vote without fear of reprisal, duress or coercion. Protection of elector's identity and affording secrecy is therefore integral to free and fair elections and an arbitrary distinction between the voter who casts his vote and the voter who does not cast his vote is violative of Article 14. Thus, secrecy is required to be maintained for both categories of persons.

(Para 56)

Democracy being the basic feature of our constitutional set-up, there can be no two opinions that free and fair elections would alone guarantee the growth of a healthy democracy in the country. The "fair" denotes equal opportunity to all people. Universal adult suffrage conferred on the citizens of India by the Constitution has made it possible for these millions of individual voters to go to the polls and thus participate in the governance of our country. For democracy to survive, it is essential that the best available persons should be chosen as people's representatives for proper governance of the country. This can be best achieved through persons of high moral and ethical values, who win the elections on a positive vote. Thus in a vibrant democracy, the voter must be given an opportunity to choose "None of the Above" (NOTA) button, which will indeed compel the political parties to nominate a sound candidate. No doubt, the right to vote is a statutory right but it is equally vital to recollect that this statutory right is the essence of democracy. Without this, democracy will fail to thrive. Therefore, even if the right to vote is statutory, the significance attached with the right is massive. Thus, it is necessary to keep in mind these facets while deciding the issue at hand. Democracy is all about choice. This choice can be better expressed by giving the voters an opportunity to verbalise themselves unreservedly and by imposing least restrictions on their ability to make such a choice. By providing NOTA button in the EVMs, it will accelerate the effective political participation in the present state of democratic system and the voters in fact will be empowered. In bringing out this right to cast negative vote at a time when electioneering is in full swing, it will foster the purity of the electoral process and also fulfil one of its objective, namely, wide

participation of people. The mechanism of negative voting, thus, serves a very fundamental and essential part of a vibrant democracy. Various countries have provided for neutral/protest/negative voting in their electoral systems.

(Paras 53 to 55 and 60)

Giving the right to a voter not to vote for any candidate while protecting his right of secrecy is extremely important in a democracy. Such an option gives the

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voter the right to express his disapproval with the kind of candidates that are being put up by the political parties. When the political parties will realise that a large number of people are expressing their disapproval with the candidates being put up by them, gradually there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates who are known for their integrity. The directions issued herein, especially to incorporate a NOTA button in EVMs can also be supported by the fact that in the existing system a dissatisfied voter ordinarily does not turn up for voting which in turn provides a chance to unscrupulous elements to impersonate the dissatisfied voter and cast a vote, be it a negative one. Furthermore, a provision of negative voting would be in the interest of promoting democracy as it would send clear signals to political parties and their candidates as to what the electorate thinks about them.

(Paras 57 and 58)

D. Election — Right to Vote/Suffrage and Voter's Rights — Extent of freedom — Right not to vote in secrecy — Availability of — Right to reject all candidates and exercise option to vote for "None of the Above" (NOTA) in secrecy, affirmed — Directions issued to Election Commission of India to make the NOTA option a practically feasible and viable option for voters — Provisions of law obstructing the NOTA option, held, ultra vires the Constitution and S. 128 of RP Act, 1951 — Representation of the People Act, 1951 — S. 128 — Constitution of India, Art. 19(1)(a)

E. Election — Conduct of Elections Rules, 1961 — Rr. 41(2) & (3) & R. 49-O and Rr. 39 and 49-M — Challenge to validity of Rr. 4(2) & (3) & R. 49-O on grounds of violating secrecy of voter, exercising "right not to vote" or "None of the Above" (NOTA) option required to be maintained under S. 128 of RP Act, 1951 and Rr. 39, 49-M of 1961 Rules — Directions issued for necessary provision in ballot papers and electronic voting machines (EVMs) to enable NOTA option and to keep exercise of such right secret

— Held, a positive "right not to vote" is a part of expression of a voter in a parliamentary democracy and has to be recognised and given effect to in the same manner as "right to vote" — One of the ways of such expression may be not to vote at all, which is not an ideal option for a conscientious and responsible citizen — Thus, the only way the right not to vote can be made

effectual is by providing a button in EVMs to express that right — Hence, Rr. 41(2), (3) and 49-O declared ultra vires S. 128 of the RP Act and Art. 19(1)(a) of the Constitution to the extent they violate secrecy of voting — Union of India directed to provide necessary help to Election Commission for implementation of such directions — Further, Election Commission directed to undertake awareness programmes to educate the masses regarding the same — Universal Declaration of Human Rights — Art. 21(3) — International Covenant on Civil and Political Rights, Art. 25(b)

F. Election — Conduct of Elections Rules, 1961 — Rr. 39, 41, 49-M and 49-O r/w Form 17-A — Record of voter who decides not to vote exercises option to reject all candidates and exercise option to vote for "None of the Above" (NOTA), to be maintained by Returning Officer which will disclose he has decided not to vote — Requirement of maintenance of such record, held,

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violative of Arts. 19(1)(a) and 14 of Constitution — Part of Rule 49-O r/w Form 17-A, which treats a voter who decides not to cast his vote differently and allows the secrecy to be violated, is arbitrary, unreasonable and violative of Art. 19(1)(a) of Constitution and also ultra vires Ss. 79(d) and 128 of the RP Act — Right to vote as well as right not to vote have been statutorily recognised under the RP Act and Rules — Whether a voter decides to cast his vote or decides not to cast his vote, in both cases, secrecy has to be maintained — Representation of the People Act, 1951 — Ss. 128 and 79(d) — Constitution of India — Art. 19(1)(a) — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) in secrecy, held, protected by fundamental right under Art. 19(1)(a)

G. Election — Conduct of Elections — Secrecy of voting — Secrecy principle, essential feature of free and fair elections, to yield only in case of conflict between secrecy and higher principle of free elections — Disclosure of elector's vote/identity who decides not to cast his vote, under R. 49-O of 1961 Rules in elections to Central and State Legislatures, held violates requirement of free and fair elections — Hence, struck down to that extent — Representation of the People Act, 1951 — Ss. 79(d) and 128 — Conduct of Elections Rules, 1961 — Rr. 41(2) and (3) and 49-O — Constitution of India, Arts. 19(1)(a), 21 and Preamble

The present writ petition under Article 32 of the Constitution of India was filed challenging the constitutional validity of Rules 41(2) and (3) and 49-O of the Conduct of Elections Rules, 1961 to the extent that these provisions violated the secrecy of voting which is fundamental to free and fair elections and is required to be maintained as per Section 128 of the Representation of the People Act, 1951 and Rules 39 and 49-M of the 1961 Rules. That though Rules 41(2) and (3) and 49-O of the 1961 Rules, recognise the right of a voter not to vote but still the secrecy

of his having not voted is not maintained in its implementation and thus the Impugned Rules, to the extent of such violation of the right to vote in secrecy, are not only ultra vires Sections 79(d) and 128 of the RP Act, 1951 but also violative of Articles 19(1)(a) and 21 of the Constitution of India besides International Covenants. In the above backdrop, the petitioners herein prayed for declaring Rules 41(2) and (3) and 49-O of the 1961 Rules ultra vires and unconstitutional and also prayed for a direction to the Election Commission of India, Respondent 2 herein, to provide necessary provision in the ballot papers as well as in the electronic voting machines (EVMs) for the protection of the right of not to vote in order to keep the exercise of such right a secret under the existing RP Act/the Rules or under Article 324 of the Constitution.

A two-Judge Bench of the Supreme Court in *People's Union for Civil Liberties*, (2009) 3 SCC 200, on an objection raised with regard to the maintainability of the writ petition on the ground that the right to vote is not a fundamental right but is a statutory right, after considering *Assn. for Democratic Reforms*, (2002) 5 SCC 294 and *People's Union for Civil Liberties*, (2003) 4 SCC 399, held that even though the judgment of the Constitution Bench in *Kuldip Nayar*, (2006) 7 SCC 1 did not overrule or discard the ratio laid down in the judgments mentioned above, however, it creates a doubt in this regard, and referred the matter to a larger Bench to arrive at a decision. Hence, these writ petitions were placed before this larger Bench.

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Allowing the writ petition and issuing the directions prayed for, the Supreme Court

Held :

The right to vote as well as the right not to vote have been statutorily recognised under Section 79(d) of the RP Act and Rules 41(2) and (3) and 49-O of the 1961 Rules respectively. Whether a voter decides to cast his vote or decides not to cast his vote, in both cases, secrecy has to be maintained. It cannot be said that if a voter decides to cast his vote, secrecy will be maintained under Section 128 of the RP Act read with Rules 39 and 49-M of the 1961 Rules and if in case a voter decides not to cast his vote, secrecy will not be maintained. Therefore, that part of Rule 49-O read with Form 17-A of the 1961 Rules, which treats a voter who decides not to cast his vote differently and allows the secrecy of voting to be violated, is arbitrary, unreasonable and violative of Article 19 of the Constitution and is also ultra vires Sections 79(d) and 128 of the RP Act.

(Paras 33, 34 and 39)

The secrecy principle is integral to free and fair elections which can be removed only when it can be shown that there is any conflict between secrecy and the

"higher principle" of free elections. The instant case concerns elections to the Central and State Legislatures that are undoubtedly "constituency based". No discernible public interest shall be served by disclosing the elector's vote or his identity when he decides not to cast his vote. Therefore, secrecy is an essential feature of the "free and fair elections" and Rule 49-O of the 1961 Rules undoubtedly violates that requirement.

