I N D E X

1. Preliminary ……..…… 2-9
2. Polling Stations …… 10-23
3. Polling Personnel …… 24-51
4. Election Materials ……... 52
5. Nominations ……. 53-75
6. Scrutiny ……. 76-84
7. Withdrawal of Candidatures……. 85-90
8. Allotment of Symbols Approved Election Symbols…… 91-98
9. Uncontested Election Unopposed Returns ……. 99-100
10. Ballot Papers and Voting Machines …… 101-130
11. Arrangements for Poll ……..…… 131-139
12. Preparations For The Poll – Commissioning of ……..… 140-160 Electronic Voting Machines
13. Use Of EVMS At Simultaneous Elections ……. 161-183
14. Counting Of Votes ……... 184-208
15. Declaration And Publication Of Result Of Election ……... 209-213
16. Return And Forfeiture Of Deposits ……..…… 214-216
17. Accounts Of Election Expenses …… 217-226
18. Miscellaneous ……... 227-234
19. Annexures I to XLIX……..... 235-441

HANDBOOK
FOR
RETURNING OFFICERS

(At Elections where Electronic Voting Machines are used)

2012

ELECTION COMMISSION OF INDIA

CHAPTER – I

PRELIMINARY

GENERAL

1.1 Conduct of credible and periodic election has been the hallmark of modern democratic India. Returning Officer plays a pivotal role in the election management. A Returning Officer is responsible for overseeing election in the constituency. He is called so because he holds the elections in the constituency and returns the candidate.

1.2 You are the Returning Officer for a constituency in which electronic voting machines are used. You should, therefore, acquaint yourself fully with the up to date rules and procedures prescribed for the conduct of elections by electronic voting machines. You should not only familiarize yourself thoroughly with each step to be taken at various stages of the election process, but also with the operation of electronic voting machines. The smooth conduct of election right from the issue of the public notice till the declaration of the result mainly depends on you and the electoral machinery under you. You have a well defined and a vital role to play in the electoral process. Even a slight mistake or lapse or wrong application of the law or rules or inadequate knowledge of various functions of electronic voting machines may vitiate the election.

1.3 There have been tremendous changes in the approach and methodology of election management in the country over a period of time. Some of the salient features have been outlined in this Preliminary chapter in the light of new guidelines and instructions issued by the Election Commission of India in recent times. This Handbook is designed to give you information and guidance, which you may need in the performance of your functions. However, it may be noted that this Handbook cannot be treated as a substitute for various provisions of election law. You should, wherever necessary, refer to those legal provisions, which are contained in the Manual of Election Law which contains, among other things, relevant extracts from (1) the Constitution of India, (2) the Representation of the People Act, 1950, (3) the Representation of the People Act, 1951, (4)Registration of Electors Rules 1960(5) the Conduct of Elections Rules, 1961 and the relevant enactments. You must also keep a copy of the Handbook for Presiding Officers, Handbook of Candidates and compendium of instructions available with you for reference at all the time. Latest version of these handbooks in always available on the ECI website(http://www.eci.nic.in) and can be downloaded from there.

1.4 If you are a Returning Officer for an Assembly Constituency in Puducherry, it is essential for you to also have an up-to-date copy of the Govt. of Union Territories Act, 1963. If you are a Returning Officer for an Assembly Constituency in Delhi, you are advised also to keep an up-to-date copy of the Govt. of National Capital Territory of Delhi Act, 1991.

1.5 You should know well the territorial extent of the constituency for which you are the Returning Officer. The extents of Parliamentary and Assembly Constituencies in all States (except Arunachal Pradesh, Assam, Jammu & Kashmir, Jharkhand, Manipur and Nagaland) have recently been re-determined by the Delimitation Commission, which was set up under the Delimitation Act, 2002. As your constituency may be one of them, you may check the Delimitation Commission's Orders, which are available on the ECI website.. In Sikkim, 'Sangha' Assembly Constituency is not a geographical constituency.

The present allocation of seats of 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 the Scheduled Castes and Scheduled Tribes in each State/Union Territory are given in Annexure I and II for your ready reference.

1.6 Greater emphasis is being laid on a defect free electoral roll. Consequent upon introduction of Booth Level Officer system, the identification and removal of names of the dead the shifted voters has become more accurate and this has helped the election machinery in ensuring enhanced fidelity of the electoral rolls.

1.7 A visible and rigorous enforcement of The Model Code of Conduct enhance the credibility of elections and gives confidence to the voters. Misuse of official machinery for electoral purposes shall not be allowed. Electoral offences, malpractices and corrupt practices such as impersonation, bribing , inducement of voters, threat and intimidation to the voters, shall be prevented by all means.

1.8 Photo electoral roll is expected to play a crucial role in minimizing the scope for impersonation and bogus voting.

1.9 The threat and intimidation to the voters particularly, the voters from vulnerable sections of the society has always been a cause of concern. With a view to meet this challenge, the Commission recently introduced the system of ‘Vulnerability Mapping’. You should familiarize yourself with the concept of Vulnerability and read the chapter.(There should be a chapter on Vulnerability Mapping.

1.10 The role of sector officers/sector magistrates has become has become an important aspect of the election management. Hence, care needs to be taken while identifying the Sector Officers and they need to be trained about their work in advance.

1.11 The Commission has also introduced the system of Micro Observers and also use of digital /video cameras at some pre-selected critical polling stations.. [details on Microobserver, Critical Polling Stations and sector officers)

1.12 You should have a thorough idea about the polling station-wise deployment of security personnel including Central Armed Police Forces(CAPF), if any, and ensure that the approved deployment plan is implemented properly. You should pay attention to the effective management of dispatch centers from where the polling personnel are sent to the polling stations with the EVMs and also of reception centers where the polled EVMs

are received. The basic amenities for the polling personnel shall be provided at these venues.

ROLE OF RETURING OFFICER : BROAD OUTLINES OF DUTIES

1.13 You, as the Returning Officer, are primarily responsible for the conduct of election in your constituency(Parliament/Assembly). The main items of your work in that regard are briefly mentioned as below: -

PREPARATION FOR THE POLL

1. Drawing up an action plan, well in advance, an Election Plan in consultation with all the authorities concerned specifying different tasks, deadline ,strategy and plans to meet it. The district election plan is the responsibility of the DEO but the constituency plan prepared by the RO must be dovetailed to it.

2. Identifying suitable venues for training, storage, preparation and dispatch of material, receipt of material after poll and counting locations.

3. Identify Sector Officers well in advance. They should be appointed by the appointed by the DEO the moment election schedule is declared by the election commission.

4. Doing Vulnerability Mapping of your Constituency.

5. Preparing updated lists of Absentee, Shifted (with or without family linkage) and dead electors in respect of each polling station.

6. Drawing up an indent for EVMs and all other election related material required.

7. Identifying/hiring accommodation, if necessary where all this can be housed securely and the preparation of EVMs can be done at a later stage.

8. Issuing of public notice of election in Form 1 of the Conduct of Elections Rules, 1961 on the day on which the notification calling the election is issued;

9. Printing of voter slips and ensuring their distribution at least one week before the poll.

TRAINING

1. Identifying the training venues

2. Identifying Master trainers

3. Arranging for the training of Sector Officers, Polling Personnel, BLOs, Expenditure Monitoring Staff, Police Personnel, Candidates (as regards MCC and Expenditure Accounting) and Counting Staff etc.

PROCESSING OF NOMINATION PAPERS AND ALLOTMENT OF SYMBOLS

1. Receiving of nomination papers, security deposits, etc.;

2. Administering oath or affirmation to candidates after they have filed their nomination papers;

3. Disseminating information contained in the affidavits filed by the candidates;

4. Scrutiny of nomination paper;

5. Recording of reasons in brief for rejecting any nomination paper;

6. Receiving of notices for withdrawal of candidatures;

7. Checking whether any party has been granted concession by the Commission under paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1968

8. Allotting of symbols to contesting candidates;

9. Preparation and publishing of notice of nominations, list of validly nominated candidates and list of contesting candidates;

10. Checking which of the political parties have communicated their lists of leaders under Section 77 of the R.P.Act, 1951 to CEO as well as ECI.

BALLOT PAPER- PRINTING AND DISTRIBUTION

1. Assessing the requirements, and ensuring printing and supply of :-

   a. postal ballot papers for service voters and voters on election duty, etc., and ballot papers for use in the ballot units of the voting machines;

   b. Tendered ballot papers and arranging the printing and supply thereof;

2. Preparing the lists of classified service voters, special voters and notified voters. ;

CONFIDENCE BUILDING MEASURES

1. Establishing contact with the contesting candidates and political parties to ensure free, fair and smooth election;

2. Convening of meeting of Political Parties and Candidates to discuss common problems relating to conduct of election, review of law and order situation, enforcement of code of conduct for political parties, etc.;

3. Preparation and commissioning of electronic voting machines in the presence of political parties/Candidates-.;

4. Regular Press Briefings from time to time and especially after every meeting of the constituency committee.

PREPARATION OF ELECTRONIC VOTING MACHINES

1. The DEO would have completed the First Level Checking and first level randomisaton and would have allocated EVMs for use in polls and for use in training for each Assembly Constituency.

2. Receiving and storing separately EVMs meant for poll (including reserve) and training.

3. Second Randomization-Randomizing poll EVMs to allocate polling stations. Remaining EVMs will become poll reserve. One CU will be allocated to each polling station. Number of BUs to be allocated will depend on the number of candidates in the constituency.

4. Security of EVM strong room to be maintained as per Chapter No.XII

5. On poll day, if EVMs are replaced, both BU and CU should be replaced as a set.

6. When EVMs are replaced on poll day from reserve, it should be entered in EVM tracking software.

DISPATCH OF POLLING PARTIES AND ELECTION MATERIALS

1. Make Polling Station wise kits.

2. Distribute the material to the polling parties.

3. Make transport arrangements for the polling parties, voting machines and election materials;

4. Dispatch of polling parties for the conduct of poll

TRANSPORT

1. Detailed and alternative route charts to be prepared.

2. Adequate number of appropriate vehicles including reserve vehicles to be arranged.

3. Sector officers to accompany polling parties of their sectors.

4. Arrangements at dispatch centers to include drinking water, toilet, shade, medical, food and safety.

5. In terrorist affected areas, cluster points for night stay to be identified.

6. Detailed transportation plan for force.

7. Ok report from each party having reached the polling station.

POLL DAY

1. Mock Poll to start one hour before schedule time of poll start. Mock poll certificate from each presiding officer.

2. Information to reach RO immediately if no polling agents/polling agents of only one candidate are present.

3. Adequate mechanism for monitoring and supervision of poll.

4. Adequate reserve EVMs to be available with Sector Officers. EVMs to be replaced with in half an hour wherever necessary.

5. Proper arrangement for same day inquiry report and action on complaints.

6. Two hourly reporting of turnout separately for male, female and transgender.

7. Immediate action and report on significant incidents.

8. Proper close of poll and sealing of EVMs .EVMs must be switched off. Polled EVMs to be transported only with police escort.

COLLECTION

1. All arrangements as in the case of dispatch.

2. Separate counter for receipt of material from polling stations with complaints/incidents.'

3. Collection and compilation of form 17C and additional information sheet from Presiding Officers.

4. Sealing of strong room in the presence of candidates or their representatives. Security arrangements including CCTV cameras as per instructions of the commission.

5. Presiding Officers diary and other documents should be kept in a separate strong room(not the EVM strong room) so that they can be taken out at the time of scrutiny.

6. Scrutiny of Form 17A and PRO diary by RO and observer in the presence of candidates/representatives next morning at 11am.

COUNTING AND DECLARATION OF RESULT

1. Randomisation of Counting Personnel.

2. Identifying counting hall and arranging everything required for the counting day.

3. Counting Center proposal to be sent with recommendation of Observer and CEO for approval of ECI.

4. Counting of votes and dispatch of the results to CEO and ECI;

5. Data entry in Genesys software for wide dissemination of trends and results. Even if Genesys does not work for any reason, counting should be stopped and declaration of result should not be withheld. Counting data shall be communicated to CEO and ECI by alternative means such as email, telephone, fax etc.

6. Declaration of result;

7. Transmission of all voting machines, election papers and election materials after declaration of result, to the District Election Officer for safe custody;

8. Overall supervision of counting work

TRAINING

1. It is essential that thorough and intensive training is imparted to the election machinery in the use and operation of voting machines.

2. All concerned including Sector Officer, Polling teams, Expenditure Monitoring Teams, BLOs, Police Officers etc. must be trained.

3. Before starting training, a separate training of Master Trainers must be organized.

4. All sector Officers must attend the training of polling parties of their sectors.

5. Minimum three training for Polling Teams.

6. Training in small batches(not more than 25-30)

7. Hands on practical training on EVMs.

8. Standardized training material in local language to be obtained from CEO

9. Pedagogical methods including case studies, exercises, management games to be used to make training interesting.

10. A quiz to be administered to the trainees at the end of the training to assess the quality of training and learning by trainees.

11. Training of Micro Observers to be done by Observers.

12. The success of the voting machines would depend on the degree and intensity of training given to them and thoroughness on their part in operating those machines at the polling stations. You should hold three polling rehearsals where beside the duties and checklists of the polling and presiding officers, the use and operation of the voting machines should be explained and practically demonstrated. These trainings should be held in small groups. You should see that every Presiding Officer and senior polling officer (who is designated to act as Presiding Officer if the latter is unavoidably absent on the day of poll) attends at least two or three such rehearsals and is given an opportunity to have "hands-on" training on the machine. Please make sure that you have sufficient copies of Presiding Officer Handbook and the EVM Manuals in English and the local language. As a Returning Officer you need to play vital coordinating role by constantly interacting with the District Electoral Officer, Commission's Observers and other stakeholders like political parties and the candidates and election agents. Your interaction with the media should be positive and you should make good use of the media to disseminate relevant information to the voters as well as to the other stakeholders

CONTACT WITH POLITICAL PARTIES

1.14 You should meet the representatives of political parties and contesting candidates as often as you can.. Their doubts and misapprehensions can be cleared by mutual discussion. Explain and demonstrate to them the operation of the electronic voting machine and the administrative safeguards provided for them. Explain to them the procedure followed at the polling stations.

CHAPTER – II

POLLING STATIONS

LEGAL PROVISIONS

2.1 Under the law (Section 25 of the Representation of the People Act, 1951), the District Election Officer is responsible for the provision of polling stations and the publication of the list of polling stations. The electoral rolls are prepared part wise. Generally there is one polling station corresponding to a part. However in some cases, 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 a main and an 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. The polling stations are set up to cover well-defined polling areas. Changes in polling stations may become necessary for several reasons. The list of polling stations is approved by the Commission. Any modification (Except change in nomenclature(when the building is not changed) requires the approval of the Commission. If the same list is proposed to be adopted no fresh approval of the Commission is necessary and Commission be intimated accordingly and /or wherever modifications are proposed, the Commission's approval be obtained well in advance, at least two weeks before the last date for the withdrawal of candidatures

DRAWING UP OF FRESH LIST OF POLLING STATIONS

UNDERLYING PRINCIPLES

2.2 The fresh lists should be drawn up, as far as practicable bearing in mind the following instructions: -

(a) The optimum number of polling stations to be set up in an Assembly Constituency should be determined by dividing the total number of voters in the constituency by 1000. This number will be average for both rural and urban constituencies. However, the Commission has decided to provide a polling station to every village having more than 300 voters provided there is a suitable building for it.

(b) A polling station should be provided for a well-defined polling area, normally covering not more than 1200 electors in rural areas and 1400 electors in urban areas.

(c) As far as practicable, the polling station should have a minimum area of 20 sq. meters so that there is no congestion inside the polling station.;

(d) Halls/rooms should be well-lit and should normally have at least two doors, so that one can be used as 'entrance' and the other as '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 for casting his vote. In sparsely populated, hilly or forest area this rule may have to be relaxed; but in order to avoid voters having to walk unduly long distances, polling stations in such cases may be set up for a smaller number of voters than usual. Due consideration should be given to the topography and ease of travel

(f) In urban areas, not more than four polling stations and, in rural areas, not more than two polling stations should be located in the same building as far as possible, in order to avoid overcrowding and to facilitate maintenance of peace and order.

(g) If the polling station is for both men and women, there should be a separate queues for men and women. For each man entering the polling station, two women should be allowed. 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-voters and women-voters of a particular polling area, these should as far as possible be located in the same building.

(h) As far as, possible Polling station may 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, as near to its own area as possible.

(i) Where the polling area for a polling station comprises a number of villages, the polling station or stations should ordinarily be located in the village, which has the largest number of voters. however if another village is more central or has distinctly better facilities, it can be chosen for location of polling station in preference to the village with the largest number of voters.

(j) Setting up of a polling station in a temporary structure should be avoided.

(k) All villages in one polling area should fall in one administrative unit like one police station, firka, patwari circle, etc. All polling areas within the constituency should be covered by the proposed polling stations. No area in the constituency should be left out.

(l) 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.

(m) 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 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.

(n) No polling station should be located in police stations, hospitals, temples or places having religious significance.

(o) There should be no political party office within 200 meter of a polling station.

(p) As far as possible, to avoid inconvenience to the old and disabled persons, the polling stations should be set up in the ground floor of a building. Ramps should be provided to facilitate entry of physically challenged persons.

(q) Electricity, separate toilet facilities for Men and Women and drinking water should be available as far as possible.

SPECIAL PROVISIONS FOR VULNERABLE SECTIONS

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

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

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

PREVENTION OF INTIMIDATION TO THE VOTERS OF VULNERABLE SECTIONS OF ELECTORATE – MAPPING OF VULNERABILITY:

1. An exercise to identify the villages/ hamlets/habitats and segments of electorate vulnerable to any threat, intimidation or interference with the free exercise of electoral right shall be taken up polling station wise. The sector officers for their respective polling

stations shall do this exercise by visiting the catchments area of the polling stations. The local Thane officer (SHO) and local civil authorities such as BDO / Tehsildar shall also be consulted and their inputs taken into account before finalizing the list. They should identify the source of such threat/ intimidation and identify the names of persons who are likely to spearhead such offence of undue influence. While doing this exercise they shall take into account the past incidents, and current apprehensions.

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

3. The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency, polling station wise in a format (enclosed).

4. The DEO and SP shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for the free and fair poll.

5. The DEO/ RO shall interact with the candidates and representatives of political parties to gather regular feedback. The District Intelligence shall give regular feedback on the subject to the DEO through SP.

6. Upon the arrival of the Observers the DEO/ RO shall hand over the details of the polling station wise vulnerability mapping for the relevant Assembly Constituency. The Observer will also visit such locations and interact with the voters and constantly monitor the developments.

7. The DEO and Superintendent of Police of the District should hold a joint review on the subject and finalize a focused action plan to deal with the potential threats and intimidation points identified. The action plan may include, inter-alia, binding the identified trouble mongers under appropriate sections of the law, preventive detention if required, forcing their appearance in local police stations at reasonable intervals to ensure their good behavior, placement of police pickets, regular confidence building visits etc. It has to be ensured that all such measures are undertaken in absolutely non-partisan manner without fear or favor towards any particular party.

8. The Zonal/ and sector arrangements to monitor the events on the poll day shall take such pre-identified vulnerable locations into account for effective tracking. If the normal sector route map does not cover the vulnerable locations special arrangements shall be made for this purpose. The Sector officers shall make regular visits to those villages and hamlets in advance and collect information and keep the senior officers informed.

9. Where there is a cluster of such vulnerable pockets, the DEO shall arrange for dedicated police teams/squads and locate them at convenient locations in the vicinity, to be pressed into service for action on the day of poll without any loss of time. It should invariably form part of the district security plan.

10. On the day of poll, the sector officers shall give special attention to verify whether voters from the vulnerable habitats/ communities are turning up for voting or not. In case, they find (it can be gauged from the marked copy of the electoral roll where voters who have voted are ticked) that some section of voters is conspicuously absent, then they should inform the Returning Officer about this immediately. The Returning Officer and DEO shall dispatch the dedicated squad specifically meant for this purpose, to ascertain, by a visit to the area/hamlet, that there is no hindrance – overt or covert – in movement of that section of voters. They should closely monitor the developments and initiate effective interventions. After the closing hours on the poll day, the sector officers shall submit a special report, polling station wise, in writing to the Returning Officers indicating as to whether voters from the vulnerable habitats were able to vote or not.

11. At the time of Dispatch of the polling parties at the Dispatch Centers the RO should brief the Presiding Officer concerned about the vulnerable locations within the Polling Station area. In the electoral roll the Section within the Part should also be marked for proper monitoring. The Presiding officers shall submit a report indicating abnormally low percentage of voter turnout if any within any section/sections, particularly, with reference to the vulnerable locations.

12. During the poll the Observers and other senior officers while visiting the polling station shall pay a special attention to this problem and find out whether any undue influence, intimidation/ obstruction is being caused.

13. The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary police pickets shall be established to ensure free access to all voters to cast their votes without fear.

14. The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF arrives in advance for area domination, special attention shall be given for such locations. On the day of poll the Commanders/Assistant Commanders shall make it a point to visit such vulnerable pockets as a confidence building measure. In case they come across any obstruction they shall take note of that and immediately inform any of the electoral officials such as RO/DEO/SP/Observer/Sector Officer and keep a note of the time of their intimation.

15. If any complaint is received or information gathered from any sources about obstruction/threat to any voter/voters the same shall be enquired into by the local administration without any delay.

16. The Returning Officer shall take the inputs on mass scale intimidation/threat/obstruction if any into consideration while submitting their report after the poll.

17. The Observers shall give their full attention to this issue and verify at every stage (before poll/on poll day) and submit reports to the Commission from time to time. A special mention shall be made about this in their final report. Apart from this they should make an intelligent reading of the Form 17A and the marked copy of the electoral roll used in the polling stations at the time of Form 17A scrutiny, ordered if any, by the Commission after the poll.

18. The Commission directs that accountability of various police and civil officials for vulnerability mapping and follow up at every stage shall be clearly defined with reference to each polling station/constituency. Severe disciplinary action will be initiated in case of dereliction of duty on the part of any police/civil officials in this matter.

AUXILIARY POLLING STATIONS

Before every revision of electoral rolls, polling stations should be rationalized based on expected additions in the roll so that after the final publication, polling stations in urban area do not have more than 1400 voters and polling stations in rural areas do not have more than 1200 voters. This will obviate the need to set up auxiliary polling stations on the eve of 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) Only when it is unavoidable due to non-availability of suitable rooms, the auxiliary polling station may be located in a separate building, but shall be within the same area as that of the original polling station.

(d) Separate serial number shall be given to 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 permitted 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.

PROCEDURE FOR LISTING OF POLLING STATIONS

2.3 The draft list of polling stations should be drawn up in the prescribed form **(Annexure III).** The demarcation of polling area should be clearly done. The name of each village covered by the polling area and the number of voters in it should be shown in the respective columns against each polling station. The map of an Assembly Constituency showing polling stations should be prepared and converted into digital form if possible. By a clear description of the polling area it should be feasible for an

ordinary voter to know to which polling station he should go for recording his vote. In order to ensure that a uniform method is followed in the matter of filling up the columns, the following instructions may be kept in mind:-

Column I

The serial numbers of the polling stations should commence from the north-western corner of the constituency and proceed in a zig-zag manner to south-eastern corner of the constituency. In cases where there is one polling 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 are more than one polling stations in a part, the polling station number should be given by suffixing A, B, C etc to the part number.

Column 2

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

Column 3

The name of the building in full should be clearly described. The use of abbreviations should be avoided. In cases where more than one polling station is located in the same building the location should be made clear 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 why it has not been possible 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 men voters or women voters 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 in 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.

2.4 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.

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

(i) All the villages, and wards or localities in towns, with the number of voters in each such village or locality, on the map itself, and where this is not convenient or practicable, in a statement annexed to the map;

(ii) The place selected for the location of the polling stations;

(iii) The area served by each polling stations, indicated by serial numbers in a systematic manner, preferably beginning from the north-western corner of the constituency proceeding zig-zag 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.)

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

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

PUBLICATION OF THE LIST OF POLLING STATIONS IN DRAFT

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

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

2.10 It is also possible that in the case of a Parliamentary Constituency most of the component Assembly constituency 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.

2.11 After the list has been prepared on the lines indicated above the District Election Officer/Returning Officer should publish it in draft, 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 of publication of the draft list of polling stations and places at which it can be inspected should also be given in local newspapers and written objections or suggestions invited for consideration.

2.12 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.

2.13 The District Election Officer should thereafter call the party representatives and legislators to a meeting and discuss the draft list and the suggestions received. Any bonafide intending candidate who wishes to take part in the discussions at this meeting should also be permitted to do so.

2.14 The District Election Officer should then take his decisions, amend the draft list where necessary and finalize the draft list of polling stations for the constituency. He should then forward it, along with the map to the Commission, through the Chief Electoral Officer of the State, along with the scrutiny sheet and the certificate in the forms prescribed in **Annexures IV& V.**

2.15 The approval of the Commission will be communicated by the Election Commission direct to the District Election Officer with copy to the Chief Electoral Officer. After the approval of the Commission is received, the District Election Officer should once again check the list to see whether there are any errors and incorporate the changes, if any, suggested by the Commission in the list

2.16 When the list is forwarded to the Commission in a language, other than English, it should be accompanied by a translation in English. There is no need to print or cyclostyle the approved list of polling stations in English. However, there would be no objection to this being done if copies in English are required for official use or by the public.

2.17 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 it deems necessary. The list finally approved by the Commission should be published as directed below.

FINAL PUBLICATION OF THE LIST OF POLLING STATIONS

2.18 The District Election Officer for an Assembly Constituency shall publish the list of polling stations provided by him, with the previous approval of the Election Commission, by making a copy thereof available for inspection**,** and displaying at his office a notice in the form given in **Annexure VI** at his office and at the office of ERO of that constituency. The DEO shall also, as for as practicable, make a copy of the relevant parts of the list together with the notice in the form appended available for inspection at 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.

2.19 The District Election Officer can correct only printing or clerical mistakes, if any, after such publication.

2.20 It shall not be necessary for the Returning Officer for a Parliamentary Constituency to publish the list, a second time, except at his office, in a case where elections are being held simultaneously to the House of the People and the Legislative Assembly. He should, however, do so in the case of single election to the House of the People.

2.21 The entries in columns 4, 5, 8, 9 and 10 of Annexure III 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.

2.22 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.

MODIFICATIONS IN THE LIST

2.23 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.

2.24 Changes in the location of polling stations to new buildings or sites may become has since become a contesting candidate or has strong sympathies for such candidate or political party, or because of any natural calamity that might have befallen on such building. All such changes should be reported forthwith to the Commission for approval.

2.25 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.

2.26 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.

2.27 Where changes become inevitable and have to be made, such changes should be referred to the Commission for its previous approval. The changes should be fully publicized and all contesting candidates and political parties, etc., informed in writing.

CHANGE IN THE NOMENCLATURE OF THE BUILDING OF A POLLING STATION

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

SUPPLY OF COPIES OF THE LIST

2.29 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.

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

2.31 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.

2.32 List of polling station may also be put on official website.

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

2.33 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. 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.

2.34 If at any such election, no change or modification in the approved list is considered necessary and the same is proposed to be adopted in to 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.

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

CRITICAL POLLING STATIONS

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

1. An analysis of the polling station wise number of voters with EPIC and without EPIC (non EPIC voters) shall be made. The polling stations shall be sorted in descending order in terms of number of non-EPIC voters in order to prioritize.

2. The Commission had recently directed a survey of missing voters under two categories i.e. missing voters with family links and missing voters without family links. Out of these two categories the existence of missing voters without family links offers a scope for misuse and malpractice. The number of voters coming under the second category shall be analyzed polling station wise and the Polling Station with large number of such voters shall be marked. For this purpose the total number of such missing voters without family linkage shall be divided by the total number of polling stations to workout the assembly constituency average. Analyzing the deviation above the average shall identify the polling stations with large number of such voters.

3. During the election the DEOs/ROs may be asked to do a vulnerability mapping of hamlets/villages/electoral segments vulnerable for threat and intimidation. Polling stations identified as having vulnerable pockets shall be listed.

4. The polling station wise election results available in Form 20 with reference to the past general election shall be analyzed. All such Polling Station where percentage of poll recorded is more than 75% and where more than 75% of votes have been recorded in favour of one candidate shall be identified as critical polling station.

5. The polling stations that went for repoll during the previous election due to reported electoral malpractices; the polling stations that witnessed any sort of electoral violence shall also be identified.

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

7. The response protocol to be followed with reference to the vulnerable villages/hamlets/electoral segments has been detailed vide Commission's letter 464/INST/2007-PLN-I Dated 12th October, 2007.

8. With reference to polling stations identified as **critical polling stations** on account of other indicators listed above one or all of the following measures shall be put in place.

   a. The presence of CPF to safe guard the polling station.

   b. Digital camera or video camera shall be positioned in the polling station. The procedure for deploying such cameras has been given vide letter No.447/2007/PLN-IV, dated 17.01.2007.

c. The Presiding Officer shall be specially briefed to ensure that the EPIC/approved identification document, if any are properly verified and reflected in the remarks column of Form 17 A.

d. The list of such polling stations shall be given to the Commanding/Assistant Commanding Officers of CPF so that they can also keep an eye on such polling stations.

e. Deployment of a micro-observer inside the polling station.

CHAPTER - III

POLLING PERSONNEL

LEGAL PROVISIONS

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

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

(i) Every local authority

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

(iii) A Government company as defined in section 617 of the Companies Act, 1956;

(iv) Any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.

In view of the above amendment to law, 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.

POWER TO APPOINT POLLING PERSONNEL UNILATERALLY

3.3 To clarify any doubts of anybody as to (i) whether the District Election Officer, can appoint, under section 26 of the Representation of the People Act, 1951, a person as a Presiding Officer or a Polling Officer unilaterally against the will and consent of that person, and (ii) if so, whether the refusal to accept the appointment order by a person so appointed will attract, the provisions of section 134 of the said Act. In this

connection, attention is drawn to the judgment, dated 6 March 1971 of the Calcutta High Court in Shri R.P. Roy, alias Rampada Roy Vs. Shri D. Rudra, District Election Officer and District Magistrate, Howrah (AIR 1971-Calcutta 461) which manifestly answers in the affirmative both the points referred to above. The Hon'ble Court has categorically held that section 26 of the Representation of the People Act, 1951 confers not only the power 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. 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.

EXEMPTED CATEGORIES

The Commission has exempted following persons from drafting for election duty---

(a) The officers and staff of following departments will not be requisitioned for deployment of election duty: -

(i) Such officers of the Indian Forest Service as notified by ECI

(ii) Doctors and Compounders working in veterinary hospitals

(iii) Officers working in Grade – B (Cattle Extension Officer) in veterinary hospitals

(iv) Medical staff including doctors, nurses, ANMs etc.

(v) Territorial Staff of Forest Department.

(vi) All India Radio

(vii) Doordarshan

(b) The operational/technical staff of BSNL, MTNL, UPSC and educational institutions will be requisitioned for election duty only in unavoidable circumstances.

(c) Officer/staff of Commercial Bank located in rural area and if happens to be a single officer branch, need not be deployed.

(d) However, it is further to be noted that any official who is going to retire within 6 month's time or who is already retired but on extension of service or re-employed should not be drafted for any election related duty. It is clarified that while drawing persons for election duties, you should explore the possibility of asking for persons from all such Corporations/PSUs in the area instead of asking from one Corporation/PSU only so that it is not too much of a strain on a particular organization.

(e) While requisitioning the staff, availability of the staff from the authority concerned be considered. Thereafter, keeping in view the guidelines issued by the Commission, the staff of the institution may be requisitioned. Further, the requisitioning of staff of the institution covered under sub section 2(iv) of section 159 of the R. P. Act, 1951 be made in consultation with the Nodal Officer of that institution.

During the process of requisitioning of staff for election duties, it is once again reiterated that 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 normal functioning of banks, LIC are not interrupted. Further, if practicable, their posting to any polling station outside their normal place of duty may be avoided. Care should further be taken to ensure that minimum numbers of employees of such institutions is requisitioned so that the business of these institutions is not hampered.(Instruction No.464/INST/2009/EPS Dated:30th December, 2009)

POLLING PERSONNEL

3.4 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 available 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 the availability of the requisite number has to be made well in advance. This requires forethought and planning. The Commission has already asked Central Government and State Governments, who, in turn, have issued instructions to all heads of departments and offices of the Central and State Governments to furnish to the District Election Officer data of number of officers in different categories. It would facilitate your task of making suitable selection of polling personnel. As the polling parties are to be comprised of a proper mix, to the extent possible, of Central Government/Central PSU and State Government /State PSU employees, separate database for such officials are to be prepared by you. Some of these Central Govt. officials may also be deployed as Micro-Observers.

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

3.6 In case where employees of local bodies, namely, Municipalities, Panchayat samitis, Zila Parishads, etc., are engaged for polling duties at a polling station, it need 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. Bank employees may be drafted to the minimum extent possible, only in a contingency, where sufficient number of Government Employees are not available and/or in emergent circumstances such as strikes, etc., by the government employees. Care should be taken to see that normal functioning of the banks don't get disrupted; and bank employees drafted on election duty may, whenever possible, be kept on the reserve and only in unavoidable circumstances, should they be put on duty.

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

3.8 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

PROVISIONS IN CASE OF WOMEN OFFICIALS

3.9 While drafting Presiding Officers/Polling Officers, the availability of female polling personnel should be examined for appointing Presiding/Polling Officers for polling stations set up exclusively for female voters or where the number of female voters, especially, pardanashin women is large. In such polling stations, there must be at least one lady-polling officer who may attend to the duty of identification of women electors.

3.10 You shall exempt all such women, who are in advanced stage of pregnancy, whether on maternity leave or not, or who are otherwise on medical advice not fit for any rigorous or hazardous work, from being drafted for election duty. The same will apply to women who breast feed their newly born child.

3.11 You shall inform, well in advance, every female official called for election duty of the arrangements made for her stay, private and separate arrangement for women only at the place of duty to meet the calls of nature as well as for bath and dressing. Unless such 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 where the above arrangements are not available.

EMPLOYMENT OF JUDICIAL OFFICERS FOR ELECTION WORK

3.12 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;

(ii) Civil Judicial Officers of and above the rank of District Munsif or any rank corresponding thereto will not be engaged for election work in any capacity;

(iii) Judicial Magistrates may not be appointed as Sector Magistrates in charge of law and order duties or engaged as Presiding or Polling Officers of Polling Stations; and

(iv) In States where there is no separation of judiciary and executive, Executive Magistrates may be put in charge of law and order work in connection with election; provided a sufficient number of them are left out for dealing with criminal cases arising out of the law and order situation relating to elections. In these states also, no Civil Judicial Officer should be detailed in any capacity for election work.

PHYSICALLY HANDICAPPED PERSONS

3.13 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 find it difficult to go to the polling station/counting centre and perform election duties there. If it is considered that any such handicapped person would not be in a position to perform election duties, such person must be exempted. Such exemption should, however, be given in deserving cases, subject to the satisfaction of the District Election Officer/Returning Officer.

The persons with disabilities have been defined under the “Persons With Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995”.Physically challenged persons with disabilities as defined under this Act should not be deployed on election duty. However, subject to compliance of the above circular relating to physically challenged persons if any such person is required to be used on election duty, prior approval of the Observer may be

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

PRESIDING OFFICER

3.14 The Presiding Officer is required to perform very important functions. He should, as far as possible, be a Gazetted Officer or, failing that, 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.

UNAVOIDABLE ABSENCE OF PRESIDING OFFICER

3.15 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 is, unavoidably absent, from the polling station.

PROPER MIXING OF POLLING PERSONNEL DRAWN FROM DIFFERENT OFFICES

3.16 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 minds of political parties and candidates about free and fair elections, you should ensure proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party. Further, polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable. It is pertinent to mention that central govt. officials must first be used for appointment as micro-observers and then, if available for proper mix as stated above.

3.17 No person shall be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency or which is his home constituency.

RANDOMIZATION OF POLLING PARTY

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

3.19 From the database, randomized list of required number of polling persons should be generated (including reserve) using specially designed computer software, using 'Random Number Generation Technique'. Presence of Observers is not required at this stage. Standard software in this regard shall be provided by the CEO of your state/UT. Observer's presence is not necessary.

3.20 The second stage randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage actual polling parties shall be formed randomly by application of computer software using the 'Random Number Generation Technique'. Particulars of AC where that official is going to be deployed will be available but specific polling station for poll duty shall under, no circumstance, be known. Observer's presence is necessary.

3.21 Second randomization of polling personnel can be done up to 12 days before the date of poll, with the condition that during second training of polling personnel, (training of Presiding and Polling Officers) will be imparted in presence of their Returning Officer of Assembly Constituency and that the Presiding and Polling Officers of that particular allotted Assembly Constituency shall be given training together under the supervision of their Returning Officer. This provision will ensure better coordination between the Returning Officers and the Polling Teams since the Returning Officers will be able to meet the Presiding/Polling Officers who have been allotted to his Assembly Constituency and simultaneously the polling team would also know in advance the Returning Officer under whom they have to work till the poll day. (instruction No.464/INST/2011/EPS Dated: 15th March, 2011)

3.22 The third stage randomization exercise shall take place on the day prior to actual dispersal of polling parties, and in no case earlier to that, Now the allocation of polling stations to the polling parties will be done using same software. Observer presence and satisfaction is mandatory. You must refer to Commission's latest instruction in this regard.

3.23 In order to ensure absolute compliance of Commission's instruction in this regard, following certificate to ECI through the Observers and also to the Chief Electoral Officer of your State, shall be given under sign and seal of DEO immediately after the polling parties have been formed for an election: -

CERTIFICATE

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

Name and designation of DEO

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

NUMBER OF POLLING PARTIES AND TIME OF DEPARTURE

3.25 You know already the number of polling stations in your constituency. If the polling in your constituency is to be completed in one day, the number of polling parties must be the same as the number of polling stations. If the poll is to be held on more days than one in your constituency, you must have on each day of the poll, as many polling parties working as the number of polling stations which go to poll on that day. There is usually a District Election Plan for the whole district. Go through it and ascertain what part exactly you are required to play according to the plan so as to ensure that each polling party reaches its polling station on the day preceding the date of poll, excepting in cases where, in view of difficult terrain, geographical barriers or special law and order related problem, polling parties need to be dispatched earlier to that. But in all such cases, specific written prior approval of CEO shall be obtained who will give it after discussing with observer's 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. In order to ensure that the pace of polling runs smooth and the electors are not put to inconvenience at the polling stations where auxiliary polling stations could not be set up and electors in range of 1200-1400 voters, an extra polling officer should be provided to share the duty of 2nd Polling Officer.

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

RESERVE POLLING PERSONNEL

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

POLICE PERSONNEL TO ACCOMPANY POLLING PARTIES

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

TRANSPORT FOR POLLING PARTIES

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

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

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

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

ACCOMMODATION AND FOOD FOR POLLING PARTIES

3.29 You must check and make suitable arrangements for the accommodation, food, drinking water facilities and toilet facilities for the polling personnel. Special emphasis should be laid on such arrangements for female polling personnel with due regard to their privacy. If poll is taken during summer, arrangement should be made for providing shelter for polling personnel and voters. If necessary, improvised roofing be erected even if it involves some additional expenditure. In case any polling station is located in a spacious building, the voters may be allowed to stand in queue in sheltered area, like, verandah before the polling station. The Returning Officers shall depute Sector Officers, well in advance, to oversee that adequate arrangements for shade, food, water, etc, have been made.

FORM FOR APPOINTMENT

3.30 The polling personnel should be formally appointed. The form for the appointment of Presiding and Polling Officers is given in **Annexure VII.** The Presiding and Polling Officers should be formally appointed both for the Assembly constituency and for the Parliamentary Constituency also in the case of a simultaneous election.

3.31 Appointment letters of Presiding Officers and Polling Officers should be issued as soon as polling parties are formed after second stage randomization, but in their appointment letters number and name of polling station at which they will be on duty shall not be indicated. Such information regarding place of duty shall be intimated to them only at the time of departure and not before that. If polling parties of some polling station need to be dispatched earlier keeping in view specific law and order problem, geographical features or any other reason then specific written prior approval of the Commission must be obtained through CEO.

3.32 It is further mentioned that under rule 20(2) of Conduct of Elections Rules 1961 applications in Form 12A for election duty certificates should reach the Returning Officer four days or such shorter period as a Returning Officer may allow before the date of poll. 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 need be given. If appointment letters to Presiding and Polling officers are to be given prior to the above-mentioned period from the date of poll, it may be done leaving the entries in column one of the Table appended to **Annexure VII** blank. Particulars of polling stations may be intimated to the polling personnel subsequently in compliance with the Commission's above directions.

3.33 The order of appointment should be issued, in duplicate, so that the voters on election duty may enclose one copy of that order of appointment along with his application in Form 12 for supply of postal ballot paper or in Form 12A for EDC, thereby facilitating his quick identification and decision to the issue of postal ballot paper/EDC, as the case may be.

3.34 The order of appointment in duplicate should also bear the clear seal of the Returning Officer or the District Election Officer.

3.35 The above procedure will be applicable at General Election as well as Bye-election.

3.36 Along with the letter of appointment of polling personnel, another communication should also be sent indicating where the electoral rolls for all the Assembly constituencies of a District would be kept i.e. in your office and at the centre(s) for rehearsal/training classes so that they can check for electoral details for themselves and mention the same in Form 12 or 12A.

3.37 A list of polling personnel in respect of all polling stations in your constituency should be displayed on your Notice Board at least two or three days before the day of poll. There is no need to supply such lists to the recognized political parties and contesting candidates.

3.38 Sector Officer/Micro Observers and other officials :

The Commission has already experimented with use of Central Govt. officials as Micro-Observers in the recently held general election to the Legislative Assemblies of Gujarat & Karnataka. In this regard in the light of the experience gained, the Commission has issued guidelines and check list vide its letter of even number dated the 24th October, 2008. The Commission has further decided that following category personnel can be considered for use in election management as Micro-Observers or election volunteers at the polling booths to ensure the purity of the election process –

(i) Serving Govt. of India officials may be used as Micro-Observers in the polling stations within the resident district. They should not be used in their home ACs.

(ii) Retired Govt. of India and State Govt. officials can also be used as Micro-Observers within their resident districts. However, they should not be used in their home ACs. The list of such persons should be prepared in advance by the DEO and their availability, suitability and willingness shall be ascertained.

(iii) The members of National Service Scheme (NSS) and Bharat Scouts (Rangers & Reserved) can be used as Micro-Observers. The Chief Electoral Officers may get in touch with NSS coordinator, work out and propose the detailed modalities of their deployment.

(iv) Serving State Govt. officials brought in from other States may also be used as Micro-Observers. As this will require logistical arrangements and mobilization, it should be resorted to only in rare cases. ***Senior division members of the NCC may be used in their uniform for maintenance of discipline and order in the conduct of poll at the polling stations.***

(v) The Election Commission of India may also select individual volunteers (not necessarily belonging to any NGO) out of reputed persons with experience and integrity.

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

Proper arrangement shall be made at the training venue, care should be taken while choosing the venue for training purpose to ensure amenities such as drinking water and toilet facilities.

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

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

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

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

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

SECTOR OFFICERS

1.1 Tasks and Responsibilities —

(i) Responsible for election management from the day of announcement of schedule of election till the completion of poll process - If required central Govt. officers can also be deployed.

(ii) Most responsible position; best officers to be identified – Deployment immediately after announcement of election schedule till the poll process - They shall bedesignated as Zonal Magistrates for the same area at least 7 days before poll day. They will be provided powers of Special Executive Magistrates also.

(iii) A manageable route covering 10-12 polling locations (1 to 2 hours) should be assigned.

(iv) Sectors to be constituted well in advance.

(v) The routes should be plotted on constituency map.

(vi) Immediately after the appointment he should have the sector map.

(vii) DEO/RO & Observers to frequently (weekly) have review meetings with SOs and monitor works allotted to and done by them

(viii) They should be provided with a vehicle in advance, not later than one week before the notification of election.

(ix) To ensure effective implementation of communication plan

1.2 Sector Officers – Tasks

1.2.1 Pre-poll responsibility - About polling location –

(i) To verify whether route plotted on map is feasible - Ascertaining the approach and accessibility.

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

(iii) To ensure that wide publicity is given to new polling stations

(iv) Collect phone no., ascertain mobile connectivity at PS;

(v) Party Offices, whether they exist within 200 meters periphery of PS

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

1.2.2 Pre-poll responsibility - About the voters -

(i) EVM demonstration to the voters in catchments;

(ii) Give specific information about EPIC coverage programme.

(iii) Inform voters about help lines and locations of their PSs.

(iv) To inform voters to check their names and entries in PER through BLO

1.2.3 Pre-poll responsibility - About vulnerability mapping -

(i) Frequent visits for confidence building measures and fine tuning the vulnerability mapping;

(ii) Vulnerability Mapping (ECI No. 464/INST/2007 PLN I dtd 12.10.07)

(iii) Identification of villages, hamlets and segments of voters vulnerable to threat and intimidation.

(iv) Identification of persons who make it vulnerable - It is not about numbers it is about names - Information to be given in prescribed format to the RO/DEO without having to disclose the source.

(v) Accountability for ensuring free access of voters for voting.

(vi) Contact points within the vulnerable community with their telephone Numbers.

(vii) SO will act as Zonal Magistrate, therefore will accompany with police officer.

(viii) Since SO will act as Zonal Magistrate, he will prepare a Zonal Magistrate Plan with a sketch map for PSs, list of telephone Nos of PSs and election related officers, police stations, list of responsible persons, list of Anti Social elements etc.,.

1.2.4 Poll-eve responsibility

(i) Ensure that the polling teams and all material have reached their PSs

(ii) Ensure that force has arrived at PSs according to the plan.

(iii) Clarify any last minute doubt on EVM operation or the polling process, amongst the poll personnel

(iv) Give OK report to control room

1.2.5 Poll day responsibility

(i) To ascertain the mock poll status before commencement of poll – Remedial action to sort out problem, if any.

(ii) Frequent visit and attention on the PS where the mock poll had to be conducted in the absence of agents.

(iii) Report commencement of polls.

(iv) To ensure that Forces deployed at PSs are in position

(v) Replacements of EVMs where required (SO to have spare EVMs);

(vi) Track and report the presence /absence of polling agents

(vi) To assist polling team inside polling station with procedures,

(viii) To maintain the purity of poll process and check all aspects of polling during their visits to PSs.

(ix) Mock poll certification be ensured - mock poll status be reported within 30 minutes to RO [ECI's No. 51/8/7/2008-EMS dt. 15.7.08]

(x) Check voting pattern – any segment/section conspicuous by its absence? Inform RO for remedial measures.

(xi) Report voting percentage from time to time to RO as instructed.

(xii) Handling of poll day complaints.

(xiii) Check the sealing of EVMs and preparation of papers by polling parties.

(xiv) Escort EVMs with the polling team to receipt centre.

(xv) Replacement of polling personnel from reserve parties

(xvi) To ensure distribution of Honorarium to Polling personnel

(xvii) At the end of poll he will ensure that: -

(a) Pro diary is filled up properly
(b) EVMs are properly sealed.
(c) Copies of 17C are given to polling agents
(d) Register of 17A is properly filled up.
(e) Format XV for PrO's additional report to be submitted to Observer is filled up properly.

1.2.6 After poll, submit a report on polling to RO.

1.2.7 The following information and facilities that should be available with sector Officer: -

(i) Sector Officers shall ensure that they have been given adequate training particularly with regard to EVM, Election Management, Polling Process, Model Code of Conduct and other important aspects of elections.

(ii) Sector Officers should have an identity card issued by DEO and should always ensure that they display their identity card during their visits to their sector.

(iii) Sector Officers should have the list of all polling stations under his jurisdiction alongwith number of voters in each polling booth.

(iv) Communication plan

1.2.8 Material to be provided to Sector Officer —

Sector Officer should ensure that they have with them all the material listed below: -

(i) Training input being given to Presiding Officer, Polling Officer and Booth Level Officers.

(ii) A detailed map of his sector.

(iii) The list of notified polling stations in his area.

(iv) Details about the voter help lines existing in his sector.

(v) Reserve EVMs

1.2.9 Reports to be furnished by Sector Officer —

(i) Sector Officer shall submit tour report to RO and DEO for every field visit undertaken by him after his appointment on the lines of the enclosed.

(ii) Sector Officer shall also submit report in Format-3 issued by Election Commission of India giving details about the poll day activities after the polling is over. This report will be submitted to RO.

Format-1, 2 and 3 may kindly be seen in the check list of Sector Officers uploaded on the Commission's website.

ISSUE OF PHOTO IDENTITY CARD TO THE POLLING PERSONNEL (INSTRUCTION NO. 464/INST/2007/PLN-I, DATE: 12TH OCTOBER, 2007)

3.39 This identity card shall be issued by the District Election Officer (DEO)/Returning Officer (R.O). The Presiding Officers, polling officers, counting supervisors and counting assistants shall display their identity card on person on the day of poll/counting for easy and quick identification. Such identity cards shall be prepared in the prescribed format as enclosed containing all relevant details of the Govt. officials/employees concerned. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO. In order to ensure the photo images of the Govt. official/employee concern is properly

collected in time to enable the preparation of the identity card, the Commission directs that the DEOs can exercise any one of the following option(s): -

3.40 The DEO can organize the capturing of the photography of the polling personnel at the time of first round training so that the ID card is prepared before second round training and handed over to the polling personnel concerned by obtaining proper acknowledgement.

3.41 Wherever possible, the polling personnel can also bring copy of his/her passport size photograph and deposit at the time of first round training for the purpose of preparation of the ID card.

3.42 A combination of both the above options can also be used by the DEOs, if necessary.

3.43 While reiterating that the issue of the ID card as directed above shall be ensured without fail, the Commission would like to give necessary operational flexibility to the DEO 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 format prescribed in the enclosure.

(For Presiding Officer)

General Election to ……..…….

IDENTITY CARD

Name of the Presiding Officer :
Age :
Name of the sponsoring Deptt. :
Designation of the sponsoring Authority :

Photograph duly attested By DEO/RO

3.44 (For Polling Officer)

General Election to ……..…….

IDENTITY CARD

Name of the polling officer :
Age :
Name of the sponsoring Deptt. :
Designation of the sponsoring Authority :

Photograph duly attested By DEO/RO

H R ISSUES IN THE POLLING PERSONNEL MANAGEMENT.

3.45 The conduct of election in a vast country like ours is a mammoth exercise. An efficient human resource management forms an essential part of the election management planning and execution. The personnel involved in the conduct of elections particularly the polling staff carry out their duty in challenging circumstances. However, the Election Commission of India has received feedback that enough efforts are not being made to provide basic facilities to enable the polling staff to deliver their work in a hassle free manner. The Commission considers the well being of the polling personnel to be one of the priority areas of election management. In order to ensure that the welfare of the polling personnel receives adequate attention of the District Election Officers and Returning Officers, the Election Commission of India has directed that the following instructions be followed without any deviation.

3.46 There shall be a separate chapter in the election arrangement booklet prepared by DEO/RO dedicated to staff welfare. In this chapter, the measures envisaged by the District Election Officer/R.O to ensure polling personnel welfare shall be listed.

3.47 While preparing the district machinery for the conduct of election, the DEO shall identify a senior officer as the nodal officer to coordinate and supervise polling personnel welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of the polling personnel drafted for election duty. The DEO should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues. Right from the beginning enough care shall be taken to ensure that the information regarding training programme, dispatch and reception centre arrangement etc. is conveyed to the polling personnel in a proper and timely manner through the sponsoring authorities. The responsibility of the officer who sponsors the polling personnel is not merely to send the names of the government staff to be used for election duty. As and when the DEO or RO sends information to be passed on to the polling personnel drafted for training/poll duty, the same information shall be conveyed by the sponsoring authority to all the staff drafted for election with due care. Apart from informing the training schedule and dispatch schedule etc. through the letter, sponsoring authority, the DEO and RO shall also use the local media to convey the schedule to the staff at large so that there is no misunderstanding about reporting time and venue.

3.48 Proper arrangement shall be made at the training venue; care should be taken while choosing the venue for the training purpose to ensure that there is proper arrangement of basic amenities. There should be a proper provision for drinking water and toilet facilities at the training venue. There should also be ‘help desk’ to help the polling personnel when they arrive for training. Similarly, at the dispatch centre too, due care should be taken to provide civic amenities and facilitate orderly dispatch. On the day of dispatch, the nodal

officer identified to take care of staff welfare shall physically remain present at the dispatch centre. There shall be adequate provision of drinking water, toilet etc. at the dispatch location. The process of dispatch shall be closely monitored by the senior officers so that polling personnel are not unduly held up at the dispatch centre. Also, if the dispatch process takes time, there should be proper arrangement for refreshments for the polling personnel while they are waiting for transport for taking them to their polling stations. The coordination between the police personnel deputed to accompany the polling personnel should be perfect so that there is no communication gap in this matter. It will be the duty of the sector officers to ensure that the polling personnel deputed to perform their duty at the polling stations assigned to the sector officer are taken care of and they are not unduly held up at the dispatch centre.

3.49 A senior officer should supervise the arrangement made for providing transport vehicle for the travel of the polling personnel. The movement of the polling personnel/security forces shall be tracked closely and a confirmatory report should be obtained through sector officer on the safe arrival of the polling personnel at the polling station.

3.50 The DEO and the RO shall do an advance exercise well before the election to get the conditions of the polling stations physically verified by the field officials. With some advance intervention at the level of DEO, the conditions at the polling stations can be vastly improved. There are reports about polling stations not being provided even with rudimentary facilities like tables and chairs. The DEO, through the sector officers shall get the physical condition of the polling stations verified well in advance and ensure that provision for basic amenities like tables, chairs, benches, drinking water/toilet, shade for voters etc. are made available. If the power connection is available, the status of switches/bulbs/fans should be checked. If power connection is not there, alternative arrangement should be made.

3.51 There are inputs about polling personnel being put to difficulty for lack of provision in remote areas for getting their food. An exercise shall be done through sector officers as to how such problems can be sorted out. It is relevant to note that it may not be desirable on the part of polling personnel to venture out for the sake of getting food in remote locations. It is also undesirable to avail the local hospitality as that may lead to some complaint. In some States there is a practice of providing a Gr.-IV staff in the polling team who cooks food & serves the polling party. The DEO shall review the situation and ensure that proper alternative arrangements are made depending on the local condition and limitations.

3.52 The health care of the polling personnel is another important concern. At the training centre as well as in dispatch/reception centres, there should be separate arrangements for providing health care/first aid assistance to the polling personnel. Medical staff/para-medical staff shall be stationed in those locations to be available in case of any requirement.

3.53 The reception centre for polled election materials shall be managed efficiently and professionally. Here too, health care staff and equipments should be on duty and arrangement for refreshment, in a manner that would not disturb the receiving of EVM/other documents, should be meticulously planned. It is at this time that the polling party is fatigued and exhausted and tempers might run high. The polling personnel shall not be held up unnecessarily at the reception centre. The reception centre should not be handled by the junior staff of the District Election Office alone and the senior officers shall remain physically present at the reception centre in order to ensure the effective handling of the reception centre. Once EVMs and other documents are handed over, the polling staff shall be relieved from the duty without any delay. Advance measures should be in place to ensure that transport facility including public bus service etc. is available for them to reach home at the earliest.

3.54 Apart from this, the CEO shall do a review of present existing system of making ex gratia/compensation payment in case of an unfortunate event of injury or death of polling personnel. There are States where specific problems like Maoist extremism prevail, insurance coverage for those engaged in election duty have been extended. There are States where such compensatory mechanism is extended directly by the State Government. The CEO of the State shall, in consultation with the State Govt, should review the present policy and submit a factual report to the Election Commission of India indicating the ex gratia/compensation payment mechanism adopted/proposed to be adopted in the State for casualties on election duty.

TRAINING OF POLICE OFFICIALS ASSOCIATED WITH CONDUCT OF ELECTION:

3.55 Police machinery plays a key role in the conduct of elections in a peaceful and orderly manner. But a peaceful election free from violence need not necessarily be a free and fair election. Therefore, correct and unbiased implementation of the election laws and Election Commission's directions is necessary. That presupposes a familiarity with the laws and instructions and can come about only through the proper/periodic training. Commission has earlier issued instructions for the training of election staff other than the police. Now the following directions are issued regarding training of police personnel associated with conduct of elections:

(i) <u>Police headquarter level</u>

The State police headquarters should develop a checklist for the key officials associated with the conduct of election indicating their duties and responsibilities in the light of new instructions being issued from the Election Commission of India from time to time. Besides, a reference material should also be prepared indicating the relevant Sections of Indian Penal Code, the R.P Act and Model Code of Conduct (MCC) that are relevant during the course of elections. This reference material book should indicate the nature of offence and the relevant Sections whether cognizable or noncognizable and the action to be taken in case of any violation.

This reference material should be made available to all field officials as well. There should be a proper coordination between the CEO's office and the police headquarters. Whenever the Election Commission of India issues any instruction connected with maintenance of law and order preparation of State/district level deployment plan of CPF etc., the guidelines should be immediately brought to the notice of police headquarters. The DGP may identify a senior officer who would function as a nodal officer to remain in touch with the CEO on day-to-day basis so that the Commission's instructions from time to time are followed up and implemented.

(ii) At district level

The DEO-cum-District Collector/DM will hold a meeting with SP and senior police officials and apprise them of all the recent instructions of the Election Commission of India. In this meeting, the attention of the police officials should be drawn to Commission's instructions regarding maintenance of law and order, execution of non-bailable warrants, seizure of illegal arms, surrender of licensed weapons, enforcement of excise law, action against bootleggers, restriction on use of vehicles, instruction regarding prior permission for campaign vehicles, ban on use of any vehicle for transporting voters on the day of poll etc.

The enforcement of MCC is the joint responsibility of the district electoral administration as well as the police administration. Clear accountability should be spelt out when the district administration/RO forms MCC squads/teams. There should be a specific accountability for the police officials at the Thana level. A Complaint Monitoring System should also be introduced for tracking election related violence and offence and case book in that connection. The DEO and SP will review the status of the election related cases while during the previous election and expedite follow up action in this regard.

(iii) Concept of vulnerability mapping and identification of critical polling station and critical clusters

The training to be organized by the district administration (DEO and SP) for police officials should be planned in advance and proper training material should be prepared. Copies of the relevant circulars of the Election Commission of India and extracts of relevant law should also be circulated in the training programme. The Commission has introduced a new concept of vulnerability mapping and specific process for identifying the critical polling stations and critical clusters (refer circular no. 464/INST/2008 dt. 24.10.08).

The conventional method of identifying hyper sensitive/sensitive/normal polling stations adopts the law and order and past events of violence as the major criteria. However, the new system of identifying critical polling stations and critical clusters gives lots of importance for the factors associated with free and fair election process. As the vulnerability mapping gives valid inputs for identification of critical polling stations and critical clusters, the entire concept should be explained to the police officials properly by the DEO and SP.

(iv) Misuse of money power and election expenditure
Please refer to Instruction on Election Expenditure Monitoring

The misuse of money power has emerged as a big challenge to the free and fair election process. Feedback has been received about candidates indulging in various methods to induce the voters which includes outright payment of cash that amounts to bribery and other forms of inducements such as supply of liquor, food packets, holding of lunch and dinner parties in the name of "birthdays" and other "anniversaries" to give election related inducement, distribution of gifts in the name of masswedding and so on. During the election process, a close tracking by each and every Thana officer of such payments and other forms of inducement at their level is essential. The field level election machinery/police administration should work as a team to track such types of malpractices.

Whenever such event takes place, video coverage of such events shall be ensured so that sufficient documentary evidence is created. It is noticed that liquor is transported even from the far away States to the election going States. Proper checking at the inter-State border and commercial tax check post will be helpful in tracking such transportation of liquor. Whenever a consignment of such liquor is intercepted, proper investigation should follow to trace the origin of such supply and the destination. A proper investigation is essential to establish linkage between the election process and the supply of such inducements. Media should be briefed whenever such consignments are seized. A proper orientation about this should be given to the police officials during training programmes.

Information on the Commission's instructions about ceiling for expenditure in election, the details of Section 77 of R.P Act regarding the list of star campaigners to be submitted by the recognized party and the implications therein should be explained to the police officials. Section 171 H which deals with the illegal payment by any person for furthering interest of a candidate should be explained to the police officials during training programme.

(v) Defacement of Public properties

The Election Commission has been issuing a detailed instructions regarding prevention of Defacement of Public Property and other connected issues. In this regard, the latest Commission's instruction vide no. 3/7/2008/JS II dated 07.10.08 needs to be properly studied. The steps to be taken to implement the Commission's order in the context of prevailing law if any, applicable to the State should be properly explained. The methodology to be adopted for enforcement of Commission's instruction should be discussed in the training programme and explained to the field officials.

(vi) Discipline during nomination process

Commission has issued instructions to ensure proper discipline during the process of filing of nomination. During the filing of nomination, the candidate can be accompanied by only the four other persons (refer 464/inst/2007/PS I dated 09.02.07). This restriction

by and large is being strictly followed. However, there are instances in which these instructions are not followed resulting in chaotic situation inside the RO's room. In order to ensure that proper discipline is maintained and the Commission's instructions regarding restriction of persons, a nodal officer needs to be identified by the SP of the district who would be responsible for sanitizing the area of RO's premises and ensure that only the permitted number of people are allowed to go inside the RO's room and the entire proceeding should be video graphed. Duties and responsibilities of the nodal officer in this regard, should be properly explained by the SP to the nodal officer during training session. Publication of election pamphlets in violation of Section 177 A of the RP Act, 1951 needs close tracking and monitoring.

(vii) Communal harmony

The police administration should remain vigilant about circulation of campaign material which can affect the communal harmony. In this regard, a strict vigil needs to be kept. The provisions of electoral law as well as model code of conduct in this regard shall be explained to the police officials during training programme.

(viii) Poll day and counting day duties

An orientation should be given to the police officials about the polling process on the poll day and other connected issues and about the duties and responsibilities of various police officials on poll day with reference to security at polling station, patrolling of the catchments areas, tracking of areas identified as vulnerable, transportation of polled EVMs, sealing and guarding of strong rooms and the counting day arrangements.

(ix) CPF coordination

Whenever CPF are deployed in a district/constituency, a proper coordination has to be ensured so that the deployment of CPF becomes more effective and functional. Hence, a proper orientation needs to be given about the role of CPF vis-à-vis State police/local police and other coordination responsibilities.

(x) Directory of electoral administration

A directory of key functionaries of the electoral administration both civil and police should be prepared indicating the names, designation, landline and mobile numbers so that coordination between civil authorities and the police authorities is ensured.

TRAINING OF ELECTION MACHINERY INCLUDING POLLING AND POLICE OFFICIALS ASSOCIATED WITH CONDUCT OF ELECTIONS

3.56 Elections in India involves the largest event management exercise in the world. Millions of Govt. servants and other persons are directly or indirectly involved in the election process and this inevitably throws up a major human resource management challenge to the election managers and administrators.

A proper and a professionally organized training forms the core of the Human Resource management. Almost all the problems/difficulties confronted during pre-poll process and on the poll day can be traced back to lack of adequate training at various levels.

The importance of imparting proper training has been highlighted in the instructions issued by the Election Commission of India in the past to the CEOs. The Handbook For Returning Officers also underlines the importance of training. After the universal use of EVMs in all polling stations in the elections to the Lok Sabha, 2004, imparting training about the technical and procedural aspect of EVM elections has become the central focus of the training to the election machinery. Besides, there has been a gradual shift in the approach and methodology involved in the conduct of elections and the elections are now very closely supervised. In such a situation, if proper training is not given at every level, the objective of ensuring free and fair election will suffer a serious setback. Considering this, the Election Commission of India has decided to issue a comprehensive instruction on human resource management in elections with a specific focus on training at various levels. The instructions are as follows: -

1. <u>Chief Electoral Offices</u>

A checklist for the CEOs office shall be prepared by the CEO well in advance. The officers in the CEOs office as per the distribution of the works should get themselves equipped with up-to-date information/instructions/circulars given by the Election Commission of India on various aspects of election management. For example, if an officer is entrusted with the responsibility of EVM management in the State, he should not only be coordinating with EVM manufacturer concerned (BEL or ECIL) and monitor the availability of power packs, availability of EVM at different districts etc. but should also get himself thoroughly informed about new instructions such as EVM randomization, mock poll certificate, dummy EVM at polling stations etc. so that he will be in a position to guide the DEOs and other nodal officers at the district level who deal with the EVM management. He will also ensure proper training material is prepared and standardized for use at the district level. This is only an illustrative example. Like this on various aspect of election management, the officers in the office of CEO should get themselves fully equipped with up-to-date information.

The CEO shall review the learning and training material available in the State for the purpose of imparting training to the field functionaries as well as aiming at voter awareness. He should prepare a set of multimedia training input on EVM elections as well as prepare a good power point presentation separately on various aspect of election management. While preparing this presentation, he shall make use of the services of some of the efficient DEOs and ROs so that the presentation material has the benefit of field experience. The CEO shall review as to whether the Handbook

for Returning Officer, Handbook For Presiding Officer and copies of other relevant books and guidelines are available in adequate number.

The CEO in consultation with some of the efficient DEOs and ROs shall prepare a work chart and a checklist for key election functionaries such as DEOs/ROs/Zonal Officers/Sector Officers/Presiding Officers and micro observers. He shall also prepare an effective FAQ (Frequently Asked Questions) covering all aspects of election management so that the doubts at various levels are cleared.

Recently, in NCT of Delhi and Madhya Pradesh an experiment was made at the level of CEOs by organizing an E-Mail group in which all the stakeholders in election such as DEOs, ROs, SLA and others are included and this platform was used for raising questions and clearing doubts. This E-Mail group functioned as an effective tool in disseminating information and clearing doubts. This can be adopted by all the CEOs right from the beginning during General Election to the Lok Sabha, 2009.

2. <u>District Election Officers</u>

At the district level, the wheel of election machinery revolves around the DEO. The DEO shall provide an effective leadership to the election machinery. Most of the DEOs will have the dual responsibility of being the DEO as well as the RO of a parliamentary constituency. The DEO should prepare a separate checklist for himself as DEO as well as RO. He will hold a meeting with all key election functionaries such as AROs and other senior officials of the district administration associated with elections and explain to them all the new circulars issued by the Election Commission of India in recent times. He will identify a nodal officer for each thematic activity of the election management. For example there shall be a nodal officer for EVM management and EVM training; another nodal officer for tracking Model Code violations and another one for observer coordination and so on. These officers shall get themselves familiarize with relevant instructions and guidelines so that they are in a position to clarify doubts which could be raised by their subordinate officers.

Further, the DEO shall develop a good work chart and checklist for all key functionaries such as AROs, nodal officers, Zonal Officers, Sector Officers, Presiding Officers and so on. If the CEO of the State has developed and supplied such checklist, the DEO can suitably modify that to suit the local condition so that the outcome will be more functional and elaborate. The RO and ARO shall equip themselves thoroughly with all the statutory aspect of the election management so that the statutory processes such as nomination, scrutiny, allotment of symbol etc. are performed effectively and as per law.

3. <u>Training of polling personnel</u>

The date and venue for training of polling personnel shall be decided well in advance. The polling personnel selected for undergoing training through

randomization process should be informed about the training programme in time through sponsoring authorities. The nodal officers appointed by the sponsoring authority shall be made accountable for ensuring the polling staff appointed to attend the training without fail. For this purpose, the sponsoring authority-wise nodal officers' name, designation and contact numbers shall be maintained separately.

Before organizing the training programme, DEO shall review the training material. He should have proper power point presentation, printed leaflets etc. so that the training is effectively conducted. The training programme should not be converted into a huge *mela*. The training should be conducted in smaller group so that there is adequate opportunity for interaction and clearing doubts. More emphasis should be given for 'hands on' training rather than classroom lecture mode. The polling staff shall be encouraged to ask questions and get their doubts clear. It is relevant to note that in the recent past, in many places repolls 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.

The Commission has recently issued an instruction to run postal ballot facilitation centers for the benefit of polling staff. Whenever and wherever such felicitation center are organized, care shall be taken by the DEOs to ensure that the operation of facilitation center does not result in compromise of training. A proper record of attendance shall be maintained for each and every training schedule so that no untrained person even inadvertently gets deployed as a polling staff. Apart from imparting training on the technical and procedural aspect of EVM election, the importance of mock poll and mock poll certificate, use of dummy EVM for explaining the method of voting to the illiterate voters also shall be highlighted. A complete set of election material which would be handed over to the Presiding Officer at the time of dispatch shall be kept in the training hall as a model kit so that each and every document, forms and election related material kept in the Presiding Officer kit is explained to them properly. Besides, a copy of the electoral roll, a copy of supplementary roll and other additional information such as list of absentee voter etc. shall also be shown to the Presiding Officers so that they would become aware of those documents and perform duty as per the instruction of the Election Commission of India on the poll day.

Apart from the statutory and non-statutory reports, the Election Commission has directed the Presiding Officers to submit an additional report in the newly prescribed format for quick tracking of information by the RO and the Observer. This form should also be explained to the Presiding Officers so that there is no confusion in their mind.

4. <u>Dissemination of recent and subsequent instructions</u>

During the course of election process, the Election Commission may be issuing various instructions on day-to-day basis. There is every possibility of some of the instructions being sent after the training programmes are over. In such cases, the DEO shall take care to ensure that all the subsequent instructions are printed in the form of leaflet circulated among the polling staff at the time of dispatch of EVM and other election material at the disposal center.

5. <u>Accountability for imparting training</u>

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

6. <u>Facilitation at training centre</u>

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

7. <u>Training counter at the dispatch center</u>

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

reaching the polling station which may result in draining of power pack as well as give scope for rumour among the rural voters about the staff handling EVM on the previous day. In order to avoid this situation, emphasis shall be given for last moment 'hands on' training and leaflet containing recent instructions in the form of bullet points; important dos and don'ts etc. can be prepared and circulated at the training counter at the dispatch center. Apart from this, other procedural aspects of election and maintenance of Form-17A register, Form 17C, mock poll certificate, visitor sheet, entry pass system etc. shall also be explained.

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

CHAPTER - IV

ELECTION MATERIALS

4.1 Each polling party has to be supplied with necessary election materials for conducting poll at a polling station. A standard list of such polling materials is given in **Annexure VIII**. You should assess your total requirements for the same and procure your stock of election materials well in time to avoid any difficulty in procuring any item at last moments.

ELECTRONIC VOTING MACHINES

4.2 You must provide to each polling party one complete set of EVM, consisting of a Control Unit and such numbers of Ballot Units as are to be used at the polling stations. As there is provision only for 16 candidates in one Ballot Unit, the number of Ballot Units to be provided in each polling station would be dependent on the number of contesting candidates at the election.

4.3 First level checking of each EVM is to be done by the manufacturer i.e. BEL or ECIL. A coloured sticker signed by the BEL/ECIL engineer and the representative of the DEO will be pasted on the backside of each machine certifying its fitness for use in the election. The machine to be used for training purpose will bear a **red** coloured sticker while that for actual poll will be **green**. Do not accept any EVM, which does not have a sticker, pasted on it.

FORMS

4.4 During the process of election you will have to use a number of statutory and non-statutory forms. You should first thoroughly familiarize yourself with all these forms. The candidates, their agents and other members of the public would hand-over to you many documents in different prescribed forms during course of election. Normally the State Government prints most of the forms. There may not, however, be a sufficient supply of these forms to satisfy enhanced demand.

OTHER

4.5 In addition to above, you may require many stationery items for your use and use at polling stations and other election staff. Also please procure the same including brass seals in sufficient numbers. Further, enough quantity of voting compartments, Outer Paper seals, special tag, address tag, green paper seals, all of such as prescribed by the Commission, should be procured.

CHAPTER – V

NOMINATIONS

INTRODUCTORY

5. The pressure of work increases substantially as soon as notification calling upon the constituency to elect a member is published in official gazette. As soon as schedule for an election is announced by the Commission by way of a press release, you come to know well before, the date on which such notification will be issued.

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

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

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

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

NOTIFICATIONS FOR BYE-ELECTIONS

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

ISSUE OF PUBLIC NOTICE BY THE RETURNING OFFICER

5.5 Immediately after such notification, you are required to issue a public notice of the election under Section 31 of the Representation of the People Act, 1951 read with rule 3 of the Conduct of Elections Rules, 1961. The notice will be issued in Form 1 appended to the said Rules. In 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 .

5.6 In the public notice, you have to specify among other things, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to you, and also the place(s) at which the nomination papers shall be received by you and the said Assistant Returning Officer(s) (hereinafter referred as the Specified Assistant Returning Officer(s).

Normally, you should not specify more than one Assistant Returning Officer for the purpose and he should, as far as possible, be the one stationed at your headquarters. **Head quarters in this context means the place where the office of the RO is situated.**

5.7 The public notice shall be published in the following manner:- (i) It shall be in Form 1 appended to the Conduct of Elections Rules, 1961 and shall be issued on the same date on which the notification of election is published. (ii) The notice shall be in English and in the languages used for the official purposes of the State. (iii) The notice shall be published, on the notice board of your office the notice board of the AROs office and at such other places, as you may consider necessary, for giving wide publicity to it, including offices of Panchayat Samitis, Gram Panchayat, **village offices, taluk office, etc.**

PUBLIC HOLIDAY - EFFECT ON ELECTION PROGRAMME

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

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

ASSISTANT RETURNING OFFICERS

5.10 Your Assistant Returning Officers can perform any of your functions subject to your overall control. They are, however, not competent to hold scrutiny of nomination paper under section ***36 of RP Act 1951*** unless you are unavoidably prevented from holding such scrutiny yourself and you authorize him (by name and designation) specifically, in writing, for the same.

5.11 In that event, the Assistant Returning Officers should sign the papers as "Assistant Returning Officer" and not "for Returning Officer".

NOMINATION PAPERS - FORM OF

5.12 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 making

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.

Form 2A and 2B are given in **Annexure 1XA and 1XB**.

5.13 While supplying forms of nomination papers to intending candidates, you should also attach to nomination form a copy of Form 26 **(Annexure IX-C and X)** appended to the Conduct of Election Rules, 1961 Please ensure that the candidates are given the revised Form 26 circulated by the Commission vide its letter dated 24.8.2012 **(Annexure IX-C and X)**.
If these are not received, you should bring this to the notice of the candidate

NUMBER OF PROPOSERS FOR NOMINATION

5.14 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 by a registered un-recognized political party or if he is an independent candidate (see Part-II of the Forms 2A and 2B).

5.15 If a State party recognized in one State contest 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, given if Party is granted concession under Para 10 of the Symbol Order to use its reserved symbol.

5.16 **The proposer/s should be present with photo identity card at the time of filing nomination papers. You will verify the identity of the proposers with the photo identity card and the photo roll.**

PRESENTATION OF NOMINATION PAPERS

5.17 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.

TIME AND PLACE OF FILING NOMINATION PAPERS

5.18 Nomination papers may be presented either before you or before any of your Assistant Returning Officers specified by you in the public notice, on any of the notified days at the place or places specified in the notice at any time between 11.00 a.m. and 3.00 p.m., and not at any other hours or at any other place. If a candidate or his proposer seeks to present a

nomination paper either before 11.00 a.m. or after 3.00 p.m., you should not accept the nomination paper saying that under the provisions of the law neither the candidate has the right to deliver, nor the Returning Officer has the right to accept, a nomination paper outside the hours prescribed for the purpose. You may, however, point out that if he so desires, he may present it within the prescribed hours on the following day, provided it is one of the days notified for presenting nomination papers.

5.19 It may so happen that some intending candidates and/or their proposers are physically present in the Returning Officer's office at 3.00 p.m. for presenting their nominations, but because of their large number and because of the reason that nominations are to be received one by one, it may not be possible for the Returning Officer to physically receive all such nominations before 3.00 p.m. In such cases, the Returning Officer shall accept nominations of all intending candidates who are present in the office of the Returning Officer at 3.00 p.m. for filing nomination and treat these nomination papers to have been delivered within the prescribed time under the law. For this purpose, you may close the entry to your office room exactly at 3.00 p.m. and receive the nomination papers of such candidates as are inside given room at 3:00 PM.

5.20 It is further clarified, that intending candidate who enters in the RO's room at just or near to 3.00 PM should come along with all relevant and necessary documents like security deposit proof, Forms "A" and "B", affidavits etc and no one should be allowed to enter your room after 3.00 PM for the purpose of delivering any such documents to any intending candidates.

5.21 If Commission's observer is present on that day, he should be present in your room and entire proceedings of delivery and acceptance of nomination papers should be videographed with time stamping facility.

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

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

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

***make suitable arrangements to ensure strict adherence to these instructions. The nodal officer shall be given adequate support personnel to ensure that the instruction is complied with. The enforcement of this is especially important as it is intricately related to the expense of the candidate at the elections*.** Any violation of this instruction at time of filing nomination papers will be seriously viewed by the Commission and actions will be taken against DEO/RO or such other person including candidate and or his party responsible for violation.