(Para 37)

Kuldip Nayar v. Union of India, (2006) 7 SCC 1; *Lily Thomas v. Speaker, Lok Sabha*, (1993) 4 SCC 234, relied on

United Democratic Movement v. President of the Republic of South Africa, (2003) 1 SA 495; *R. v. Jones*, 1972 HCA 44 : (1972) 128 CLR 221 (Aust), referred to

A positive "right not to vote" is a part of the expression of a voter in a parliamentary democracy and it has to be recognised and given effect to in the same manner as the "right to vote". A voter may refrain from voting at an election for several reasons including the reason that he does not consider any of the candidates in the field worthy of his vote. One of the ways of such expression may be to abstain from voting, which is not an ideal option for a conscientious and responsible citizen. Thus, the only way by which it can be made effectual is by providing a button in the EVMs to express that right. This is the basic requirement if the lasting values in a healthy democracy have to be sustained, which the Election Commission has not only recognised but has also asserted.

(Para 39)

Thus, it is declared that Rules 41(2) and (3) and 49-O of the 1961 Rules are ultra vires Sections 79(d) and 128 of the RP Act and Article 19(1)(a) of the Constitution to the extent they violate secrecy of voting. Hence, the Election Commission is directed to provide a necessary provision in the ballot papers/EVMs and another button called "None of the Above" (NOTA) must be provided in EVMs so that voters who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote while maintaining their right of secrecy. Inasmuch as the Election Commission itself is in favour of the provision for NOTA in EVMs, the Election Commission is directed to implement the same either in a phased manner or at a time with the assistance of the Government of India. The Government of India is

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directed to provide necessary help for implementation of the above direction. Besides, the Election Commission is also directed to undertake awareness programmes to educate the masses on this issue.

(Para 63)

H. Constitution of India — Arts. 19(1)(a) & (2), 14, Preamble and Art. 32

— **Freedom of speech and expression — Elections, Right to vote and freedom of voting as a species of freedom of expression — Reiterated, right to vote is a statutory right — *Assn. for Democratic Reforms*, (2002) 5 SCC 294 and *People's Union for Civil Liberties*, (2003) 4 SCC 399 have not changed the legal position that right to vote is a statutory right — Both judgments have only added that the right to know the background of a candidate is part of the fundamental right of a voter under Art. 19(1)(a) so that he can take a rational decision of expressing himself while exercising the statutory right to vote — *Kuldip Nayar*, (2006) 7 SCC 1 does not at all overrule the abovereferred two decisions, rather only reaffirms what has already been said therein — Election — Right to Vote/Suffrage and Voter's Rights — Art. 141 — Interpretation of judgments of Supreme Court — Representation of the People Act, 1951, Ss. 79(d) and 128**

I. Constitution of India — Arts. 32 and 19(1)(a) — Writ petition challenging violation of right not to vote in secrecy by Rr. 41(2) & (3) and 49-O of Conduct of Elections Rules, 1961 — Held, such writ petition maintainable under Art. 32 as fundamental right under Art. 19(1)(a) read with the statutory right under S. 79(d) of the RP Act is violated unreasonably if right not to vote effectively is denied and secrecy principle is breached — Decision taken by a voter after verifying credentials of the candidate either to vote or not is a form of expression under Art. 19(1)(a) — Any violation of the said right gives the aggrieved person the right to approach the Supreme Court under Art. 32 — Representation of the People Act, 1951, Ss. 79(d) and 128

J. Constitution of India — Arts. 32, 13, 19(1)(a) and Pt. III — Concomitant right being part of the fundamental rights but main or central right not being a fundamental right, being only a statutory right — Breach of concomitant fundamental right, held, is a breach of fundamental rights and gives aggrieved person the right to approach the Supreme Court directly under Art. 32

K. Constitution of India — Arts. 32 and 226 — Direct recourse to Supreme Court — When warranted — Breach of fundamental rights alleged — Relegation to writ before High Court — When not called for — Issue of fundamental importance to whole country — Writ petition under Art. 32 already pending before Supreme Court for long time

Held :

A three-Judge Bench of the Supreme Court in *People's Union for Civil Liberties*, (2003) 4 SCC 399 held that though the right to vote is a statutory right but the decision taken by a voter after verifying the credentials of the candidate either to vote or not is part of his fundamental right to freedom of expression under Article 19(1)(a) of the Constitution. As a result, the judgments in *Assn. for Democratic Reforms*, (2002) 5 SCC 294, and *People's Union for Civil Liberties*, (2003) 4 SCC 399 have not disturbed the position that the right to vote is a statutory right. Both the judgments have only added that the right to know the

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background of a candidate is a fundamental right of a voter so that he can take a rational decision of expressing himself while exercising the statutory right to vote. *Kuldip Nayar*, (2006) 7 SCC 1 does not hold to the contrary.

(Paras 21 to 24)

After a careful perusal of the verdicts of the Supreme Court in *Kuldip Nayar* case, *Assn. for Democratic Reforms* case and *People's Union for Civil Liberties*, (2003) 4 SCC 399, it is clarified that *Kuldip Nayar* case does not overrule the other two decisions rather it only reaffirms what has already been said by the aforesaid two decisions. A fine distinction has been drawn between the right to vote and the freedom of voting as a species of freedom of expression. Thus, there is no contradiction as to the fact that the right to vote is neither a fundamental right nor a constitutional right but a pure and simple statutory right but the freedom of voting is a part of the freedom of expression. The same has been settled in a catena of cases and it is clearly not an issue in dispute in the present case.

(Para 25)

Union of India v. Assn. for Democratic Reforms, (2002) 5 SCC 294; *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399; *Kuldip Nayar v. Union of India*, (2006) 7 SCC 1, clarified and harmonised

The decision taken by a voter after verifying the credentials of the candidate either to vote or not is a form of the exercise of the freedom of expression protected under Article 19(1)(a) of the Constitution. The fundamental right under Article 19(1)(a) read with the statutory right under Section 79(d) of the RP Act is violated unreasonably if right not to vote effectively is denied and secrecy is breached. This is how Articles 14 and 19(1)(a) are required to be read for deciding the issue raised in this writ petition. The casting of the vote is a facet of the right to freedom of expression of an individual and the said right is protected under Article 19(1)(a) of the Constitution of India. Therefore, any violation of the said rights gives the aggrieved person the right to approach the Supreme Court under Article 32 of the Constitution of India.

(Para 28)

Union of India v. Assn. for Democratic Reforms, (2002) 5 SCC 294; *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399, followed

Apart from the above, it would not be justified to ask the petitioners to approach the High Court to vindicate their grievance by way of a writ petition under Article 226 of the Constitution of India at this juncture. Considering the reliefs prayed for which relate to the right of a voter and which are applicable to all eligible voters, it would not be appropriate to direct the petitioners to go to each and every High Court and seek appropriate relief. Accordingly, apart from the conclusion on

the legal issue, in view of the fact that the writ petition has been pending before the Supreme Court for the last more than nine years, it would not be proper to reject the same on the grounds pleaded. Hence, the said contention is rejected and it is held that the Supreme Court is competent to hear the issues raised in this writ petition filed under Article 32 of the Constitution.

(Para 29)

Union of India v. Assn. for Democratic Reforms, (2002) 5 SCC 294; *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399; *People's Union for Civil Liberties v. Union of India*, (2009) 3 SCC 200; *Kuldip Nayar v. Union of India*, (2006) 7 SCC 1, followed

Jyoti Basu v. Debi Ghosal, (1982) 1 SCC 691; *N.P. Ponnuswami v. Returning Officer*, (1952) 1 SCC 94 : AIR 1952 SC 64 : 1952 SCR 218; *Jamuna Prasad Mukhariya v. Lachhi Ram*, AIR 1954 SC 686 : (1955) 1 SCR 608; *University of Delhi v. Anand Vardhan Chandal*, (2000) 10 SCC 648; *K. Krishna Murthy v. Union of India*, (2010) 7 SCC 202 : (2010) 2 SCC (L&S) 385; *K.K. Kochunni v. State of Madras*, AIR 1959 SC 725 : 1959 Supp (2) SCR 316; *Daryao v. State of U.P.*, AIR 1961 SC 1457 : (1962) 1 SCR 574, referred to

L. Election — Conduct of Elections — Secrecy of voting — Object of — Necessity in democratic systems of government where direct elections are involved — Maintenance of secrecy necessary so that a voter casts his vote without any fear of being victimised if his vote is disclosed — Secrecy of voting is duly recognised under Ss. 79(d) and 128 of the RP Act, 1951 and Conduct of Elections Rules, 1961 — Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, also recognise the right of secrecy — Representation of the People Act, 1951 — Ss. 79(d) and 128 — Conduct of Elections Rules, 1961 — Rr. 39, 41, 49-M and 49-O — Constitution of India, Preamble and Arts. 19(1)(a), 14 and 21

(Paras 30 to 32)

Kuldip Nayar v. Union of India, (2006) 7 SCC 1; *S. Raghubir Singh Gill v. S. Gurcharan Singh Tohra*, 1980 Supp SCC 53, relied on

United Democratic Movement v. President of the Republic of South Africa, (2003) 1 SA 495; *R. v. Jones*, 1972 HCA 44 : (1972) 128 CLR 221 (Aust), cited

M. Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) — Concept of negative vote — Implementation and advantages of — Recommendations regarding, in 170th Report of Law Commission of India considered — Hence, in order to protect "right not to vote" viz. the secrecy of a voter who decides not to cast his vote i.e. exercises NOTA option and to avoid any discrimination, Supreme Court directing Election Commission to provide NOTA button in the EVMs — Representation of the People Act, 1951 — Ss. 79(d) and 128 — Conduct of Elections Rules, 1961 — Rr. 39, 41, 49-M and 49-O — Law Commission

Reports

(Paras 40 to 48)

Indira Nehru Gandhi v. Raj Narain, 1975 Supp SCC 1; *Mohinder Singh Gill v. Chief Election Commr.*, (1978) 1 SCC 405; *Kihoto Hollohan v. Zachillhu*, 1992 Supp (2) SCC 651, *relied on*

N. Constitution of India — Arts. 19(1)(a), 14 and Preamble — Freedom of speech and expression — Negative voting (NOTA) — Role in increasing voter participation in democratic process — Lesser voter participation is the rejection of commitment to democracy whereas larger participation is better for democracy — Voters' participation in an election is participation in democracy itself — Held, if introducing a NOTA button in EVMs can increase the participation in democracy then, nothing should stop it — Directed accordingly — Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) — Representation of the People Act, 1951 — Ss. 79 (d), 2(d), 62 and 128 — Democracy — Role of NOTA

O. Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) — Availability of — Contention that elections are only a means of choice between various candidates to fill a seat by positive voting and there is no concept of negative voting under the RP Act and as it has no legal consequence there is no motivation for voters to travel to the polling

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booth and reject all the candidates by exercising NOTA option, rejected — Held, essence of the electoral system should be to ensure freedom of voters to exercise their free choice — Art. 19 of the Constitution guarantees all individuals the right to speak, criticise, and disagree on a particular issue — Not allowing a person to cast their vote negatively defeats the freedom of expression and the right ensured in Art. 21 of the Constitution as well i.e. the right to liberty — Constitution of India — Arts. 19, 14, 21 and Preamble — Representation of the People Act, 1951 — Ss. 79 (d), 2(d), 62 and 128 — Democracy — Role of NOTA

It was contended by the Union of India that Section 62 of the RP Act, 1951 enables a person to cast a vote and it has no scope for negative voting. It was also pointed out that elections are conducted to fill a seat by electing a person by a positive voting in his favour and there is no concept of negative voting under the RP Act. Accordingly, the RP Act does not envisage that a voter has any right to cast a negative vote if he does not like any of the candidates. Referring to Section 2(d) of the RP Act, it was asserted that election is only a means of choice or election between various candidates to fill a seat. Finally, it was said that negative voting (NOTA) has no legal consequence and there shall be no motivation for the voters to

travel to the polling booth and reject all the candidates, which would have the same effect of not going to the polling station at all.

Categorically rejecting these contentions, the Supreme Court

Held :

The election is a mechanism which ultimately represents the will of the people. The essence of the electoral system should be to ensure freedom of voters to exercise their free choice. Article 19 of the Constitution guarantees all individuals the right to speak, criticise, and disagree on a particular issue. It stands on the spirit of tolerance and allows people to have diverse views, ideas and ideologies. Not allowing a person to cast vote negatively defeats the very freedom of expression and the right ensured in Article 21 of the Constitution i.e. the right to liberty.

(Paras 49 to 51)

Eventually, voters' participation explains the strength of the democracy. Lesser voter participation is the rejection of commitment to democracy slowly but definitely whereas larger participation is better for the democracy. But, there is no yardstick to determine what the correct and right voter participation is. If introducing a NOTA button can increase the participation of democracy then nothing should stop the same. The voters' participation in the election is indeed the participation in the democracy itself. Non-participation causes frustration and disinterest, which is not a healthy sign of a growing democracy like India.

(Para 52)

P. Election — Conduct of Elections — Manner of voting — NOTA button on Electronic Voting Machines — Compared to option given to members of Parliament to press the abstain button in voting machines in Parliament, which have three buttons, for AYES, NOES and ABSTAIN — Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA) — Representation of the People Act, 1951 — Ss. 79(d), 2(d), 62 and 128 — Democracy — Role of NOTA

(Para 59)

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Q. Constitution of India — Arts. 324 and 326 — Election Commission — Implementation of NOTA button — Making provision for negative or neutral vote in existing EVMs — Mechanism of implementation of, explained — Election Commission submitting that provision for NOTA button in the existing electronic voting machines (EVMs) not requiring any additional cost or administrative effort or change in design or technology of the existing machines — Additional panel on the balloting unit after the last panel

containing the name and election symbol of the last contesting candidate can be utilised as the NOTA button — Hence, held, implementation of the NOTA button will not require much effort except for allotting the last panel in the EVM for the same — Election — Right to Vote/Suffrage and Voter's Rights — Right not to vote i.e. to reject all candidates and exercise option to vote for "None of the Above" (NOTA)

(Paras 61 and 62)

B-D/52466/CVRL

Advocates who appeared in this case:

P.P. Malhotra, Additional Solicitor General, Rajinder Sachhar, Senior Advocate (Ms Bushra Parveen, Ms Mamta Saxena, A.N. Singh, Sanjay Parikh, S. Wasim A. Qadri, Yasir Rauf, Ms Sushma Suri, B.V. Balaram Das, D.S. Mahra, Ms Meenakshi Arora, S.K. Mendiratta, Vasav Anantharamay, Ms Kamini Jaiswal, Raghenath Basant, Arjun Singh Bhati, Hardeep Singh and Ms Liz Mathew, Advocates), for the appearing parties.

Chronological list of cases cited

on page(s)

1. (2010) 7 SCC 202 : (2010) 2 SCC (L&S) 385, *K. Krishna Murthy v. Union of India* 19f
2. (2009) 3 SCC 200, *People's Union for Civil Liberties v. Union of India* 11e-f, 16e
3. (2006) 7 SCC 1, *Kuldip Nayar v. Union of India* 11e-f, 12e-f, 16e, 16f, 16f-g, 16g, 18e-f, 18f-g, 18g, 19a, 19a-b, 19b, 19d, 19f, 20c-d, 20f-g, 23e-f, 23g-h
4. (2003) 4 SCC 399, *People's Union for Civil Liberties v. Union of India* 11e-f, 12f, 16e, 16f-g, 16g-h, 17a, 17d-e, 17g-h, 18a-b, 18b-c, 18d-e, 18g, 19a, 19b, 19c, 19d-e, 20b-c
5. (2003) 1 SA 495, *United Democratic Movement v. President of the Republic of South Africa* 21e, 23g
6. (2002) 5 SCC 294, *Union of India v. Assn. for* 11e, 12f, 16e, 16f-g, 16g-

Democratic Reforms

h, 17g-h, 18g, 19d, 20b

-c

7. (2000) 10 SCC 648, *University of Delhi v. Anand Vardhan Chandal* 19f
8. (1993) 4 SCC 234, *Lily Thomas v. Speaker, Lok Sabha* 24b
9. 1992 Supp (2) SCC 651, *Kihoto Hollohan v. Zachillhu* 26g
10. (1982) 1 SCC 691, *Jyoti Basu v. Debi Ghosal* 17a-b, 18f-g
11. 1980 Supp SCC 53, *S. Raghubir Singh Gill v. S. Gurcharan Singh Tohra* 22b-c, 23c-d, 23g
12. (1978) 1 SCC 405, *Mohinder Singh Gill v. Chief Election Commr.* 26g
13. 1975 Supp SCC 1, *Indira Nehru Gandhi v. Raj Narain* 26e-f
14. 1972 HCA 44 : (1972) 128 CLR 221 (Aust), *R. v. Jones* 21g-h, 23g
15. AIR 1961 SC 1457 : (1962) 1 SCR 574, *Daryao v. State of U.P.* 20a
16. AIR 1959 SC 725 : 1959 Supp (2) SCR 316, *K.K. Kochunni v. State of Madras* 19f-g
17. AIR 1954 SC 686 : (1955) 1 SCR 608, *Jamuna Prasad Mukhariya v. Lachhi Ram* 19f
18. (1952) 1 SCC 94 : AIR 1952 SC 64 : 1952 SCR 218, *N.P. Ponnuswami v. Returning Officer* 19f

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The Judgment of the Court was delivered by

P. SATHASIVAM, C.J.— The present writ petition, under Article 32 of the Constitution of India, has been filed by the petitioners herein challenging the constitutional validity of Rules 41(2) and (3) and 49-O of the Conduct of Elections Rules, 1961 (in short "the Rules") to the extent that these provisions violate the secrecy of voting which is fundamental to the free and fair elections and is required to be maintained as per Section 128 of the Representation of the People Act, 1951 (in short "the RP Act") and Rules 39 and 49-M of the Rules.

2. The petitioners herein have preferred this petition for the issuance of a writ or direction(s) of like nature on the ground that though the abovesaid rules viz. Rules 41(2) and (3) and 49-O, recognise the right of a voter not to vote but still the secrecy of his having not voted is not maintained in its implementation and thus the impugned rules, to the extent of such violation of the right to secrecy, are not only ultra vires to the said Rules but also violative of Articles 19(1)(a) and 21 of the Constitution of India besides international covenants. In the above backdrop, the petitioners herein prayed for declaring Rules 41(2) and (3) and 49-O of the Rules ultra vires and unconstitutional and also prayed for a direction to the Election Commission of India, Respondent 2 herein, to provide necessary provision in the ballot papers as well as in the electronic voting machines for the protection of the right of not to vote in order to keep the exercise of such right a secret under the existing RP Act/the Rules or under Article 324 of the Constitution.