WHO CAN FILE NOMINATION PAPERS

5.24 All nomination papers are required to be presented personally, either by the candidate or by his proposer or any one of the proposers of his nomination paper and by no one else, before the Returning Officer or of the Specified Assistant Returning Officer, at the place specified in the public notice between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday***. If the nomination paper is presented by his proposer, the proposer will duly identify himself before you with his photo identity card***.

NUMBER OF NOMINATION PAPERS

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

5.26 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.

5.27 If a candidate violates this prohibition and files nomination papers for election from more than two constituencies of the same class, his nomination papers in the third, fourth and all such subsequent constituencies should be rejected by the returning officers concerned for non-compliance with the provisions of s 33(7) of the 1951 Act. 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.

SERIAL NUMBER OF NOMINATION PAPERS

5.28 Each nomination paper as soon as it is presented must be, without fail, serially numbered by you or by the Specified Assistant Returning Officer receiving it, who must also note on

the body of the nomination paper the date and exact time at which it was received by him. ***The nominations received by you shall be serially numbered as (Number)/LA or HP/(Year)/ RO and those received by the Specified Assistant Returning Officers as (number)/ LA or HP/(year)/ARO. If the ARO is receiving nomination papers in a different place. You or the specified Assistant Returning Officer shall not make any entries on the nomination papers other than dated initials and serial number as above.*** in view of the limitation on the number of nomination papers that can be delivered by a candidate, you should ask the Specified Assistant Returning Officer (who has been authorized by you to receive nomination papers) to work in close collaboration with you.

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

PRELIMINARY EXAMINATION OF NOMINATION PAPERS

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

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

(ii) If he comes from another constituency you should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of the constituency or the relevant part thereof or certified copy of such entry. The candidate is required by law to produce before you such electoral roll or the relevant part thereof or a certified copy of relevant entries thereof [Section 33 (5)]

(iii) Make sure that the electoral roll with which you make such comparison is the one currently in force for the constituency in either case.

(iv) Check whether the affidavit in Form 26 (Annexure – IX-X) is duly filled up and attached along with the nomination paper. If not attached you should bring it to his notice this requirement.

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

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

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)
1	Affidavit in Form 26	
2	Certified extract of electoral roll (when candidate is an elector of a different constituency)	
3	Form A and B (applicable in the case of candidates set up by political parties)	
4	Copy of caste certificate from competent authority, if the candidate claims to belong to SC/ST)	
5	Security deposit (whether made)	
6	Oath/affirmation (whether taken)	

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

(a) ……. should be filed latest by ……
(b) ……. should be filed latest by ……

Received:

……. **……**
(Signature of candidate) **Signature of RO/ARO**

Date & Time :
Place :

N.B.:

1. **The Affidavit and Forms A&B have to be filed latest by 3.00 P.M. on the last date of filing nominations.**

2. **Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.**

3. **Certified extract of electoral roll can be filed upto the time of scrutiny.**

4. **Security deposit should be made either before filing of nomination paper or at the time of filing of nomination paper. Therefore, there is no question of issuing notice for making the security deposit.**

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

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

(b) When a candidate files nomination paper, the RO/ARO shall indicate in the second column of the check list whether the documents concerned have been filed or the other/requirements fulfilled.

(c) If any of the documents has not been filed, the same should be clearly mentioned in the bottom of the check list, indicating the time limit by which this can be submitted.

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

(e) The copy of the check list handed over as above, will serve the dual purpose of acknowledging the receipt of the documents submitted as well as of notices for submitting the relevant documents directed in the Handbook of ROs. Therefore, no separate notice is required to be given to the candidates in respect of the items mentioned in this check list. However, acknowledgements of nomination paper will continue to be given as per the format in the last part of the prescribed nomination paper.

(f) If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued to the candidates, clearly mentioning the date and time at which it is filed. This should also be indicated in

the appropriate place in the original check list retained by the Returning Officer as mentioned in item (d) above.

5.33 ***Sufficient photocopies of this form should be kept with you at the time of receipt of nomination papers.*** The name of the candidate or his proposer, whoever presents the nomination paper, should be entered in the memo, which you should sign, and it should be handed over to him and a receipt obtained from him in the form provided for it at the foot of the main form. The receipt should be detached and kept with the nomination form.

5.34 ***In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to you at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account.***

5.35 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.

DISCREPANCIES AND ERRORS IN ELECTORAL ROLLS

5.36 No misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposers or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as is commonly understood. You shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. You have no power in law to allow any other error to be corrected {Section 33(4)}.

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

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

SIGNATURES OF CANDIDATES AND PROPOSERS IN NOMINATION PAPERS

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

5.40 A proposer can sign more than one nomination paper of the same candidate or of different candidates.

5.41 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 on that paper in the presence of the RO or such officer as may be specified in this behalf by the Election Commission and such officer on being satisfied as to the identity of that person. The Commission has specified every officer belonging to an administrative service not below the rank of sub-divisional officer as an officer in whose presence such mark may be placed.

RECEIPT AND NOTICE OF SCRUTINY AND ALLOTMENT OF SYMBOLS

5.42 A printed form of receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated as the last part of the nomination paper. Fill this in, detach the part from the body of the nomination paper and hand it over then and there to the person presenting the nomination paper by way of such receipt and notice. ***RO can also issue separate receipt and notice in the same format for convenience.***

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5.43 You should also hand over a written notice at this stage indicating therein the time and date on which the allotment of symbols will be made.

AFFIDAVIT TO BE SUBMITTED BY CANDIDATES

5.44 Every candidate makes a declaration in his nomination paper that he is qualified and not disqualified for being chosen at the election. Among other disqualifications mentioned in Articles 102(1) and 191(1) of the Constitution and Chapter III of Part II of the Representation of the People Act, 1951, section 8 of the said Act lays down the disqualification on conviction for offences specified therein. Along with the nomination paper, every candidate is required to file an affidavit in Form 26 **(Annexure IX-C, X).**

The affidavit should be sworn before a Magistrate of the First Class or before a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned, on the last page of the Affidavit.

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

5.45 No column of the affidavit should be left blank or filled by just tick/dash marking. If the information asked for in a column is Nil or not applicable to the particular candidate then he should write 'Nil' or 'Not applicable' in that column.

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

OATH OF AFFIRMATION BY CANDIDATES

5.47 A candidate at an election to Parliament, State Legislature or Legislative Assembly in a Union Territory is required under Article 84(a) or Article 173(a) of the Constitution, section 4(a) of the Government of Union Territories Act, 1963, or section 4(a) of the Government of National Capital Territory of Delhi Act, 1991, as the case may be, to make and subscribe an oath or affirmation in the prescribed form before some person authorized in that behalf by the Election Commission.

5.48 A model of the form of oath or affirmation is given in **Annexure XII**.

5.49 The Election Commission's notifications authorizing certain persons in this behalf are reproduced in **Annexure XIII**. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officers for the constituency or 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.

5.50 In the case of a candidate, who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in the country where the candidate happens to be, or any person authorized by such diplomatic or consular representative. Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or the Assistant Returning Officer the oath or affirmation may be made and subscribed before any other person nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorized all stipendiary presidency magistrates, all stipendiary magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judges, as officers before any one of whom the candidate can make and subscribe the oath or affirmation.

5.51 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.

5.52 According to these decisions, the oath or solemn affirmation can be made and subscribed by a candidate **only after his nomination paper has been delivered** and it cannot be so made and subscribed on the date of scrutiny. You should, therefore, advise the candidate to make the oath or affirmation immediately after presenting their nomination papers and in any case not later than the day previous to the date of the scrutiny. As such oath taken at or before 1200 PM of midnight of preceding day of day notified for scrutiny of nomination paper should be treated within time.

5.53 The oath or affirmation is to be made and subscribed in person before the authorized person.

5.54 It is not necessary that the oath or affirmation should be made more than once if a candidate is nominated from more than one constituency at a general election. All that is required under Articles 84(a) and 173(a) is that the person concerned should make and subscribe an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution. According to the above referred decision of the Supreme Court in Khadar Khan Hussein Khan's case, when once this is done in respect of one nomination paper at a general election, the necessary qualification is obtained and this removes the bar laid down by the above Articles.

5.55 The onus of proving that a candidate had made or subscribed the oath or affirmation before some other authorized person rests on the candidate himself. It is sufficient if the candidate or his representative ***produces before you the certificate issued to the candidate by the authorized person that he has made and subscribed the oath or affirmation before him on that day at a particular hour for that election.***

5.56 Section 36(2) (a) of the Representation of the People Act, 1951 requires that on the date for the scrutiny of nominations the nominated candidate should have the requisite qualification including the qualification of having made and subscribed the oath or affirmation. If the oath or affirmation is not made and subscribed before the date appointed for the scrutiny of nomination papers, the candidate shall be held by you as not qualified to stand for the election. It is not necessary that every nomination paper of a candidate must be accompanied by the form of oath signed by the candidate.

5.57 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 or affirmation has been made and subscribed by the candidate on that day and hour.

5.58 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.

5.59 If the authorized person is the superintendent or commandant of the prison or camp he should issue forthwith to the candidate a certified copy of the oath for producing it as evidence before you at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the most expeditious means of transmission like fax to you indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send you the original of the oath or affirmation made and signed by the candidate.

5.60 If the authorized person is a medical superintendent of a hospital or medical practitioner or a diplomatic or consular representative of India in the country where the candidate happens to be or the district judge or person belonging to the judicial service of a State (other than district judge) or stipendiary presidency magistrate or stipendiary magistrate of the first class or any other person nominated by the Election Commission, he should as soon as the candidate has made and subscribed the oath or affirmation, certify this fact on the form, keep a copy for his record and hand over the original to the candidate. It will be the responsibility of the candidate to see that the original oath or affirmation is produced before you at or before the time fixed for the scrutiny of nomination papers.

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

NOMINATION BY OVERSEAS ELECTORS

5.62 In pursuance of Registration of Eectors (Amendment Rules, 2011) an overseas elector who is entitled to be registered in roll under section 20A of the RP Act 1950 shall be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located. Enrolment in the electoral roll also confers on an overseas elector the right to contest elections, subject to the fulfillment of the other requirements of the law. One of the essential qualifications prescribed under the law is that candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf. In the case of a candidate who is an overseas elector and who is outside India, the oath can be made before the diplomatic or consular representative of India in the country

where the candidate happens to be. An overseas elector may approach the authorized person in the Indian mission of the country concerned for making the oath for affirmation. If an overseas elector who may file nomination papers is in India at the time of filing nomination, he may make the oath or affirmation before the RO/ARO. If a candidate who is an overseas elector appears before the RO/ARO to make the oath, the RO/ARO concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars of the passport of the person. Such person will necessarily have to produce his/her original passport for verification by the RO/ARO at the time of making the oath or affirmation.

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

NOTICE OF NOMINATIONS

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

DISPLAY OF COPIES OF NOMINATION PAPERS AND AFFIDAVITS

5.65 Copies of nomination papers filed by each candidate along with copy of the affidavit accompanying the nomination should be displayed on the notice board in your office on the same day on which the nomination has been filed. In addition to this if the office of the ARO is outside the headquarters of the RO list but within the Assembly constituency, then copies of affidavits should be displayed on the notice board of the ARO also. IN these cases where the officers of both the RO and ARO are located outside the boundary of the constituency, then one set of displayed on the notice board (s) within the 24 hours of filing of the same. For the others it shall be done within the 24 hours after finalizing the list of contesting candidates (for those who remain in the fray as contesting candidates). 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.

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

5.67 **The Commission's instruction also provide that nomination papers and affidavit filed by candidates shall be got scanned and loaded on official website of the CEO of the state/UT immediately.** In the case of candidates claiming to be set up by recognized political parties, the affidavits shall be displayed on the notice board (s) within 24 hours of filing of the same for the others it shall be done within 24 hours after finalizing.

PUBLISHING INFORMATION ON 'GOVERNMENT DUES'

5.68 The information furnished by the contesting candidates in relation to the Government dues to the five departments mentioned in item (3) (a) (iii) of the affidavit should be published by the Returning Officers concerned in at least two newspapers having local circulation, one of which should be a vernacular newspaper. This should be published by the Returning Officer within two days after preparing the list of contesting candidates. A format in which the Returning Officers may publish the information is given at **ANNEXURE XIV.** If there is more than one constituency in a District, the District Election Officer may publish the above information in a consolidated form in respect of all constituencies (constituency-wise) in that district, by suitably modifying the above-referred format.

DEPOSITS

5.69 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 ***Rs.25,000/- (Rupees Twenty Five Thousand only).***
For an election to a State Legislative Assembly, the amount of security deposit is ***Rs.10,000/- (Rupees Ten Thousand only).***

5.70 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.

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

5.72 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.*

5.73 The deposit should be made under the following Head of Account for Election to State /Union Territory Legislatures:- *8443- CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-1-DEPOSITS MADE BY CANDIDATES FOR STATE/UNION TERRITORIES LEGISLATURES ONE DEPOSIT SUFFICIENT FOR EACH CONSTITUENCY*

5.74 One deposit is required from each candidate in respect of his candidature in a constituency and once such a deposit has been made 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.

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

5.76 Security deposit cannot be made by a cheque.

DEPOSIT BY SCHEDULED CASTE OR SCHEDULED TRIBE CANDIDATE

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

TRANSMISSION OF NOMINATION PAPERS BY SPECIFIED ASSISTANT RETURNING OFFICER

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

INTIMATION BY POLITICAL PARTIES ABOUT THEIR AUTHORISED CANDIDATES

5.79. As has been mentioned in para 10 above, the nomination of a candidate set up by a recognized National or State party is required to be subscribed by only one elector as

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

PREPARATION OF CONSOLIDATED LIST OF NOMINATED CANDIDATES

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

LIST OF NOMINATED CANDIDATES-CHECKS IF

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

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

Place .....

Date ..... Returning Officer

5.81 Even if more than one candidate has claimed to be set up by the same party, the names of all such candidates should be included in the relevant category, i.e., category (i) or (ii), as may be relevant. However, suitable remarks should be given in respect of each such candidate in columns 6 and 7 of the above list, taking into consideration the intimation received, if any, from the party concerned in the prescribed Forms A and B by 3.00 p.m. on the last date for making nominations. This will facilitate your task at the time of scrutiny of nomination papers of the concerned candidates.

5.82 You should also indicate in the above list, the symbols chosen, in the order of preference, by each candidate. For this purpose, the choice indicated in the nomination paper first delivered in respect of the candidate should be taken into account. However, in the case of a candidate claiming to have been set up by a recognized National or State party, and in whose favour the requisite intimation in Forms A and B has been received from the political party concerned by the stipulated date and time, the symbol reserved for that party should be shown in column 4, provided that the candidate concerned has, in any of his nomination papers duly filed by him, made a declaration that he has been set up by such party and has given the choice for the reserved symbol of that party.

5.83 If more nomination papers than one have been presented in respect of the same candidate, it is not necessary to include the name of that candidate in the list more than once.

5.84 Send one copy of this list to the Chief Electoral Officer and another to the Manager of the State Government Press, by the fastest means of communication, marked 'Election Immediate'. One copy of the list should also be sent forthwith to the Election Commission. On many occasions in the past, it has come to the notice that while preparing the list of nominated candidates, complete address of the candidate is not indicated under column 3 of the list in the above form. Consequently, while preparing the lists of validly nominated candidates and contesting candidates, the address of the candidates remains incomplete. This creates a lot of difficulties and inconvenience at later stages when some communication is required to be sent to the candidate. Therefore, every care should be taken to ensure that complete address of each candidate is indicated properly in the list of nominated candidates.

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

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

5.86 Further, under section 78 of the said Act, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Election Officer. ***In the computation of this 30 days' period, the date of declaration of result of election is excluded.*** **If 30th day so computed, is a Sunday or other holiday and office of the DEO is closed on that day, the account of election expenses may be lodged on the next day if it is open, and in that event the account will be deemed to have been lodged in time.**

5.87 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, you shall invite the attention of each candidate to the above provisions of law in writing. This should be done by addressing a letter to each candidate as in **Annexure XVII A**, as soon as he files his nomination paper.

5.88 The format of the register prescribed by the Commission for maintaining the account of election expenses by the candidates is given at **Annexure XVII-B** issued vide Commission's letter dated 24 October, 2003 **Annexure XVII-B**. (The candidates are required to maintain the day-today account of election expenses along with Cash Register and Bank Register and the details of the expenditure incurred by political parties, other associations, individual, etc.

5.89 The Commission has directed that as soon as a candidate files his nomination paper, a Register in the standard proforma as given in **Annexure XVII-B,** having Day to Day Account Register in Part A, Cash Register in Part B and Bank Register in Part C shall be issued by the Returning Officer to the candidate or his duly authorized agent against a proper receipt thereof. Each register will be duly numbered and authenticated by the District Election Officer. The candidate shall maintain his day-to-day account of election expenses in that Register itself and in no other document. That Register containing his account shall the candidate file itself with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law. The day-to-day account in the Register shall also be accompanied by the abstract statement showing the details of expenditure on the proforma given in **Annexure XVII-C.** The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma, which is also part of the model proforma given in **Annexure XVII-D** mentioned above. Along with the register, proforma of the abstract statement giving details of expenditure and form of the affidavit should also be handed over to the candidate. The candidate should be asked to acknowledge the receipt of the said letter and its enclosures including the abovementioned register then and there. The acknowledgment should be obtained in the proforma given in **Annexure XVII-E** mentioned above. All the acknowledgments obtained from the candidates should be sent by you to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.

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

5.90 In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to you at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.

5.91. 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.

5.92 The bank account can be opened any where 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.

Register of Election Expenditure to be maintained by Candidate:

5.93 Each candidate is required to maintain a day to day account of his election expenditure in a Register as in Annexure-XVIIB, given to him by you at the time of filing of nomination papers. Each register will be duly numbered and authenticated by the District Election Officer. This Register shall consist 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.

5.94 The candidate shall have to submit this very Register in the said three Parts for inspection by you or 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 you 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 you shall issue a supplementary Register to him in the same format. The candidate shall give an acknowledgement for having received these registers.

5.95 You shall organize a meeting of all candidates immediately after the allotment of symbols, and properly explain to them, besides informing in writing, the legal

provisions relating to election expenditure and consequences of failure to comply with the provisions of law. The Assistant
Expenditure Observer/Expenditure Observers will be present in the meeting. You will also give a copy of this instruction regarding expenditure monitoring to each candidate both in English and vernacular language.

5.96 You shall prepare a schedule for inspection of Expenditure Register in consultation with Expenditure Observer of each candidate by the Expenditure Observer, or a senior officer designated by you 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.

5.97 If a candidate or his agent does not produce his election expenditure Register for inspection on the day fixed for this purpose, you shall give a notice to the candidate 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 day to day account of election expenditure as required under Section 77 of RP Act 1951.

5.98 Publicity should also be given that members of the public can be present during inspection of expenditure Registers and that anybody can obtain a copy of the expenditure Register of any candidate on payment of Re.1 per page from you.

5.99 The instructions issued on Expenditure monitoring in elections shall be followed in all aspects of expenditure monitoring.

Role of Returning Officer in Expenditure monitoring:

5.100 You as Returning Officer

i. Will give the expenditure register to the candidates at the time of filing of nomination papers.

ii. Will hold a meeting of all candidates immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions.

iii. Will supervise and guide the video surveillance teams, viewing teams and accounting teams.

iv. Will supervise the maintenance of the shadow observation register.

v. Shall arrange inspection of the expenditure register of each candidate at least three times during the campaign period, and will issue notices to the candidates to

explain any discrepancy between the candidate's expenditure register and the shadow observation register.

vi. Will organize training of all the staff involved in expenditure monitoring.

vii. Will supervise complaints monitoring system and ensure that every complaint is inquired into within 24 hours of receipt.

viii. Will ensure that all documents required to be put on the notice board of RO under these or any other instruction, rules or law, must be immediately put on the notice board of the RO.

ix. Will ensure that copies of documents when demanded are given immediately to members of the Public on payment of the prescribed fee.

x. Should ensure that expenditure on all election campaign material which is used after the filing of nomination is included in the shadow observation register though payment for it may have been made before filing of nominations.

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

5.101 Section 127A of the Act requires that every election pamphlet or poster should have on its face the names and addresses of the printer and publisher thereof, and that within a reasonable time after printing the document, one copy of the declaration as to the identity of the publisher together with a copy of the document should be sent to the Chief Electoral Officer of the State (if it is situated in the State Capital), or to the District Magistrate of the District, in which it is printed. Any contravention of this provision shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.

5.102 In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law on the subject, the Commission has issued detailed directions in its Order No. 3/9 (ES008)/94-J.S. II, dated 02.09.1994.

5.103 A copy of the said Order dated 02.09.1994 is given in **Annexure- XVIII**.

5.104 You should carefully go through the contents of the said Order for strict observance of, and compliance with the same. If any Officer who is responsible for the enforcement of the provisions of law and the directions of the Commission in this regard is found to have failed in the due discharge of his duties, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

5.105 Copies of the above said Order shall be handed over to each candidate when he comes to the Office of the Returning Officer for filing of his nomination paper and an acknowledgement obtained in writing thereof.

5.106 The Chief Electoral Officer and the Returning Officer shall bring in writing to the notice of all printing presses the contents of the above said Order at 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.

5.107 Returning officer should note that instructions on Expenditure control and monitoring are given in greater details in Chapter XVII of this hand book. ROs should also ensure that they should get a copy of "Instructions on Election Expenditure & Monitoring" July 2012 issued by the Commission and read the latest instructions.

CHAPTER - VI

SCRUTINY

SCRUTINY OF NOMINATIONS BY RETURNING OFFICER

6.1. The scrutiny of the nomination papers should be done by you and not by any of the Assistant Returning Officers. The only exception to this mandatory requirement is when you are unavoidably prevented from doing so, in which case one of the Assistant Returning Officers authorized by you in this behalf can do the scrutiny. Such exceptions should, however, be extremely rare. If it happens unfortunately in your constituency and you have to delegate this duty unavoidably, it would be safe to record immediately the unavoidable reasons for such delegation as also your written authority in favour of one of your Assistant Returning Officers by name. You should also intimate the DEO about it immediately.

SCRUTINY – A QUASI-JUDICIAL DUTY

6.2 While holding the scrutiny of nomination papers, you are performing an important quasi-judicial function. You have, therefore, to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. You must not allow any personal or political predilections to interfere with the procedure that you follow or the decision you take in any case. Fairness, impartiality and equal treatment to all candidates are expected of you by law. You must also conduct yourself in such a manner that it would appear to all concerned that you are following this high code of conduct. Even if a candidate or his agent is difficult or cantankerous, you must show courtesy and exercise patience. But at the same time you have to be firm so that your task may be accomplished in a prompt, orderly and businesslike manner. You should not take any direction from any superior authority including the Commission's observer in deciding the validity or otherwise of a nomination paper you should be guided by the provisions of the law and the instructions given by the Commission from time to time.

PERSONS TO BE ADMITTED

6.3 On the day and at the hour fixed for the purpose, take up the scrutiny of the nomination papers at the placed fixed by you which you would have already intimated to the candidates. Admit at the scrutiny only such persons as are entitled to be present under section 36, 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. 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.

6.4 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.

EXAMINATION OF NOMINATION PAPERS BY CANDIDATE, ETC.

6.5 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, allow him all reasonable facilities for doing so. You must also inform all present whether all candidates have furnished the requisite information in the prescribed proforma duly supported by affidavits (Form 26 and Affidavit at **Annexure IX-C and X),** relating to criminal background, if any, assets, liabilities, educational qualifications etc

ALL NOMINATION PAPERS TO BE SCRUTINIZED

6.6 You should then take up nomination papers one after another and scrutinize them. If more than one nomination paper have been presented by or on behalf of one candidate, you should take them up together and scrutinize them one after another. In case there is any minor error in any one of the nomination papers of a candidate in regard to particulars, such as, part number, name, serial number etc. of the electoral roll, it can be made up with correct particulars given in another nomination paper of the same candidate. All the nomination papers, whether presented to you or to the Specified Assistant Returning Officer, must be scrutinized by you. Merely because one or more nomination papers of a candidate have been already found valid by you, it would not be correct or legal to pass over other nomination papers of that candidate without scrutiny.

6.7 For bringing about more transparency in the scrutiny, the whole process of scrutiny of nominations should be videographed in all cases.

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

6.8. Even if no objection has been raised to a nomination paper, you have to satisfy yourself that the nomination paper is valid in law. If any objection is raised to any nomination paper, you will have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Record your decision in each case giving brief reasons particularly where an objection has been raised or where you reject the nomination paper. The objector may be supplied with a certified copy of your decision accepting the nomination paper of a candidate after overruling the objections raised by him, if he applies for it. Your decision may be challenged later in an election petition and so your brief statement of reasons should be recorded at this time.

PRESUMPTION OF VALIDITY

6.9 There is a presumption that every nomination paper is valid unless the contrary is prima facie obvious or has been made out. In case of a reasonable doubt as to the validity of a nomination paper, the benefit of such doubt must go to the candidate concerned and the nomination paper

should be held to be valid. Remember that whenever a candidate's nomination paper is improperly rejected and he is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially affected by such improper rejection and the election will, therefore, be set aside. There is no such legal presumption necessarily in the converse case where a candidate's nomination has been improperly accepted. It is always safer, therefore, to adopt a comparatively liberal approach in dealing with minor technical or clerical errors.

CRUCIAL DATE FOR DETERMINING QUALIFICATION AND DISQUALIFICATION

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

6.11 Article 84, 102, 173 and 191 of the Constitution and Chapters II and III of Part II of the Representation of the People Act, 1951 deal with qualifications and disqualifications for membership of Parliament and State Legislatures. You should carefully study these provisions.

GROUNDS, WHICH ARE INSUFFICIENT FOR REJECTION OF NOMINATION PAPERS

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

6.13 You may also note that rule 4 of the Conduct of Elections Rules, 1961, lays down that the failure to complete, or defect in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character.

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

6.15 In the past, there were instances where nomination papers were rejected on flimsy grounds, e.g. for 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. Such unjustifiable and improper orders of rejection on technical grounds had led to a large number of election petitions and the eventual setting aside of several elections with consequent avoidable waste of time, money and labour for all concerned and with adverse and damaging observation of courts. Similar instances of improper rejections should not occur again and it is upto you to interpret the provisions of the law intelligently and with commonsense. Do not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Most of them can and should be directed by you to be set right at the time of the presentation of the nomination paper [section 33 (4) proviso]. It would, therefore, be very undesirable if you fail at the proper stage to help a candidate by exercising your powers and discretion under the proviso to section 33(4) and later at the time of scrutiny you reject his nomination paper on the ground of those very defects which could have been set right under that section.

6.16 You should examine meticulously the receipts for payments made as deposit either in the Reserve Bank of India or in a Government Treasury with reference to the seals of the Treasury or Bank, etc. and make sure that the deposit has actually been made in the Bank or Treasury. It may be ensured that where a Treasury is a 'Banking Treasury' the payment receipt of the Bank is endorsed on the Challan. Doubts, if any, should be got clarified then and there. What may be treated as defects of substantial nature –

6.17 Though, it depends on various factors but some of the defects of substantial nature and which cannot be allowed to be corrected at the stage of preliminary scrutiny by the RO are (a) failure to declare age in the nomination paper;(b) failure to sign the nomination paper by the candidate or any of his proposers in the manner prescribed ;(c) failure to comply with requirement to produce evidence of being a registered elector where a candidate is contesting election from a different constituency ;(d)failure to submit written authorization from the political party, within prescribed time and in prescribed, from where a candidate claims to have been set up by a national or state party and the nomination paper is signed by only one proposer. Other cases are (a) Failure to mention name of constituency, particularly in a General election;(b) Failure to give full address in nomination paper; (c) Failure to file affidavit in Form 26 and/or affidavit provided by ECI for disclosing criminal antecedent, assets, liabilities and educational qualification. These are just illustrative examples. You should thoroughly check facts of each case with your understanding of legal provisions and judicial decisions on the matter and decide accordingly.

GROUNDS FOR REJECTION OF NOMINATION PAPERS

6.18 You must reject a nomination paper, if- (i) The candidate is clearly not qualified in law to be a member of the Legislature concerned, or (ii) The candidate is clearly disqualified in law to be such member, or [**N.B**. The Commission will supply to you through the Chief Electoral Officer consolidated list of persons, who have incurred disqualification under sections 8A and 11A(b)

(for corrupt practices) and 10-A (for failure to lodge account of election expenses) of the Representation of People Act, 1951. In other cases you may, if necessary, consult the Chief Electoral Officer.] (iii) The nomination paper has been delivered before 11 a.m. or after 3 p.m., on any of the days notified for making nominations, or (iv) The nomination paper has been delivered to you or to your Specified Assistant Returning Officer by a person other than the candidate himself or any of his proposers, or (v) The nomination paper has been delivered at a place other than that specified in the public notice, or (vi) The nomination paper has been delivered to a person other than yourself or your Assistant Returning Officer, specified by you in this behalf, or (vii) The nomination paper is not substantially in the prescribed form, or (viii) The prescribed affidavit has not been filed at all by the candidate, or [**N.B**. If the prescribed affidavit has been filed, but are found or considered to be defective or containing false information, the nomination should NOT be rejected on this ground.] (ix) The nomination paper has not been signed by the candidate and/or by the required number of his proposer(s), or (x) Any of the proposers was not an elector of the constituency or was not eligible to be a proposer at the time of presentation of the nomination paper (whereby the nomination paper is not subscribed by the required members of proposers), or (xi) The proper deposit has not been made in accordance with section 34, or (xii) The oath or affirmation is not made by the candidate as required under the Constitution of India, Government of Union Territories Act, 1963 or the Government of National Capital Territory of Delhi Act, 1991, as the case may be, or (xiii) 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 (xiv) The candidate has omitted to specify his age in the nomination paper, or (xv) Where the candidate is not an elector of the constituency for which he has filed nomination paper, he has neither filed a copy of the electoral roll of the constituency in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll along with the nomination paper nor produced the same at the time of scrutiny as required under section 33(5). In such event, the nomination paper must be rejected even if you are in possession of the electoral roll of that different constituency.

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

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

(i) Nomination paper filed by a candidate claiming to have been set up by a recognized National or State Party subscribed by only one elector as proposer, will be rejected, if a notice in writing to that effect signed by the authorized office- bearer of that party has not

been delivered to the Returning Officer of the constituency by 3.00 p.m. ON THE LAST DATE FOR MAKING NOMINATIONS IN FORMS 'A' AND 'B' devised by the Commission for the purpose under para 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

(ii) If a candidate has filed more than one (but not more than four) nomination papers - some as candidate set up by a recognized political party and the others as candidate set up by an unrecognized political party or as an independent candidate - in case the nomination paper filed as a candidate of a recognized political party is rejected on the ground of the non-receipt of the said notice in Forms 'A' and 'B' by 3.00 p.m. on the last date for making nominations from the concerned recognized political party, any or all other nomination papers will be accepted if the same are proposed by ten electors and are otherwise found valid on scrutiny. In such a case, he would be deemed to be a candidate set up by an un-recognized party, if such party has sent notices in Forms 'A' and 'B' by 3.00 p.m. on the last date for making nominations and otherwise as an independent candidate. (In such event, the choice of symbols in the nomination paper with ten proposers first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected during scrutiny.)

(iii) If a candidate has filed one nomination paper with both Parts I & II thereof filled and he fails to bring notice in Forms 'A' and 'B' from the authorized officer-bearer of the concerned political party, the nomination paper may be accepted if Part II is properly filled and subscribed by ten electors as proposers, as there will be substantial compliance with the provisions of Section 33 of the Representation of the People Act, 1951.

(iv) If a candidate, who filed his nomination paper as candidate claiming to be set up by an un-recognized political party, fails to bring in his favour a notice from the concerned political party in Forms 'A' and 'B', his nomination paper will be accepted if it is subscribed by ten electors as proposers, and he would be deemed to be an independent candidate.

(v) If it is found at the time of scrutiny that a candidate has been nominated from more than two constituencies of the same class of a general election or the simultaneous bye elections, his/her nomination paper filed in the third, fourth constituencies, etc. will not be maintainable under section 33(7). Further, a candidate who has been nominated from more than two constituencies will also be guilty of making a false declaration in his nomination paper, which contains a categorical declaration that he has not been nominated from more than two constituencies. The Returning Officer must, however, be absolutely satisfied beyond any shadow of doubt that the candidate concerned has filed nominations from more than two constituencies, before rejecting his nomination in the third/fourth constituency etc. on this ground.

(vi) If nomination papers of a candidate, one nominating him as a candidate set up by a recognized political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognized political party.

(vii) The nomination paper of a substitute candidate of a recognized political party signed by only one proposer will be rejected if the nomination paper signed by only one proposer of the main approved candidate of that recognized political party is accepted**.** However, if such substitute candidate has also filled Part II of the nomination paper with ten proposers or filed another nomination paper and it is subscribed by ten electors as proposers, his nomination paper(s) will be scrutinized independently by treating the candidate as an independent candidate**.** Further, if the nomination paper of the main approved candidate of the party is rejected, then also the nomination paper of the substitute candidate will be accepted, provided that the party has intimated his name as its substitute candidate in Form 'A' and 'B' filed before 3 pm on the last date for making nominations. [**N.B**. It must be noted that a State Party, which is recognized in some other State/Union Territory but is not recognized as such in your State/Union Territory, such party should be treated as unrecognized party by you, even if it has been allowed by the Commission to use its reserved symbol in your constituency under the Symbols Order.]

ADJOURNMENT OF HEARING OF OBJECTION

6.21 If a candidate to whose nomination paper an objection has been taken applies for time to rebut such objection, you should adjourn the hearing of the objection till the next day or the day after that, but not beyond 11.00 a.m. on that day. The scrutiny of all other nomination papers must, of course, be completed on the day of scrutiny, notwithstanding such adjournment in respect of one or more nomination papers. If the day next is a holiday, the hearing should be completed before 11 a.m. on the day fixed for withdrawal of candidatures.

LIST OF VALIDLY NOMINATED CANDIDATES

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

CORRECTION IN THE NAMES OF CANDIDATES

6.23 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 in writing the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, 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. 13.2 If a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to you the proper form and spelling of his name and you shall, on being satisfied as to the genuineness of the request make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates.

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

6.24 As per Section 38 of the Representation of the People Act, 1951 and Form 4 (list of validly nominated candidates) and Form 7A (List of contesting candidates)**,** names of candidates in the said list have to be arranged under three categories, i.e. (i) candidates of recognized National parties and State political parties in the States concerned, (ii) candidates of registered unrecognized political parties and (iii) other (independent) candidates. Therefore, names of candidates have to be arranged in the said lists and also on the ballot papers in the same order under these categories. It may be noted that names have to be arranged alphabetically in each of the above mentioned three categories separately, in the manner explained in Chapter V. (However, the headings of the above mentioned three categories as given in Forms 4 and 7A should not appear on the ballot papers.)

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

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

6.27 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.

6.28 Arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of the language as specified or first specified in the third column of Commission's direction No.3/4/2008/JS-II/SDR dated 16th September, 2008 in case of Legislative Assembly Election **(Annexure XV)** and Commission's direction No. 3/4/2008/JS-II/SDR dated 6 February, 2009 in case of Lok Sabha Election **(Annexure XVI).** 14.6 Send two

copies thereof to the Chief Electoral Officer by the next available post or by Fax/Telex/Telegram or by special messenger. Also forward one copy of the list along with an English translation, to the Election Commission. The list of validly nominated candidates should be sent by you on the very day on which scrutiny of all nomination papers is completed, and dispatched immediately so that it may reach the Commission before the last date for the withdrawal of candidatures.

CHAPTER - VII

WITHDRAWAL OF CANDIDATURES

NOTICE OF WITHDRAWAL

7.1 Any candidate may withdraw his candidature by giving you a notice in Form 5 signed by him and delivered before 3 O'clock in the afternoon of the last date fixed for such withdrawal. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to you by (i) the candidate, or (ii) any of his proposers, or (iii) his election agent. The said proposer or the election agent must, however, have been authorized in writing by the candidate to deliver the notice of withdrawal on his behalf. If there is no such authority or if the person so authorized by the candidate is neither his proposer nor his election agent, the withdrawal is of no effect and must be ignored. Nominations of candidates set up by registered un-recognized political parties and independent candidates have to be subscribed by ten proposers. The candidate may authorize any one of them to deliver his notice of withdrawal to you and it will be valid and must be given effect to if it has been delivered to you in time. Lastly, withdrawal notice must be presented only in person by any of the above-mentioned persons and can not be sent or communicated in any other manner.

7.2 The notice of withdrawal should neither be delivered to, nor be received by you, on a day, which is a public holiday, as defined in section 2 (1) (h) of the said Act.

7.3 The Commission has clarified that a candidate may 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. On the day of scrutiny of nominations and the next day, if it is not a public holiday, such notices can be delivered during the normal working hours of the Returning Officer's office, that is to say, even before 11.00 A.M. or after 3.00 P.M.

7.4 However, on the last date for withdrawal of candidature the notice of withdrawal has to be delivered before three O'clock in the afternoon.

RECEIPT FOR WITHDRAWAL

7.5 Form 5 contains in its bottom portion a receipt which you have to fill in and hand over to the person who delivers the notice of withdrawal to you. Detach the receipt portion from the body of the form and hand it over to that person then and there. Also fill in the other particulars in the notice of withdrawal below the signature of the candidate. This document will be your record of the withdrawal.

VALID WITHDRAWAL NOT TO BE CANCELLED

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

PUBLICATION OF NOTICES OF WITHDRAWAL

7.7 As soon as any valid notice of withdrawal is received by you, publish as notice thereof in Form 6 on your notice board.

LIST OF CONTESTING CANDIDATES

7.8 Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures, draw up a list in Form 7A of contesting candidates one or more of whose nomination papers was found by you to be valid and who have not withdrawn their candidatures.

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

7.10 In the list of contesting candidates, you have to mention the party affiliation, if any, of each candidate and the symbol allotted to him. Detailed instructions are given in the following chapter regarding the allotment of symbols to candidates. Study those instructions carefully and apply them meticulously while allotting symbols to candidates. 5.4 Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in your office. You shall also supply a copy of the list of contesting candidates to each such candidate or his election agent.

7.11 Sub-rule(1) of rule 31 requires a copy of the list of contesting candidates to be displayed outside each polling station.