3. On 23-2-2009 a Division Bench of this Court, on an objection with regard to maintainability of the writ petition on the ground that right to vote is not a fundamental right but is a statutory right, after considering *Union of India v. Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties v. Union of India*² held³ that even though the judgment in *Kuldip Nayar v. Union of India*⁴ did not overrule or discard the ratio laid down in the judgments mentioned above, however, it creates a doubt in this regard, and referred the matter to a larger Bench to arrive at a decision.

4. One Centre for Consumer Education and Association for Democratic Reforms has filed applications for impleadment in this writ petition. Impleadment applications are allowed.

5. Heard Mr Rajinder Sachhar, learned Senior Counsel for the

petitioners; Mr P.P. Malhotra, learned Additional Solicitor General for the Union of India, Respondent 1 herein; Ms Meenakshi Arora, learned counsel for the Election Commission of India, Respondent 2 herein; Ms Kamini Jaiswal and Mr Raghenh Basant, learned counsel for the impleading parties.

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Contentions

6. Mr Rajinder Sachhar, learned Senior Counsel for the petitioners, by taking us through various provisions, particularly, Section 128 of the RP Act as well as Rules 39, 41, 49-M and 49-O of the Rules submitted that in terms of Rule 41(2) of the Rules, an elector has a right not to vote but still the secrecy of his having not voted is not maintained under Rules 41(2) and (3) thereof. He further pointed out that similarly according to Rule 49-O of the Rules, the right of a voter who decides not to vote has been accepted but the secrecy is not maintained. According to him, in case an elector decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark. Hence, if a voter decides not to vote, his record will be maintained by the Presiding Officer which will thereby disclose that he has decided not to vote.

7. The main substance of the arguments of the learned Senior Counsel for the petitioners is that though the right not to vote is recognised by Rules 41 and 49-O of the Rules and is also a part of the freedom of expression of a voter, if a voter chooses to exercise the said right, it has to be kept secret. The learned Senior Counsel further submitted that both the above provisions, to the extent of such violation of the secrecy clause are not only ultra vires but also contrary to Section 128 of the RP Act, Rules 39 and 49-M of the Rules as well as Articles 19(1)(a) and 21 of the Constitution.

8. On the other hand, Mr P.P. Malhotra, learned Additional Solicitor General appearing for the Union of India submitted that the right to vote is neither a fundamental right nor a constitutional right nor a common law right but is a pure and simple statutory right. He asserted that neither the RP Act nor the Constitution of India declares the right to vote as anything more than a statutory right and hence the present writ petition is not maintainable. He further pointed out that in view of the decision of the Constitution Bench in *Kuldip Nayar*⁴, the reference

for deciding the same by a larger Bench was unnecessary. He further pointed out that in view of the above decision, the earlier two decisions of this Court viz. *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*², stood impliedly overruled, hence, on this ground also reference to a larger Bench was not required.

9. The learned Additional Solicitor General further pointed out that though the power of the Election Commission under Article 324 of the Constitution is wide enough, but still the same can, in no manner, be construed as to cover those areas, which are already covered by the statutory provisions. He further pointed out that even from the existing provisions, it is clear that secrecy of ballot is a principle which has been formulated to ensure that in no case it shall be known to the candidates or their representatives that in whose favour a particular voter has voted so that he can exercise his right to vote freely and fearlessly. He also pointed out that the right of secrecy has

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been extended to only those voters who have exercised their right to vote and the same, in no manner, can be extended to those who have not voted at all. Finally, he submitted that since Section 2(d) of the RP Act specifically defines "election" to mean an election to fill a seat, it cannot be construed as an election not to fill a seat.

10. Ms Meenakshi Arora, learned counsel appearing for the Election Commission of India, Respondent 2 herein, by pointing out various provisions both from the RP Act and the Rules submitted that inasmuch as secrecy is an essential feature of "free and fair elections", Rules 41 (2) and (3) and 49-O of the Rules violate the requirement of secrecy.

11. Ms Kamini Jaiswal and Mr Raghenth Basant, learned counsel appearing for the impleading parties, while agreeing with the stand of the petitioners as well as the Election Commission of India, prayed that necessary directions may be issued for providing another button viz. "None of the Above (NOTA)" in the electronic voting machines (EVMs) so that the voters who come to the polling booth and decide not to vote for any of the candidates, are able to exercise their right not to vote while maintaining their right of secrecy.

12. We have carefully considered the rival submissions and perused the relevant provisions of the RP Act and the Rules.

Discussion

13. In order to answer the above contentions, it is vital to refer to the relevant provisions of the RP Act and the Rules. Sections 79(d) and

128 of the RP Act read as under:

"79. (d) 'electoral right' means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election.

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128. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy:

Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with Imprisonment for a term which may extend to three months or with fine or with both."

14. Rules 39(1), 41, 49-M and 49-O of the Rules read as under:

"39. Maintenance of secrecy of voting by electors within polling station and voting procedure.—(1) Every elector to whom a ballot paper has been issued under Rule 38 or under any other provision of these Rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

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41. Spoilt and returned ballot papers.—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked 'Spoilt: cancelled' by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as 'Returned: cancelled' by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

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49-M. Maintenance of secrecy of voting by electors within the polling station and voting procedures.—(1) Every elector who has been permitted to vote under Rule 49-L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the polling officer in charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit; for recording of elector's vote.

(3) The elector shall thereafter forthwith—

(a) proceed to the voting compartment;

(b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(c) come out of the voting compartment and leave the polling station.

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under Rule 49-L or Rule 49-P refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3) of the said Rules, the Presiding Officer or a polling officer under the direction of the Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 17-A by the Presiding Officer under his signature.

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49-O. Elector deciding not to vote.—If an elector, after his electoral roll number has been duly entered in the register of voters in Form 17-A and has put his signature or thumb impression thereon as required under sub-rule (1) of Rule 49-L decided not to record his vote, a remark to this effect shall be made against the said entry in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark."

15. Apart from the above provisions, it is also relevant to refer to Article 21(3) of the Universal Declaration of Human Rights and Article 25(b) of the International Covenant on Civil and Political Rights, which read as under:

"21. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

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"25. Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

(a)

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(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;"

16. Articles 19(1)(a) and 21 of the Constitution, which are also pertinent for this matter, are as under:

"19. **Protection of certain rights regarding freedom of speech, etc.**—(1) All citizens shall have the right—

(a) to freedom of speech and expression;

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21. **Protection of life and personal liberty.**—No person shall be deprived of his life or personal liberty except according to procedure established by law."

17. From the above provisions, it is clear that in case an elector decides not to record his vote, a remark to this effect shall be made in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark. Form 17-A reads as under:

"FORM 17-A

(See Rule 49-L)

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.....

Sl. No.	Sl. no. of elector in the electoral	Details of the document produced by the	Signature/Thumb impression of the elector	Remarks

	roll	elector in proof of his/her identification		
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				

etc.

Signature of the Presiding Officer"

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18. Before elaborating the contentions relating to the above provisions with reference to the secrecy of voting, let us first consider the issue of maintainability of the writ petition as raised by the Union of India. In the present writ petition, which is of the year 2004, the petitioners have prayed for the following reliefs:

"(i) declaring that Rules 41(2) and (3) and 49-O of the Conduct of Elections Rules, 1961 are ultra vires and unconstitutional to the extent they violate secrecy of vote;

(ii) direct the Election Commission under the existing Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961 and/or under Article 324 to provide necessary provision in the ballot papers and the voting machines for protection of right not to vote and to keep the exercise of such right secret;"

19. It is relevant to point out that initially the present writ petition came up for hearing before a Bench of two Judges. During the course of hearing, an objection was raised with regard to the maintainability of the writ petition under Article 32 on the ground that the right claimed by the petitioners is not a fundamental right as enshrined in Part III of the Constitution. It is the categorical objection of the Union of India that inasmuch as the writ petition under Article 32 would lie to this Court only for the violation of the fundamental rights and since the right to vote is not a fundamental right, the present writ petition under Article 32 is not maintainable. It is the specific stand of the Union of India that right to vote is not a fundamental right but merely a statutory right. It is further pointed out that this Court in paras 40 and 41 of the referral order dated 23-2-2009 reported in *People's Union for*

*Civil Liberties v. Union of India*³, observed that since in *Kuldip Nayar*⁴ the judgments of this Court in *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*² have not been specifically overruled which tend to create a doubt whether the right to vote is a fundamental right or not and referred the same to a larger Bench stating that the issue requires clarity. In view of the reference, we have to decide:

19.1. Whether there is any doubt or confusion with regard to the right of a voter in *Kuldip Nayar*⁴;

19.2. Whether earlier two judgments viz. *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*² referred to by the Constitution Bench in *Kuldip Nayar*⁴ stand impliedly overruled.

20. Though Mr Malhotra relied on a large number of decisions, we are of the view that there is no need to refer to those decisions except a reference to the decision of this Court in *Kuldip Nayar*⁴, *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*².

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21. A three-Judge Bench of this Court comprising M.B. Shah, P. Venkatarama Reddi and D.M. Dharmadhikari, JJ. expressed separate but concurring opinions in *People's Union for Civil Liberties*². In para 97, Reddi, J. made an observation as to the right to vote being a constitutional right if not a fundamental right which reads as under: (SCC p. 460)

"97. In *Jyoti Basu v. Debi Ghosal*⁵ this Court again pointed out in no uncertain terms that: (SCC p. 696, para 8)

'8. A right to elect, fundamental though it is to democracy, is, anomalously enough, neither a fundamental right nor a common law right. It is pure and simple, a statutory right.'

With great reverence to the eminent Judges, I would like to clarify that the right to vote, if not a fundamental right, is certainly a constitutional right. The right originates from the Constitution and in accordance with the constitutional mandate contained in Article 326, the right has been shaped by the statute, namely, the RP Act. That, in my understanding, is the correct legal position as regards the nature of the right to vote in elections to the House of the People and Legislative Assemblies. It is not very accurate to describe it as a statutory right, pure and simple. Even with this clarification, the argument of the learned Solicitor General that the right to vote not being a fundamental right, the Information which at best

facilitates meaningful exercise of that right cannot be read as an integral part of any fundamental right, remains to be squarely met."

Similarly, in para 123, Point 2 Reddi, J. held as under: (*People's Union for Civil Liberties case*², SCC p. 474)

"(2) The right to vote at the elections to the House of the People or Legislative Assembly is a constitutional right but not merely a statutory right; freedom of voting as distinct from right to vote is a facet of the fundamental right enshrined in Article 19(1)(a). The casting of vote in favour of one or the other candidate marks the accomplishment of freedom of expression of the voter."

Except the above two paragraphs, this aspect has nowhere been discussed or elaborated wherein all the three Judges, in their separate but concurring judgments, have taken the pains to specifically distinguish between the right to vote and freedom of voting as a species of freedom of expression. In succinct, the ratio of the judgment was that though the right to vote is a statutory right but the decision taken by a voter after verifying the credentials of the candidate either to vote or not is his right of expression under Article 19(1)(a) of the Constitution.

22. As a result, the judgments in *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*² have not disturbed the position that right to vote is a statutory right. Both the judgments have only added that the right

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to know the background of a candidate is a fundamental right of a voter so that he can take a rational decision of expressing himself while exercising the statutory right to vote.

23. In *People's Union for Civil Liberties*² Shah, J. in para 78(D), held as under: (SCC p. 453)

"... However, voters' fundamental right to know the antecedents of a candidate is independent of statutory rights under the election law. A voter is first citizen of this country and apart from statutory rights, he is having fundamental rights conferred by the Constitution."

P. Venkatarama Reddi, J. in para 97 held as under: (*People's Union for Civil Liberties case*², SCC pp. 460-61)

"97. ... Though the initial right cannot be placed on the pedestal of a fundamental right, but, at the stage when the voter goes to the polling booth and casts his vote, his freedom to express arises. The

casting of vote in favour of one or the other candidate tantamounts to expression of his opinion and preference and that final stage in the exercise of voting right marks the accomplishment of freedom of expression of the voter. That is where Article 19(1)(a) is attracted. Freedom of voting as distinct from right to vote is thus a species of freedom of expression and therefore carries with it the auxiliary and complementary rights such as right to secure information about the candidate which are conducive to the freedom."

Dharmadhikari, J. in para 127 held as under: (*People's Union for Civil Liberties case*², SCC p. 476)

"127. ... This freedom of a citizen to participate and choose a candidate at an election is distinct from exercise of his right as a voter which is to be regulated by statutory law on the election like the RP Act."

24. In view of the above, para 362 in *Kuldip Nayar*⁴ does not hold to the contrary, which reads as under: (SCC p. 121)

"362. We do not agree with the above submission. It is clear that a fine distinction was drawn between the right to vote and the freedom of voting as a species of freedom of expression, while reiterating the view in *Jyoti Basu v. Debi Ghosal*⁵ that a right to elect, fundamental though it is to democracy, is neither a fundamental right nor a common law right, but pure and simple, a statutory right."

25. After a careful perusal of the verdicts of this Court in *Kuldip Nayar*⁴, *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*², we are of the considered view that *Kuldip Nayar*⁴ does not overrule the other two decisions rather it only reaffirms what has already been said by the aforesaid two decisions. The said paragraphs recognise that right to vote is a statutory



right and also in *People's Union for Civil Liberties*² it was held that "a fine distinction was drawn between the right to vote and the freedom of voting as a species of freedom of expression". Therefore, it cannot be said that *Kuldip Nayar*⁴ has observed anything to the contrary. In view of the whole debate of whether these two decisions were overruled or discarded because of the opening line in para 362 of *Kuldip Nayar*⁴ i.e. "We do not agree with the above submissions" we are of the opinion that this line must be read as a whole and not in isolation. The

contention of the petitioners in *Kuldip Nayar*⁴ was that majority view in *People's Union for Civil Liberties*² held that right to vote is a constitutional right besides that it is also a facet of the fundamental right under Article 19(1)(a) of the Constitution. It is this contention on which the Constitution Bench did not agree too in the opening line in para 362 and thereafter went on to clarify that in fact in *People's Union for Civil Liberties*², a fine distinction was drawn between the right to vote and the freedom of voting as a species of freedom of expression. Thus, there is no contradiction as to the fact that right to vote is neither a fundamental right nor a constitutional right but a pure and simple statutory right. The same has been settled in a catena of cases and it is clearly not an issue in dispute in the present case. With the above observation, we hold that there is no doubt or confusion persisting in the Constitution Bench judgment of this Court in *Kuldip Nayar*⁴ and the decisions in *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*² do not stand impliedly overruled.

Whether the present writ petition under Article 32 is maintainable

26. In the earlier part of our judgment, we have quoted the reliefs prayed for by the petitioners in the writ petition. Mr Malhotra, learned Additional Solicitor General, by citing various decisions submitted that since the right to vote is not a fundamental right but is merely a statutory right, hence, the present writ petition under Article 32 is not maintainable and is liable to be dismissed. He referred to the following decisions of this Court in *N.P. Ponnuswami v. Returning Officer*⁶, *Jamuna Prasad Mukhariya v. Lachhi Ram*⁷, *University of Delhi v. Anand Vardhan Chandal*⁸, *Kuldip Nayar*⁴ and *K. Krishna Murthy v. Union of India*⁹, wherein it has been held that the right to vote is not a fundamental right but is merely a statutory right.

27. In *K.K. Kochunni v. State of Madras*¹⁰ this Court held that the right to move before this Court under Article 32, when a fundamental right has been breached, is a substantive fundamental right by itself. In a series of cases, this

Court has held that it is the duty of this Court to enforce the guaranteed fundamental rights. (*Vide Daryao v. State of U.P.*¹¹)

28. The decision taken by a voter after verifying the credentials of the candidate either to vote or not is a form of expression under Article 19(1)(a) of the Constitution. The fundamental right under Article 19(1)(a) read with the statutory right under Section 79(d) of the RP Act is violated unreasonably if right not to vote effectively is denied and secrecy is breached. This is how Articles 14 and 19(1)(a) are required to be read for deciding the issue raised in this writ petition. The casting of the vote is a facet of the right of expression of an individual and the said right is provided under Article 19(1)(a) of the Constitution of India (vide *Assn. for Democratic Reforms*¹ and *People's Union for Civil Liberties*²). Therefore, any violation of the said rights gives the aggrieved person the right to approach this Court under Article 32 of the Constitution of India. In view of the abovesaid decisions as well as the observations of the Constitution Bench in *Kuldip Nayar*⁴, a prima facie case exists for the exercise of jurisdiction of this Court under Article 32.

29. Apart from the above, we would not be justified in asking the petitioners to approach the High Court to vindicate their grievance by way of a writ petition under Article 226 of the Constitution of India at this juncture. Considering the reliefs prayed for which relate to the right of a voter and applicable to all eligible voters, it may not be appropriate to direct the petitioners to go to each and every High Court and seek appropriate relief. Accordingly, apart from our conclusion on the legal issue, in view of the fact that the writ petition is pending before this Court for the last more than nine years, it may not be proper to reject the same on the ground, as pleaded by the learned ASG. For the reasons mentioned above, we reject the said contention and hold that this Court is competent to hear the issues raised in this writ petition filed under Article 32 of the Constitution.

Discussion about the relief prayed for in the writ petition

30. We have already quoted the relevant provisions, particularly, Section 128 of the RP Act and Rules 39, 41, 49-M and 49-O of the Rules. It is clear from the above provisions that secrecy of casting vote is duly recognised and is necessary for strengthening democracy. We are of the opinion that paras 441, 442 and 452 to 454 of the decision of the Constitution Bench in *Kuldip Nayar*⁴ are relevant for this purpose which are extracted hereinbelow: (SCC pp. 143, 153-54 & 157)

"441. Voting at elections to the Council of States cannot be compared with a general election. In a general election, the electors have to vote in a secret manner without fear that their votes would be disclosed to

anyone or would result in victimisation. There is no party affiliation and hence the choice is entirely with the voter. This is not the case when elections are held to the Council of States as the electors are elected Members of the Legislative Assemblies who in turn have party affiliations.

442. The electoral systems world over contemplate variations. No one yardstick can be applied to an electoral system. The question whether election is direct or indirect and for which House members are to be chosen is a relevant aspect. All over the world in democracies, Members of the House of Representatives are chosen directly by popular vote. Secrecy there is a must and insisted upon; in representative democracy, particularly to the Upper Chamber, indirect means of election adopted on party lines is well-accepted practice.

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452. Parliamentary democracy and multi-party system are an inherent part of the basic structure of the Indian Constitution. It is the political parties that set up candidates at an election who are predominantly elected as Members of the State Legislatures. The context in which general elections are held, secrecy of the vote is necessary in order to maintain the purity of the electoral system. Every voter has a right to vote in a free and fair manner and not disclose to any person how he has voted. But here we are concerned with a voter who is elected on the ticket of a political party. In this view, the context entirely changes.