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

7.13 Inform the Chief Electoral Officer immediately by Fax/Telex/Telegram or special messenger the names of the contesting candidates and the symbol allotted to each of them. Any delay may seriously affect the programme for printing of ballot papers. Also send a copy of the list along with its translation in English to the Election Commission. 5.8 If, subsequently, the allotment of symbol to any candidate made by you has been revised under the direction of the Commission, the list of contesting candidates would require to be suitably amended.

LIST OF CONTESTING CANDIDATES

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

7.15 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.

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

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

ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES

7.17 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..... 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 line in the form should be scored out.]

7.18 The Commission has decided that in all elections, the identity cards issued to contesting candidates shall bear their photographs. For this purpose, all candidates should 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 as office copy for the purposes of record by the Returning Officer. Photograph should be pasted on the top right portion of the identity card. For this purpose, the identity card in the prescribed format should be got printed in adequately big size so that it contains sufficient space for pasting the photograph on the right top portion. Photograph of the candidate should be attested by the Returning Officer ***in blue ink (facsimile not to be used*)** and his seal should be so put on the photograph that a portion thereof is affixed on the photograph and the rest on the identity card.

7.19 You must keep required number of forms.

ATTENTION OF CANDIDATES TO BE INVITED TO LAW RELATING TO CORRUPT PRACTICES & ELECTORAL OFFENCES

7.20 For the sake of purity of elections and for the guidance of the contesting candidates, you should draw attention of the contesting candidates by a notice in writing to the provisions relating to the 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 candidates should be clearly informed in the said notice that the list contained in the notice should not be taken as exhaustive. For the purpose of giving such notice, a model form is given in **Annexure XX**. The above notice may be issued to the contesting candidates immediately after the last date fixed for the withdrawal of candidature.

APPOINTMENT OF ELECTION AGENTS

7.21 Note that under the law, it is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. In other words, the appointment of an election agent has, in the first place, been made optional and secondly, has been made independent of the nomination. Every such appointment has to be made by a formal communication by the candidate in Form 8 in duplicate, which has to be forwarded to you. Return one copy thereof to the election agent after affixing thereon your seal and signature in token of your approval of the appointment.

7.22 The Commission has decided that Photo Identity Cards shall also be issued to election agents. ***For this purpose, the letter of appointment of election agent in Form 8 itself, with photograph***, should serve the purpose of such identity card. In future, all candidates should be instructed to affix the photographs also of their election agents on the right top portion of both the copies of their appointment letters in Form 8. These photographs should also be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates.

7.23 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.

7.24 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.

7.25 Every candidate is also permitted to appoint an additional election agent for assisting the candidate in various expenditure related matters. The prohibitions indicated in 7.23 and 7.25 would apply to the appointment of the additional election agent also. This additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties the election agent is authorized to perform on behalf of the candidate can be performed only by the Election agent appointed under Section 40 of the Representation of People's Act, 1951 read with Rule 12 of the Conduct of Election Rules, 1961.

REVOCATION OF APPOINTMENT OF ELECTION AGENT

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

SPECIMEN SIGNATURES OF CANDIDATE AND HIS ELECTION AGENT

7.27 In order to prevent any malpractices at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, you should obtain and circulate the specimen signatures of the candidates and their election agents to each Presiding Officer in the proforma as given in **Annexure XXI**, 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.

CHAPTER - VIII

ALLOTMENT OF SYMBOLS APPROVED ELECTION SYMBOLS

8.1 The Commission has issued an Order, namely, Election Symbols (Reservation & Allotment) Order, 1968 relating to specification, reservation and allotment of symbols.

8.2 That Order also makes provisions for the recognition of parties as National and State Parties. The latest copy of the Order is reproduced in **Annexure XXII**. 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. If he does, such choice must be ignored by you.

8.3 For this purpose, you must always refer to the latest notification issued by the Commission in this regard, and as amended from time to time. A copy of the updated notification should be obtained from the Chief Electoral Officer, as soon as an election is announced from your constituency. In case of General Election, the Commission will be sending the Symbol Order notification to the Chief Electoral Officer who will affix a rubber stamp on the cover of the book indicating like " For use in General Elections, <Name of the State, Year of election". This will be circulated to all DEOs/ROs and only these copies will be used by them

CHOICE OF SYMBOLS BY CANDIDATES

8.4 A candidate sponsored by a National or State Party shall choose and shall be allotted only the symbol exclusively reserved for that party and no other symbol provided the requirement of filing Form A and B etc. have been duly followed. In view of this, such a candidate need not indicate three symbols in order of preference in his nomination paper but must indicate the symbol reserved for the party, which has set him up as a candidate.

The candidate 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 Election Commission and indicate such preference in the nomination paper.

CHOICE OF SYMBOLS IN NOMINATION PAPER FIRST FILED BY A CANDIDATE TO BE CONSIDERED

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

8.6 In the case of candidates set up by National or State parties, the choice of party's symbol indicated by such candidate given in his subsequent nomination papers may be considered by you, if all other requirements such as submission of Form A and B etc. you have been satisfied in his case.

ALLOTMENT OF SYMBOLS TO CANDIDATES

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

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

(a) There are two categories of symbols, namely

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

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

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

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

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

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

(g) A reserved symbol shall not be chosen by or allotted to any candidate in any constituency in any State other than to a candidate set up by a National party for whom such symbol has been reserved or a candidate set up by a State party for whom such symbol has been reserved in the State in which it is a State party, even if no candidate has been set up by such National or State Party in that constituency.

(h) The Commission, on an application made to it under para 10, 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 revised symbol.

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

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

(k) Under paragraph 10B of the Symbol order a registered un-recognised Party may submit application to the Commission for allotment of a common from the list of free symbol, at a general election to the Lok Sabha or Legislative Assembly if it is fielding candidates from a minimum of 10% of the constituencies. If the application is made to the Commission as per the requirements of para 10 **B**. The Commission will issue directions for allotment of common symbol to the candidates of such Parties. In such cases the candidates set up by such Parties shall be allotted the symbol

specified in the Commissions directions in the Constituencies mentioned in the direction. In the other constituencies such symbol will be open for allotment to other candidates as per the provisions of para 12 of the Symbol Order.

(l) Candidate not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the list of free symbols and no other symbol.

(m) Where any free symbol has been chosen by only one candidate at such election, you will allot that symbol to that candidate and to no one else.

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

(o) A candidate shall be deemed to be set up by a political party, whether recognized as National or State party or a registered unrecognized party, if, and only if,– i. the candidate has made a declaration to that effect in any of his nomination papers; ii. a notice in writing (Form B)to that effect has, not later than 3 p.m. on the last date for making

nominations, been delivered to you; iii. the said notice is signed by the President, the Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorized by the party to send such notice; and iv. the name and specimen signature of such authorized person are communicated to the Returning Officer of the constituency and to the Chief Electoral Officer of the (in Form A)State not later than 3.00 p.m. on the last date for making nominations.

(p) Specimen Signatures under clause (iv) of para (o) above of the office bearers of each political party, who are authorized to send the notice referred to in clause (ii) should be furnished to you by the political party concerned in Form 'A' prescribed by the Commission for the purpose which is reproduced in **Annexure XXIII**, Part-II. Printed cyclostyled and photocopies of aforesaid form 'a' may be used by political parties but these must bear the signature in ink of the authorized office bearers of the political party. Facsimile signature shall not be accepted. Similarly, fax copies of such forms are also not acceptable.

(q) For the purposes of clauses (ii) of paragraph (o) above, person(s) authorized by the party shall send to you individual notice (authorization letter) in Form 'B' prescribed by the Commission for the purpose, which is reproduced in **Annexure XXIII** Part III. Printed, cyclostyled and photocopies of form 'b' may be used by political parties; but these must be signed in *blue* ink by authorized office bearer(s) of the political party concerned. Similarly, fax copies of such forms are not acceptable. ***Photocopy of Form B submitted for the main candidate can be used for the substitute candidate*** *[***N.B**. The notices in Form A and Form B must reach you not later than 3 p.m. on the last date for making nominations. The presentation of these Forms to the Chief Electoral Officer alone will not be treated as compliance with the provisions of para 13 of the Election Symbols (Reservation and Allotment) Order, 1968. It shall be the responsibility of the candidate or the political party concerned to ensure that the documents reach the Returning Officer in time. However, the submission of these Forms to you within the prescribed time will be considered as substantial compliance of the legal requirements, even if the same have not reached the Chief Electoral Officer.]

(r) A substitute candidate of political party will step in only in the event of nomination of main candidate being rejected on scrutiny, or on the withdrawal of the candidature by the main candidate (and if the nomination of the substituthe candidate was otherwise valid and accepted and he is still in the field). If the nomination paper filed by the main and substitute candidates of a recognized National/State party is accepted, and if the nomination of the substitute candidate is signed by only one

proposer then the nomination of the substitute candidate shall be rejected, if his nomination paper is subscribed by ten proposers and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate

(s) Political parties are, permitted to cancel the authorization in Form B given in favour of one candidate and give a revised notice in Form B, in favour of another candidate subject to following conditions namely:- i. Such revised notice in Form B canceling or substituting the authorization in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations; ii. Such revised notice in Form B is signed by the authorized office-bearer referred to in clause (d) of paragraph 13 of Symbols Order (see also sub-para (o) (iii) above); iii. The Returning Officer is satisfied about the genuineness of the revised notice; and iv. The candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.

(t.1) If a political party submits notice in Form B in respect of more than one candidate for the same constituency and the party does not state in such notices that the earlier notice(s) has/have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted to you shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that party.

(t.2) If a candidate claims in his nomination papers to be set up by two or more political parties and both/all such parties have submitted Forms A and B in his favour, the Returning Officer will, at the time of scrutiny, examine the facts as to which of the political parties the candidate belongs to as its member and whether the candidate has ceased to be a member of the other political party/parties mentioned in his nomination papers, and decide the party affiliation of the candidate accordingly

(u) The Symbols Order does not recognize electoral alliances which are often entered into by political parties. Therefore, a registered or recognized political party, should not be allotted by you any reserved symbol of another recognized political party even with the consent of such latter party with whom it has entered into an electoral alliance for the purpose of contesting an election. You should be strictly guided by the provisions of paragraph 13 and 13A of the Symbols Order in all cases of allotment of symbols, to candidates set up by political parties.

(v) Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives you intimation to that effect in Forms A and B, and he shall not be allotted the symbol reserved, if any, for that party.

(w) Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party.

(x) An explanatory note for allotment of symbols to candidates is given in **Annexure XXIV** for your guidance. In case of any doubt or reference please refer to the Symbols Order. You should refer to the latest list of political parties and election symbols issued by the Commission. You should obtain the list from Chief Electoral Officer well before the date of notification of election.

INCORRECT ALLOTMENT OF SYMBOLS

8.9 The allotment of a symbol made by you to a candidate shall be final except where it is inconsistent with any direction issued by the Election Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit. You should, therefore, ensure that no mistake occurs in allotting symbols. You may also refer to above referred explanatory note for further guidance in the matter especially in regard to procedure to be followed while dealing with registered unrecognized parties.

REVISION OF SYMBOLS

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

SUPPLY OF COPY OF ELECTORAL ROLL

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

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

CHAPTER - IX

UNCONTESTED ELECTION UNOPPOSED RETURNS

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

FORM OF DECLARATION

9.2 You shall declare the result of election under sub-section (2) of section 53 in Form 21 or Form 21-B as may be appropriate.

RETURN OF ELECTION

9.3 After making the declaration under paragraph 2, complete the return of election in Form 21-E after suitable adoption and deletions, as necessary. Mention that the election was uncontested.

REPORT OF RESULT OF UNCONTESTED ELECTION

9.4 Report the result of such uncontested election by sending a copy of your 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 from you that the appropriate authority will be able to publish the declaration in the Official Gazette as laid down in Section 67. In a bye-election, any delay on your part in forwarding the report to the Secretariat of Lok Sabha or State Legislature, as the case may be, may also entail delay in the concerned Secretariat taking further action to admit the elected member into the House and administer (When the House is in session), oath for that purpose.

9.5 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 you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

CERTIFICATE OF ELECTION

9.6 As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by you personally before dispatch. The acknowledgment form is given in Chapter XV. 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 elected candidate will not be able to take his seat in the House.

9.7 This acknowledgment is required by the authorities concerned for verifying the identity of the elected candidate at the time of the making and subscribing the oath or affirmation by him as member of the House concerned.

9.8 If the elected candidate is not present at the time of declaration of result and also does not visit the locality shortly thereafter, the certificate should be handed over to a person duly authorized by him in this behalf and personally known to you. The acknowledgment (duly signed by the candidate) must also be obtained through the same person

CHAPTER – X

BALLOT PAPERS AND VOTING MACHINES

INTRODUCTORY

10.1 With the withdrawal of candidatures and the preparation of the list of contesting candidates, the first stage of election process comes to an end. The next stage i.e. preparation for polling very crucial. You will find the work very challenging. Great care and planning for adherence to the time schedule are essential.

10.2 The minimum interval between the last date for withdrawal of candidatures and the first day of poll has been reduced to 13 clear days. During this short period, all arrangements for poll have to be finalized and put in place. You have to get the postal ballot papers (PBs) printed and dispatched to 'service voters', get printed the ballot papers to be used on balloting unit of voting machines and also as tendered ballot papers, get the required number of voting machines checked and prepared ready for use for polling process.

A. POSTAL BALLOT PAPERS

WHO IS ENTITLED FOR POSTAL BALLOT PAPERS --- You as RO of an AC or ARO of a PC must clearly understand whom you are required to issue postal ballot papers.

10.3 Following class of electors are entitled for postal ballot-

(a) Service voters, other than those who opt for proxy voting (CSVs);

(b) Special voters;

(c) The wives of persons referred to in clauses (a) and (b) above;

(d) Electors subjected to preventive –detention;

(e) Voters on election duty; and

(f) Notified voters;

10.4 The above terms are further elaborated-

I. "Service Voter" means any person mentioned in clause (a) of Section 60 of the Representation of the People Act, 1951 i.e. (a) members of the armed forces of the Union, (b) members of a force to which the provisions of Army Act, 1950 (46

of 1950) have been made applicable whether with or without modifications (c) members of an armed police force of a State who are serving outside that
State, and (d) persons who are employed under the Government of India in a post outside India (e.g. Ambassadors of India abroad, their staff etc.). Their names are registered in the last part of the electoral roll.

II. "Special Voter" means any person holding an office declared by the president to be an office to which the provisions of sub-section (4) of Section 20 of the Representation of the People Act, 1950 are declared to apply and the wife of such person, if she has been registered as an elector by virtue of a statement made under sub- section (5) of the said section.

III. "Elector subjected to Preventive Detention" means any person subjected to preventive detention under any law for the time being in force.

IV. "A voter on election duty" means a Polling Officer, or Presiding Officer a, security personnel, or any other such public servant who is an elector in the constituency and by reason of his being on election duty, not able to vote at the polling station where he is entitled to vote. Thus, the observers appointed by the Commission and the staff members accompanying them are also voters on election duty.

V. "Notified voter" means a voter who belongs to the class of persons notified by the Election Commission under clause (c) of Section 60 of the Representation of the People Act, 1951. (As and when Commission issue nay notification in this regard, special instructions are also issued. Hence not part of this book)

10.5 However following is further clarified-

a) Domestic servants accompanying Diplomatic Officers from India are not entitled to the concession of voting by postal ballot. So also, sons and daughters of Government of India employees residing with their parents at that place of posting outside India, are not entitled to the above concession. Even the husband of a female service voter is not entitled for this facility under the law.

b) Under sub-section (6) of Section 20 of the Representation of the People Act, 1950, the word "wife" means wife and should not be taken to include the husband of a lady holding an office referred to in sub-section (4) of the said section.

c) The drivers, helpers, cleaners, etc, actually employed on vehicles requisitioned for election purposes may be treated "voters on election duty" and may be provided with facility of voting by postal ballot.

ASSESSMENT OF REQUIREMENT OF POSTAL BALLOT PAPERS

10.6 You should assess your requirement of postal ballot papers keeping in view the number of service electors, polling personnel to be drafted on election duty and number of vehicles likely to be requisitioned and 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.

POSTAL BALLOT PAPERS – FORM AND LANGUAGE

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

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

(i) Every postal ballot paper shall have a counterfoil attached to it. The counterfoil shall be at the top of the ballot paper and its depth shall not ordinarily exceed 15 ems. (6 ems. are equal to 1 inch approximately). The particulars on the counterfoil shall be printed in English only and it shall contain the following: -

(a) Space for stitching at the top of the counterfoil;

(b) A black border of 1 cm at the top of the counterfoil;

(c) The particulars of the election, as mentioned in sub-para (iv) below, printed immediately below item (b) above;

(d) The words “Electoral Roll Part Number and Serial Number of Elector,” which shall be printed one below the other on the left hand side or right hand side as may be convenient;

(e) Serial number of the ballot paper on the left hand side either on the front or on the back as may be convenient.

(f) One block of lines of 1 cm with a perforated rule/disjointed straight lines below, separating the ballot paper from the counterfoil.

(ii) There shall be one block of lines of 1cm below the perforated rule/disjointed lines on the ballot paper.

(iii) The width of the postal ballot paper and its counterfoil shall be between 3" and 4" as may be considered convenient by the Chief Electoral Officer for printing

the ballot papers. The width of the space allotted to each candidate will uniformly be 1". Where the number of contesting candidates exceeds 9, 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 in one column should not exceed nine, but it should not exceed fifteen in any case. If the number of columns is two, three or more, the width of the ballot paper and its counter-foil shall be dependent on the number of columns, which are provided on the ballot paper. Each column shall be separated from the other by a shaded area of half an inch width from top to bottom. The names of the contesting candidates and their party affiliation, if any, will appear in the same order in which they appear in the list of contesting candidate in Form 7A (but without the headings of the three categories of candidates mentioned therein) These names will be printed below the other in those columns, starting with the name of the candidate at S. No. I in the list of contesting candidates appearing at S.N. 1 in the first column, candidate at S.N 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 not exactly divisible by the number of candidates in each column, the end panels on the right side of the ballot paper which do not contain the name of any candidate 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 Gen.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 Gen.Postal Ballot Paper”

d) For Bye-election to the Legislative Assembly Postal Ballot Paper (on pink paper)

11–Almora AC./2005 Bye Postal Ballot Paper"

(v) The name of each candidate and his party affiliation, if any, shall be inscribed in a panel, the panels being separated from each other by shaded area of 3 ems width. There will be a thick black border of 1 cm at the bottom.

(vi) 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.

(vii) 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.

(viii) There in no objection to the postal ballot papers being typewritten if the number required is too small for printing; but the serial numbers of such ballot papers should, however, be given by means of hand- numbering machines.

(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.

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

10.9 A specimen of the postal ballot paper is contained at **Annexure** XXV.

COLOUR OF POSTAL BALLOT PAPERs

10.10 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.

PRINTING AND DISPATCH OF POSTAL BALLOT PAPERS –

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

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

10.12 In view of urgency, postal ballot papers for service voters should be got printed, under close supervision of a senior officer to be appointed as nodal officer for the same, by the DEO locally in private printing press, if their expeditious printing in Govt press is not possible. But adequate foolproof security arrangements for the same should be made.

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

(a) service voters other than classified service voters (CSVs) who have appointed proxy

(b) other voters eligible to vote by post for all ACs or Assembly segment of a PC comprised in his district.

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

10.15

SAMPLE

(Reverse side of counterfoil)

(Perforation)

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

10.16 Since issue of postal ballot papers has to be completed within a pre- determined deadline, hence you shall depute a team of officer with one of your ARO along with already prepared envelops for this purpose and a stamp containing facsimile signature of the RO etc and with an updated copy of electoral roll of last part along with other papers required well in advance. They shall report to a centralized place fixed by DEO well in time. As stated in the beginning, the printing of the postal ballot papers with counterfoils shall have to be completed within 24 hours after the last hour fixed for the withdrawal of candidatures and any delay in adhering to the schedule will make the entire process of using postal ballot papers by service voters nugatory depriving them of their valuable right of voting. Hence, you should prepare sufficiently in advance and, in any case, before the last date for the withdrawal of candidatures, address covers in Forms 13-B and 13-C, complete for each of service voter. Also Form13-D containing instructions for the guidance of voters and keep ready the form of declaration by electors in Form 13-A in respect of each service voter. Also remember to fill up correctly hour and date by which polled postal ballot papers should return back to you in last para of Form 13-D.

10.17 Senior most of the Commission's observers posted in that district HQ shall personally monitor the entire process **and send a detailed report to the Commission as soon as the dispatch of postal ballots meant for service voters is completed.** Necessary videography should be done.

10.18 As soon as the postal ballot papers with counterfoils are received by your ARO deputed to centralized place at District HQ for issue of postal ballot papers to service electors, following should be done -

a. Note down the electoral part number and serial numbers of the elector as entered in the marked copy of electoral roll on the counterfoil of the postal ballot paper and detach the ballot paper from the counterfoil and then.

b. Put 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, however, recording therein the serial number of the ballot paper issued to the elector.

c. Serial number of postal ballot paper being issued shall be mentioned in Form 13 A. Simultaneously, the serial number of the ballot paper shall be written on the front of the cover in Form 13-B. Due care is needed in filling up in ink correctly in Forms 13-A and cover in Form 13-B the serial number of the postal ballot paper. This is very important as at the time of counting of votes you will have to compare these numbers on Forms 13-A and 13-B and see that they tally. If they do not tally in the case of any voter, the postal ballot paper will have to be rejected. Also remember to fill up correctly hour and date in Form 13-D.

d. In case of women service elector, note the letter "W" on the envelope in Form 13-C, i.e., the envelope addressed to the Returning Officer. It will help to ascertain the statistics of men and women voters, who cast their votes by postal ballot paper.

e. Then the ballot paper be put inside that cover.

f. Thereafter, the cover in Form 13-B containing the ballot paper, the declaration in Form 13-A, the instructions for the guidance of electors in Form 13-D and the cover in Form 13-C will be put inside a larger cover which will be addressed to the service voter concerned.

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

g. Thereafter, all the covers addressed to the service voters attached to each Record Office will be put inside one packet and the packet dispatched to the Record Office.

h. Proper account of postal ballot paper issued to each service voters shall be in a issue register and sign of postal official giving date and time should be obtained in relevant column of the register as receipt.

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

ACCOUNT

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

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

MODE OF DISPATCH

10.22 As postal ballot papers will be printed locally by the District Election Officer and postal ballots for service electors need be dispatched within deadline of 48 hours after the last hour for the withdrawal of candidatures using Registered Post only. It is pertinent to mention that the Commission has directed that the DEO shall co-ordinate with postal authorities to make such arrangement that postal officials are present at the dispatch centre to receive envelops containing postal ballot papers to service electors papers *and they in turn will ensure that the ballots are sent to the right address without any delay. The details of postal ballots sent AC wise shall be maintained in the form of a register giving the details and the signature of the postal authorities shall be obtained in the register*. The dead line for the whole process of printing and dispatch is within 48 hours of the last hour fixed for the withdrawal of candidature.

10.23 In the case of Foreign Service voters, the postal ballot papers will be sent by ordinary airmail and not in the diplomatic bags, unless specially authorized to be sent in diplomatic bags in any particular case. Ordinary postage stamps will be used for the purpose. The Foreign Service voter will return the postal ballot paper by diplomatic bag or by ordinary airmail service direct to you.

10.24 The post officer would according to the instructions issued by the Director General of Posts and Telegraphs forward these bags or packet, in the case of postal ballot papers for Defence Service voters to the Record office(s) concerned on high priority basis.

DIFFICULTIES FACED BY SERVICE ELECTORS

10.25 The Army Headquarters had, in the past, brought to the notice of the Commission the following difficulties experienced by the Record Offices in dealing with postal ballot paper;

(a) Dispatch of one or more individual ballot papers without postage stamps in a packet addressed to the Record Offices, thus involving use of service labels and their accounting by the Record Officers;

(b) Full address of Returning Officers not shown on cover in Form 13- C, thus resulting in difficulty in returning the cover to the sender;

(c) Dispatch of ballot papers in respect of soldier's wives without furnishing the army number and name of husbands, resulting in their return to sender;

(d) Incomplete/Omission of army numbers on the ballot papers, thus delaying their re-direction;

(e) Use of poor quality envelopes, necessitating their repair before redirection;

(f) Receipt of ballot papers without covers/directions for voters; and

(g) The postal ballot paper for the wife of a service voter sent in the same cover with the postal ballot paper for the service voter.

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

(a) Personal Number and Name of the Service Officers were either not quoted or had been wrongly quoted on the Postal Ballot envelope, making it difficult to redirect such postal ballot papers to the concerned Service Voters within the available short span of time.

(b) On some of the postal ballot papers belonging to the wives of Service Voters, the complete particulars of their husbands, i.e., personal number and name of the Officer, which are essential pre- requisites for redirecting, were not given.

(c) Ballot Papers for Army Medical Corps/TA Officers/Naval/Air HQs Officers and JCOs/Ors whose records are not kept in Army HQs were also dispatched to Army HQs whereas those should have been addressed to their respective Record Officers for re-direction to the Service Voters, which would have saved considerable time.

(d) In some cases, the envelopes did not bear the stamp of the State and Constituency properly.

(e) Some postal ballot envelopes were not properly printed which made it difficult to find out whether it was for Assembly or Parliamentary Elections.

(f) In some cases, JC numbers were written instead of IC numbers.

All concerned in general and DEO in particular may note that such defects not recur in future . Any recurrence shall be visited upon with serious disciplinary actions.

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

CLASSIFIED SERVICE VOTERS: PROXY VOTING

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

10.29 On receipt of intimation of appointment of proxy by a CSV, you are required to mark the letters 'CSV' against the name of the service voter in the last part of the electoral roll to indicate that the elector has appointed a proxy to cast vote on his behalf. For using the facility of proxy voting at the next earliest election, intimation of appointment of proxy should reach you by the last date for making nomination at that election. You are also required to maintain a separate list of CSVs and their proxies with their complete addresses in the form and manner specified by the Commission. The Form specified by the Commission in this behalf is given as **Annexure XXVI-C**. After the last date for making nominations, you are 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 XXVI-D**. These sub-lists

are to be added at the end of the part of the electoral roll pertaining to the polling station concerned and the part of the electoral roll along with the sub-list will be the marked copy of the electoral roll for that polling station.

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

ISSUE OF POSTAL BALLOT PAPERS TO POLLING STAFF AND OTHER CATEGORIES

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

Apart from this the RO's should focus on IEC also and it is desirable to launch some initiatives to spread awareness. This may include preparation of some IEC material for circulation. Easy access to Form 12, proper arrangement for attestation procedure, an easy to understand checklist for the benefit of PB voters so that they don't miss out on some crucial aspects/ omissions that may render the postal ballot invalid would be some of the measures that may improve the working of postal ballot system.

Polling Personnel–

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

Considering the postal delays and inconvenience caused to the electors in dispatching the PB the Commission has decided to encourage the system in which the voters on receiving the PB from R.O/A.R.O record their vote on the PB paper then and there. Necessary arrangements for attestation of Form 13 A and collection of polled postal ballots shall be made in the form of a 'postal ballot facilitation center.' The polling officials should be advised to cast their vote on postal ballot paper and to drop the polled ballot paper personally in a sealed box to be kept there for the purpose under direct supervision of the concerned Returning Officer / Assistant Returning Officer. ECI observers will be present and supervise the entire process. The whole process shall be recorded in videos.

10.33 You, as RO should ensure that

a. All polling officials should, without exception, be provided Form 12 for applying for postal ballot paper along with their appointment letter with a request to submit duly filled Form 12 on the first day of training. They may be told that there is no need to fill up "address" column of Form 12 since postal ballot papers will be issued to them personally at the training venue itself.

b. You should further make adequate arrangement to receive Form 12 at the training center Adequate number of Form 12 should also be kept at the training venue so that any polling personnel who are in need of Form 12 can get it.

c. When any such person submit a duly filled Form 12, he shall be required to produce, his appointment letter and also the EPIC issued to him or a copy of any official identity card issued to him by his department. Your official, who receive such Form 12 should see that it is filled up correctly and, if not, then the concerned polling official should be asked to correct. All duly filled applications (Form 12) received shall be processed immediately by the concerned Returning Officer/Assistant Returning Officer well before the second round of training. Hence, it is imperative that the second round of training is held after the postal ballot papers are printed and ready for issue. On the day of second round of training, you ensure separate and proper arrangements for issuing the postal ballot to the persons concerned. As the trainees may be elector of different to different ACs, it becomes imperative that all R.Os/ A.R.Os along with their staff will remain present at the training venue for the above purpose. Now-

d) First, identification of the trainee official whom PB is being issued shall be verified thorough EPIC or any other photo ID as well as appointment order.

e) The cover containing the postal ballot paper will be handed over to him after obtaining his sign in the register for marinating account of issue of PB to polling staff in Format XXIVB. Simultaneous entry (PB) shall be made using red ink in the marked copy of the electoral roll. It should be made clear to him that once a PB is issued to a polling personnel called for training he shall after that cast his vote only through postal ballot even if he is exempted from election duty subsequently or kept on reserve. Considering the postal delays and inconvenience caused to such electors in returning back the PB after recording his vote, the Commission now encourages the system in which such electors, on receiving the PB from R.O/A.R.O record their preference on the postal ballot paper, then and there at "PB Facilitation Centre". For this, you should provide for some covered space at some distance from training centre, with some chairs and a table with facility to record vote in complete secrecy.

f) When elector reaches to above said Facilitation centre, some Govt officer, as is authorized under law to attest Form 13A.

g) The polling official (trainee), then record his vote on postal ballot, fold it and then

h) Drop it in a duly locked and sealed "drop box" pertaining to his AC.
The drop box shall be kept under close supervision of concerned RO/ARO and ECI Observer.

Note- 1. The D.E.O / SP / SDM shall personally inspect the training venue cum postal ballot facilitation center in advance in order to ensure adequate security measures are in place. As the electors will be casting their vote at the training venue proper arrangements shall be ensured to restrict entry to the venue only to the appointed polling staff and other authorized government servants and no other person. When the voters mark the ballot with their preference the secrecy of ballot shall be enforced without compromise. If the

authorized representatives of contesting candidates remain present at the facilitation center proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register. The entire process including the arrangements made for this purpose shall be recorded in video. ***The contesting candidates should be informed in advance, about the postal ballot voting in the facilitation centre. If any authorized representatives of a contesting candidate remain present at the facilitation center, proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register.***

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

If any election duty staff is not able to vote at the facilitation centre, he may send the postal ballot later through registered post or may drop it in the drop box kept for the purpose in the ROs office. It should be noted that all instructions in Form 13D shall be followed by the election duty staff voting through postal ballot, whether at the facilitation centre or otherwise. Therefore, the requirements of the law, such as duly filling , signing and getting attestation in the declaration in Form-13A, putting the marked ballot papers in the envelope in Form 13B, and sending the declaration and the envelope containing the marked postal ballot in the envelope in Form 13C should be explained to them. It should be made clear that the declaration in Form 13A should not be put inside the envelope in Form 13B, which is meant only for the marked ballot paper.

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

Security persons

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

Commandant of SAP shall carefully look into this aspect before such lists are submitted by them to the DEO concerned and on being accepted by the DEO that list will become an approved list of police personnel on election duty.

10.37 As the police personnel are posted in various locations and bringing all of them to one or two locations in the district on the same day will not be feasible, the Commission has decided to enable the police personnel to exercise their voting right by issuing their PB using postal services and receive back the same by Post or through drop box kept in the office of R.O This can not be achieved without an efficient coordination between the election authorities and postal authorities. Unlike in the past, it has been decided to send the PB by Registered Post and not by UPC and the police personnel will also send their marked PB through registered post and the stamp will be paid by the addressee i.e the Returning Officer and necessary arrangement in this regard shall be worked out for the whole state by the CEO in coordination with the senior postal authorities.

10.38 In order to cut down on the delay in this process, identification of police personnel who would be on election related duty and who will not be able to got their polling station and their AC No/ Part No/ Serial No details, making Form 12 available to them easily; receipt of duly filled in Form 12 from them etc shall be efficiently ensured in advance through a network of nodal officer arrangements. The SP or Commandant of SAP should be asked to nominate one of his seniors as Police nodal office. Similarly the DEO will also nominate one of his officers as anodal officer.

a) The initial task of such Police nodal officer will be to arrange to disburse blank applications in Form 12 along with guideline for filling up the said Form 12 for issue of postal ballot papers to the entitled security personnel i.e. who are going to be deployed on election duty .The electors should be specifically be alerted that (a) while filling up the Form 12, in the space provided for indicating the address for the dispatch, they should invariably mention only the full postal address of their present place of posting.(b) They should also mention the address where they are registered as an elector in the vacant space available in the Form and (c) They should mention the serial number and part number as well as the name of the constituency where he is registered as an elector. In case he does not know correctly these details, he should mention the complete address where he is registered so that attempt will be made by DEO/RO to locate his name and fill up the details.

b) The next duty of the said Police Nodal Officers shall be to arrange to collect duly filled Form 12 from the security personnel without any delay.

c) He will sort out applications pertaining to other districts and without any delay, make district wise parcels containing AC wise envelopes having Form 12 applications and send the parcel to the other districts through special messengers. The special messenger shall meetthe nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such envelops from various districts the nodal officer of DEO that district shall take the follow up action in the same manner in which the Form 12 applications received from within the district have been dealt.

d) Remaining applications shall be sorted out AC wise and district wise, as there is possibility of a polling personnel having been registered in a district to be posted in another district. All Form 12 applications pertaining to any AC within the same district shall be dealt with at the district HQrs itself without physically sending the same to the R.O's HQs located outside the district HQ. For this purpose an authorized A.R.O of each AC should be deputed by you go with sufficient officials, to the district HQrs and dispatch the PB to the respective voter (police personnel) on election duty by Registered Post with A.D while simultaneously marking 'PB' in red ink in the marked copy of the relevant Part and maintaining a register indicating such names with serial number, Part wise. A clear instruction need to be issued to Postal authorities that the PB sent to a particular elector (by name) by Registered Post shall be handed over to him and under no circumstances to any other person***. While dealing with the Form 12 applications pertaining to the home district in the above manner, the nodal officer shall also without any delay make a district wise parcel for other districts containing AC wise envelops having Form 12 applications and send the respective parcels to the other districts, through special messengers. The special messenger shall meet the said nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such envelops from various districts the nodal officer shall take the follow up action in the same manner in which he dealt with the Form 12 applications received from his home district as mentioned earlier.***

e) The elector on receiving the PB may mark his preference and send the same to the Returning Officer by Registered Post or he may, personally, put the marked PB in the 'drop-box' kept in the office of the Returning Officer. The voter while recording his vote has to follow the instructions contained in Form 13D.

Drivers, Cleaners and Helpers

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

PLEASE NOTE –

(i) For the benefit of such voters who may belong to any of the category of voters to whom PB has been issued each R.O shall have a special box with secured lock duly sealed so that any such voters, other than the service voter, can come and drop their marked PB in the sealed cover (provided to each voter along with PB). Necessary arrangements for attestation of Form 13A of such persons who wish to record their votes after collecting their PB personally shall be made.

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

POSTAL BALLOTS FOR SIMULTANEOUS ELECTIONS

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

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

A) The covers in Forms 13-B and 13-C for an Assembly election may be printed in pink colour and

B) For a Parliamentary election in green colour.

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

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

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

PROCEDURE

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

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

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

ISSUE OF EDC TO VOTERS ON ELECTION DUTY

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

In the case of the officials, who would be eligible forEDC, they should be briefed about the EDC facilities at the first training. Thedistribution of Form 12 A (application for EDC) in their case, shall be done at thesecond training session which should be held after the second stage randomizationin which the formation of polling parties will be done. The officials should be instructed to fill in the relevant particulars in the Form and submit the same duly

signed, then and there (at the second training). The existing instructions for keeping the electoral rolls of the constituencies at the venue of the training classes will be applicable in this case also 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. One of the particulars to be entered in Form-12A is the number and name of the polling station in which the polling personnel would be on duty. However, in the present system of allotment of polling stations, the details relating to the polling stations in which the polling personnel would be deployed on duty would be known only at the stage of the third randomization which is done just prior to the dispatch of polling parties to the polling stations. Therefore, the column relating to details of duty polling stations need not be filled in by the polling personnel when they submit the application.

Applications in Form-12A, completed in other respects and duly signed by the polling personnel, would be collected at the second training class itself. These, again, should be collected assembly segment wise and the applications from the members of a polling party should be tagged together for convenience at the time of issue of EDC later. A register of names of polling personnel who have submitted these applications should be prepared and maintained assembly segment wise and polling station-wise within the Assembly segments.

In the case of officials appointed as micro observers also, the same facility of EDC will be provided in all cases where they are voters in the same P.C. Issue of EDC in their case will be done as soon as the polling stations are assigned to them.

In view of the EDC system to be adopted, Form-12, which is the application format for postal ballot, should not be sent to the polling personnel at the stage of requisitioning of staff or while calling them for training. In the case of all such polling personnel eligible for EDC, only Form-12A should be supplied.

The polling staff and persons on election duty to be deployed outside the PC, shall be given postal ballot facility and their voting by postal ballot at the postal ballot facilitation center shall be coordinated by the DEO of the district in which the official is registered as elector, as the initial training classes will be organized at their level.

The polling stations assigned to the polling parties would be known after the third randomization done just prior to the dispatch of polling personnel, and, therefore,EDC can be issued only at this stage. Immediately after the third randomization, EDCs shall be prepared for distribution to the polling personnel. There should be adequate arrangement with sufficient manpower to issue EDC to the polling personnel. This should also be done assembly segment wise with adequate number of separate counters for each assembly segment to avoid crowding and confusion. The name of the assembly segment and the polling station numbers handled by each counter should be prominently written and displayed on each counter. At this stage also, the record of issue of EDC should be maintained in a register. The names of the polling personnel issued with EDC should be entered in the register and the signature of the polling personnel obtained against their names as and when EDC is issued to them. The register should show the serial number of all polling stations, the names of polling personnel allotted to the polling stations and their

signatures after obtaining the EDC. A format for maintaining the register is annexed to this letter.

Although the EDC is issued only at the time of dispatch of parties, marking of 'EDC' in the marked copies of electoral roll should be done as early as possibleafter the second training at which the officials would have submitted applications for EDC in Form 12A. 'EDC' shall be marked in the marked copies of electoral roll against the names of all officials who have submitted applications in Form 12A and are eligible for issue of EDCs. 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 at the polling station mentioned therein, irrespective of whether they are on active duty or kept as reserves.

If an official is deployed on election duty at the polling station or in the polling area outside the PC in which he is a voter, he/she shall be given postal ballot facility. The responsibility for issuing Form-12 and organizing facilitation center for exercising franchise by such voters shall be that of the RO of the constituency in which the official concerned is enrolled as a voter. This facilitation shall be done well in advance before the official concerned is deputed on election duty outside the PC area. In this case also, proper record of all postal ballot paper issued to the polling personnel should be maintained as per the existing instructions.