453. That the concept of 'constituency-based representation' is different from 'proportional representation' has been eloquently brought out in *United Democratic Movement v. President of the Republic of South Africa*¹² where the question before the Supreme Court was: whether 'floor crossing' was fundamental to the Constitution of South Africa. In this judgment *the concept of proportional representation vis-à-vis constituency-based representation is highlighted....*

454. The distinguishing feature between 'constituency-based representation' and 'proportional representation' in a representative democracy is that in the case of the list system of proportional representation, members are elected on party lines. *They are subject to party discipline. They are liable to be expelled for breach of discipline.* Therefore, to give effect to the concept of proportional representation, Parliament can suggest 'open ballot'. *In such a case,*

it cannot be said that 'free and fair elections' would stand defeated by 'open ballot'. As stated above, in a constituency-based election it is the people who vote whereas in proportional representation it is the elector who votes. This distinction is indicated also in the Australian judgment in R. v. Jones¹³. "In constituency-based representation, 'secrecy' is the basis" whereas in

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the case of proportional representation in a representative democracy the basis can be 'open ballot' and it would not violate the concept of 'free and fair elections', which concept is one of the pillars of democracy."

(emphasis in original)

The above discussion in the cited paragraphs makes it clear that in direct elections to the Lok Sabha or State Legislatures, maintenance of secrecy is a must and is insisted upon all over the world in democracies where direct elections are involved to ensure that a voter casts his vote without any fear of being victimised if his vote is disclosed.

31. After referring to Section 128 of the RP Act and Rule 39 of the Rules, this Court in *S. Ragbir Singh Gill v. S. Gurcharan Singh Tohra*¹⁴ held as under: (SCC p. 65, para 14)

"14. ... Secrecy of ballot can be appropriately styled as a postulate of constitutional democracy. It enshrines a vital principle of parliamentary Institutions set up under the Constitution. It subserves a very vital public interest in that an elector or a voter should be absolutely free in exercise of his franchise untrammelled by any constraint which includes constraint as to the disclosure. A remote or distinct possibility that at some point a voter may under a compulsion of law be forced to disclose for whom he has voted would act as a positive constraint and check on his freedom to exercise his franchise in the manner he freely chooses to exercise. Therefore, it can be said with confidence that this postulate of constitutional democracy rests on public policy."

32. In the earlier part of this judgment, we have referred to Article 21(3) of the Universal Declaration of Human Rights and Article 25(b) of the International Covenant on Civil and Political Rights, which also recognise the right of secrecy.

33. With regard to the first prayer of the petitioners viz. extension of principle of secrecy of ballot to those voters who decide not to vote, Mr Malhotra, learned ASG, submitted that the principle of secrecy of ballot

is extended only to those voters who have cast their votes in favour of one or the other candidates, but the same, in no manner, can be read as extended to even those voters who have not voted in the election. He further pointed out that the principle of secrecy of ballot presupposes validly cast vote and the object of secrecy is to assure a voter to allow him to cast his vote without any fear and in no manner it will be disclosed that in whose favour he has voted or he will not be compelled to disclose in whose favour he voted. The pith and substance of his argument is that secrecy of ballot is a principle which has been formulated to ensure a voter (who has exercised his right to vote) that in no case it shall be known to the candidates or their representatives that in whose favour a particular voter has voted so that he can exercise his right to vote freely and fearlessly. The stand of the Union of India as projected by the learned ASG is that the principle of secrecy of ballot is extended only to

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those voters who have cast their vote and the same in no manner can be extended to those who have not voted at all.

34. Right to vote as well as right not to vote have been statutorily recognised under Section 79(d) of the RP Act and Rules 41(2) and (3) and 49-O of the Rules respectively. Whether a voter decides to cast his vote or decides not to cast his vote, in both cases, secrecy has to be maintained. It cannot be said that if a voter decides to cast his vote, secrecy will be maintained under Section 128 of the RP Act read with Rules 39 and 49-M of the Rules and if in case a voter decides not to cast his vote, secrecy will not be maintained. Therefore, a part of Rule 49-O read with Form 17-A, which treats a voter who decides not to cast his vote differently and allows the secrecy to be violated, is arbitrary, unreasonable and violative of Article 19 and is also ultra vires Sections 79(d) and 128 of the RP Act.

35. As regards the question as to whether the right of expression under Article 19 stands infringed when secrecy of the poll is not maintained, it is useful to refer *S. Raghubir Singh Gill*¹⁴ wherein this Court deliberated on the interpretation of Section 94 of the RP Act which mandates that no elector can be compelled as a witness to disclose his vote. In that case, this Court found that the "secrecy of ballots constitutes a postulate of constitutional democracy... A remote or distinct possibility that the voter at some point of time may under a compulsion of law be forced to disclose for whom he has voted, would act as a positive constraint and check on his freedom to exercise his

franchise in the manner he freely chooses to exercise". Secrecy of ballot, thus, was held to be a privilege granted in public interest to an individual. It is pertinent to note that in the said case, the issue of the disclosure by an elector of his vote arose in the first place because there was an allegation that the postal ballot of an MLA was tampered with to secure the victory of one of the candidates to the Rajya Sabha. Therefore, seemingly there was a conflict between the "fair vote" and "secret ballot".

36. In *Kuldip Nayar*⁴ this Court held that though secrecy of ballots is a vital principle for ensuring free and fair elections, the higher principle is free and fair elections. However, in the same case, this Court made a copious distinction between "constituency-based representation" and "proportional representation". It was held that while in the former, secrecy is the basis, in the latter the system of open ballot and it would not be violative of "free and fair elections". In the said case *R. v. Jones*¹³, and *United Democratic Movement v. President of the Republic of South Africa*¹² were also cited with approval.

37. Therefore, in view of the decisions of this Court in *S. Raghubir Singh Gill*¹⁴ and *Kuldip Nayar*⁴, the policy is clear that secrecy principle is integral to free and fair elections which can be removed only when it can be shown

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that there is any conflict between secrecy and the "higher principle" of free elections. The instant case concerns elections to the Central and State Legislatures that are undoubtedly "constituency based". No discernible public interest shall be served by disclosing the elector's vote or his identity. Therefore, secrecy is an essential feature of the "free and fair elections" and Rule 49-O undoubtedly violates that requirement.

38. In *Lily Thomas v. Speaker, Lok Sabha*¹⁵ this Court held that: (SCC pp. 236-37, para 2)

"2. ... Voting is a formal expression of will or opinion by the person entitled to exercise the right on the subject or issue in question [and that] 'right to vote means right to exercise the right in favour of or against the motion or resolution. Such a right implies right to remain neutral as well'."

In view of the same, this Court also referred to the practice and procedure of Parliament for voting which provides for three buttons viz. AYES, NOES and ABSTAIN whereby a member can abstain or refuse from

expressing his opinion by casting vote in favour or against the motion. The constitutional interpretation given by this Court was based on inherent philosophy of parliamentary sovereignty.

39. A perusal of Section 79(d) of the RP Act, Rules 41(2) and (3) and Rule 49-O of the Rules makes it clear that a right not to vote has been recognised both under the RP Act and the Rules. A positive "right not to vote" is a part of expression of a voter in a parliamentary democracy and it has to be recognised and given effect to in the same manner as "right to vote". A voter may refrain from voting at an election for several reasons including the reason that he does not consider any of the candidates in the field worthy of his vote. One of the ways of such expression may be to abstain from voting, which is not an ideal option for a conscientious and responsible citizen. Thus, the only way by which it can be made effectual is by providing a button in the EVMs to express that right. This is the basic requirement if the lasting values in a healthy democracy have to be sustained, which the Election Commission has not only recognised but has also asserted.

40. The Law Commission of India, in its 170th Report relating to Reform of the Electoral Laws recommended for Implementation of the concept of negative vote and also pointed out its advantages.

41. In India, elections traditionally have been held with ballot papers. As explained by the Election Commission, from 1998 onwards, the electronic voting machines (EVMs) were introduced on a large scale. Formerly, under the ballot paper system, it was possible to secretly cast a neutral/negative vote by going to the polling booth, marking presence and dropping one's ballot in the ballot box without making any mark on the same. However,

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under the system of EVMs, such secret neutral voting is not possible, in view of the provision of Rule 49-B of the Rules and the design of the EVM and other related voting procedures. Rule 49-B of the Rules mandates that the names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of contesting candidates and there is no provision for a neutral button.

42. It was further clarified by the Election Commission that EVM comprises of two units i.e. control and balloting units, which are interconnected by a cable. While the balloting unit is placed in a screened enclosure where an elector may cast his vote in secrecy, the control unit remains under the charge of the Presiding Officer and so placed that all polling agents and others present have an unhindered

view of all the operations. The balloting unit, placed inside the screened compartment at the polling station gets activated for recording votes only when the button marked "Ballot" on the control unit is pressed by the Presiding Officer/Polling Officer-in-charge. Once the ballot button is pressed, the control unit emanates red light while the ballot unit which has been activated to receive the vote emanates green light. Once an elector casts his vote by pressing balloting button against the candidate of his choice, he can see a red light glow against the name and symbol of that candidate and a high-pitched beep sound emanates from the machine. Upon such casting of vote, the balloting unit is blocked, green light emanates on the control unit, which is in public gaze, and the high-pitched beep sound is heard by one and all. Thereafter, the EVM has to reactivate for the next elector by pressing "ballot button". However, should an elector choose not to cast his vote in favour of any of the candidates labelled on the EVM, and consequently, not press any of the labelled buttons, neither will the light on the control unit change from red to green nor will the beep sound emanate. Hence, all present in the poll booth at the relevant time will come to know that a vote has not been cast by the elector.

43. Rule 49-O of the Rules provides that if an elector, after his electoral roll number has been entered in the register of electors in Form 17-A, decides not to record his vote on the EVM, a remark to this effect shall be made against the said entry in Form 17-A by the Presiding Officer and signature/thumb impression of the elector shall be obtained against such remark. As is apparent, mechanism of casting vote through EVM and Rule 49-O compromise on the secrecy of the vote as the elector is not provided any privacy when the fact of the neutral/negative voting goes into record.

44. Rules 49-A to 49-X of the Rules come under Chapter II of Part IV of the Rules. Chapter II deals with voting by electronic voting machines only. Therefore, Rule 49-O, which talks about Form 17-A, is applicable only in cases of voting by EVMs. The said Chapter was introduced in the Rules by way of an amendment dated 24-3-1992. Voting by ballot papers is governed by Chapter I of Part IV of the Rules. Rule 39 talks about secrecy while voting.

by ballot and Rule 41 talks about ballot papers. However, as said earlier, in the case of voting by ballot paper, the candidate always had the option of not putting the cross mark against the names of any of the candidates and thereby record his disapproval for all the candidates in the fray. Even though such a ballot paper would be considered as an

invalid vote, the voter still had the right not to vote for anybody without compromising on his/her right of secrecy. However, with the introduction of EVMs, the said option of not voting for anybody without compromising the right of secrecy is not available to the voter since the voting machines did not have "None of the Above" (NOTA) button.

45. It is also pointed out that in order to rectify this serious defect, on 10-12-2001, the Election Commission addressed a letter to the Secretary, Ministry of Law and Justice stating, inter alia, that the "electoral right" under Section 79(d) includes a right not to cast vote and sought to provide a panel in the EVMs so that an elector may indicate that he does not wish to vote for any of the aforementioned candidates. The letter also stated that such number of votes expressing dissatisfaction with all the candidates may be recorded in a result sheet. It is also brought to our notice that no action was taken on the said letter dated 10-12-2001.

46. The Election Commission further pointed out that in the larger interest of promoting democracy, a provision for "None of the Above" or "NOTA" button should be made in the EVMs/ballot papers. It is also highlighted that such an action, apart from promoting free and fair elections in a democracy, will provide an opportunity to the elector to express his dissent/disapproval against the contesting candidates and will have the benefit of reducing bogus voting.

47. Democracy and free elections are a part of the basic structure of the Constitution. In *Indira Nehru Gandhi v. Raj Narain*¹⁶ Khanna, J. held that democracy postulates that there should be periodic elections where the people should be in a position to re-elect their old representatives or change the representatives or elect in their place new representatives. It was also held that democracy can function only when elections are free and fair and the people are free to vote for the candidates of their choice. In the said case, Article 19 was not in issue and the observations were in the context of basic structure of the Constitution. Thereafter, this Court reiterated that democracy is the basic structure of the Constitution in *Mohinder Singh Gill v. Chief Election Commr.*¹⁷ and *Kihoto Hollohan v. Zachillhu*¹⁸.

48. In order to protect the right in terms of Section 79(d) and Rule 49-O viz. "right not to vote", we are of the view that this Court is competent/well within its power to issue directions that secrecy of a voter who decides not to

cast his vote has to be protected in the same manner as the statute has

protected the right of a voter who decides to cast his vote in favour of a candidate. This Court is also justified in giving such directions in order to give effect to the right of expression under Article 19(1)(a) and to avoid any discrimination by directing the Election Commission to provide NOTA button in the EVMs.

49. With regard to the above, Mr Malhotra, learned ASG, by drawing our attention to Section 62 of the RP Act, contended that this section enables a person to cast a vote and it has no scope for negative voting. Section 62(1) of the RP Act reads as under:

"62. Right to vote.—(1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency."

50. Mr Malhotra, learned ASG has also pointed out that elections are conducted to fill a seat by electing a person by a positive voting in his favour and there is no concept of negative voting under the RP Act. According to him, the Act does not envisage that a voter has any right to cast a negative vote if he does not like any of the candidates. Referring to Section 2(d) of the RP Act, he asserted that election is only a means of choice or election between various candidates to fill a seat. Finally, he concluded that negative voting (NOTA) has no legal consequence and there shall be no motivation for the voters to travel to the polling booth and reject all the candidates, which would have the same effect of not going to the polling station at all.

51. However, correspondingly, we should also appreciate that the election is a mechanism which ultimately represents the will of the people. The essence of the electoral system should be to ensure freedom of voters to exercise their free choice. Article 19 guarantees all individuals the right to speak, criticise, and disagree on a particular issue. It stands on the spirit of tolerance and allows people to have diverse views, ideas and ideologies. Not allowing a person to cast vote negatively defeats the very freedom of expression and the right ensured in Article 21 i.e. the right to liberty.

52. Eventually, voters' participation explains the strength of the democracy. Lesser voter participation is the rejection of commitment to democracy slowly but definitely whereas larger participation is better for the democracy. But, there is no yardstick to determine what the correct and right voter participation is. If introducing a NOTA button can increase the participation of democracy then, in our cogent view, nothing should stop the same. The voters' participation in the election is indeed the participation in the democracy itself. Non-participation causes frustration and disinterest, which is not a healthy sign of a growing democracy like India.

Conclusion

53. Democracy being the basic feature of our constitutional set-up, there can be no two opinions that free and fair elections would alone guarantee the

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growth of a healthy democracy in the country. The "fair" denotes equal opportunity to all people. Universal adult suffrage conferred on the citizens of India by the Constitution has made it possible for these millions of individual voters to go to the polls and thus participate in the governance of our country. For democracy to survive, it is essential that the best available men should be chosen as people's representatives for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote. Thus in a vibrant democracy, the voter must be given an opportunity to choose none of the above (NOTA) button, which will indeed compel the political parties to nominate a sound candidate. This situation palpably tells us the dire need of negative voting.

54. No doubt, the right to vote is a statutory right but it is equally vital to recollect that this statutory right is the essence of democracy. Without this, democracy will fail to thrive. Therefore, even if the right to vote is statutory, the significance attached with the right is massive. Thus, it is necessary to keep in mind these facets while deciding the issue at hand.

55. Democracy is all about choice. This choice can be better expressed by giving the voters an opportunity to verbalise themselves unreservedly and by imposing least restrictions on their ability to make such a choice. By providing NOTA button in the EVMs, it will accelerate the effective political participation in the present state of democratic system and the voters in fact will be empowered. We are of the considered view that in bringing out this right to cast negative vote at a time when electioneering is in full swing, it will foster the purity of the electoral process and also fulfil one of its objective, namely, wide participation of people.

56. Free and fair election is a basic structure of the Constitution and necessarily includes within its ambit the right of an elector to cast his vote without fear of reprisal, duress or coercion. Protection of elector's identity and affording secrecy is therefore integral to free and fair elections and an arbitrary distinction between the voter who casts his vote and the voter who does not cast his vote is violative of Article 14.

Thus, secrecy is required to be maintained for both categories of persons.

57. Giving right to a voter not to vote for any candidate while protecting his right of secrecy is extremely important in a democracy. Such an option gives the voter the right to express his disapproval with the kind of candidates that are being put up by the political parties. When the political parties will realise that a large number of people are expressing their disapproval with the candidates being put up by them, gradually there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates who are known for their integrity.

58. The direction can also be supported by the fact that in the existing system a dissatisfied voter ordinarily does not turn up for voting which in

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turn provides a chance to unscrupulous elements to impersonate the dissatisfied voter and cast a vote, be it a negative one. Furthermore, a provision of negative voting would be in the interest of promoting democracy as it would send clear signals to political parties and their candidates as to what the electorate thinks about them.

59. As mentioned above, the voting machines in Parliament have three buttons, namely, AYES, NOES, and ABSTAIN. Therefore, it can be seen that an option has been given to the members to press the ABSTAIN button. Similarly, the NOTA button being sought for by the petitioners is exactly similar to the ABSTAIN button since by pressing the NOTA button the voter is in effect saying that he is abstaining from voting since he does not find any of the candidates to be worthy of his vote.