In case of last moment dispatch of a polling staff due to any contingency from one PC area to another PC area within the district or from outside the district and in case sufficient time is not available for extending facilitation center based postal ballot opportunity for him, then due care shall be taken to provide postal ballot facility separately to the official to enable him to exercise his franchise. In such cases, the officials concerned should be advised to return the postal ballot by post. In this case also, the responsibility shall lie with the RO of the constituency where the official is enrolled as a voter.

For the polling personnel kept as reserves, the RO shall decide the polling stations in which they are to cast vote using EDC since they are not assigned to any particular polling station in advance. The polling stations for casting of vote by such personnel should be the one located near the place where the reserve personnel are to assemble and remain before they are moved to any polling station, as and when required. If the number of reserve polling personnel in a location is large, different polling stations near the location should be allotted for them to cast vote using the EDC so that one polling station is not clogged due to very large number of EDC voters. Invariably in all cases, the polling station in which they are to vote should be mentioned while issuing EDCs. Hence, it is necessary to identify the polling stations in advance, taking into account the location of the reserve polling personnel's assembling place. Adequate transport facility as may be required should be provided at the locations.

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, and the number of polling personnel issued with the EDC to vote in that polling station should be informed to them. The exercise of franchise using EDC by the polling staff shall take place only after briefing the polling agents and the P.O in their diary and in the relevant column of

Form17C shall mention about the number of votes polled by the polling staff using EDC. 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 names of Assembly Segment 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.

The polling personnel using EDC facility should cast vote only when the polling agents are present. If in any polling station, no polling agent turns up, the polling personnel will vote when the Observer visits the polling station. 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.

In Form 17C, the Presiding officers are required to mention the number of votes cast in the EVM on the basis of EDC. They should be specifically briefed to fill up this column and also to note down the number of EDC votes on a separate sheet of paper and to hand it over at the reception centre in a separate counter set up only for receiving this sheet. The sheet should indicate the name of the assembly segment and the polling station number also. The ROs should later find out the total number of votes cast on EDC and see whether the number tallies with the number of EDCs issued. If there is any discrepancy, the position should be cross-checked with the Presiding Officer of the polling station in which discrepancy has occurred.

Only a perfect coordination between the sponsoring authority who sponsors the names of the officials for election duty and the RO of the constituency where the officials is a voter can ensure a proper functioning of the above system The DEO shall monitor the progress very closely.

In the above process in the management of postal ballot system and EDC, voting by officials on election duty will, operate in three methods i.e (I). Election Duty Certificate (II) Postal Ballot given to the polling staff and receipt of ballot papers after marking the vote received from them at postal ballot facilitation center (III). Postal Ballots given to persons on election duty and received back by post or through drop-box kept in the RO's office.

In order to ensure that there is no confusion in any of the above three methods, the DEO will play a crucial role. Even before the database of the persons to be deployed on election duty is made ready for randomization, a proper verification shall be done to ensure the electoral details of each and every individual polling staff indicating the AC number, Part number and Sl. number of that polling staff in the electoral roll, is properly filled in. The sponsoring authority shall be asked to fill in the details. In case such details are not available, efforts shall be made to trace the details and incorporate those details in the database. The DEOs should also take pro-active initiative to ensure that if any polling personnel is not enrolled as elector, he/she is given Form-6 so that they can apply for enrolment and become an elector under continuous updating before the last date for making nominations.

In case of last moment deployment of any staff on election duty outside the PC on the basis of the appointment letter, the RO/ARO of the assembly segment where such a staff is a voter, shall give the staff concerned the Form-12, and later the postal ballot alongwith Forms-13A, 13B, 13C and 13D.

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

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

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

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

10.49A **Additional instructions regarding smooth management of postal ballot paper for employee, police officer, drivers/conductors & cleaners requisitioned on for duty may kindly be seen in commission's letter No. 52/2012/SDR dated 13-08-2012.**

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

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

RECORD OF POSTAL BALLOT PAPERS

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

(b) 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. To keep a proper separate registers will be maintained for keeping track of postal ballot papers issued to each category of electors. The Register should have the following columns:

i. Name of the Person drafted for election duty and who has applied for Postal Ballot Paper in Form-12

ii. Name and Number of the Assembly Constituency in which the person is serving

iii. Whether the person is registered in the electoral roll of the Constituency. (Yes or No)

iv. If yes, Part No. and serial number of the person in the electoral roll of the constituency.

v. Whether postal ballot paper has been issued to him and necessary entry made in the marked copy of the electoral roll against the name of the person (Date of issue and making such entry).

vi. Whether the person collected the Postal Ballot Paper in person from the R.O's Office.
(Yes or No)

vii. If yes, the signature of the person with date.

viii. If no, whether the R.O. has taken action to deliver the Postal Ballot Paper at the person's address (Date of delivery)

ix. Remarks

(c) The Register should be prepared in the format given at **Annexure XXVII**.

SEALING MARKED COPY OF ELECTORAL ROLL

10.52. After all the postal ballot papers for voters entitled to vote by post and Election Duty Certificates have been issued, seal the marked copy of the electoral roll including the sub-list of polling station-wise CSVs and proxies appointed 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. The counterfoils of the postal ballot papers issued to the electors should be sealed in a separate packet and kept in your safe custody.

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

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

ATTESTATION OF DECLARATION OF VOTER CASTING POSTAL BALLOT PAPERS

10.54 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)If a service voter then by such officer as appointed by the Commanding Officer of your unit or establishment, (iii)If employed under Govt of India in a post outside India the by the concerned diplomatic or consular representative (iv)If special other then by any officer not below the rank of Dy Secretary to Govt of India or a state (v) If on election duty then by any Gazetted officer or by Presiding Officer of the polling station where posted (vi) If under preventive detention then by Superintendent of the jail or Commandant of the detention camp. In any other case by 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 and merely signing their declarations and get them attested later on by obliging attesting officers even in the absence of the electors in person, as required by 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 to insist that the formal legal requirements regarding the identification of such elector and the attestation of his signature on the declaration in connection with his postal ballot paper must be strictly complied with whenever they have occasion to attest such signature. You may note that honorary magistrates are no longer competent under the law to attest any postal ballot paper. A member of the Parliament or the State Legislature will not be deemed to be a 'Gazetted Officer' for purposes of attestation of above declaration relating to postal ballot papers.

10.55 If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot and sign the declaration, he shall take the ballot paper together with declaration and covers received by him to an officer competent to attest his signature under sub-rule 2 of rule 24 and request the officer to record his vote and sign his declaration on his behalf. Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13 A.

RETURN OF POSTAL BALLOT PAPERS-

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

10.57 Everyday, a designated officer should take out the contents of the box, make necessary entries in the Register maintained for the purpose, keep the Register and the sealed covers of Postal Ballot Papers under proper lock and key. ***When the Returning Officers start receiving the polled postal ballot papers from the service voters he shall give a daily report to the observer concerned indicating the number of such polled ballots received every day and also indicating the cumulative figure. When the observers leave the constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.***

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

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

POSTAL BALLOT PAPERS RETURNED IN TIME

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

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

POSTAL BALLOT PAPER RETURNED LATE

10.62 .You should not decline to receive any cover containing postal ballot paper delivered after expiry of the hour fixed for its return. Postal ballot papers received by you in their covers too late (i.e. after the hour fixed for the commencement of the counting of votes of the constituencies or on any subsequent date) cannot be counted and must be rejected. Note the date and time of its receipt on each such cover received too late. These covers are not to be opened and should be kept together for future reference, if any. However, the number of each postal ballots 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 received after the prescribed hour and date and therefore not counted.

DELIVERY OF POSTAL BALLOT PAPERS

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

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

DESIGN OF VOTING MACHINE

10.65 Under Rule 49A of the Conduct of Elections Rules 1961, every voting machine shall have a control unit and ballot unit and shall be of such design as may be approved by the Election Commission.

10.66 The Commission has approved the designs of voting machines produced by Bharat Electronics, Ltd., Bangalore and Electronics Corporation of India, Ltd., Hyderabad. Description of these voting machines has been given in para 3 of Chapter I. As mentioned therein, the voting machines consist of two units, Control Unit and Ballot Unit. These two units are inter- connected when the voting machine is put in operation by means of a cable, one end of which is permanently attached to the ballot unit. A ballot unit caters upto 16 candidates. Four ballot units linked together catering upto 64 candidates can be used with one control unit.

OPERATIONAL DETAILS

10.67 Complete details of operation of voting machines are contained in the Manuals of Electronic Voting Machines produced by the above-mentioned two manufacturing companies. You should find out in advance as to whether the machines produced by Bharat Electronics or Electronics Corporation of India are going to be used in your constituency. You should study very carefully

the manual relevant to the machines being used in your constituency so that you become fully conversant with the operation of the machines. You should also operate the machine yourself so as to be sure about all aspects of its operation.

BALLOT PAPERS OF BALLOT UNITS OF VOTING MACHINES

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

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

i. The total length of the ballot paper will be 460 mm and its width shall be 140 mm in the case of machines manufactured by Electronics Corporation of India, Limited (ECIL). For machines manufactured by Bharat Electronics Limited (BEL), the length of the ballot paper will be 461.5 mm and the width will be 140 mm.

ii. At the top of the ballot paper, there shall be a space provided for indicating the particulars of the election and the name of the constituency, of the size 12.7 mm (length) x 140 mm (width) in the case of ECIL - manufactured machines, and of the size 7.5 mm x 140 mm in the case of BEL – manufactured machines.

iii. In the space so provided, on the top left hand corner, the serial number of the ballot paper shall be printed. On the top right hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet, where the number of contesting candidates exceeds sixteen. 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 sixteen, 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 sixteen or more, the above particulars may be printed in a vertical column, on the left hand side of the ballot paper, with a thick line dividing the said column and the panels containing the serial numbers and names of the contesting candidates.

iv. Below the space provided at the top for printing the particulars of the election, there shall be a thick black line of 2.1 mm in the case of machines manufactured by ECIL and of 1.00 mm in the case of machines manufactured by BEL.

v. Below this line, there shall be printed the serial number of each contesting candidate, his name and the symbol allotted to him, in a separate panel for each candidate.

vi. The size of the panel for each contesting candidate shall be 25.4 mm (length) x 140 mm (width) in the case of ECIL – manufactured machines and 27.5 mm (length) x140 mm (width) in the case of BEL – manufactured machines.

vii. The panels of the candidates shall be separated from each other by a thick black line of 2.1 mm in the case of ECIL – manufactured machines and 1.00 mm in the case of BEL – manufactured machines.

viii. The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.

ix. The names of not more than sixteen candidates shall be arranged on one sheet of a ballot paper. If the number of contesting candidate is less than sixteen, the space below the panel for last contesting candidate 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 sixteen, the ballot paper shall be printed on two sheets of the above mentioned size and dimensions if the number of candidates is between seventeen and thirty two, on three sheets if the number of contesting candidates is between thirty three and forty eight, on four sheets if their number is between forty nine and sixty four.

xi. In such cases where the ballot paper is printed on more than one sheet, the names of 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 thirty two the space below the panel for the last contesting candidate in the second sheet 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 shall be printed in the same language or languages in which the list of contesting candidates has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.

xiv. Serial number and the name of the candidate shall be printed on the left hand side and his symbol on the right hand side in the panel meant for him.

xv. 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.

10.70 Sample of Ballot Paper is given at **Annexure XXVIII**.

PRECAUTIONS FOR PRINTING OF BALLOT PAPERS

10.71 The ballot papers shall be printed in such a way that after fixing the ballot paper on the ballot unit in the space provided for the purpose, dividing line drawn below the space in which the particulars of election are printed and the dividing lines below the panel of each candidate shall be in complete alignment with the corresponding grooves or lines engraved on the ballot unit. Utmost care will, therefore, have to be taken while printing the ballot papers and to ensure that the ballot paper have been correctly printed, the ballot unit should be shown to the technicians of the printing press. They may be asked to take the exact measurements of the space meant for printing the particulars of election and the panels of candidates and the thickness of the dividing lines so that the ballot papers are printed in exact alignment.

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

TENDERED BALLOT PAPERS

10.73 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.

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

ASSESSMENT OF REQUIREMENT OF BALLOT PAPERS

10.75 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 have to be made on the following basis:-

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

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

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

ARRANGEMENTS FOR PRINTING OF BALLOT PAPERS

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

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

VERIFICATION OF BALLOT PAPERS

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

10.79 On receipt of the printed ballot papers from the Press, the ballot papers should be checked so as to ensure that there is no discrepancy in the number of ballot papers as supplied by the press and

the number found on actual counting at your end. If on such checking any ballot paper is found defective in any manner or with duplicate number or the serial number of any ballot paper is missing, the same should be clearly noted in a register and also published on the notice board of your office as well as at the distributing centre. A copy of the notice should be sent to each of the contesting candidates also.

SAFE CUSTODY OF UNDISTRIBUTED BALLOT PAPERS

10.80 Some ballot papers may remain undistributed with you after the same have been fixed on the ballot units of the voting machines and supplied to the polling stations for use as tendered ballot papers. Such undistributed ballot papers should be kept by you at some central place on the day of poll for supply to any polling stations as may be required according to the exigencies of the situation. Proper safeguards must be taken to ensure that such undistributed ballot papers remain either in your custody or that of one of your Assistant Returning Officers specifically nominated by you and do not fall in unauthorized hands.

10.81 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 XVIII, until these undistributed ballot papers are destroyed in the manner indicated in that Chapter.

Additional instructions were issued regarding Introduction of Braille Signage Features in Electronic Voting Machines by the following letters which involve the role of RO's also (which can be separated by the commission only) :-

1) ***No.51/8/2009-EMS Dated: 12th February, 2009***
   Subject: Introduction of Braille Signage Features in Electronic Voting Machines.

2) ***No.51/8/2009-EMS Dated: 18th March, 2009***
   Subject: Introduction of Braille Signage Features in Electronic Voting Machines.

CHAPTER – XI

ARRANGEMENTS FOR POLL

POLL ARRANGEMENTS TO BE MADE FINAL

11.1 As soon as the list of contesting candidates has been published, you should make your arrangements for the poll final and checkup that everything is ready for taking the poll on the scheduled date(s).

11.2 You must have already calculated the exact number of voting machines required for taking the poll in your constituency, including the reserve machines. The machines are kept at some selected places in your State/Union Territory under the charge of the Chief Electoral Officer or the District Election Officer. You should immediately obtain the required number of machines if you have not already done so. Each and every machine has to be thoroughly tested for its 100% (hundred per cent) error-free functioning at the time of poll.

Only after completion of first and second randomization, the EVMs shall be ready for polling. Regarding second randomization, the Commission has issued clarification that there is no objection that the Returning Officer/Assistant Returning Officers do second randomization of EVMs on or before the day of preparation of EVMs in the presence of candidates/their representatives. (ECI No.51/8/7/2010-EMS Dt.3.4.2011)

11.3 You should also get printed immediately the required number of ballot papers which are to be used on the ballot units of the voting machines and also for supply to the polling stations for use as tendered ballot papers, in accordance with the instructions given in this behalf in the previous chapter.

11.4 Likewise, you must procure urgently all other polling materials, statutory and non-statutory forms and other stationery that you will require for taking the poll.

11.5 You should maintain a forward diary of the different items of work that you have to attend to from time to time and keep it upto-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive but only illustrative) of your tasks during this period: -

i. Obtaining the required number of voting machines and getting each machine thoroughly tested;

ii. Printing of postal ballot papers and ballot papers for use on ballot units of voting machines and for use as tendered ballot papers;

iii. Ensuring that formal appointment orders for the Presiding Officers and Polling Officers for each polling station in your constituency have been issued by the District Election Officer;

iv. Organizing comprehensive and exhaustive training of polling personnel as well as Police personnel on conduct of elections on EVMs;

v. Issuing of forms of application (Form 12 and 12A) for postal ballot papers and election duty certificates to the polling personnel including the police and drivers/cleaners of the requisitioned vehicles;

vi. Requisitioning of vehicles required for the poll including the vehicles required for transport arrangements of polling personnel and polling materials;

vii. Finalizing the transport arrangements for polling personnel and polling materials; **and for Zonal Officers depending on the No. of Routes Videographer, Technical persons for Web Casting and Micro Observers.**

viii. Checking up the deployment of police forces and their movement to synchronize with the movement of the polling parties;

ix. Dispatch 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;

x. Review of your requirement of polling materials, including statutory and non-statutory forms, etc., in the light of actual number of contesting candidates and the total number of polling stations;

xi. Meetings with contesting candidates with a view to seeking their cooperation and removing their misapprehensions, if any;

xii. 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;

xiii. Preparing required number of working copies of the relevant parts of the electoral roll for use in each polling station;

xiv. Provision of screened voting compartments at each polling station in which a voter can record his vote on the ballot unit of the voting machine in complete secrecy;

xv. Publicity about the location of polling stations;

xvi. Distribution of polling materials to the polling parties;

xvii. Supply of copies of 'Instructions to Electors' for recording their votes by means of voting machines to political parties/candidates for distribution among electors;

xviii. **Micro Observers who are deployed from Central Govt. Services to be appointed for each Polling Station by the Dist. Election Officer to observe the Poll process at Polling Station and for reporting the entire Poll process. They have to submit their reports directly to Election Observer for giving further instructions to Returning Officer. (ECI Lr.No.464/INST/2008-EPS, dt.24.10.2008)**

xix. Arrangements at reception centre for the return of the polling parties after the poll and the receipt of the voting machines and other materials and election papers from them;

xx. **Arrangements to be made to collect sealed EVMs, Presiding Officers Diaries, Form-17A (Register of Voters), Form-17C and other important statutory items including Additional information in (19) Column proforma at special counters duly verifying by the Officer in the special counters. (ECI Lr.No.464/INST/2012-EPS, dt.24.01.2012)**

xxi. Arrangements for the safe custody of these voting machines and other election papers on completion of poll;

xxii. **In addition to deployment of CPF, State police force shall also be deployed in adequate number for each hall of the strong room to guard the Strong Room containing polled EVMs and election related documents. Video Cameras or CCTV cameras should be installed outside the strong rooms and such video recordings should be kept in safe custody. (ECI No. 464/INST/2011/EPS Dt.19.3.2011)**

xxiii. Arrangements for setting up the counting center(s).

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

11.7 The Commission has been preparing and supplying Electoral Photo Identity Cards (EPIC) to the electors, which is aimed at preventing impersonation during the polling. The Commission has been trying to prepare and supply to every eligible elector an Electoral Photo Identity Card. The Commission has also made it mandatory that identification of an elector shall be done at the polling station before allowing such an elector to vote. For this purpose, the Commission has instructed that the electors who have been issued the EPIC shall produce the same at the polling station before the polling officer. Any minor discrepancies in the entries in the EPIC relating to its serial number, elector's name, father's/mother's/husband's name, sex, age or address shall be ignored and the elector allowed to vote so long as the identity of the elector can be established by means of that card. If an elector produces an EPIC which has been issued by the Electoral Registration Officer of another Assembly Constituency of any State/UT, such card shall also be accepted as for identification provided the name of the elector finds place in the electoral roll pertaining to the polling station. However, to ensure that the elector does not vote at more than one place, his forefinger should be thoroughly checked for indelible ink before he is allowed to move to the second polling officer. In order that no elector is denied of his right to vote the Commission issues instructions at each election prescribing alternative documents of identification for the benefit of those electors who have not been issued EPIC or the electors who have lost the EPIC or are not able to produce them. You should, therefore, make yourself fully conversant with the latest instructions of the Commission in the matter. The Chief Electoral Officer will inform you of these before every election on the specific orders of the Commission. You must give adequate publicity to the orders relating to compulsory identification and the alternative identification documents prescribed by the Commission.

11.8 In addition to the EPIC Cards, Voter Slips should be printed by the Dist. Election Officer, as per Voter Lists and these Voter Slips have to be distributed to the Voters by visiting door to door by the concerned BLOs personally, one week before the Poll day under proper acknowledgement and keep one additional set at out side of the Polling Stations for convenience to the Voters. After completion of distribution of Voter Slips, the BLO shall prepare the list of absentees, shift and duplicate Voters lists from the left over un-distributed

Slips and hand over to RO (2) days before the day of Poll, so as to hand over the same to the P.O. for use on the day of Poll. (ECI Lr. No. 464/INST/2011/EPS, Dt.20-01-2012)

COOPERATION FOR LAW AND ORDER

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

MODEL CODE OF CONDUCT AND ITS OBSERVANCE

11.10 It hardly needs to be emphasized that for the smooth conduct of an election, a atmosphere should prevail during the election period. The most potent cause 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 indulgence toothed malpractices by some or the other political parties or the candidate or their workers. This, apart from vitiating the general atmosphere in the constituency, creates problems for the authorities responsible for the maintenance of law and order as well.

11.11 Periods which would be conducive for ensuring a free and fair election, the Commission has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates. A copy of that Model Code of Conduct is reproduced at **Annexure XXIX**.

11.12 The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in your constituency. You should familiarize yourself fully with the model code and also with the instructions of the Commission as contained in the relevant volume of Compendium. With a view to maintaining a healthy and peaceful atmosphere during the election of Instructions.

STANDING COMMITTEES

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

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

11.15 The committee may meet as often as may be convenient and necessary. In such meetings, you should address a special appeal to the members to co-operate in the observance of the Model Code of Conduct and to take active steps to ensure that no one, in an excessive zeal and excitement, may

overstep the limits laid down by law and at the same time render himself liable to penalties, prescribed by law. It should be impressed upon the members that any violation of the code committed on behalf of any party or candidate cannot, but create a feeling of bitterness and resentment in the minds of the other parties and candidates and their supporters. Moreover, to the extent that any such violation is made, the election falls in its standard of morality and cleanliness. In the cases of the violation of the code brought to the notice of the Committee, which resulted in the breach of the Provisions of election law, you should seek the co-operation of local magistracy and the police in dealing with such election offences. The Election Commission has already requested the State governments to take all necessary steps during the election period for preventing and checking promptly and strictly, any instance of the commission of election offences.

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

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

IMPLEMENTATION OF MODEL CODE :

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

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

(i) Media Certificate and Monitoring Committee,

(ii) Expenditure monitoring control room call centre,

(iii) Expenditure Monitoring Cell comprising of Income Tax, Central Excise, Audit and Accounts Department,

(Instructions on Election Expenditure Monitoring issued by Election Commission of India)

(iv) Returning Officer Level Teams:

a. Assistant Expenditure Observers

b. Video Surveillance Team

c. Video Viewing Team

d. Video Teams for tracking illegal cash transactions / liquor (Flying Squad)

e. Accounting Team

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

(ii) Expenditure Monitoring Control Room Call Centre : Immediately after issuing of Election Notification, a separate cell for expenditure monitoring and control room / call centre should be opened at Dist. Level, while appointing a responsible Officer and supportive staff for receiving complaints round the clock about violations in expenditure incurred by the Political Parties / Contesting Candidates. The cell incharge officer should bring the complaints received by the cell to the concerned RO for taking necessary action.

(iii) Expenditure Monitoring Cell comprising of Income Tax, Central Excise, Audit and Accounts Department : This team will seize illicit items along with cash or gift items found in the custody of Political Parties / candidates. The team will video record any such seizure made by the team and the action taken by the team will be informed to the Returning Officer. If any heavy cash seized by the team that will be handed over to Income Tax Department for taking further action.

Returning Officer Level Teams :

a) Assistant Expenditure Observers : To assist the Expenditure Observer in maintenance of expenditure accounts by the candidates and other expenditure violations.

b) Video Surveillance Team : To attend the complaints which are received at Control Room.

c) Video Viewing Team : The team will view the videography furnished by the Video Surveillance team and Model Code Officer videography and report the violations to the Expenditure Observer and Returning Officer for taking further action as per Act.

d) Video Teams for tracking illegal transactions / liquor (Flying Squad) : For tracking illegal cash transactions and liquor, Flying Squad shall attend the complaints of illegal money transactions and supply of liquor and the heavy cash detained at Check Post.

e) Accounting Team : To review the expenditure registers of contesting candidates and compare with the reports of Video Viewing Teams, Video Surveillance and Model Code Implementation Officers report .

11.20 The contesting candidates should open a separate Bank Account exclusively for the purposes of Election Expenditure. This account shall be opened at least one day before he / she files his Nomination Papers. Each candidate is required to maintain a day to day account of his / her Election Expenditure in a Register as in Annexure as below given to him / her by the Returning Officer at the time of filing of Nomination Papers.

PREPARATION OF WORKING COPIES OF ELECTORAL ROLLS

11.21 In the case of simultaneous election, 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 however be prepared for a single election.

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

TRAINING OF POLLING STAFF

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

11.24 Proper intensive and hands on training should be given to all the concerned polling and counting personnel for preparation and operation of EVMs as well as their sealing after poll and counting.

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

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

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

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

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

DUMMY BALLOT PAPERS

11.30 There is no objection to a candidate printing a dummy ballot paper to be used on the ballot units using his own name and symbol indicating the place where they would appear in the ballot paper to be used at the election. But it should not contain the names and symbols of any other contesting candidates in the constituency. The dummy ballot paper may be printed in any colour such as

brown, yellow or gray, but not pink and white, and should not resemble the genuine ballot paper in size or colour.

DUMMY BALLOT UNITS

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

UNOFFICIAL IDENTITY SLIPS

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

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

(ii) Part number of the electoral roll; and

(iii) The serial number and name of the polling station.

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

SAMPLE OF UNOFFICIAL IDENTITY SLIP

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

Name:……

VOTERS' SLIPS

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

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

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

REGULATION PLYING OF VEHICLES ON THE POLL DAY :

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

CHAPTER - XII

PREPARATIONS FOR THE POLL - COMMISSIONING OF ELECTRONIC VOTING MACHINES

PRELIMINARY

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

ASSESSMENT OF THE REQUIREMENT OF VOTING MACHINES

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

i. One control unit shall be required to be supplied to each polling station. (In some rare cases, the Commission may as a special case provide under rule 49C(4), one common voting machine for two or more polling stations located in the same premises. Ordinarily, a separate voting machine shall be used for each polling station.) Therefore, the requirement of control units for use at the polling stations shall be equal to the number of polling stations provided in the constituency.

ii. The requirement of ballot units for use at the polling stations will be dependent upon the number of contesting candidates at the election. If the number of candidates is upto sixteen only one ballot unit is required for each polling station. Thus, the requirement of ballot units will be equal to the number of polling stations. Such requirement will become double if the number of contesting candidates is upto thirty two. This requirement will likewise become three times or four times if the number of contesting candidates is upto forty eight or sixty four respectively.

iii. Over and above, the requirements of control units and ballot units for actual use at the polling stations as worked out above, 10% of such numbers in rural areas and 5% in urban areas or such percentage as may be directed by the Commission, of control units and ballot units shall be procured extra to be kept as reserve machines.

iv. In the case of a simultaneous elections to the House of People and the Legislative Assembly of the State, two separate sets of ballot unit and control unit will be required, i.e., one set of ballot unit and control unit for the elections to the House of People and another set of ballot unit and control unit for the election to the Legislative Assembly.

FIRST LEVEL CHECKING AND RANDOMIZATION OF MACHINES

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

12.4 The first level checking shall ~~from now onwards~~ be carried out by the BEL/ECIL engineers, as the case may be, only at the district head quarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name and other particulars including phone numbers of such officer to the CEO. The first level checking will be done by following the existing instructions and procedures and through EVM tracking software also.

A. FIRST RANDOMIZATION

12.5 For the purpose of tracking various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed sticker) will be prepared and kept ready for use. (This can be organized centrally by the CEO or the DEO can print at their level as per the decision of CEO in this regard). A sample model of such label is given below-

ANNEXURE-I

<table>
<tr><td colspan="6">Name of the State/UT:</td></tr>
<tr><td colspan="6">Name of the election:</td></tr>
<tr><td colspan="6">District Name:</td></tr>
<tr><td colspan="2">Control Unit No.</td><td colspan="2"></td><td colspan="2"></td></tr>
<tr><td colspan="6">Current ID</td></tr>
<tr><td colspan="6"></td></tr>
<tr><td colspan="3">First Level Check</td><td colspan="3">CU Randomization 1</td></tr>
<tr><td>Date</td><td>Sign of BEL/ ECIL technician</td><td>Sign of D.E.O representative</td><td>Date</td><td colspan="2">Sign of D.E.O/ R.O representative</td></tr>
<tr><td></td><td></td><td></td><td colspan="2"></td><td></td></tr>
<tr><td>Randomization 2</td><td rowspan="2">Deployment Status</td><td colspan="3">Polling Station No.</td><td>Sign of R.O./ARO.</td></tr>
<tr><td>Date</td><td colspan="3"></td><td></td></tr>
</table>

12.6 As soon as the first level check is over, the sticker will be pasted on the backside of the CU and the checking- engineer will put his signature indicating the date in the relevant slot in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the control unit (CU) will be also indicated in the relevant slot in the sticker.

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

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

12.8 The DEO will fix up a schedule, which should in any case be fixed before the start of training of polling personnel, for randomization of CUs/ BUs for their distribution to various ACs. It is to be done in the presence of the representatives of recognized political parties. The randomization will be done in such a way using a computer software (to be supplied by the CEO of the state/UT) that the CUs /BUs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. Again, the surplus CUs/Bus **after assigning ACs to them** shall also be randomly grouped and distributed AC wise for the purpose of training **and awareness programmes** (for the training of the polling staff as well as for the purpose of voter awareness). A sticker of **Green colour shall be affixed on the CUs and BUs assigned to ACs for polling. A sticker of Yellow colour shall be affixed on the CUs and BUs assigned for training and awareness programmes. The sticker shall clearly indicate the Name of State/UT and the Number and Name of Assembly Constituency. "Training/Awareness" will be written on the sticker of CUs and BUs assigned for training and awareness. "Election" will be written on the sticker of CUs and BUs assigned for polling. No current ID will be given during randomization. After randomization the CUs and BUs will be marked "Election" or "Training/Awareness" in the EVM tracking software. (ECI Lr.NO.51/8/7/2012-EMS, dt.19.01.2012)**

12.9 After first randomization, separate lists of CUs and BUs allotted to each AC for use at polling stations as well as the training shall be prepared and signed by the DEO's representative and the R.O and such lists shall be handed over to all representatives of the recognized political parties. Even if a representative is not available at the time of randomization, the list shall still be sent to the party office and a receipt obtained. **After first randomization list of randomized CUs and BUs clearly indicating which CUs and BUs are to be used in which AC for polling and which CUs and BUs are to be used in which AC for training and awareness should be given to each recognized political party and a written acknowledgement obtained. A copy of this list should be given to all the candidates after the last date of withdrawal of candidatures.**

12.10 Thereafter, **After first randomization,** the R.O of the constituency, shall take charge of the CUs/BUs randomly allotted to his constituency. The CUs/BUs meant for use at *polling station* shall be separately taken to R.O's strong room under proper escort and will be guarded *by suitable force* **24x7.** The training EVMs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room, the representatives of political parties can remain present and they can also affix their seal on the lock.

B. SECOND RANDOMIZATION

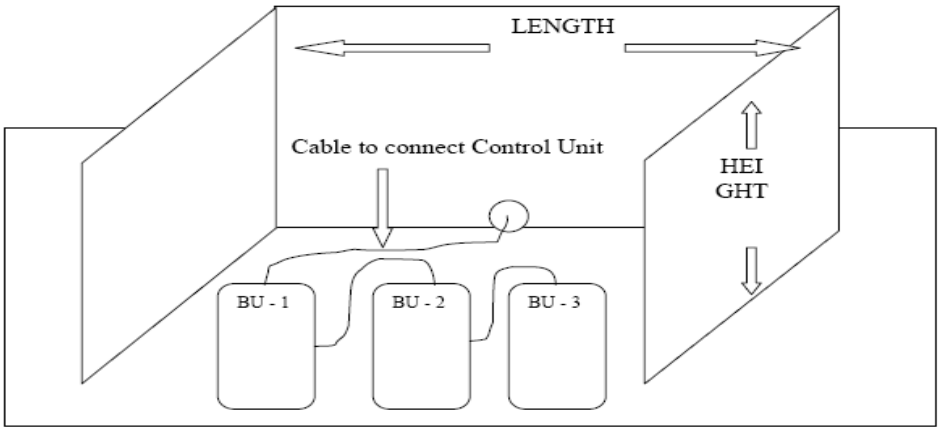
12.11 **Second randomization of EVMs has to be done before preparation of EVMs for poll by candidate setting as the address tag of EVM is sealed at the time of preparation of EVM (Candidate Set). The purpose of second randomization of EVMs is to allocate EVMs randomly to polling stations. The Returning Officer should fix the date of preparation of EVMs for poll (Candidate set) and intimate all candidates to remain present or send their representatives during the process. The date should be fixed as early as possible after the last date of withdrawal of candidatures and finalization of ballot papers. On this day second randomization should be done before doing the process of preparation of EVMs for polls and CUs and BUs should be randomly allocated to polling stations. After second randomization Polling Station number should be marked in the EVM tracking software, against those BUs and CUs which have been assigned polling stations. Those BUs and CUs which have not been assigned polling stations but are meant to be used in elections should be marked "Reserve" in the EVM tracking software. A list of CUs and BUs along with the number of polling stations assigned to them should be given to all the candidates. Similarly a list of CUs and BUs kept in reserve should also be given to the candidates and written acknowledgement taken.**

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

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

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

12.12 **In the constituencies where additional Ballot Units are being used for having the number of contesting candidates more than 16, the Presiding Officers should be specifically instructed to arrange the Ballot Units in the manner as shown in the following figure. For this purpose the size of Voting Compartment should be increased proportionality in such a way that the electors are not put to any kind of inconvenience and at the same time the secrecy of ballot is not compromised in any way.**



NOTE: Ballot Unit placed as 'BU-1' will contain the names of candidates 1 –16;

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

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

12.14 *Both types of address tags – one for use on CU and another on BU would slightly be modified to indicate on it the current ID no. as given in adhesive sticker (as mentioned in Para 3.3 above). The address tag attached to reserve CU/ BU shall indicate the 'Reserve' status of the unit. The tagging of address tags shall also be done at this stage itself – in the presence of candidates/ agents/ observer. All the CUs/ BUs allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room.*

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

12.16 At the time of delivery to the Presiding Officers, they should be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS Number indicated on the sticker compared with PS Number. mentioned in the address tag before accepting the EVM. Discrepancy if any, shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

12.17 The candidates may be advised to share the machine number of the EVM (both CU/ BU) allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers should be advised to display the sticker containing the machine number etc., to the agents present before the commencement of the mock poll. It is

relevant to note that as per the existing instructions the Presiding Officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; numbers of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary. All the stages of randomization of EVMs as enumerated above, shall invariably be fully covered with videography and records kept properly.

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

12.19 In case replacement of EVMs becomes necessary the entire set including the CU and all the BUs shall be replaced. Before starting poll in the new EVM a mock poll will be done according to the instructions for mock poll at the beginning of the poll and a mock poll certificate will be given by the presiding officer separately for this EVM.

12.20 In case of replacement the Unique ID number of the CU and BUs which have been used after replacement should be marked against the concerned polling station in the EVM tracking software.

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

C. EVMs USED FOR REPOLL

12.22 In case of repoll, the EVM required for repoll shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU and BU clearly mentions it to be the EVM for use in the repoll indicating the date and PS no.

12.23 After repoll, for the storage of the EVMs used for repoll, the strong room shall be re-opened in the presence of the candidates/ their agents and observer. This repoll EVM should be placed together with the respective old EVM that was used earlier in the original poll. A tag 'Not to be counted' shall be put prominently on the respective old EVM and another tag 'Repoll EVM –to be counted' shall be put on the new repoll EVM. RO shall put signature on both the tags.

12.24 In case of re-poll the unique ID number of the CU and BUs used in re-poll should be entered in the EVM tracking software.

12.25 The political parties/candidates should be advised in writing to properly train their counting agents and that they should bring (for tallying purpose) their copies of Form 17-C which shows the

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

12.26 The above instructions should be complied with without any deviation and brought to the notice of all concerned, viz. the political parties, contesting candidates, all field officers concerned and the observers.

COMMISSIONING OF MACHINES

12.27 Before a voting machine is supplied to a Presiding Officer for use at a polling station, some preparations, as detailed below, are to be made in it at your level. Preparation of EVMs for elections shall be done invariably in the presence of representatives of candidates. The Returning Officer shall draw a schedule for preparation of EVMs. Preparation of EVM should start as soon as possible after the last date of withdrawal of candidatures. Sufficient time should be provided for preparation of EVMs for each Assembly Constituency in the case of Assembly Elections and for each assembly segment in the case of Parliamentary Elections. It may be noted that the time required for preparation of EVM under the new instructions will be sufficiently more than the time required earlier. Therefore, the schedule should be fixed in such a manner that preparation of EVM is not done in a hurried manner. Ideally, the Returning Officer should fix between 3-5 days for each assembly segment for this purpose. In case of Parliamentary Elections, preparation of EVM for assembly segment should be supervised by Assistant Returning Officers. The schedule should be made in such a manner that preparation of EVMs is done for all the assembly segments in separate halls and is completed at least 8 – 10 days before the poll. Candidates should be informed in writing of the schedule for preparation of EVMs and should be requested to be present or send their representatives at the time of preparation of EVMs. On the day of the preparation **Annexure – XLVII of the Returning Officer Handbook** will be kept by the Returning Officer in which the signature of candidates or their representatives will be taken as token of their presence. *These preparations have to be made in the presence of the candidates and/or their agents.*

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

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

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

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

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

12.34 In addition to the sealing of BU with thread seals, the BU shall be sealed with a special "pink paper seal" supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal. After affixing the pink paper seal, BEL and ECIL engineer shall put his signature on the pink paper seal. Candidates or their representatives shall also be allowed to put their signatures on the pink paper seal with name of the candidate, party before the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the CU. A register in **Annexure – XLVIII of the**

Returning Officer Handbook shall be maintained to note down the serial no. of the pink paper seal used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photocopies of this register will be given free of cost to all candidates once preparation is over.

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

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

12.36 You should, at least one week before the date on which the preparation of the voting machines is to be taken up, give notice of the same in writing to each candidate or his election agent intimating him the place or places where the machines will be so prepared and the date and time at which such preparation will commence. Proper acknowledgement /receipt should be obtained and kept in record. You should intimate the candidate/his election agent the number of representatives that every candidate will be permitted to bring with him at the aforesaid place or places. This will again depend on the number of machines to be prepared for use. The whole process of preparation of the machines which is required to be done in the presence of Observers shall be videographed.

12.37 If for any reason, none of the candidates or their agents is present on the date and time given in the notice sent to them, you should not postpone the operation of preparing the voting machines. You should go ahead even if no candidate or agent is present. However, announcements should be made from the public address system fitted in the building before starting the preparation. If any candidate or his election agent or persons authorized by him in writing come late, they will be allowed to witness the process thereafter only.

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

PREPARATION OF THE BALLOT UNIT

12.39 Each ballot unit has to be prepared at the Returning Officer's level by: -

(A) Inserting and fixing ballot paper in the space meant for the purpose;

(B) Masking the candidates buttons which are not required to be used, depending on the number of contesting candidates;

(C) Setting the slide switch at the appropriate position, i.e. , 1, 2, 3 or 4, as the case may be, according to the number of such units which are to be used depending upon the number of contesting candidates and the sequence in which each unit is to be used, and

(D) Sealing the unit (detailed step-by-step operations during sealing of EVM may be seen at **Annexure XXX**).

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

FIXING THE BALLOT PAPER

12.41 There is provision for fixation of ballot paper on the ballot unit under a transparent acrylic sheet (ballot paper screen). Every ballot paper before it is fixed on a ballot unit shall be either signed on its back by the Returning Officer or stamped on its back with a rubber stamp bearing the facsimile signature of the Returning Officer.

12.42 For fixing the ballot paper under that screen, you have to first open the top cover of the ballot unit. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the cover up. The top cover and the lower portion of the ballot unit will then open like a book. Thereafter, you should open the ballot paper screen, which is hinged to the top cover on the extreme left side. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards, the ballot paper screen will become free for opening on the upper side of the top cover. While opening the screen, every care should be taken to ensure that it does not get damaged in the process. After so opening the ballot paper screen, the ballot paper should be placed in the space provided for the purpose on the upper side of the top cover of the ballot unit. The ballot paper should be properly aligned so that each candidate's name and his symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are exactly in line with the corresponding grooves on the ballot unit. It should be noted that alignment of the ballot paper is a very important step. There should not be any misalignment as this will create confusion in the minds of the voters and might lead to serious complications. After ensuring such alignment, you should close and press-fit the ballot paper screen to secure the ballot paper firmly underneath that screen.

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

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

MASKING OF CANDIDATE'S BUTTONS WHICH ARE NOT TO BE USED

12.44 On the ballot unit, only those candidate's buttons should be visible which are to be used by voters. In other words, the number of candidate's buttons, which should be visible, will be equal to the number of contesting candidates. For example, if the number of candidates is nine, the first nine from the top (i.e., 1 to 9) candidates' buttons should be visible and the remaining seven buttons (i.e., 10 to 16) should be masked.

12.45 The masking of the unwanted buttons can be done by moving the white masking tabs on to the candidate's buttons, when the ballot unit is open like a book as explained in Para 7 above.

SETTING OF SLIDE SWITCH

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

12.47 Where the number of contesting candidates is upto sixteen, only one ballot unit will be used. In such case, the slide switch shall be set to the position marked 1. Where the number of contesting candidates is more than sixteen and upto thirty two, two ballot units will be used. In the first ballot unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, the slide switch shall be set to the position marked '1' and the second ballot unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set to the position '2'. Likewise, if three ballot units are to be used in a constituency where the number of contesting candidates exceeds thirty two and is upto forty eight, the slide switch will be set to the position marked '1' in the first ballot unit in which the names of candidates at serial nos. 1 to 16 appear, to the position marked '2' in the second ballot unit in which the names of contesting candidates at serial nos. 17 to 32 appear and to the position marked '3' in the third ballot unit. Similarly, if the fourth ballot unit is also to be used in case the number of contesting candidates exceeds forty eight, then the slide switch will be set to the position marked '4' in the last ballot unit.

Note: It is absolutely essential to ensure that the slide switch is set in the appropriate position in each ballot unit as any wrong linking of the ballot units will render the machine non-functional and on pressing any buttons on the control unit the letters 'LE' indicating linking error will appear on the display panel of the control unit. The linking error should be set right by interlinking the ballot units in the proper sequential order.

SEALING OF THE BALLOT UNIT

12.48 After that, the ballot unit should be closed by bringing the top cover back to its original position. The ballot unit should then be sealed. For this purpose, pass two threads one through the three holes at the top and the other through the three holes at the bottom specifically provided for the purpose, give a firm knot to each thread and seal each thread with the Returning Officer's seal by placing its two ends on one more address tag after duly filling up the particulars.

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

12.50 Additionally, the BU shall be sealed with a special "pink paper seal" supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal. After affixing the pink paper seal, BEL and ECIL engineer shall put his signature on the pink paper seal. Candidates or their representatives shall also be allowed to put their signatures on the pink paper seal with name of the candidate, party before the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the CU. A register in Annexure - 6 shall be maintained to note down the serial no. of the pink paper seal used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photocopies of this register will be given free of cost to all candidates once preparation is over.

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

INTER-LINKING OF BALLOT UNITS AND CONTROL UNIT

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

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

the second ballot unit and the second with the first, and where all the four ballot units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.

12.54 For linking one ballot unit with another, there is a socket provided in a compartment at the back side of the ballot unit. The connector of the interconnecting cable of the second ballot unit will be plugged into the abovementioned socket of the first ballot unit. Likewise, the connector of the third ballot unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit.

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

12.56 That rear compartment in the control unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies the power both to the control unit as well as to all the ballot units when linked to the control unit in the manner described above.

NOTE :

A. Where more then one ballot unit are used, utmost care should be taken to ensure that they are interlinked in the proper sequential order as explained in paragraph 11 above.

B. The connector of the interconnecting cable - one end of which is fused with the ballot unit - is a multi-pin connector. The connector goes into the socket of the other ballot unit or of the control unit only one way, which can be found out easily by looking at the orientation of the pins and the word 'Top' written or inscribed on the hood of the connector.

C. The connector of the interconnecting cable can be disconnected from the control unit or from the other ballot unit only by releasing the spring type clips on both sides of the connector hood. These spring type clips will be released when pressed inward simultaneously and the connector should then be pulled out while keeping the spring type clips so pressed.

D. The pins of the connector are quite delicate and the connector should not be forced in the socket in such a way as may damage or bend the pins. The machine will work only when the connection is made properly.

E. Connecting the ballot units and the control unit or disconnecting them properly requires some practice so as to avoid any damage to the machine. This aspect should be clearly impressed and stressed upon during training to all election officers, including Presiding Officers and Polling Officers, who handle and operate the voting machines.

PREPARATION OF CONTROL UNIT

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

i. Installation of the battery,

ii. Setting the number of contesting candidates, and
iii. Sealing that section of the control unit, which is called 'Candidate Set Section'.
(Refer **Annexure XXXII** for detailed step-by-step operations during sealing of EVM).

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

BATTERY INSTALLATION

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

SETTING THE NUMBER OF CONTESTING CANDIDATES

12.60 A control unit of the voting machine can cater upto sixty four candidates. Therefore, at every election where the voting machine is used, the control unit has to be set according to the number of contesting candidates at that election.

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

i. The number of contesting candidates can be set in the control unit only by linking this unit with the ballot unit or with all the ballot units where more than one ballot units are to be used. The process of linking the ballot units with the control unit has already been explained above.

ii. After the control unit and the ballot unit(s) have been linked, ~~push~~ lift the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.

iii. Press the button marked 'Cand Set' in the 'Candidate Set Section' of the control unit. Thereupon, the two-digit Display Panel on the left side of the Display Section of the control unit will flash the letters 'Cd' blinking and the four-digit Display Panel on the right side will flash in case of pre-2006 EVMs. In post-2006 EVMs Display Panel will flash 'SET CANDIDATE - -'

iv. When the letters 'Cd/ SET CANDIDATE - -' start flashing on the Display Panels on the control unit, the candidate's button against the last contesting candidate in the ballot unit should be pressed. For example, if there are nine contesting candidates and the machines is to be set for nine candidates, candidate's button of the ninth candidate on

the ballot unit should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button against the name of the contesting candidate at serial no. 23 in the second ballot unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'Cd/ SET CANDIDATE - -' and instead the full panel will display the number of candidates for which the machine has been so set, like 'Cd 9/ CANDIDATE 9' or, as the case may be 'Cd 23/ CANDIDATE 23'.

12.62 If by mistake, a wrong button on the ballot unit has been pressed e.g. instead of 9, either 8 or 10 was pressed, such wrong setting can be corrected by pressing the 'Cand Set' button again. The machine will again flash the letters 'Cd/ SET CANDIDATE - -' and the correct button on the ballot unit should be pressed so as to set the correct number of contesting candidates.

NOTE :

A. The number of contesting candidates can be set in any number of control units by using only one ballot unit or one set of ballot units (where more than one ballot units are to be used depending upon the number of contesting candidates). To ensure that no wrong button is pressed, mask all the candidate's buttons except the button of the last contesting candidate on such ballot unit or set of ballot units. In the above example, mask the button 1 to 8 and 10 to 16 and leave only the button of candidate number 9 unmasked, if the number of contesting candidates is nine; or mask all the sixteen buttons on the first ballot unit and all the buttons, except the button of candidate no. 23, on the second ballot unit where the number of contesting candidates is 23.

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

CLEARING THE MACHINE

12.63 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 shall be automatically set to ZERO and the display panels on the control unit will start displaying that the number of votes recorded in the machine for each contesting candidate is '0' (ZERO).

12.64 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 THE 'CANDIDATE SET SECTION'

12.65 After the battery has been installed in the 'Candidate Set Section' and the control unit has been set according to the number of contesting candidates, the 'Candidate Set Section' should be closed and sealed so that no body can have access to the battery and the 'Cand Set' button in the 'Candidate Set Section', thereafter.

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

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

12.67 The candidates and their agents shall be allowed to put their seals, if they so desire, on the address tag along with the seal of the Returning Officer. The control unit should then be put in its carrying case, which will now be ready for transportation to the polling station. On the handle of the control unit also, an address tag should be attached containing the above particulars.

SAFE PRESERVATION OF PREPARED VOTING MACHINES

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

12.69 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.

12.70 If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, you should send notice for the candidates or their authorized representatives and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it was opened, is over. Details of such opening

and closing should also be accurately and fully reflected in the above mentioned log book and the entire process should be videographed.

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

MAINTENANCE OF RECORDS OF VOTING MACHINES

12.72 You should maintain complete record of all the control units and ballot units used at the election. That record should show clearly the number of control units and ballot units used at each polling station along with the serial numbers of each such unit. The record should also show the number of control units and ballot units along with their serial numbers, which have been prepared for use and kept in reserve. If any of such control units or ballot units is put to use, a complete record as to where each such unit was used should be properly maintained and it should show also the reasons for which the use of such reserve unit became necessary.

EVMS USED FOR TRAINING AND DEMONSTRATION PURPOSES ARE NOT TO BE USED FOR TAKING POLL ON THE POLL DAY.

12.73 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. The total number of polling stations in the constituency;

iv. The total number of control units required for use at the polling stations (total number of polling stations multiplied by one);

v. 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);

vi. Total number of control units in reserve stock;

vii. Total number of ballot units in reserve stock;

viii. Number and name of each polling station in the constituency;

ix. Against such number and name of the polling station serial number of the control unit put to use at that polling station;

x. Serial numbers of ballot units put to use at that polling station;

xi. Serial number of the ballot paper fixed on each ballot unit;

xii. Serial number of each control unit and ballot unit kept in reserve stock.

12.74 In the above register, a 'Remarks' column should be provided against the number and name of each polling station for the indication whether any control unit or ballot unit has been used at that polling station from out of the reserve stock and if so, for what reason.

SUPPLY OF VOTING MACHINES TO POLLING PARTIES

12.75 The voting machines should be supplied only to the Presiding Officer of the polling station against a proper receipt to be obtained from each Presiding Officer. For this purpose, you should keep a separate register showing the number and name of the polling stations, the name of the Presiding Officer and serial numbers of control unit and ballot unit(s) supplied to him and his full signature in token of having received the same.

12.76 That register should have further provision for keeping proper account of the machines received back from the Presiding Officers. The officer who receives the machines back after the poll from the Presiding Officer should clearly note down the serial numbers of the control unit and ballot unit(s) so received back and should append his full signature in token of having received those units backs.

12.77 If any machine is received back in a damaged condition, full record of each such machine should be maintained.

12.78 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 least possible delay to any polling station where an emergent need arises for replacement of any control unit or ballot unit(s). These machines should be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by you.

12.79 These reserve machines or machines used for training should not be moved from their storage place after conclusion of poll as it may give unnecessary doubts in minds of some persons as if polled EVMs are being shifted.

POLLING MATERIALS REQUIRED FOR VOTING MACHINES

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

REGISTER OF VOTERS (FORM 17A)

12.81 1 Under rule 49L (1) of the Conduct of Elections Rules, 1961, there shall be a Register of Voters at every polling station. The form of that Register has been prescribed in Form 17A appended to the said Rules. The Presiding Officer has to record in that Register the electoral roll serial number of the elector as entered in the marked copy of the electoral roll and has also to

obtain the signature or thumb impression of the elector on that Register. This Register is in fact the substitute for the counterfoil of the ballot paper, which is used in the conventional system of voting.

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

FORM 17A

(*See* rule 49L)

Register of Voters

Election to the House of the People/Legislative Assembly of the State/Union territory ..... from ..... Constituency. No. and Name of Polling Station.....….

Part No. of Electoral Roll.....

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

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

Signature of the Presiding Officer.

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

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

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

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

VOTERS' SLIP

12.87 The record of every elector who comes to vote at a polling station and is allowed to vote shall be maintained in the above-mentioned Register of voters. The first column in that Register will show the order in which the electors have been identified and allowed to vote after putting their signatures/thumb impressions on that register. It is absolutely essential that they record their votes in the voting machine exactly in the same sequence in which they have been entered in the Register of Voters. In order to ensure this, each elector after he has put signature/thumb impression on the Register of Voters should be given a voter's slip by the Polling Officer in-charge of the Register of Voters.

12.88 The slip should contain the following particulars: -

VOTER'S SLIP

Serial number of elector as per
Column 1 of the Register of Voters .....

Serial number of elector as entered----------
in the electoral roll .

Initials of Polling Officer

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

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

ADDRESS TAGS

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

SPECIAL TAG

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

12.93 Specifications of the Special tag are given below:-

(i) Size of Special Tag
For ECIL machines: 7 cms x 5.5 cms
For BEL machines: 7.5 cms x 5.5 cms
Each special tag must have a specific serial number printed upon it.

(ii) Thickness of Tag: Post-card thickness

(iii) There shall be a hole with a metal ring to pass thread for sealing on the right corner of front side. Further, on the right hand side, a groove will be cut in the tag to fit with the door knob of Result compartment.

(iv) There shall be an opening in the middle so that when this Tag is fixed in the "CLOSE" button compartment of the Result Section, the "CLOSE" button should be visible so that button can be reached to operate it without disturbing the Tag.

CHAPTER - XIII

USE OF EVMS AT SIMULTANEOUS ELECTIONS

PRELIMINARY

13.1. The existing Voting Machines are used for taking poll at a single election. For using the Voting Machines at simultaneous elections, two separate sets of Voting Machines are to be used – one set for Lok Sabha election and the other set for Assembly election.

REQUIREMENT OF EVMS FOR SIMULTANEOUS POLL

13.2. For simultaneous elections – that is to say holding of poll on the same day from a parliamentary constituency and its component assembly constituency – it is necessary to use two separate sets of EVMs. Therefore your requirement of ballot units and control units will be double of the polling stations in the parliamentary constituency plus the reserve machines that are required to be kept as per the directions of the Commission

(CHANGE IN SIZE & COLOUR ETC. IS UNDER CONSIDERATION)

TWO SETS OF EVEMS – IDENTIFICATION STICKERS

13.3 In order to clearly identify and recognize which set of EVMs belongs to Lok Sabha election and which to State Assembly Election, it is absolutely necessary to fix/paste distinct Identification Stickers on the Control Units and Ballot Units. Apart from the Identification Stickers, there shall be seqarate set of "Address Tags". The details are given below :

(A) COLOUR OF STICKERS & ADDRESS TAGS

Lok Sabha Election

The colour of the Identification Sticker and Address Tag shall be WHITE (same colour as that of Ballor Paper).

Legislative Assembly Election

The colour of the Identification Sticker and Address Tag shall be PINK (same colour as that of Ballot Paper).

(B) SIZE OF STICKERS

(i) For Control Unit 3 cm x 6 cm
(ii) For Ballot Unit 6 cm x 6 cm

(C) FORMAT OF IDENTIFICATION STICKER

The Identification Sticker shall be a self-adhesive sticker pasted on the top of the cover of the "Battery Cand. Set Section" as described below:

I. STICKER ON CONTROL UNITS FOR LOK SABHA ELECTION:

The stickers shall have the legend "LOK SABHA" printed in bold letters so as to identify that the Control Unit is being used for Lok Sabha election.

II. STICKER ON CONTROL UNITS FOR ASSEMBLY ELECTION:

- The stickers shall have the legend "VIDHAN SABHA" printed in bold letters so as to identify that the Control Unit is being used for State Assembly election.
- The language of the legend on the stickers may be either English or regional language.
- While pasting this sticker, care should be taken to ensure that it does not obstruct the opening of this outer cover of the "Battery – Cand.Set" Section.

BALLOT UNITS

13.4 In view of the fact that the Ballot Paper fixed under the transparent screen of the Ballot Unit for LOK SABHA ELECTION is WHITE in colour and that for ASSEMBLY ELECTION is PINK in colour, there will ordinarily be no difficulty in identifying to which election, the Ballot Unit is being used. However, thin strips of distinguishing stickers should be passed on the outer thin frame of each Ballot Unit below the panel of the 16th candidate. These stickers shall also be identical in colour and content to those, which are pasted on the respective Control Units.

ACTION BY THE RETURNING OFFICER

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

PREPARATION OF EVMS AT DIFFERENT PLACES

13.6. 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 RO has to give notice to the Candidates and their Election Agents to be present. Since the contesting candidates will be different for

elections to Lok Sabha and State Legislative Assembly, the preparation of the machines for both elections should be done at different places and there should not be any mix up. Further, if the preparation of the EVMs for both the elections are done at the same place, there may be mix up of Lok Sabha Ballot Paper being fixed on the Ballot Unit meant for Assembly election and vice-versa. Similar mix-ups cannot be ruled out in the matter of setting up the number of candidates in the Control Units earmarked for the two elections.

FIXING IDENTIFICATION STICKERS & ADDRESS TAGS

13.7 The first task of the Returning Officer is to paste the Identification Sticker on each Unit. After pasting this sticker, he should proceed to set up the Control Unit for the required number of candidates, seal the Battery Section and put an address tag, thereon. The prepared Units shall be kept in their Carrying Cases and the corresponding coloured Identification Stickers and address tags shall be used for pasting/fixing on the carrying cases also.

13.8 An identification sticker (similar to the one used on the control unit and ballot unit) shall be fixed/pasted on the top of the carrying cases of both control unit and ballot unit.

STORAGE OF PREPARED UNITS FOR LOK SABHA ELECTION

13.9 In case sufficient number of Rooms or Halls to prepare the EVMs for each election separately are not available, then the work of preparation of the EVMs shall be taken up one after the other. First, the EVMs meant for the Lok Sabha Election may be prepared and after preparing all the EVMs for Lok Sabha, they shall be kept in safe custody in a room or hall and a sign board be fixed outside such room or hall clearly indicating that the prepared EVMs for Lok Sabha Election are stored inside.

STORAGE OF PREPARED UNITS FOR ASSEMBLY ELECTION

13.10 Thereafter, preparation of EVMs for Assembly Election shall be taken up and the prepared Units be stored in different rooms or halls with a similar board outside to indicate that Assembly EVMs are stored, therein.

REGISTER FOR ALLOCATION OF EVMS

13.11 The Returning Officer should open a Register to enter there, the distinct Identification Numbers of the Control Unit and Ballot Unit(s) allocated to each polling station.

13.12 There should be separate registers maintained for Lok Sabha Election and Assembly Election.

TRAINING TO POLLING PERSONNEL

13.13 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 are not left in any doubt about the following respects -

i. Identification of the machines earmarked for Lok Sabha and Assembly Elections. Show them prepared models.

ii. Clear understanding that in the polling station, they have to connect the Ballot Unit belonging to Lok Sabha Election to the Control Unit earmarked to Lok Sabha Election and similarly connect the Ballot Unit of the Assembly Election to the Control Unit of the Assembly Election.

iii. Ensuring that 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. Ensuring that after fixing the Special Tag in the frame provided after closing the inner side of the door of the inner compartment of the Result Section of the control unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Special Tag fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures.

v. Ensuring that on Outer Strip Seal for the control unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Outer Strip Seal for the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures. They should be warned about the consequences of connecting wrong Units, which will result in cancellation of the poll from such polling stations.

CONDUCT OF POLL

ELECTION MATERIALS FOR POLLING STATION

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

VOTERS' REGISTER

13.15 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.

VOTERS' SLIPS

13.16 After signing the Voter's Register, each voter is to be supplied with a Voter's slip as detailed in Chapter XII. In the case of simultaneous elections, each voter shall be supplied with TWO such slips. While printing these slips, it shall be ensured that the name of the House for which the election is being held and the name of the constituency are correctly printed. For the sake of easy identification as to which election each of the slips belongs, the Voter's Slip for Lok Sabha election be printed on WHITE paper and that for Assembly election on PINK paper.

MARKED COPY OF ELECTORAL ROLL

13.17 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.

Before commencing the poll, the President Officer should be asked to demonstrate to the candidates and polling agents presents that the marked copy of the electoral roll to be used at the polling station do 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.

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.

COMPOSITION OF POLLING PARTIES

13.18 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.

DUTIES OF POLLING PARTY

(a) First Polling Officer: He will be identifying the electors and will be in charge of marked copy of the electoral roll.

(c) Second Polling Officer: He will be in charge of the indelible ink and voter's register.

(d) Third Polling Officer: He will be in charge of the Voter's Slips.

(d) Fourth Polling Officer: He will be in charge of the Control Unit for Lok Sabha election.

(e) Fifth Polling Officer: He will be in charge of the Control Unit for State Assembly Election.

(f) Presiding Officer: He will be over all in-charge of the polling station and supervise the smooth conduct of poll.

LAYOUT OF POLLING STATION

13.19 A model lay out of the Polling Station for single election is given in **Annexure – XXX-A.** A layout plan of the polling station where TWO sets of EVMs are to be used for taking simultaneous polls is given at **Annexure XXXI-B**. In the layout, only one door for entry and exit of voters has been shown. However, if the room where the polling station has been set up has two doors, the entry and exit may be arranged from different doors.

13.20 It may be noted that there shall be TWO separate Voting Compartments – one for keeping the Ballot Unit(s) of the Lok Sabha election and the other to keep the Ballot Unit(s) of the Assembly Election.

13.21 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.

VOTING COMPARTMENT

13.22. Voters have to vote in secrecy and for this purpose, the Ballot Units are required to be kept in Voting Compartments. The Voting Compartment has three sides covered. The Ballot Unit is to be placed inside the Voting Compartment on a Table. The Ballot Unit is to be placed in such a way that voters do not find any difficulty to record their voters. The connecting Cable, which is permanently attached to the Ballot Unit, has to come out from the back portion of the Voting Compartment through an aperture cut out at the bottom of back portion of the Voting Compartment. This aperture should be wide enough so that that portion of the Ballot Unit through which the Cable comes out is visible from outside. This is necessary to keep a watch that no voter tries to tamper or damage the Cable while inside the Voting Compartment. However, this aperture in the Voting Compartment should not be too wide as to violate the secrecy of voting. **For this purpose, it must be ensured that it is not near the window or the door of the polling station. It must be ensured that the voting compartment has been made only of cardboard and is of the dimension 21″X21″X21″ and has been placed away from the window/door.**

VOTING PROCEDURE

13.23 The voters, when they enter the polling station will proceed to the first polling officer who will identify the electors and make necessary entries in the marked copy of the electoral roll.

13.24 The voter will then move to Second Polling Officer who will first apply the indelible ink mark on his **left hand forefinger** and ask him to sign or put thumb impression in the Voter's Register. If the Voter puts his thumb impression, the polling officer should ask the voter to wipe off the residuary stamp pad ink from **his** thumb on a piece of wet cloth kept on the table for this purpose.

13.25 When the Second Polling Officer is applying the indelible ink mark and taking the signature or thumb impression of the voter in the register, the Third Polling Officer who will be sharing the Table with the Second Polling Officer, will prepare two identical voters slips – one on white paper and the other on pink paper and after examining the finger of the voter to ensure the indelible ink mark is duly applied and not erased, will hand over both the voter's slips to the voter and direct him to the Fourth Polling Officer.

VOTING FOR LOK SABHA

13.26 After receiving the two Voters Slips, enabling him to vote for Lok Sabha and Assembly elections respectively, the voter will go to the Fourth Polling Officer who is in charge of control unit for Lok Sabha election. He will hand over the White Voter Slip to the Fourth Polling Officer. After satisfying that it is the turn of that voter to vote, the Fourth Polling Officer shall 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.

13.27 The voter will then enter the Voting Compartment for Lok Sabha Election and vote for Lok Sabha Election by pressing the Blue Button of the candidate of his choice on the Ballot Unit kept inside.

VOTING FOR ASSEMBLY ELECTION

13.28 After he has voted for Lok Sabha election, it shall be ensured that the voter goes to the Fifth Polling Officer in-charge of Control Unit for Assembly election. After taking the Pink Voter Slip from the voter and ensuring that now it is his turn to vote, the Fifth Polling Officer shall activate the machine by pressing the Ballot Button on the Control Unit for Assembly Election and direct the voter to go inside the Voting Compartment for Assembly Election to vote. **The fifth polling officer will also inspect the indelible ink mark to ensure that same is intact.**

IMPORTANT DUTIES OF FOURTH AND FIFTH POLLING OFFICERS

13.29. It may appear that the Fourth and Fifth Polling Officers have been given a very easy job. On the contrary, the success of simultaneous elections depend on their alertness. Their job is not only to simply press the Ballot Button to activate the Voting Machine, they have to ensure that each voter votes in his/her turn in the exact serial order as given in the Voter's Slip. They have also to keep a constant watch to ensure that when they direct any voter to go and vote, the voter goes into the correct Voting Compartment and votes accordingly. Due to ignorance or otherwise, if any voter seems to be not sure as to 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, they should keep their cool and see that the voting proceeds smoothly. Whenever there is a respite and in any case after every one-hour of poll, they should tally the total votes polled till then with the Voter's Register and also with the total displayed in both the Control Units.

PRESIDING OFFICER

DECLARATION BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF THE POLL

13.30 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 the necessary safeguards for ensuring free and fair election, he is required to read out a declaration prescribed by the Commission in **Annexure XXXIII** before the commencement of the poll. The Presiding Officer should read out the declaration aloud to the hearing of all person present in the polling station and sign the declaration. He should also obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. If any polling agent declines to affix his signature on the declaration, the Presiding Officer should record the name of such polling agent in that declaration.

WARNING ABOUT SECRECY OF VOTING

13.31 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 secretary of the vote and warn them of the penalty for any breach thereof.

To keep a track of any persons covered under (d) and (e) of Para 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 you, your ARO or DEO or any other person shall sign a visitor sheet, as many time as visited. After poll is over, this sheet will be, in a sealed cover handed over at Reception Centre after poll. Format of visitor sheet has been given below ---

VISIT SHEET

Day of Poll : _____
Name and Number of Assembly : _____
Name and Number of Polling Station : _____
Number of Electors : _____

Sl.	Name & 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

13.32 The Presiding Officer is over all in-charge of the Polling Station. His duties are, in brief, to -

i. Place the Ballot Units in their respective Voting Compartments; **In no case the Ballot Unit or the Control Unit be placed on the floor. It must be kept on a table.**

ii. Connect the Ballot Units with their respective Control Units;

iii. Switch on the power;

iv. Demonstrate before the hour fixed for actual commencement of the poll to the, candidates/agents present that the Voting Machines are clear and do not contain any votes;

v. Conduct mock poll to ensure that the vote cast for any particular candidate is actually counted in his favour;

vi. Conduct first the mock poll for Lok Sabha Election using the Control Unit and Ballot Unit(s) prepared for Lok Sabha Election;

vii. Conduct. then, the mock poll for Assembly Election using the Control Unit and Ballot Unit(s) prepared for Assembly Election;

viii. Ensure that on the green paper seal fixed in the control unit for Lok Sabha election only the candidates for the Lok Sabha election or their polling agents as are present affix their signatures, and similarly, on the green paper seal fixed in the control unit for Legislative Assembly election, the candidates for Assembly election or their polling agents alone affix their signatures.

ix. See that Voting Compartments have been properly arranged with appropriate posters pasted outside to indicate clearly the Election pertaining to which the Ballot Unit is kept inside:

x. Ensure that the Cables to connect the Ballot Units with their respective Control Units are placed in such a way that voters are not required to cross over them during their movements inside the polling station. At the same time the entire length of the cable should be visible to the polling agents present.

xi. Ensure, that all the members of the polling party are in position well before the commencement of the poll and all materials and records are kept handy and ready to commence poll at the appointed hour:

xii. Prevent any member of the polling party or any polling agent from wandering inside the polling station and to keep them seated in their allocated sears:

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 in simultaneous election, 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) At regular intervals check the ballot unit 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 will be allowed to vote.

VOTING BY BLIND & INFIRM VOTERS AND PROXY VOTERS

13.33 If the President Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbol on the ballot unit or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit that elector under Rule 49N to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes.

13.34 The new model of EVMs procured in 2006-07 has a Braille signage on the extreme right side of the ballot unit indicating the serial number of the candidate. A dummy ballot paper showing the name of the candidates, their political affiliations and the serial numbers will be supplied to the polling stations depending on the requirement of the same felt by the Commission. In such cases, the Presiding Officer will, on the request of the visually handicapped voter, hand over to him the dummy ballot sheet to enable him to note down the serial number of the candidate of his choice so that he can cast the vote on his own with the help of Braille signage without depending on the companion. The dummy ballot paper will be returned to the Presiding Officer for subsequent use by similar visually handicapped voters. At the end of the poll the dummy ballot paper will be deposited with the collection center along with other polling materials.

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

13.36 Before any person is permitted to act as the companion of the elector, he shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day. The Presiding Officer shall obtain the declaration from the companion in the form prescribed by the Commission for the purpose vide Annexure XXXIV.

13.37 The Presiding Officer shall also keep a record of all such cases in Form 14A.

VOTING BY PROXY VOTERS

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

ELECTORS DECIDING NOT TO VOTE

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

TENDERED VOTES

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

13.41 Under rule 49P, a tendered ballot paper shall be of such design and particulars thereon shall be in such 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.

13.42 You should, therefore, provide to each polling station twenty (20) ballot papers, which you have got printed, for use in the ballot units of voting machines to be used as tendered ballot papers. In case it becomes necessary to supply any additional ballot papers to any polling station for the above purpose, the same should be arranged to be supplied to the Presiding Officer of the polling station concerned on demand through the zonal officer in-charge of that polling station.

13.43 The Presiding Officer shall keep a correct account of all ballot papers (i) received by him for use as tendered ballot papers, (ii) issued as such to electors, and (iii) not used an returned to R.O., in item 7 of Part I of Form 17C.

13.44 The Presiding Officer shall also maintain the record of the tendered ballot papers issued to electors in Form 17B. He shall also obtain the signature or thumb impression of the elector in column 5 of that Form before delivering a tendered ballot paper to him.

13.45 On receiving the tendered ballot paper, the elector concerned will mark his vote thereon in the voting compartment by placing a cross mark 'X' on or near the symbol of the candidate for whom he intends to vote. He should put the cross mark by means of the arrow cross mark rubber stamp which is used for marking ballot papers where the conventional system of ballot papers and ballot boxes is used.

13.46 If owing to blindness or physical 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.

PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT DURING POLL

13.47 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 property or that an elector who has entered the voting compartment is tampering or otherwise interfering with the ballot unit or has remained inside the voting compartment for unduly long period. The Presiding Officer has a right under rule 49Q to enter the voting compartment in such cases and to take such steps as may be considered necessary by him to ensure that the ballot unit is not tampered or interfered with in any way and that the poll progresses smoothly and in an orderly manner.

13.48 Whenever the Presiding Officer enters the voting compartment, he should permit the polling agents present to accompany him if they so desire.

MAINTENANCE OF DIARY BY PRESIDING OFFIER

13.49 The Presiding Officer of every polling station should be asked to maintain a diary in which he should record the proceedings connected with the poll in the polling station. The proforma of the diary to be maintained by the Presiding Officer is given at Annexure XXXV. He should be asked to go on recording the relevant events in the diary as and when they occur.

13.50 The Commission has directed that all Presiding Officers Diaries to be used at any election should be serially numbered and such serial numbers on those diaries should be given by numbering machines and not by hand. The Presiding Officers must record their observations in such machine numbered diaries and not in any other diary. Proper account must be maintained of every diary supplied to a Presiding Officer.

13.51 It has been observed in many cases that the Presiding Officer 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.

13.52 The Commission has recently directed that in addition to Presiding Officer diary, they will be required to submit additional inputs as in **Annexure-XXXV-A.**

MICRO-OBSERVERS

13.53 The Commission, in view of limited availability of central police forces, has decided to appoint and deploy micro observers at a polling station or group of polling stations, which are rated sensitive. The micro-observer will be an official from central Govt. offices or central Govt. PSUs. Please refer to Commission's instructions in this regard. They are required to give a report in the following format to Commission's observers only. They are required to give their reports in **Annexure – XXXV-B** to Commission's observers only.

CLOSING THE POLL

13.54 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. After prescribed Forms have been carefully and duly filled for both the elections, he should disconnect the Ballot Units from the Control Units and seal them in their respective carrying cases. **In the case of simultaneous election, the papers should be prepared and sealed separately**.

13.55 **At simultaneous election** The Presiding Officer should ensure that the carrying cases of all the units have identity stickers of the concerned elections prominently pasted on the outside. He should also ensure that the ballot units and control units are placed only in their respective carrying cases with the election identity label firmly pasted. Further, he should also fix the duly filled in address tags of correct colour (white for Lok Sabha election and pink for assembly election) to the respective carrying cases.

13.56 Presiding Officer should ensure that all the sealed Units and election records are duly handed over to the Returning Officer, at the reception center, as per the prescribed procedure.

ACCOUNTS OF VOTES RECORDED

13.57 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. 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.

13.58 A sample account of votes recorded as prepared in Part-I of Form-17C is given for your guidance at **Annexure-XXXVI**.

13.59 Under Rule 49S, 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 those polling agents. 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.

DECLARATION TO BE MADE AT THE CLOSE OF POLL

13.60 In order to ensure that abovementioned requirements of rule 49S regarding furnishing of copies of account of votes recorded by polling agents are fulfilled by the Presiding Officer, the Commission has devised a declaration (Part III, **Annexure-XXXIII**). Which should be made by the Presiding Officer at the close of poll.

SEALING OF THE VOINT MACHINE AFTER THE CLOSE OF POLL

13.61 After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, the voting machine should be sealed and secured for transportation to the counting/ collection centre.

13.62 For sealing and securing the voting machine, the ballot unit(s) and the control unit should be disconnected and the power switch in the control unit should be switched 'OFF'. The ballot unit(s) and the control unit should be put back in their respective carrying cases. The carrying cases should then be sealed by passing a thread through the two holes provided for the purpose on both sides of the carrying cases and putting thread seal with the Presiding Officer's seal on an address tag showing the particulars of the election and the polling station. The particulars on the address tag shall be the same as mentioned in Para 16.2 of Chapter XII. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.

13.63 he names of the candidates/polling agents who have affixed their seals on the carrying case of the ballot unit(s) and control unit should also be noted by the Presiding Officer in the declaration which he makes at the close of the poll vide Part IV of **Annexure-XXXIII.**

SEALING OF ELECTION PAPERS

13.64 After the close of poll, all election papers relating to the poll should be sealed by the Presiding Officer in accordance with the provisions of rule 49U.

13.65 Each packet containing election papers hall be sealed with the seal of the Presiding Officer. The candidates or their agents present at the polling station shall also be allowed to affix their seals on such packets if they so desire.

TRANSMISSION OF VITING MACHINE AND ELECTION PAPERS TO THE RETURING OFFICER

13.66 After the voting machine and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as RO may direct.

13.67 RO should make proper arrangements for the safe transportation and custody of voting machines and other election papers and materials after the close of the poll from the polling

stations to the storage centre, where the voting machines and election papers will be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed:-

(a) It will be desirable to take the sealed voting machines and other election papers and material after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed voting machines are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of voting machines.

(b) You should inform the candidates or their election agents sufficiently in advance about the programme of the collecting parties being sent by you, if any, and the route chart for the collection of the voting machines and other election materials from the polling station after the conclusion of the poll, so that the candidates may make arrangements, it they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and they, in no case, should be allowed to travel in the same vehicles in which the voting machines and other election material and polling parties are transported.

13.68 The Commission has issued recently detailed instruction on management of Reception Centres. You please go through it and follow it. Sufficient number of counters should be opened and polling station numbers should be packed nor any counter is free. However, for the polling stations where mock poll was held without any party candidate or where during day serious nature complaint received etc, a special counter should be opened. The observer and RO should be present there.

SAFE CUSTODY OF VOTING MACHINES AFTER POLL

13.69 All Presiding Officers or the Collecting Parties should deposit the voting machines and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself liable to disciplinary action.

13.70 You may earmarked inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the voting machines received from particular polling stations. The arrangement for this should follow the serial number of polling stations.

13.71 All ballot unit(s) and control unit received from one polling station must invariably be kept together at one place on the same square. The control unit should be kept on top of the ballot unit(s). One copy of the account of votes recoreded and the papter seal account of each polling station should be kept on top of the control unit pertaining to the polling station. The duplicate copy of the account of votes recorded and the paper seal account should be kept under you 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 the circumstance, these papers/ records should be put in strong room where polled EVMs are kept.

13.72 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.

13.73 If any of the contesting so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which voting machines have been stored in addition to the seals that may be affixed by you. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval, for some unavoidable reason, the authorized representatives by giving them intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened is over, the candidates or their representatives should again be allowed to put their seal on the door lock and windows.

13.74 Whenever it is necessary to open the room where the voting machines are stored, proper entries should be made in the logbook giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc. The form in which the logbook should be maintained is given in **Annexure XXXVII.**

13.75 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.