60. The mechanism of negative voting, thus, serves a very fundamental and essential part of a vibrant democracy. The following countries have provided for neutral/protest/negative voting in their electoral systems:

Sl. No.	Name of the country	Method of voting	Form of negative vote
1.	France	Electronic	NOTA
2.	Belgium	Electronic	NOTA
3.	Brazil	Ballot paper	NOTA
4.	Greece	Ballot paper	NOTA
5.	Ukraine	Ballot paper	NOTA

6.	Chile	Ballot paper	NOTA
7.	Bangladesh	Ballot paper	NOTA
8.	State of Nevada, USA	Ballot paper	NOTA
9.	Finland	Ballot paper	Blank vote and/or "write- in"
10.	Sweden	Ballot paper	Blank vote and/or "write- in"
11.	United States of America	Electronic/Ballot (Depending on State)	Blank vote and/or "write- in"
12.	Colombia	Ballot paper	Blank vote
13.	Spain	Ballot paper	Blank vote

61. The Election Commission also brought to the notice of this Court that the present electronic voting machines can be used in a constituency where the number of contesting candidates is up to 64. However, in the event of there being more than 64 candidates in the poll fray, the conventional system of ballot paper is resorted to. The learned counsel appearing for the Election Commission also asserted through supplementary written submission that the

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Election Commission of India is presently exploring the possibility of developing balloting unit with 200 panels. Therefore, it was submitted that if in case this Court decides to uphold the prayers of the petitioners herein, the additional panel on the balloting unit after the last panel containing the name and election symbol of the last contesting candidate can be utilised as the NOTA button. Further, it was explicitly asserted in the written submission that the provision for the above facility for a negative or neutral vote can be provided in the existing electronic voting machines without any additional cost or administrative effort or change in design or technology of the existing machines. For illustration, if there are 12 candidates contesting an election, the 13th panel on the balloting unit will contain the words like "None of the Above" and the ballot button against this panel will be kept open and the elector who does not wish to vote for any of the abovementioned 12 contesting candidates, can press the button against the 13th panel and his vote will be accordingly recorded by the

control unit. At the time of the counting, the votes recorded against Serial Number 13 will indicate as to how many electors have decided not to vote for any candidate.

62. Taking note of the submissions of the Election Commission, we are of the view that the implementation of the NOTA button will not require much effort except for allotting the last panel in the EVM for the same.

63. In the light of the above discussion, we hold that Rules 41(2) and (3) and Rule 49-O of the Rules are ultra vires Section 128 of the RP Act and Article 19(1)(a) of the Constitution to the extent they violate secrecy of voting. In view of our conclusion, we direct the Election Commission to provide necessary provision in the ballot papers/EVMs and another button called "None of the Above" (NOTA) may be provided in EVMs so that the voters, who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote while maintaining their right of secrecy. Inasmuch as the Election Commission itself is in favour of the provision for NOTA in EVMs, we direct the Election Commission to implement the same either in a phased manner or at a time with the assistance of the Government of India. We also direct the Government of India to provide necessary help for implementation of the above direction. Besides, we also direct the Election Commission to undertake awareness programmes to educate the masses.

64. The writ petition is disposed of with the aforesaid directions.

[†] Under Article 32 of the Constitution of India

¹ (2002) 5 SCC 294

² (2003) 4 SCC 399

³ *People's Union for Civil Liberties v. Union of India*, (2009) 3 SCC 200

⁴ (2006) 7 SCC 1

⁵ (1982) 1 SCC 691 : (1982) 3 SCR 318

⁶ (1952) 1 SCC 94 : AIR 1952 SC 64 : 1952 SCR 218

⁷ AIR 1954 SC 686 : (1955) 1 SCR 608

⁸ (2000) 10 SCC 648

⁹ (2010) 7 SCC 202 : (2010) 2 SCC (L&S) 385

¹⁰ AIR 1959 SC 725 : 1959 Supp (2) SCR 316

¹¹ AIR 1961 SC 1457 : (1962) 1 SCR 574

¹² (2003) 1 SA 495

¹³ 1972 HCA 44 : (1972) 128 CLR 221 (Aust)

* Ed.: Matter between two asterisks has been emphasised herein.

¹⁴ 1980 Supp SCC 53

¹⁵ (1993) 4 SCC 234

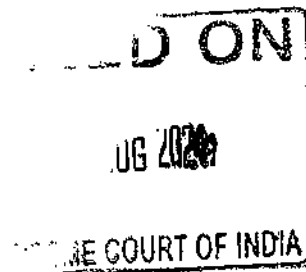
¹⁶ 1975 Supp SCC 1

¹⁷ (1978) 1 SCC 405

¹⁸ 1992 Supp (2) SCC 651

** Write-in.—The 'write-in' the form of negative voting allows a voter to cast a vote in favour of any fictional name/candidate.

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Appal
(T.C.)

CHAMBERS OF
HARSH PARASHAR
ADVOCATE ON RECORD
SUPREME COURT OF INDIA

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To,
The Registrar,
Supreme Court of India,
New Delhi.

Date: 01.10.2024

**SUBJECT:-LETTER REQUESTING CLEARING OF DEFECT WITH
RESPECT TO DIM ANNEXURES IN VOL. II IN Diary No.
37477-2024 TITLED VIDHI CENTRE FOR LEGAL
POLICY vs UNION OF INDIA is filed with Diary No.
37477-2024**

Respected Ma'am/Sir,

The above-mentioned Writ Petition was filed in exigent circumstances. The same has been re-filed with better copies and requisites pointed out in defects. However, as informed, some of the pages in Vol.II (487 to 936) are still dim and of small fonts and with respect to those it may be noted that the best available copies have been filed and no better copies are readily available.

In these circumstances, you are requested to kindly clear this defect at my risk so that the matter can be processed for registration.

Thanking you.

Yours Sincerely,

[Harsh Parashar]
[Advocate on Record]

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प्रारूप 1
पंजीकरण प्रमाण-पत्र

कॉर्पोरेट पहचान संख्या : U93000DL2013NPL256042

2013 - 2014

मैं एतद्वारा सत्यापित करता हूँ कि मैसर्स

Vidhi Centre for Legal Policy

का पंजीकरण, कम्पनी अधिनियम 1956 (1956 का 1) की धारा 25 के अधीन आज किया जाता है और यह कम्पनी प्राइवेट लिमिटेड है।

यह निगमन-पत्र आज दिनांक उनतीस जुलाई दो हजार तेरह को दिल्ली में जारी किया जाता है।

Form 1
Certificate of Incorporation

Corporate Identity Number : U93000DL2013NPL256042

2013 - 2014

I hereby certify that Vidhi Centre for Legal Policy is this day incorporated under Section 25 of the Companies Act, 1956 (No. 1 of 1956) and that the company is private limited.

Given at Delhi this Twenty Ninth day of July Two Thousand Thirteen.

Vidhi Centre for Legal Policy
Digitally signed by Vidhi Centre for Legal Policy
DN: cn=Vidhi Centre for Legal Policy, o=Vidhi Centre for Legal Policy, c=IN

Registrar of Companies, National Capital Territory of Delhi and Haryana

कम्पनी रजिस्ट्रार, राष्ट्रीय राजधानी क्षेत्र दिल्ली एवं हरियाणा

*Note: The corresponding form has been approved by PREMLAL BHANJURAM MALIK, Deputy Registrar of Companies and this certificate has been digitally signed by the Registrar through a system generated digital signature under rule 5(2) of the Companies (Electronic Filing and Authentication of Documents) Rules, 2006. The digitally signed certificate can be verified at the Ministry website (www.mca.gov.in).

कम्पनी रजिस्ट्रार के कार्यालय अभिलेख में उपलब्ध पत्राचार का पता :

Mailing Address as per record available in Registrar of Companies office:

Vidhi Centre for Legal Policy

K40, Ground Floor, Hauz Khas Enclave,

New Delhi - 110016,

Delhi, INDIA



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CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF VIDHI CENTRE FOR LEGAL POLICY HELD ON FRIDAY, JULY 05, 2024 AT THE TRIDENT HOTEL, GURGAON - 122 016.

APPROVAL FOR FILING A WRIT PETITION IN PUBLIC INTEREST BEFORE THE HON'BLE SUPREME COURT ON A SUBJECT RELATED TO ELECTORAL REFORMS:

The Chairman informed the Board that the Company wishes to file a Writ Petition in public interest before the Hon'ble Supreme Court challenging the vires of section 53(2) of the Representation of the People Act, 1951, which lays down the procedure to be followed by a Returning Officer in an 'uncontested' election to the House of the People or State Legislative Assemblies. The section provides that in case there is only one contesting candidate, the Returning Officer may not conduct a poll, but must declare such candidate elected forthwith. This is in violation of Article 19(1)(a) of the Constitution of India, under which every voter is entitled to exercise their freedom of speech and expression by choosing the 'None of the Above' option while casting their vote, and also Article 14 (the fundamental right to equality) as it differentially treats a voter registered in a constituency with only one contesting candidate, and a voter who is registered in a constituency which has more than one candidate.

The matter was discussed and the following Resolution was passed unanimously by the board:

RESOLVED THAT the Vidhi Centre for Legal Policy shall file a Writ Petition in public interest before the Hon'ble Supreme Court challenging the vires of section 53(2) of the Representation of the People Act.

FURTHER RESOLVED THAT Dr. Dhvani Mehta, Co-Founder of the Vidhi Centre for Legal Policy, Lead (Health), and Advocate, is hereby authorised by the Board of the Vidhi Centre for Legal Policy to sign a Vakalatnama for this purpose, and/or retain the services of any other advocate practicing before the Hon'ble Supreme Court of India, file applications before the Hon'ble Supreme Court of India, and perform any further action on behalf of the Vidhi Centre for Legal Policy that may be necessary in this regard.

//Certified True Copy//
For Vidhi Centre for Legal Policy



Indu Bhushan
Indu Bhushan
DIN: 09302960
Director

Date: September 17, 2024
Place: New Delhi

VIDHI CENTRE FOR LEGAL POLICY
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भारत सरकार
Government of India



Dhvani Mayur Mehta
DOB : 22/06/1986
Female

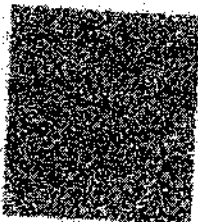
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मेरा आधार, मेरी पहचान

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