SAFE CUSTODY OF METAL SEALS, RUBBER STAMPS, ETC.

13.76 According to the instructions issued by the Commission, (1) the metal seal of the Presiding Officer and (2) the arrow cross mark rubber stamp for marking the tendered ballot papers used at the polling station will be put by the Presiding Officer inside the second bigger envelope containing non-statutory items. Before placing them inside the bigger envelope, these items of election materials should be first put inside separate envelopes on the outside of which the names of the articles should be super scribed and you should arrange to collect the packets containing these articles and deliver them as soon as may be practicable after the poll to the District Election Officer for safe custody. These articles after they are returned by the Presiding Officers and duly accounted for, can be used at any subsequent election, if still serviceable.

ALLEGATION AGAINST POLLING STAFF

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

RETURNING OFFICER TO BE IN HEADQUARTERS ON POLL DAY

13.78 You or your Assistant Returning Officer should be available on the polling day at a definite place near a telephone in the constituency or as near the constituency as possible and the Election Commission, Chief Electoral Officer, Observers, Candidates, Presiding Officers and Zonal Officers should know where you will be available for contact and instructions as and when necessary.

DEATH OF A CANDIDATE BEFORE POLL

13.79 Te law (Section 52, of R.P. Act, 1951), which earlier provided for countermanding of election on the death of a candidate has recently undergone a significant change by the Representation of the People (Amendment) Act, 1996. As per the amended Section 52 only in the event of death of a candidate set up by a recognized political party in the following circumstances the poll shall be adjourned :-

(a) the said candidate dies at any time after 11.00 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under section 36; or

(b) his nomination has been found valid on scrutiny under section 36 and has not withdrawn his candidature under section 37, and he dies, and in either case a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or

(c) he dies as a contesting candidate and a report of his death is received before the commencement of the poll.

13.80 You, on being satisfied about the fact of the death of the candidate, should order the adjourned of the poll to a date to be notified later by the Election Commission. You should immediately report the fact to the Commission and to the appropriate authority, i.e., the Government of the India in the Ministry of Law, Justice and Company Affairs in the case of election to the Hose of the People, and the Government of the State in the case of Election to the Legislative Assembly of the State.

13.81 In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll should be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by a recognized political party only if all the requirements mentioned in para 13 of the Election Symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A' and 'B' by the time of the death of the candidate the candidate shall not be deemed to have been set up by a recognized political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation b y 3.00 p.m. of the day (as required under Para 13 of the Symbols Order) cannot be accepted.

13.82 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.

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

13.84 A person who had given a notice of withdrawal of his candidate under sub-section (1) of section 37 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.

13.85 If the list of contesting candidates had already been published under section 38, before the adjournment of poll, you should prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.

13.86 Further stages of the election will continue as per the revised schedule as notified by the Commission.

ADJOURNMENT OF POLL

13.87 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 the 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.

13.88 Whenever the poll is adjourned at any polling station, the Presiding Officer is required to report that fact to the Returning Officer who shall forthwith report the matter to the Commission for further directions.

PROCEDURE FOR COMPLETING THE ADJOURED POLL

13.89 For completing the adjourned poll, you shall

(i) Report the circumstance immediately to the Election Commission, the Chief Electoral Officer and the appropriate authority, (The appropriate authority has been defined in section 2 of the Representation of the People Act, 1951, to mean, in relation to an election to either House of Parliament, the Central Government and in relation to an election to the Legislative Assembly or Legislative Council of a State, the State Government. It is an obligation can by law upon you to report the circumstances of the case to the appropriate authority and the Election Commission);

(ii) Seek the approval of the Election Commission of the date, hours and place, which you propose for holding the adjourned poll;

(iii) Formally fix the date, hours and polling station as approved by the Election Commission;

(iv) Inform the contesting candidates or their election agents accordingly in writing, but only after the receipt of the Commission's formal approval;

(v) Affix a notice on your board notifying the date, hours and the polling station so fixed (;) and

(vi) Announce by the beat of drum or otherwise in the polling area concerned the date, hours, and the polling station so fixed.

13.90 For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said section 57 (2), the Commission has prescribed a format of such report (vide **Annexure XXXVI-A)**. You should send a consolidated report in that format in respect of all the polling stations where the poll has been adjourned. The Commission will not accept any piece-meal reports in this behalf.

(NB) While suggesting the hours for holding an adjourned poll in the particular polling station, you may propose any period sufficient for completing the poll being conducted Section 57(2) is independent of section 56 and it is, therefore, not necessary when fixing the hours for the adjourned poll to be deduct the hours during which the poll had already taken place before the adjournment.

13.91 Where the poll has been adjourned at a polling station under the provisions of sub-section (1) of section 57, the adjourned poll will recommence from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. You should provide the Presiding Officer of the polling station, at which such adjourned poll is taken, with the sealed packets containing the marked adjourned poll is taken, with the sealed packets containing the marked copy of the electoral roll and the Register of Voters in Form 17C and a new voting machine. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and the Register of Voters should be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this

very marked copy of the electoral roll and the Register of Voters should be used for adjourned poll.

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

13.93 There the poll could not be commenced duke 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.

PROCEDURE FOR HOLDING FRESH POLL

13.94 Under section 58 of the Representation of the People Act, 1951, the Election Commission is competent to declare the poll at a polling station to be void, if at that polling station-

(i) Any voting machine has been unlawfully taken away by an unauthorized person, or

(ii) Any voting machine has been accidentally or internationally destroyed or lost or damaged or tampered with an you are satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or

(iii) Any voting machine develops a mechanical failure during the course of the recording of votes, or

(iv) Any error or irregularity in procedure as is likely to vitiate the poll has been committed.

13.95 You should report the facts forthwith to the Election Commission and the Chief Electoral Officer. For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said Section 58(!), the Commission has prescribed a format of such repost **(Annexure XXXVI-B).** You should send a consolidated report in that format in respect of all the polling stations where the poll has been vitiated. The Commission will not accept any piecemeal reports in this behalf.

13.96 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.

13.97 On receiving intimation from the Commission, you should inform in writing the contesting candidates or their election agents of the date, time and place fixed for the fresh poll and affix a notice on your notice board, notifying the date and hours so fixed. Also, you should announce by beat of drum or otherwise in the polling area concerned about the place, date and hours so fixed.

13.98 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 marks of the indelible ink should be put on the voter's left middle finger at the fresh poll.

13.99 A new voting machine the ballot [unit(s) as well as the control unit] and a new marked copy of electoral roll shall be used at the fresh poll.

13.100 The provisions of the Representation of the People Act, 1951, conduct of Elections Rules, 1961 and Orders made there under will apply to the fresh poll in exactly the same way as they apply to the original poll. All the voting machines used for the original poll at the polling station(s) where fresh poll has been directed by the Commission should be preserved carefully, unopened and with the seals intact.

PROCIDURE FOR HOLDING FRESH POLL IN CASE OF BOOTH CAPTURING

13.101 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.

13.102 In order to enable the Commission to take appropriate decision in case booth capturing has taken place at any polling stations, the Commission has prescribed a format in which the Returning Officer should send his report to the Commission in the matter. The said format has been reproduced in **Annexure XXXVI-C** for facility of reference. It should be a consolidated report in respect of all polling stations involved in booth capturing. The Commission will not accept any report in piece-meal.

13.103 If the Commission directs fresh poll to be taken at any polling station, you should proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.

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

CLOSING OF VOTING MACHINE IN THE CASE OF BOOTH CAPTURING

13.105 Rule 49X provides that where the Presiding Officer of a polling station is of the opinion that booth capturing is taking place at the polling station, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and he shall detach the ballot unit(s) from the control unit.

13.106 As soon as may be after a Presiding Officer has closed the voting machine under rule 9X, 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.

13.107 The Election Commission, on receipt of the report the Returning Officer and after taking into accounts all material circumstance, may-

(i) Either decide to have the adjourned poll completed from the stage it was adjourned by providing a new voting machine, if it is satisfied that the poll upto 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.

REPORTS TO THE COMMISSION ABOUT POLLING TO BE CHECKED FROM DEC9 B0 IF THEY WILL REMAIN.

13.108 The Commission desires that it 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 XXXVII**. The first report should reach the Commission 1300 hrs. 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 0700 hours next morning, i.e., the day immediately following the day of poll. It should be submitted in the formats prescribed by the Commission. These reports should be sent by the quickest available means of communication.

13.109 It should be noted that the failure to send any of the reports in time will be viewed by the Commission as a gross failure of statutory duty on the part of the Returning Officer concerned and will lead for serious consequences.

13.110 It is only after the receipt of these reports that the Commission shall decide in each individual constituency whether the counting of votes should be allowed to be taken up by the Returning Officer. You should, therefore, ensure that your reports reach the Commission well in time to enable it to take decision about the counting in your constituency. Though it is not mandatory now to take prior approval of the Commission to commence the counting of votes, your failure to furnish your report may lead to postponement of counting of votes in the constituency.

STORAGE OF USED EVMS IN STRONG ROOMS

13.111 Detailed instructions relating to storage of Voting Machines after poll and before counting are given in Chapter XIII, Paras 51.1 to 51.7. All those instructions are not repeated here, except some essential points to clear any doubts.

Whenever it is necessary to open the room where the voting machines are stored, proper entries should be made in the logbook giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc. The forms in which the logbook should be maintained is given in **Annexure-XXXIV**.

STORAGE PLACE

Polled EVMs of a constituency shall be stored in a single Room/Hall. If space is a constraint, more than one room/hall can be used within the building but it must be ensured that Control Unit and Ballot Unit used at a polling station shall be stored in a same room. In case, more than one room/hall is used for storage of polled EVMs, outside all such rooms/halls, 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.

13.112 The EVMs used and all relevant records for Lok Sabha election and state legislative assembly election shall be stored in separate rooms and under no circumstances shall be stored in the same room.

CHAPTER - XIV

COUNTING OF VOTES

GENERAL

14.1 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. Being entrusted with this important work, you should exercise great vigilance not only on the actual counting of votes but also in maintenance of discipline inside the counting hall.

14.2 The EVM records correctly each vote cast by a voter and keeps an exact and up-to-date account candidate-wise of each vote so cast. All votes cast by means of voting machines are valid votes and as such there will be no invalid or rejected vote. Thus, the process of counting has become very simple, easier and quicker. Nonetheless, you must follow the instructions given in the following paragraphs to the minutest details so that the counting of votes takes place perfectly and there is no doubt in the minds of any candidate or his agent with regard to the result of the election.

14.3 Counting of votes is to be done by you. Assistant Returning Officers are also legally empowered to supervise counting of votes. If you are the Returning Officer for more than one Parliamentary or Assembly Constituency, your Assistant Returning Officers can take up the counting of an Assembly segment separately. Such counting should be arranged in near-by buildings so that you can keep an effective check at all such places of counting.

LEGAL PROVISIONS

14.4 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**.**

14.5 By the said rule 66A, the provisions of rules 50 to 54 relating to time and place for counting of votes, appointing of counting agents and revocation of such appointments, admission to the place fixed for counting and maintenance of secrecy of voting have been made applicable as they apply in relation to counting of votes in such constituencies where the system of ballot papers and ballot boxes is followed. The provisions of rule 54A relating to the counting of postal ballot papers also apply in the case of a constituency where voting machines are used, because the system of postal ballots is the same. By the aforesaid rule 66A, three new rules, namely, Rules 55C, 56C and 57C have been added which provide for scrutiny and inspection of voting machines before the counting, actual counting of votes recorded in the voting machines and sealing of voting machines after the counting. In order to remove any doubt or ambiguity, it has also been clarified by the abovementioned amendment rules that rules 60 to 66 (providing for continuous counting, re-commencement 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.

14.6 You should study the abovementioned rules 50 to 54A, 55C, and 57C and 60 to 66 very carefully and refer to them whenever in doubt.

14.7 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**.**

A --PREPARATION FOR COUNTING OF VOTES

DATE, PLACE AND TIME FOR COUNTING

14.8 You are required to decide, the place or places where the counting of votes will be done and the date and time at which counting will commence and to intimate the same to all contesting candidates or their election agents in writing at least one week before the date of poll (or first of the dates if poll is to be taken on more than one day). Forsake of uniformity, the date and time of counting of votes is fixed by the Commission and you should accordingly do it.

14.9 However, the place of counting is to decided by you in the light of Commission's instructions issued in this regard. Preferably, it should be and at your HQ within the constituency. There will be no legal objection even if the place so fixed is outside the limit of the constituency, but that should be avoided as far as possible.

SELECTION OF PLACE OF COUNTING

14.10 The counting of votes for the entire Assembly constituency should be done at one place under your direct supervision. The Commission will favour counting of votes to take palace at district HQ, if possible.

14.11 Each Assembly Constituency or an Assembly segment of a Parliamentary Constituency is to be counted in separate hall and under no circumstances, counting of more than one AC can be taken simultaneously in a hall. In a Parliament election, if the total number of Halls available for counting purposes is less than the total number Assembly segments for a PC, the sequence of counting will be as per the ascending AC numbers.

14.12 Each counting hall should be spacious enough and have a separate entry and separate exit. The Counting of votes will be done at counting centres comprising one or more counting halls. Each counting hall shall be a separate room walled on all sides preferably with separate exit and entry facilities**.**

14.13 For an Assembly Constituency or Assembly segment in case of Parliamentary Elections, counting of votes should in normal course be done in one HALL. In any event, the number of counting halls should not exceed TWO. If, for any peculiar reasons, more than two counting halls are considered necessary in any particular case, then specific prior permission of the Commission should be obtained, giving the reasons for which more than two Halls are considered necessary for a single Assembly Constituency or Assembly Segment. In cases where two halls are used for counting of votes of an Assembly Constituency/segment, allot well in advance the polling station number to be counted in each hall and intimate to candidates /election agents also.

14.14 Each counting center should have a distinct number and with each counting center each counting hall should also have a distinct number. Assembly constituency/segments, which is to be counted in

a counting hall must be decided in advance. Pre-allotment details should be intimated to all candidates in advance.

14.15 In case the number of contesting candidates is more than sixteen, you may, with the prior approval of the Commission, increase the number of counting halls even in respect of one Assembly Constituency or Assembly segments of a Parliamentary Constituency depending on the number of contesting candidates and the size of the counting halls, so that dispersal of counting agents can be made in such a manner as to avoid overcrowding in one counting hall. Such additional counting halls should be provided in the same building and should be near or adjacent to each other, as far practicable.

14.16 In the case of elections from a Parliamentary Constituency, the counting of votes may require to be done at different places for the various Assembly segments comprised within that Parliamentary Constituency. Such counting may be done under the supervision of your Assistant Returning Officers, as they are also legally competent to take up the counting.

14.17 If you decide to count the votes at more places than one in the case of a Parliamentary Constituency, you should communicate it to each of the candidates or his election agent also sufficiently in advance so that they may make their arrangements for attending such places of counting and appointing separate sets of counting agents for each such place of counting. Counting of votes of a Assembly Constituency or Parliamentary constituency at more than two places should be avoided to the extent it is possible.

14.18 Further, while deciding the number of constituencies to be counted in a building, factors like availability of space, force requirement for efficient law and order arrangements, possible crowd out side counting places, hassle free movement of polled EVMs from strong room to counting hall, etc etc have to kept in mind. The counting hall must be spacious enough to accommodate you, the counting personnel, the candidates and their election/counting agents. It should have proper lighting arrangements with necessary stand by things like generator or gaslight to tide over emergencies created by power failure. Adequate fire extinguishers should also be arranged. As far as practicable, the counting of votes in temporary structures should be avoided as dust storms or rains etc, would affect the process of counting in such places. If it is unavoidable, specific permission from ECI is to be taken.

LAY OUT OF COUNTING HALL

14.19 Counting of votes should be done on tables arranged in rows The number of counting tables in a counting hall is to be decided by you keeping in view the number of polling stations, size available space of the hall, the number of candidates/counting agents, the total number of counting personnel to be deployed and the security aspects. But the Commission has directed that there cannot be more than 14 counting tables plus your table, under any circumstance, in a counting hall. **The upper limit of 14 counting tables (excluding the Table of Returning Officer) in a counting HALL can be increased only with prior approval of the Commission.**

14.20 In each counting hall, barricades should be provided for each counting table so that counting agents are prevented from handling the control unit. However, the counting agent must be provided all reasonable facilities to see the whole counting process at the counting table. This can be achieved by ensuring that barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full and unobstructed viewing of the counting process. The exact manner in which barricades may be erected is left to

your discretion but you shall have to ensure that the agents, etc. do not get any opportunity of handling with the control units in any manner to eliminate any chance of tampering by them.

14.21 In case the counting of votes is to be done for both Lok Sabha and Legislative Assembly elections, then half of the counting tables in a counting hall shall be allotted for counting of votes from polled EVMs used for Lok Sabha poll and half of the tables for Assembly poll. The Counting agents will be made to sit accordingly.

14.22 A layout of a model counting hall is given in **Annexure XXXVIII-A and XXXVIII-B**.

14.23 You should intimate to the Commission, for its approval, the place fixed for the counting of votes as soon as may be after the last date for the withdrawal of candidatures. The Commission has prescribed a proforma in which the proposals are to be sent to Commission, which may please be seen at **Annexure –XXXIX–A**. The CEO of a state/YT shall forward to the Commission, after his satisfaction, a summary of counting centres proposed in **Annexure- XXXIX-B**

14.24 Mandatory notice to candidates about the date, time and place of counting, should be given in the forms prescribed by the Commission vide **Annexures XL-A or XL-B.**

14.25 If, for any unavoidable reason, you are unable to proceed with the counting on the date or time or at the place so fixed and communicated to the candidates, you can postpone the counting and fix another date or time or, if necessary, another place for the counting of votes. You should intimate the Commission forthwith of any such change in the date, time or place of counting. In the case of change of place of counting, you should also obtain prior approval of the Commission. You should give notice of every change in writing to each candidate or his election agent.

OTHER ARRANGEMENTS TO BE MADE IN COUNTING CENTRE

14.26 At each counting center, **there shall be a communication room for the officials with table / chairs, a telephone with STD, a fax, computer with printer and internet facility attached to it. A hotline, wherever possible, should be provided with CEO. A senior officer should be deployed in this communication room. A separate space / cubicle reserved for the exclusive use of the Observers should also be provided for their communication with the Commission, in confidentiality.**

14.27 You should provide yourself a hotline, wherever possible with CEO and one more telephone with STD to keep in touch with CEO and Commission. You should have a good Fax machine at each counting center, as a lot of reports/papers need to be faxed to CEO/Commission during counting.

14.28 For exclusive use by media personnel, at each counting center a separate room of adequate size, at some distance away from counting main counting hall, should be set apart and be made as Media Centers with all reasonable facility like telephone, fax, data communication etc. A senior officer like an ARO or an officer from Public Relation Department or any other officer capable of managing the center should be posted at media center.

14.29 Proper arrangement of loudspeaker should be made for dissemination counting trends and result to public and for media

14.30 You may also have proper computer facility at counting center. Adequate arrangements for on line data transmission using GENSYS will also required to made by you. Please refer to Commission's instruction in this regard.

14.31 Please provide every counting table with the following stationery:-

i. One ballpoint pen of blue ink;

ii. A paper knife for breaking open the seals;

iii. Two sheets of paper.

Security arrangements in and around counting centers

14.32 Three tier cordoning system should be set up in all counting centers to prevent entry of unauthorized persons inside the counting centres. No counting staff or candidate or his election agent or counting agents appointed by him or any other person who is not carrying proper photo identity card duly displayed on his person, shall be allowed to cross the first cordon of security ring of the counting centre agents. A senior Magistrate with sufficient force should be posted there to control crowd and regulate entry to counting centre.

14.33 Before allowing their entry to second cordon, proper frisking shall be done by State police force personnel only. Women to be frisked by female police personnel or female HG. No frisking **normally needs** to be done at next two cordons **unless specifically directed by you**.

COUNTING STAFF

14.34 Unlike polling staff, counting staff is to be appointed by you as a Returning Officer.

14.35 On the basis of number of counting halls and counting tables to be provided in each counting hall you should assess your requirement of counting staff for smooth and fool proof counting. For each table there should be one counting supervisor and one counting assistant. From the available database of counting personnel, you should appoint required number counting agents and counting supervisors (with some reserve), and such other officials as you may require for assisting you in the counting. You should also appoint sufficient number of Group D Government employees also as counting assistants to carry the voting machines to and from the counting tables and also for sealing of EVMs after counting.

14.36 You should not appoint as counting supervisor or as counting assistant any one who has been employed by or on behalf of, or has otherwise been working for a candidate in or about an election.

14.37 Counting staff appointments should be made in the form given **in Annexure XLI**. Counting supervisors should only be Gazetted officers of the Central or State Government or officers of comparable status from Central/State Government undertakings. The counting assistants also should similarly be drawn from officers of a comparatively higher level. In addition, one more counting assistant will required for each AC as Additional counting Assistant for observer.

14.38 With a view to ensure a higher level of transparency in the counting process, the Commission has directed that in the Counting Supervisors and Counting Assistants should not know the specific AC and the Table assigned to them till they report to counting center on the counting day. To achieve this, randomization of counting agents/supervisors shall have to be done by the

Commission's observers along with you at 5.00 AM of the morning of the day of counting and not earlier than that in any case. **Such randomization may however be relaxed up to 12 hours with the approval of the Chief Electoral Officer**. The randomization can be done manually or by using a computer. Please refer to Commission's instructions in this regard.

14.39 All counting staff should be given hands on intensive training in counting using good audio – visual techniques like power point presentation.

14.40 Counting personnel appointed for the purpose of counting for simultaneous elections should have a very clear understanding of the layout of the counting hall as well as the tables meant for counting of votes of Assembly election and Lok Sabha election. In case of simultaneous poll, there shall be a separate set of officials entrusted with the duty of supply of control units to the respective tables. Under no circumstances a control unit used for recording the votes of Assembly election, shall be supplied to the table meant for counting of votes for Lok Sabha election and vice-versa.

14.41 **Each counting table shall have one Central Government official as counting micro-observer. The Observer should properly train the micro-observer. The micro-observer shall be responsible for the purity of counting process on his respective table.**

COUNTING AGENTS OF CANDIDATES

Appointment

14.42 Each candidate should be allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table. Hence, you should inform the candidates total number of counting agents they are entitled to appoint. The counting agents are required, under law, to be appointed in Form -18. Hence any request on a plain paper received from a candidate/election agents should not be accepted by you. Declaration in of counting agents in Form-18 is to be signed by them in your presence.

14.43 A candidate for the Parliamentary election may also appoint one more counting agent to attend to the counting of postal ballot papers at the place fixed for the purpose by the Returning Officer of the Parliamentary Constituency if such counting is done at a place different from the counting hall for any Assembly segment of the Parliamentary Constituency.

14.43A **REVOCATION OF APPOINTMENT OF COUNTING AGENT**

(a) A candidate or his election agent are authorized to revoke the appointment of a counting agent.

(b) Such revocation of appointment is made in Form 19 appended to the Conduct of Elections Rules, 1961 and 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.

(c) Appointment of such fresh counting agent is to be made in the same manner as explained above.

Photo identity cards and Badges

14.44 Irrespective of the number of contesting candidates, you should obtain the list of counting agents in Form-18 with their photographs from all the contesting candidates by 1700 hours on the day three days prior to the date fixed for counting of votes. On furnishing of the same, you should prepare the photo identity cards of the counting agents then and there under your seal and signature and should be issued to the contesting candidates and acknowledge thereof be obtained. On the date of counting of votes only such counting agents as are holding Photo card issued by you shall be allowed in counting hall. You should make this clear to all candidates/political parties in advance.

14.45 Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will watch the counting. Each counting agent should affix his signature in full on the badge immediately after it has been issued to him.

PERSONS ALLOWED IN THE COUNTING HALL

14.46 Only the following persons can be allowed inside the counting hall

i. Counting supervisors and counting assistants;

ii. Persons authorized by the Election Commission;

iii. Public servants on duty in connection with the election; and

iv. Candidates, their election agents and counting agents.

14.47 Before counting begin you should see that no one else in present in the counting hall.

14.48 You should note that expression of "public servant on duty in connection with election" does not normally include police officers; such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the counting hall WITHOUT ANY EXCEPTION, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason has on occasions given rise to complaints by some candidates or parties who have alleged that their agents has been overawed by an unnecessary show of force.

14.49 You should also note that the above expression public servant on duty in connection with election does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States. They can come inside the counting hall only as candidates. According to the latest instructions of the Commission, they cannot be allowed to be appointed as election agents or counting agents as they have to be escorted by their security guards who can not be allowed entry into the counting hall.

14.50 You should note that no counting agents is to be admitted into the place fixed for counting, unless he has delivered to you the second copy of his appointment letter after duly completing and signing the declaration contained therein, and has been issued by you an authority for such entry. Similarly the election agents of the candidates may also be asked to produce the attested duplicate copy of their appointment letters.

14.51 Entry of persons should be strictly regulated as detailed above. No unauthorized person should be allowed to enter the place of counting in any circumstance.

[N.B. No security personnel accompanying the candidates or their agents should be permitted to enter the counting hall.]

Maintenance of discipline and decorum at counting centre

SEATING ARRANGEMENT IN THE COUNTING HALL

14.52 The Commission has directed that the seating arrangements for the counting agents of candidates at the counting tables will be arranged by the following categories of priority:-

i. Counting Agents of Candidates of recognized National parties;

ii. Counting Agents of Candidates of recognized State parties;

iii. Counting Agents of Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the Constituency;

iv. Counting Agents of Candidates of registered-unrecognized political parties; and

v. Counting Agents of Independent candidates. They should keep seated near the table allotted to him and should not be allowed to move about all over the hall. The extra counting agent may sit and watch the proceedings at your table. However, as far as possible in order to avoid overcrowding at your table, only one person whether the candidate himself or his election agent or his counting agent should be present at a time at that table on behalf of a contesting candidate. The candidates and their election agents will be free to go ground to any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at your table may be allowed to go round to any part of the hall.

14.53 In the performance of your duties, you are only bound by the provisions of law and the instructions of the Election Commission. You are not, thus, to take orders from or show any favour to your official superiors or any political functionaries including Ministers. Even in the matter of request for entry into the counting hall from these, you should allow them only if they are in possession of a valid authority letter issued by the Commission.

14.54 In case you have a reasonable doubt about the presence of any person in the counting hall, you can have him searched, if necessary, even though the person concerned may be in possession of valid authority letter to enter the place of counting.

14.55 Post police constables on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without your permission. You must ensure that complete order and discipline prevail and counting takes place in a businesslike manner. You may send out of the counting hall any person who persists in disobeying your directions.

14.56 You should not allow, under any circumstance, any one to smoke inside the counting hall. The persons may go out, if they desire to smoke, without, however, causing any dislocation in the counting process.

14.57 Mobile telephones are not to be allowed inside the counting centre. The only exceptions will be you as RO, your AROs, Commission’s observers

14.58 **Entire counting process must be videographed. CD of the video should be kept in safe custody of the DEO**.

14.59 **No camera- still or video of the media except for official recording of the entire counting process is allowed to be fixed inside the counting hall**.

B-COUNTING PROCESS

COMMENCEMENT OF COUNTING

14.60 Unless otherwise directed, you are not required to obtain any specific permission for commencement of counting of votes. However, you will have to ensure that all complaints received regarding polling have been duly looked into by you and nothing is pending. It has been instructed in the preceding chapter that you should keep the Commission informed of the progress of poll on that polling day. For that purpose you are required to send three reports to the Commission, the third and final report reaching the Commission at seven hours on the morning following the day of poll. Though the instructions that you shall not commence the counting unless you have obtained prior clearance from the Commission has been relaxed, it is still very important that your said reports, particularly the third and final report, are received in the Commission on time. If the reports are not received, the commencement of counting can be stopped by the Commission.

13.2 Commence the counting at the hour fixed for the purpose. Everyone present in the counting hall should be instructed to maintain secrecy of vote. For that purpose, the provisions of section 128 of the Representation of the People Act, 1951 should be brought to the notice of everyone by reading that section aloud.

(Note: - Vide No.470/INST/2012/EPS dt.3/3/2012)

COUNTING OF VOTES RECEIVED BY POST

14.61 Under the law (rule 54A) the postal ballot papers are to be counted first. It is clarified further that it is not necessary to wait for the counting of postal ballots to be completed before counting of votes recorded in EVMs starts. After a gap of **30** minutes from the commencement of counting of postal ballot papers, the counting of votes in EVMs can start. Counting of postal ballot papers shall be done at your Table. All postal ballot papers received by you should be brought before you. Only such postal ballot papers as are received before the hour fixed for commencement of counting shall be counted.

14.62 Covers in Form 13-C containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting thereon the appropriate particulars.

14.63 The covers in Form 13C received in time should be opened one after another.

(i) As each cover is opened, you should take out the declaration in Form 13-A and the cover in Form 13-B and scrutinize the declaration. If the declaration in form 13-A is not found in the cover or the declaration has not been duly signed and or not attested by an officer competent to do so or is otherwise substantially defective or if the serial number of ballot

paper appearing in the declaration is different from the serial number on the cover in Form 13-B, the cover containing the postal ballot paper should not be opened but the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed back in the cover in form 13-C. All such covers in Form 13-C should be kept together in a separate packet duly sealed and full particulars such as the name of the constituency, the date of counting and a brief description of contents should be noted thereon for easy identification.

(ii) All the declarations in Form 13-A, which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate. The packet should then be sealed noting thereon the particulars regarding the name of the constituency, the date of counting and brief description of the contents. This should be done before the covers in Form 13-B containing the ballot papers are opened.

14.64 Thereafter the covers in Form 13-B should be opened one after another and the validity of the ballot papers scrutinized and decisions arrived at. A postal ballot paper should be rejected.

i. if no vote is recorded thereon; or

ii. if votes are given on it in favour of more candidates than one; or

iii. if it is a spurious ballot papers; or

iv. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

v. if it is not returned in the cover sent along with it to the elector by you; or

vi. if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given; or

vii. if it bears any mark (other than the mark to record to vote) or writing by which the voter can be identified.

14.65 There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper should not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote should be for a particular candidate clearly appears from the way the ballot paper is marked.

14.66 The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated, entered in the Result Sheet in Form 20 in the appropriate place and announced by you aloud for the information of the candidates.

14.67 Thereafter, all the valid ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packed and sealed with your seal and the seals of such of the candidates, their

election agents or counting agents as may desire to affix their seals thereon. Seal of the Commission's secret seal should also be affixed .The particulars such as the name of the constituency; the date of counting and a brief description of the contents should be recorded on the sealed packet for identifying it. Covers in Form 13-C referred to in sub rule (2) of Rule 54(A), i.e. received late, should be sealed separately with endorsement on the top of the packet.

COUNTING OF VOTES RECEIVED BY POST FOR PARLIAMENTARY CONSTITUENCY

14.68 **The Assistant Returning Officer for the Parliamentary Constituency who will count the votes polled at a component Assembly Constituency will have nothing to do with counting of the postal ballot papers for the Parliamentary Constituency. According to rule 65 of the Conduct of Elections Rules, 1961, if votes are counted at more places than one (as in most cases they will be in the case of Parliamentary election), the provisions of rule 54-A of the said ruled will apply only to the counting at the last of such places. It is possible to regard the place at which the Returning Officer finally counts and declares the result as the last place of counting in point of time. In other words, the procedure for you as the Returning Officer of that Parliamentary Constituency will be to get Form 20 result sheet duly completed from your Assistant Returning Officers, then take up the counting of postal ballot papers as provided in rule 54-A and then proceed under rules 63 and 64 of the Rules.**

COUNTING OF VOTES RECORDED IN VOTING MACHINES, SCRUTINY AND INSPECTION OF CONTROL UNITS

14.69 You are required take up for scrutiny and inspection and counting of votes recorded in voting machines used at more than one polling station such machines be counted simultaneously.

14.70 While you are engaged in counting the postal ballot papers, the work of distribution of control units of voting machines on the various counting tables can be done. Distribution of control units to the counting tables should be done in the serial order of the polling stations, that is to say, in the first round of counting control unit used at polling station number 1 should be given to counting table number 1, that of polling station number 2 to counting table number 2, and so on. Similarly, for counting of votes for simultaneous elections, in the first round of counting, control unit for Assembly election used at polling station number 1 should be given to table number 1 and the control unit used for Lok Sabha election at polling station number 1 should be given to table number 8, i.e., the first table for the counting of votes for Lok Sabha election, and so on. Extra care has to be taken to ensure this arrangement and also to ensure that in case of simultaneous election to Lok Sabha and LA of a state/UT, be taken that the CU used at polling station for LA election are taken to its pre- allotted counting table and CU used at polling station for Lok Sabha election are taken to pre- allotted counting table for the same. A senior officer may be drafted to function as nodal officer for this purpose. Keep an account of such distribution with you for your information.

14.71 Another point to taken care of is that only after EVMs brought for counting of a particular round are properly counted and parallel counting of two randomly selected machines by observer is over and round wise tabulation is completed, then only EVMs for next rounds are brought in the counting hall after getting clearance of RO/ARO who supervise the process in counting hall.

14.72 It is to be ensured that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round, in respect of both Assembly and Parliamentary elections is completed and Control Units used in the polling stations covered by the round completed are removed from the counting tables

14.73 At the time of counting, only the control unit of the voting machine is required for ascertaining the result of poll at the polling station at which the control unit has been used. The ballot unit used at a polling station is not required. The ballot units may leave to be kept in strong room. It may be taken to the counting hall only if its inspection becomes necessary in any particular case on demand by any candidate or his agent or otherwise.

14.74 Along with the control unit used at a polling station, sealed cover containing the relevant Account of Votes Recorded in Form 17C pertaining to that polling station shall also be supplied to the counting table.

OPENING OF CARRYING CASES OF CONTROL UNITS

14.75 The control units are received from the polling stations duly kept and sealed in their carrying cases by the Presiding Officers. As each carrying case is brought to the counting table, the seals put thereon by the Presiding Officer at the polling station should be examined. Even if the seal of a carrying case is not intact in any case, the control unit kept therein could not have been tampered with if the seals thereon and particularly the paper seals on that unit are intact.

14.76 Remove the seals from the carrying case, take out the control unit and place it on the counting table for the inspection and checking of seals thereon by the candidates or their agents present at the counting table.

CHECKING SEALS ON CONTROL UNITS

14.77 Before the votes recorded in any control unit of a voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the papers seals and such other vital seals as may have been affixed on the carrying case and the control unit and to satisfy themselves that the seals are intact. You shall also satisfy yourself that none of the voting machines is tampered with. If you are satisfied that any voting machines has in fact been tampered with, you shall not count the votes recorded in that machine and report the matter to Commission immediately and shall follow the procedure laid down under Paras 29 and 30 as may be applicable in respect of the polling station where that machine was used.

CHECKING OF SEALS AND IDENTITY MARKS ON THE CONTROL UNIT

14.78 As each control unit is taken out of the carrying case, First of all, you shall check its serial number and satisfy yourself that it is the same control unit, which was supplied by you to the Presiding Officer for use at that polling station. Then, check **the Serial Number of Pink Paper Seal used for sealing the cabinet of Control Unit,** the seal on the Candidate Set section of the control unit (which had been put at your level before the supply of the machine to the polling station) and also the Outer Strip Seal, and seal on Special Tag on the outer cover of result section) which must have been put by the Presiding Officer at the polling station after mock poll). Even if any of these seals is not intact the control unit could not have been tampered with if the paper seals put on the inner cover of the Result Section are intact.

COMPARISON OF THE SERIAL NUMBER OF THE PAPER SEAL

14.79 Remove the outer strip seal and the seal on the outer cover of the Result Section and open that cover. On opening the outer cover of the Result Section you will see the inner cover sealed with the special tag and seal of the Presiding Officer. Check this seal also. Even if the seal is not intact, the control unit could not have been tampered with if the paper seal is **(Special Tag)** intact and has not been tampered with. In the inner cover of the Result Section, there will be a green paper seal (two green paper seals in the case of machines manufactured before 2006 by Bharat Electronics Limited). Instructions have been issued in the previous chapter that the green paper seal should be so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal should be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in Item 9 of Part I of Form 17C. Allow, without fail, the candidates or their agents present at the counting table also to compare such serial numbers of the paper seal and special tag and satisfy themselves that the paper seal and special tag are the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

14.80 If the serial number of the paper seal actually used in the control unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a mistake or there would be a prima facie suspicion that the voting machine has been tampered with. Decide the question by checking the serial numbers of the unused paper seal returned by the Presiding Officer and other relevant circumstances including complaints, if any, made by the candidates or their agents at the polling station. If you find it to be the case of clerical mistake, ignore the discrepancy.

CONTROL UNITS TO BE KEPT APART IF FOUND TAMPERED WITH

14.81 On the other hand, if you are satisfied that the voting machine has been tampered with, or is not the same which was supplied for use at that polling station, the machine should be kept apart and the votes recorded therein should not be counted. You should report the matter to the **Election** Commission by following the procedure mentioned in Paras 24-30 below. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found by you to have been tampered with. You should, therefore, proceed with the counting in respect of the other polling stations.

ASCERTAINING THE RESULT

14.82 After satisfying that the paper seal is intact, the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded therein shall be counted. For counting of votes recorded in the machine, the following procedure should be followed:-

i. Switch ‘on’ the control unit by **lifting** the power switch provided in the rear compartment to ‘on’ position. The On’ lamp in the Display Section of the control unit will then glow green.

ii. Pierce the paper seal over the Result I/**Result** Button provided below the upper aperture of the inner cover of Result Section.

iii. Press the Result I/**Result** Button.

iv. At the Result I/**Result** Button being so pressed, the total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the control unit. Supposing, there are nine contesting candidates and the total number of votes

In case of pre-2006 EVMs

cd	6
to	758
01	109
02	59
03	77
04	263
05	38
06	02

(This is only an example)

[N.B. Result II Button is not used as for a simultaneous poll a separate CU is used.]

In case of post-2006 EVMs

COMPUTING RESULT

POLL RESULT **PDT __ __ __ __ __ __**

PST __ __ __ __ **PET __ __ __ __**

SL NO - __ __ __ __ __ __ __

CANDIDATES **6**

TOTAL POLLED **VOTES - 758**

CANDIDATE - 01 **VOTES - 109**

CANDIDATE - 02 **VOTES - 59**

CANDIDATE - 03 **VOTES - 77**

CANDIDATE - 04 **VOTES - 263**

CANDIDATE - 05 **VOTES - 38**

CANDIDATE - 06 **VOTES - 02**

v. The counting supervisor shall note down, carefully, the above result as displayed sequentially candidate-wise in 'Part II - Result of Counting' of Form 17C.

14.83 If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

14.84 After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

COMPLETION OF PART II - RESULT OF COUNTING OF FORM 17C

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

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

14.87 Further, you should either announce or cause the entries of votes polled by each candidate polling station wise as entered in Form 20 to be written on a **display**-board **of minimum size of 6x9 feet** to be put up conspicuously so that each counting agent can see and note down /cross check the entries **and announce through public address system**. This will enable you to proceed uninterruptedly with the counting of votes at other polling stations.

14.88 It is possible that a particular CU used at a polling station does not display result due to technical mal-functioning of the same, then technicians of BEL/ECIL, as the case may be, be called to retrieve data. If they also are not able to do so, then that EVM shall be sealed and kept aside and be counted. It must, without fail, be brought to notice of Election Commission of India and CEO of your state/UT, for further directions. The counting of remaining machines will continue unabated. If any machine has been kept apart and not counted for this reason or for being found tampered with , then Commission's written prior approval will be needed before declaring the result of the election from that constituency.

PREPARATION /COMPILLATION OF FINAL RESULT SHEET – FORM 20

PREPARATION

14.89 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 **including the number of tender vote recorded as per the report of the Presiding Officer**. Tendered votes are not counted.

CROSS CHECKING

14.90 In addition to above, on the basis Form 17C duly completed by counting supervisors, you shall get prepared a round wise statement in the following Proforma.

Annexure for tabulating Trends / Results

Number & Name of Constituency. _____Round Number____ Date_____

Table No		1	2	3	4	5	6	Total	Brought from previous Round	Cumulative Total
Polling Booth No										
Sl. No	Name of Candidate									
Rejected Vote										
Total Vote										
		Initial of 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 to be kept by observer in a separate folder for cross checking later

Both you 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. Then it should be signed by you and observer. Thereafter you should announce the result of that round loudly or using loudspeaker for every body's information. The total etc. done manually may be tallied by entering all the counting data in an Excel sheet and computing the total.

14.91 As a measure to cross check the correctness of counting, the Commission has directed the observers to randomly select two EVMs counted in a round and with the help of additional counting staff provided to them to assist in this regard ascertain once again count of votes polled by each candidate and after getting satisfied, then only countersign the relevant column of above referred statement. The Additional Counting staff shall prepare the result of two randomly selected EVMs in following format---

PROFORMA FOR RECORDING OF VOTES

BY ADDITIONAL COUNTING STAFF

No and Name of A.C. –

Round No.-
Table No.-
C U Number:

Polling Station Number:

SN	Name of Candidate (Pre-Printed)	No. of votes recorded

Date:

Signature of Addl. Counting staff (With full name)

***To be handed over to the Observer only.**

COMPILATION

14.92 If you are counting the votes of an Assembly constituency, you have to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

14.93 After the total number of votes polled by each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and residual votes.

14.94 While striking this grand total, the entire Final Result Sheet should be carefully checked and it must be ensured that entries have been made therein in respect of each and every polling station and that the Form is not incomplete in any respect.

14.95 If the Commission has directed a fresh poll at any polling station, only the result of counting in respect of the fresh poll should be incorporated in the Result Sheet. The grand total should not be struck until the result of counting in respect of such fresh poll has been incorporated in the Result Sheet.

14.96 The grand total should also be correctly struck as any incorrect totaling may materially affect the result of election and the declaration of result, which has to be made on the basis of this Form. Any discrepancy in that Form will be very seriously viewed by the Commission and will invite severe disciplinary action.

14.97 If you are counting the votes of an Assembly segment of a Parliamentary constituency, you shall prepare the Result Sheet in respect of your Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. You are not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers as the counting of such votes will be done by the

Returning Officer for the Parliamentary Constituency and the result of voting of postal ballot papers will be recorded by him in Part II of the said Form 20.

14.98 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.

14.99 If you are the Returning Officer for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from your Assistant Returning Officers, you should incorporate the result in respect of each Assembly segment in the Final Result Sheet in Part II of the said Form 20. You shall also record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike the grand total of the votes receive 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.

14.100 A sample Final Result sheet duly completed in Form 20 is given at **Annexure XLII.**

RECOUNT

14.101 Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. At the most, some candidates or their agents may not have noted down properly the result of voting at any particular polling station when the control unit displayed that information. If necessity arises for re-verification, pressing the Result Button can do the same, whereupon the result of voting at that polling station will again be displayed in the Display Panels of that control unit.

14.102 Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in rule 63 of the Conduct of Election Rules, 1961, still apply in relation to your constituency. Accordingly, when the counting is complete and the Final Result Sheet in Form 20 has been prepared, you should announce the total number of votes polled by each candidate as entered in the Final Result Sheet. You should then pause for a minute or two. If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, you should ascertain from him as to how much time he would require for making an application for recount in writing. If you consider that the time applied for is reasonable, allow it and announce the exact hour and minute upto, which you will wait for receiving the written application for recount. You should not sign the Final Result Sheet in form 20 until after the expiry of the time so announced.

14.103 When an application for recount is made, you should consider the grounds urged and decide the matter. You may allow the application in whole or in part if it is reasonable or you may reject it in toto, if it appears to you to be frivolous or unreasonable. Your decision will be final, but in every case you should record a brief statement of your reasons for your decision. A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations

14.104 If in any case, you allow an application for recount either wholly or in part, you shall have the votes recorded in the voting machines counted over again in accordance with your decision. The

postal ballot papers will also be counted over again if so decided by you. After the recount, correct the final result sheet to the extent necessary. Announce the amendments so made, if any, by you. After the total number of votes polled by each candidate after recount has been announced by you, complete and sign the Result Sheet. No candidate has a right to demand a recount after you have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after you have completed and signed the Final Result Sheet

14.105 As the Returning Officer, your duty is to count accurately the votes and you have therefore always the right to order your staff to recount the votes. But the right of a candidate to demand a recount under rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a, prima facie case, that the counting was not accurate and recount is necessary in the interest of justice.

14.106 It would be unreasonable to demand second recount if the first recount showed only minor variations from the first count and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.

14.107 But you would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.

14.108 The Commission has decided that where the result of an election is going to be decided by difference of postal ballot received by the first two candidates, then there shall be mandatory and comprehensive recount of postal ballot papers, even though no candidate ask for it.

14.109 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.

14.110 As mentioned above, if votes are counted at more places than one, the recount can be demanded at the last place fixed for the purpose. This would be very inconvenient as the voting machines and all relevant papers would have to be taken to the last place of counting and in that way it will defeat the entire effort and the whole purpose of spreading out the counting at different places. Though generally it is intended that a recount of votes of a particular polling station should be done only after the counting for the entire constituency is over, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, it is desirable that you check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

ADJOURNMENT OF COUNTING

14.111 You should proceed with the counting at each place continuously. In case you have to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the voting machines and also all other papers relating to elections. Allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

[N.B. It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with your seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to yours on such room.]

POWER OF OBSERVERS TO STOP COUNTING

14.112 The observers appointed by the Commission under section 20B of the Act have the power to direct you to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the observer booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of your custody or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or placed cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC., OF VOTING MACHINESBEFORE COMPLETION OF COUNTING

14.113 Under the law (Section 64A) the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been

i. Unlawfully taken out of his custody, or

ii. Accidentally or intentionally destroyed or lost, or

iii. Damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained. If any such occasion arises, you should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

PROCEDURES TO BE FOLLOWED IN THE CASE OF BOOTH-CAPTURING AT THE COUNTING CENTRE

14.114 Under Section 58A(b) of the Representation of the People Act, 1951 , if booth -capturing takes place at any place of counting in such a manner that result of the counting at that counting centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission.

14.115 On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once you have reported the matter to the Commission, under section 58A, you have to wait its directions in this regard and proceed further according to its directions when received.

COUNTING AFTER REPOLL DIRECTED AFTER COMMENCEMENT OF COUNTING

14.116 If any repoll has been held at a polling station in accordance with the directions given by the Commission, you should fix the date, time and place for counting the votes recorded in such repoll and give notice of the same in writing to every candidate or his election agent. You should follow the same procedure as detailed above for such further counting as far as it is applicable.

RESEALING OF VOTING MACHINES AFTER COUNTING

14.117 After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II - Result of Counting of Form 17C and in the Final Result Sheet in Form 20, the control unit is required under rule 56C of the Conduct of Elections Rules, 1961, to be resealed with your seal and the seals of such of the candidates or their election agents who may desire to affix their seals thereon. The resealing has , however, to be done in such a manner that the result of voting recorded in the control unit is not obliterated and the unit retains the memory of such result.

14.118 The aforesaid resealing of control units should be done in the following manner:-

i. Remove the battery from the Candidate Set Section of the control unit by removing the seal. After the removal of the battery, the cover of the Candidate Set Section should be resealed.

[N.B. Removal of the battery is necessary so that it does not leak with the passage of time and damage the machine. Removal of the battery will not however obliterate the result of voting recorded in the control unit, as the unit will retain its memory even without the battery.]

ii. Close the outer cover of the Result Section and reseal it.

iii. Keep the control unit so resealed in its carrying case.

iv. Reseal the carrying case.

v. Attach firmly to the handle of the carrying case an address tag containing the following particulars: -

a) Particulars of the election;

b) Name of the constituency;

c) The particulars of polling station where the control unit has been used;

d) Serial number of the control unit;

e) Date of poll;

f) Date of counting;

vi. Put a secret seal of the Commission in addition to your own seals, on all the abovementioned seals. Allow the candidates or their agents also to put their seals if they so desire.

14.119 The control units so resealed should be kept in specially prepared bigger boxes for safe storage.

14.120 The ballot units must have been received by you form the polling stations duly sealed and secured in their carrying cases by the respective Presiding Officers. Normally, these units will not require to be opened at the time of counting. If any ballot unit is taken out of its carrying case for inspection or verification at the time of counting, it should be kept back in its carrying case after such inspection or verification and sealed.

14.121 The ballot units should also be kept in specially prepared bigger boxes for safe storage. All the control units and the ballot units used at the election are thus ready for transportation to the place of storage.

SAFE CUSTODY OF VOTING MACHINES

14.122 Under sub-rule (1A) of rule 92 and sub-rule (1A) of rule 93 of the Conduct of Elections Rules, 1961, the voting machines sealed as above under rule 57C shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines so sealed shall be retained intact for such period as the Commission may direct and shall not be used for next election without the prior approval of the Commission under clause (aa) of rule 94 of the said rules.

C----SEALING OF OTHER ELECTION PAPERS FOR ENSURING SAFE CUSTODY

14.123 Apart from the voting machines, there are several other important election papers, which require to be sealed and secured for safe custody and storage. Under rule 93(1) of the Conduct of Elections Rules, 1961, the packets of election papers specified therein shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court. Special care has thus to be taken for the safe custody of these papers. These papers are as follows where voting machines are used:-

i. The packets of Registers of Voters in Form 17A, including the voter slips.

ii. The packets of unused postal ballot papers with counterfoils attached thereto;

iii. The packets of used postal ballot papers whether valid, or rejected (including the packets in which covers containing postal ballot papers received late are kept);

iv. The packets of the counterfoils of used postal ballot papers;

v. The packets of used and unused tendered ballot papers;

vi. The packets of unused (surplus) ballot papers (printed for display on ballot units and for use as tendered ballot papers);

vii. The packets of the marked copies of the electoral roll; and

viii. The packets of the declarations by electors and the attestation of their signatures.

14.124 In view of the important nature of these election papers, the Commission has directed that these papers should also be sealed with the secret seal of the Commission.

14.125 The papers mentioned at items (iii) and (viii) above shall be made into packets at the time of counting. Such packets shall be sealed by you with your own seal immediately after the counting of the votes is over and with special secret seal, which will be supplied by the Commission for the election for each constituency. The secret seal will be in addition to the seals, if any, put on these packets by such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. You should point out to the candidates or their agents present that it is in their own interest to affix their seals on these packets to avoid any possibility of tampering with these packets. They may also be permitted to note the number of the Commission's secret seal used.

14.126 The packets of papers mentioned at items (i), (v) and (vii) in Para 34.1 above will be received from the Presiding Officers of the polling stations in duly sealed packets. Though, these packets are not required for any purpose at the time of counting of votes, each of them should be immediately sealed with the secret seal of the Commission as soon as counting of votes is over and placed in steel trunk(s).

14.127 You should put a responsible Officer-in-Charge for the supervision of the sealing of all packets. Otherwise, there is possibility of important election papers going astray which would create complications and confusion if and when a competent Court orders the production of these papers.

14.128 Each steel trunk shall be locked with two locks and each lock shall be sealed. You should ensure that the secret seal of the Commission is put on packets only and not on any of the locks of the steel trunk or trunks.

DRAWING UP OF PROCEEDINGS

14.129 After the sealing of the voting machines and election papers at the counting place after the counting of votes, you should draw up proceedings mentioning therein:-

i. The full particulars of the candidates/agents present in the counting hall;

ii. The fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and

iii. The particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

14.130 Then, you should sign the proceedings and obtain on it the signatures of such of the candidates/agents as are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

SAFE CUSTODY OF ELECTION RECORDS BY DISTRICT ELECTION OFFICER

14.131 Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting machines and the sealed trunks(s) containing the packets mentioned in Para 34.1 should be dispatched to the District Election Officer at his headquarters and on receipt of the voting machines and the sealed trunks(s) the District Election Officer should forthwith arrange to deposit them for safe custody in the Treasury/Sub-treasury under double lock. The key of one of the locks of each trunk will be entrusted to the Treasury Officer or an Officer in the Treasury/Sub-treasury authorized under the Treasury Code and the key of the other lock of each trunk should be kept by the District Election Officer himself or a senior officer nominated for the purpose by the District Election Officer/you.

14.132 The armed police guard posted at the room where the voting machines are stored before the counting of votes, should not be removed after the counting is over, but should continue to keep guard of the room till the transport of the voting machines and election records to the District Headquarters. As far as possible, the same guard should be used for protection during the transport also, and this fact should be mentioned in the logbook maintained by the guard.

RETURN OF SECRET SEAL OF THE COMMISSION

14.133 After the packets required to be sealed with the secret seal of the Commission are sealed, the secret seal or seals should be put into a separate packet which should be sealed with the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. There after, the packet containing the secret seal of the Commission should be returned immediately to the Commission by registered insured post and in any case not later than 24 hours after the counting of the votes is completed. If more than one seal had been supplied, the name of the constituency and the number of the seal that was used should be indicated.

CHAPTER - XV

DECLARATION AND PUBLICATION OF RESULT OF ELECTION

INTRODUCTORY

15.1 After the counting has been completed in all respects you have to proceed to make the formal declaration of result of election.

15.2 If any polled EVMs have been kept apart for the reason of technical malfunction or tampered with , then, before declaring the result Commission's permission is mandatory. Hence, before declaring result, you must, however, verify and satisfy yourself that there is no such case or any other such case, which requires to be referred to the Election Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in your constituency. If that be so, send a detailed report to the Commission forthwith giving all required information and obtain its prior approval before making the declaration of result.

DECLARATION OF RESULT

15.3 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Election Rules, 1961, and after you have obtained the necessary approval of the Commission, wherever required, and a No Objection from the Commission's observer in the following format, the candidate to whom the largest number of valid votes has been given should then be declared elected .You must declare the result by a loud announcement.

"_____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_____ "

EQUALITY OF VOTES

15.4 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 rare of the rarest case and in such case also matter first be reported to the Commission for such directions as the Commission may like to give.

FORM OF DECLARATION OF RESULT

15.5 The formal declaration of result should be made by you either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate. The declaration shall be made in Form 21C in the case of General election. In the case of a bye-election to fill, a casual vacancy, the declaration shall be made in Form 21D. Care is to be taken that in Form 21C or 21D, the name and address of the elected candidate shall be as given in list of contesting candidates. Name political party should be written as given in latest Party and Symbol notification. After your signature affix your rubber stamp.

15.6 The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

AUTHORITIES TO WHOM COPIES OF DECLARATION SHOULD BE SENT

15.7 Immediately after the declaration of result, you should send copies of the declaration of result in Form 21C or 21D. as the case may be, to :

i. Election Commission of India ;

ii. Chief Electoral Officer of the State;

iii. (a) Union Ministry of Law and Justice (Legislative Department), New Delhi; and

(b) The Secretary General of the Lok Sabha, New Delhi (in the case of election to the Lok Sabha);

OR

(a) The State Government; and

(b) The Secretary to State Legislative Assembly (in the case of election to the State Legislative Assembly.)

AUTHORITIES TO WHOM COPIES OF RETURN OF ELECTION SHOULD BE SENT

15.8 When you have declared the result of election in the manner indicated above, you should complete and certify the return of Election in Form 21-E of the Conduct of Election Rules, 1961. Forward signed copies of the return to: the Election Commission and the Chief Electoral Officer of the State. **The name of the candidates should be written as given in the Form-7A**

15.9 If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. You may supply a copy of such return to an applicant on payment of fee of Rs. 2/- [Rules 93(3)].

REPORT OF RESULT OF ELECTION

15.10 You should intimate by an immediate Fax, the result of election as soon as the same has been declared, to: –

(i) The Election Commission of India, New Delhi (Fax No. 23713412);

(ii) The Director of New Services, All-India Radio, New Delhi;

(iii) A.I.R. Station in the Headquarters of the State;

(iv) The Director, Doordarshan Kendra, Parliament Street, New Delhi- 110001;

(v) Dordarshan Kendras concerned, if any, in the headquarters of the State;

(vi) The information Officer, P.I.B., New Delhi;

(vii) The Ministry of Law, Justice and Company Affairs (Legislative department), New Delhi (in respect of election to the House of the People); OR the State Government; (In respect of election to be State Legislative Assembly)

(viii) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People) OR the Secretary of the State Legislative Assembly (in respect of the election to the State Legislative Assembly); and

(ix) The Chief Electoral Officer of the State/UT

15.11 The fax may be addressed to the Commission and repeated to the other address at (ii), (iv), (vi) and (vii).

15.12 The message communicating the result should indicate the following particulars;

(i) Serial number and name of the constituency (State, Parliamentary/Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;

(ii) Total number of electors in the constituency;

(iii) Total number of votes polled;

(iv) Number of votes rejected;

(v) Names of contesting candidates with their party affiliations and votes polled by each; and

(vi) Name of the candidate declared elected.

15.13 You should further ensure that whenever you refer to a woman candidate in telegram/message communicating the result you should prefix her name with 'Kumari' or 'Srimati', as the case maybe, so that it should definitely be understood that the candidate is a woman.

15.14 You should also ensure that figures of votes which are mentioned while reporting the result are given in words and not in numerals as the later are likely to be mutilated during transmission.

SAMPLE FAX MESSAGE

15.15 To secure uniformity in communicating the result of election and ensure economy in expenditure you should adopt the specimen form of telegram given below or adopt it suitably:-

SPECIMEN FAX MESSAGE

IMMEDIATE

To: The Secretary
Election Commission of India
New Delhi

Repeated to
1.----------
2.----------
3.----------
From: Returning Officer
..... Constituency
..... (State)
ELECTION AAA WEST BENGAL 40 RATUA ASSEMBLY CONSTITUENCY ELECTORATE FORTY-EIGHT THOUSAND AND FIFTY STOP VALID VOTES POLLED TWENTY-FOUR THOUSAND FOUR HUNDRED FIFTY-TWO STOP VOTES REJECTED TWO HUNDRED STOP MAHADEB CHANDRAKUMAR CONGRESS FOUR THOUSAN TWENTYSEVEN KESHAB CHANDRA INDEPENDENT EIGHTEEN THOUSAND SIX HUNDRED FIFTY-FIVE DWARIKA PATHAK INDEPENDENT ONE THOUSAND SEVEN HUNDRED SEVENTY STOP KESHAB CHANDRA INDEPENDENT DECLARED ELECTED STOP.
RETURNING OFFICER

CERTIFICATE OF ELECTION

15.16 As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificated of election in Form 22 and obtain from the candidate and 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 .....
Date ..... Signature of the returned Candidate
Attested and forwarded to the Secretary
.....
Returning Officer

15.17 The certificate of election should be handed over to the candidate, and its acknowledgement obtained immediately after declaration of result, if he happened to the present at the counting. Where he is not so present he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the

authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath or affirmation by them.

15.18 The certificate of election 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 Legislature may be issued in English or Hindi or in any of the languages used for official purposes of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes.

15.19 Where the elected candidate is not present at the counting nor visits the locality shortly thereafter the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person.

CHAPTER – XVI

RETURN AND FORFEITURE OF DEPOSITS

INTRODUCTORY

16.1 Every candidate whose nomination paper was found valid must have made the requisite deposit of **`25,000** in the case of an election from a Parliamentary Constituency or as the case may be, **`10,000** in the case of an 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). Some of the candidates, if not all, whose nomination papers were found invalid and were rejected by you must also have made the deposit. There would also be some validly nominated candidates who have withdrawn their candidatures according to law before the expiry of the time limit for such withdrawals. Lastly, some candidates would be defeated at the poll, while one candidate would have been duly elected at the election. Deposits made by them have either to be returned to them or forfeited to Govt. in accordance with the law as described hereunder. N.B. As 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.

LEGAL PROVISIONS

16.2 Section 158 of the Representation of the People Act, 1951 lays down the method of disposal of the deposits made by the candidates. Follow its provisions carefully when you dispose of applications for the return of the deposit by the candidates or by the persons who made the deposits on their behalf.

CONDITIONS FOR RETURN

16.3 The deposit made by a candidate shall be returned if the following conditions are satisfied:-

(i) the candidates 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.]

DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY AT GENERAL ELECTIONS

16.4 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 Govt.

16.5 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.

16.6 Even if a declaration is made by the candidate to the effect that he was not a contesting candidate from more than one Parliamentary or Assembly Constituency, you are entitled to satisfy yourself from such other materials and information as may be available to you that he did not in fact, do so.

RETURN : WHEN TO BE MADE

16.7 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 alongwith their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as practicable after the result of election is declared.

FORM OF APPLICATION FOR REFUND

16.8 The law does not prescribe any form in which a candidate may apply to you for the return of his security deposit. However, in order to facilitate the candidate in making the application and to enable you to verify easily the claim for the return, he may be asked to make an application in the form given in **Annexure XLIII.**

16.9 if the deposit was made by someone also on behalf of the candidate, the application may be obtained the form given in **Annexure XLIII-A.**

16.10 If the candidate has died, his legal representative may make the application in the form given in **Annexure XLIII-B.**

16.11 **The candidate or the legal representative should file his/her claim within 180 days from the date of declaration of result and the Returning Officer should make payment within 30 days from the date of claim. In the event of not filing the claim within the prescribed time, the deposit amount shall stand forfeited to the Government.**

PROMPT SETTLEMENT OF APPLICATIONS FOR REFUND

16.12. In the past, complaints for considerable delay in returning/refunding the deposit, possibly because the candidates did not comply with some, formality or the other, reached the

Commission. The Commission impresses upon you that all such cases should be promptly settled. Any discrepancy found in the application for return of deposit should be immediately brought to the notice of the candidate who should be given all help in the matter.

FORFEITURE OF DEPOSIT

16.13 Forfeit to Government every deposit which is not refundable under any of the above paragraphs in this chapter.

16.14 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"*.

REFUND TO A CANDIDATE BELONGING TO THE SCHEDULED CASTE OR SCHEDULED TRIBE

16.15 Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe contests an election from a general constituency, he is required under section 34 (1) to make a deposit of only **`12,500** instead of **`25,000** in the case of an election from a Parliamentary Constituency and **`5,000** instead of **`10,000** in the case of an election from an Assembly Constituency. If he deposits by mistake or otherwise the full amount of **`25,000** or **`10,000** as the case may be instead of what he is required to deposit as above, he is always entitled to the refund of the excess amount actually deposited by him. you should satisfy yourself of his being a member of a Scheduled Caste or a Scheduled Tribe before allowing such a refund.

16.16 As all the papers relating to nominations, scrutiny and withdrawals, would have been sent by you to the District Election Officer after the declaration of the result, you may, before ordering refund, get the application and other details required for the purpose verified by the District Election Officer concerned.

CHAPTER - XVII

ACCOUNTS OF ELECTION EXPENSES

INTRODUCTORY

17.1 Under Section 77 of the Representation of the People Act, 1951, every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of result of the election, both dates inclusive.

17.2 Further, under section 78 of the said Act, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Election Officer in all States and Union Territories.

17.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses and filling of their returns of election expenses in the manner and within the time required by law, you have been instructed in para 32.3 of Chapter V to 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** XVII-A, as soon as he files his nomination paper.

17.4 Each candidate has to file his/her accounts of election expenses in the format prescribed in **Annexure XVIIB, Annexure XVIIC, and Annexure XVIID and Annexure XVIIE.**

17.5 A candidate is required to maintain the day to day account of election expenses in a Register giving the details of the expenditure incurred authorized by

(i) Political party which has set him up, and

(ii) Any other political party supporting him,

(iii) Any other association/organization/body supporting him, and

(iv Any other individual supporting him. The standard format of the Register of Day to Day account has been given at Annexure- XVIIB and the format of the Abstract Statement has been given in Annexure-XVIIC. The candidates are advised to acknowledge the receipt of Day to Day Expenditure Register in Annexure XVIIE and receive acknowledgement from the District Election Officer in Annexure XVIIF after lodging the account of election expenses with the District Election Officer.

17.6 You should note that the law relating to expenditure incurred by a candidate in an election has been amended vide the "Election and Other related Laws (Amendment) Act, 2003. As per the new Explanations 1 and 2 inserted under Section 77(1) only the expenses on account of travel of 'leaders' of political parties covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses – incurred/authorized by the political parties, other associations, body of persons, individuals – are required to be included in the

account of the candidate. For this purpose, the political parties are required to submit the list of their 'leaders' to the Election Commission and the Chief Electoral Officer within seven days from the date of notification of the election. The Chief Electoral Officer and the Commission will communicate to you the names of such political leaders whose expenses on travel are to be excluded from the accounts of a candidate. You are not to entertain any such list directly from any political party. To facilitate the communication, the Chief Electoral Officer will also place the list on his website. The list of star campaigner may also be downloaded/ obtained from the Commission's website/ Zonal Secretary.

17.7 When such a leader who happens to be a candidate himself travels in his constituency for election campaigning to promote his own election prospect, the expenses incurred in connection with the journey has to be treated as part of his election expenses and cannot be exempted from the election expenditure account of that person.

17.8 A political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1). In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1).

17.9 The Commission has directed that as soon as a candidate files his nomination paper, a Register in the Standard proforma as given in **Annexure XVII-B** shall be issued by the Returning Officer to the candidate or his duly authorised agent against a proper receipt thereof. Each register will be duly numbered and authenticated by the District Election Officer. The candidate shall maintain his day-to-day account of election expenses in that Register itself and in no other document. That register containing his account shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law. The day-to-day account in the Register shall also be accompanied by the abstract statement showing the details of expenditure in the prescribed format.

17.10 The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma which is also part of the model proforma given in **Annexure** XVII-D mentioned above.

17.11 As soon as the candidate files his/ her nomination he/she may be furnished by the Returning Officer a copy of the standard letter given in Annexure XVIIA, along with the Expenditure Register (Day to Day Account Register, Bank Register) Abstract Statement (Part-I-IV), from of Affidavit and from of acknowledgement as given in Annexure- XVIIB to XVIIF respectively. .

17.12 The candidate should be asked to acknowledge the receipt of the said letter and its enclosures including the abovementioned Register then and there. The acknowledgment should be obtained in proforma given in **Annexure** XVII-E.

17.13 All the acknowledgements obtained from the candidates should be sent by you to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.

ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS

17.14 Though under Section 77 every candidate is required to keep an account of his election expenses as aforesaid, under section 78 it is only the contesting candidates who are required to lodge their accounts of election expenses.

17.15 If a candidate contests election for more than one constituency, he is required to keep, and also lodge, a separate account of his election expenses in respect of each such constituency.

AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED

17.16 In every State and Union Territory, the account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested election lies. Where the Returning Officer is not the District Election Officer, if any candidate approaches the Returning Officer for filing the account of his election expenses, the RO should direct the candidate to the DEO. The DEO shall designate a senior Official for receiving the accounts filed by the candidates. Only such designated Officer or the DEO should receive the accounts

17.17 As some of the Assembly and Parliamentary Constituencies in some State extend over more than one district, the question may arise which District Election Officer should receive the accounts submitted by the candidates in such cases. It is clarified that the accounts of election expenses should be lodged with the District Election Officer of the District, who had provided the polling stations for the constituency. For the information of the candidates the name and designation of the District Election Officer concerned should be published locally indicating the names of constituencies in respect of which he would receive the accounts.

17.18 For the convenience of the contesting candidates, the District Election Officer should also issue a letter to all contesting candidates in every constituency within three days of the date of election of the returned candidate intimating the name designation and address of the District Election Officer with whom the account has to be lodged and also the last date before which the account should reach him.

ELECTION IN MORE THAN ONE CONSTITUENCY

17.19 If a candidate contests election from more than one constituency he has to lodge a separate return of election expenses for every election which he contests. The election for each constituency is a separate election.

MAINTENANCE OF ACCOUNT AND PARTICULARS TO BE ENTERED IN ACCOUNT

17.20 The account should contain the following particulars:-

(a) the date on which the expenditure was incurred or authorized;

(b) the nature of the expenditure (as for example, travelling, postage or printing and so on);

(c) the amount of the expenditure, i.e.-

(i) the amount paid;

(ii) the amount outstanding;

(d) the date of payment;

(e) name and address of the payee;

(f) the serial number of vouchers in case of amount paid;

(g) the serial number of bills, if any, in case of amount outstanding;

(h) the name and address of the person to whom the amount outstanding is payable.

[N.B. The particulars mentioned in items (e) to (h) above need not be given in regard to any item of expenditure for which it is unnecessary to obtain voucher under paragraph 5.]

17.21 All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorised shall be obtained from day to day as the expenditure is incurred or authorised and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.

(Additional content is given in Conduct of Election Rules, 1961, Page no. 48 of Instructions on Elections expenditure Monitoring)

(1) the account of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day to day, namely:-

(a) the date on which the expenditure was incurred or authorized;

(b) the nature of expenditure (as for example, traveling, postage or printing and the like);

(c) the amount of expenditure-

(i) the amount paid;
(ii) the amount outstanding;

(d) the date of payment;

(e) the name and address of the payee;

(f) the serial number of vouchers, in case of amount paid;

(g) the serial number of bills, if any, in case of amount outstanding;

(h) the name and address of the person to who the amount outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule(1).

(4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been btained under sub-rule (2).

ACCOUNT TO BE MADE AVAILABLE BY CANDIDATE FOR INSPECTION AND DISPLAY

17.22 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.

17.23 Failures on the part of a candidate to produce the register and the supporting documents for inspection on demand should be treated as major default on his part and he should be proceeded against under section 171-1 of the IPC.

17.24 While inspecting the accounts of the candidates as per the schedule of inspection fixed, you will ensure that two photocopies of the relevant pages of the register are retained by the inspecting officer. One copy of the relevant pages will be displayed on your notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with you and furnished to the District Election Officer on conclusion of the poll process. In this exercise you must ensure that the inspection does not become a source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

17.25 The Commission has also directed that a copy of the day-to-day accounts retained by you may be provided to any person desiring a copy on payment of usual copying charges. You should make this known to the candidates and the general public for their information as soon as the process of nomination begins.

ARRANGEMENTS FOR SCRUTINIZING ACCOUNTS

17.26 To facilitate the scrutiny of accounts you should appoint adequate number of designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** who have some experience in handling accounts. The locations where these officers **(The term 'Assistant Expenditure Observers' is proposed here)** will be available should be made known to the candidates at the time they are handed the Register. You must ensure that the designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** are available at their locations on the appointed days.

The Election Observers will also scrutinize the accounts from time to time. Either they will visit the designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** or call for the records from the designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** at some central location. You have to coordinate the interaction between the Election Observers and your designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** and it has to be ensured that all proper records are made available to the Election Observers and the designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** furnish the requisite information to them.

17.27 It has been the experience in previous elections that the candidates do not disclose the correct value of the different items of expenditure. To preclude the chances of concealment of information it has been found useful to obtain and make available rates of standard items to the designated officers **(The term 'Assistant Expenditure Observers' is proposed here)** and the Election Observers in advance. The Commission has directed all District Election Officers to make available the rates of the under-mentioned items to all Election Observers immediately on their arrival in the constituency. The list of these items, not exhaustive but illustrative, are as follows:-

1. Hiring charges of Loudspeaker with amplifier and microphone 2. Construction of podium / pandal (standard size to seat 4-5 persons) 3. Cloth Banner 4. Cloth Flags 5. Plastic Flags 6. Hand Bills (cost to be calculated and print order ascertained from printer – refer 127A of R.P. Act, 1951) 7. Posters 8. Hoardings 9. Cut outs (wooden) 10. Cut outs (Cloth/Plastic) 11. Video Cassettes 12. Audio Cassettes 13. Erection of gates 14. Erection of arches 15. Daily hiring charges of vehicles: (i) Jeep / Tempo / Trucker, etc.(ii) Sumo / Qualis (iii) Cars (iv) Three-Wheelers (v) Cycle-Rickshaw 16. Hiring charges of hotel rooms / guest houses 17. Charges of drivers' salary 18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures 19. Hiring charges of hoarding sites from municipal authorities 20. Other items commonly used in a District

(DEO to prepare a rate list of such items)

EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.

17.28 The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all , and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will also be intimated to the Returning Officer/District Election Officer of the Constituency/District to which the other candidates belong.

17.29 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 **(The term 'Assistant Expenditure Observers' is proposed here)** appointed for scrutiny of the accounts.

17.30 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

MANNER OF LODGING THE ACCOUNT

17.31 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.

17.32 Further, the candidate is also required to furnish the abstract statement in Parts I to VI of the proforma (**Annexure** XVIII-E) given to him by the Returning Officer along with the said Register**(s)**. No column in the Register(s) or in the abstract statement of the proforma is to be left blank. If no expenditure has been incurred or authorised on any item listed therein, a 'Nil' entry should be made in the appropriate column.

17.33 Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma (**Annexure** XVII-D) mentioned above.

17.34 The account, which is filed, should be a true and complete account kept by the candidate or his election agent and should be certified as such as by the candidate himself. A certificate by his election agent is not sufficient and, therefore, even if the election agent certifies the account, it should again be certified by the candidate himself.

VOUCHERS TO BE FILED WITH ACCOUNTS

17.35 Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such that it is not practicable to obtain voucher, e.g., postage, travel by railway and the likes. All vouchers should be serially numbered by the candidate or his election agent.

VOUCHERS TO BE SIGNED

17.36 Part I-VI of the Abstract Statement and Affidavit should be signed by the candidate himself, in full while the bills, vouchers, certified copies of the bank statement may be signed by candidate or his election agent, in full.

LAST DATE FOR FILING ACCOUNTS

17.37 The account should be lodged by the candidate within 30 days from the date of election of the returned candidate vide Section 78 of the Representation of the People Act, 1951.

[N.B. (i) In computing the period of 30 days, the date on which you declared the returned candidate elected should be excluded.

(ii) If the 30th day so computed is a Sunday or other holiday and your office is closed on that day, the account of election expenses may be lodged on the next day on which your office opens. The account will be deemed to have been lodged in time is such a case.]

MEANING OF DATE OF ELECTION

17.38 The "date of election" of a returned candidate is the date on which you declared him to have been elected whether it was a contested or an uncontested election.

ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT

17.39 As soon as the account of election expenses is filed by a candidate, you should acknowledge its receipt in the proforma prescribed in **Annexure** XVIIF. If the account is received by you through post, such acknowledgement should be sent by you forthwith by post. One copy of the acknowledgement should be kept by the DEO/Designated Official receiving the accounts along with the accounts.

NOTICE OF FILING ACCOUNTS

17.40. Within two days from the date on which the candidate lodges his account of election expenses, affix a notice on your notice board specifying:-

(i) the date on which the account has been lodged;

(ii) the name of the candidate; and

(iii) the time and place at which the account can be inspected.

INSPECTION AND COPIES

17.41 Any person can, on payment of a fee of rupee one, inspect the account lodged with you by a candidate. According to rule 88, the Commission has fixed the fee of Rs.1 per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

17.42 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.

REPORT TO THE COMMISSION

17.43 DEO shall scrutinize the statement of accounts of election expenditure submitted by each candidate after the declaration of results with the help of the Expenditure Monitoring Cell and with the assistance and support of the Election Observer and submit a report to the Commission through the CEO within 45 days of the declaration of the results in the prescribed format as per Annexure-XLIX along with the Summary Report. The comments of the Expenditure Observer should also be taken in the DEO's Report. DEO's Report may be prepared meticulously scanned copy of the Abstract Statement (Part-I to Part- VI) of all the candidates along with copy of all notices issued by the RO, if any, and replies thereto, during the election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.

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SEPARATE REPORT FOR EACH CONSTITUENCY

17.44 Send a separate report in respect of each constituency. Each such report should cover all the contesting candidates in the constituency whether they have been elected or defeated at the poll. Care should be taken that in any such report, the names of the constituencies are spelt as in the Delimitation order and the names of the candidates spelt as in the list of contesting candidates.

ACCOUNTS FILED LATE

17.45 If a contesting candidate has lodged his account of election expenses after you have sent your report to the Commission, send a supplementary report in the same Form in respect of him.

NATURE OF EXAMINATION

17.46 Since the return of election expenditure filed by a candidate has to reflect the "correct" account of "all" election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report vide **(Annexure XLIV)** 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.

PUBLICATION OF REPORT

17.47 Publish a copy of every report sent to the Commission by affixing a copy thereof to your notice board.

COMMISSION'S DECISION ON REPORT

17.48 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.

DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES

17.49 In order to ensure that the notices issued by the Commission are served on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notice to the District Election Officer to cause the same delivered to the candidates concerned. Every effort should be made to effect the delivery of the notice to the candidate concerned within three days of receipt of the same from the Commission in your office.

17.50 The notice should be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same.

17.51 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.

REPRESENTATION BY DEFAULTING CANDIDATE

17.52 Any contesting candidate who has been called upon to show cause may within twenty days of the receipt of such notice represent in writing to the Election Commission, and shall, at the same time, send to you a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER

17.53 The DEO should send his supplementary report along with the acknowledgement obtained from the candidate in token of his having received the Commission's notice to the Commission immediately, and in any case within one week, after the expiry of the period within which the candidate has been directed by the Commission to submit his representation with his account, if any.

17.54 The supplementary report should be sent even where the candidate has not filed any representation.

FINAL ORDER BY COMMISSION

17.55 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.

REMOVAL OF DISQUALIFICATION

17.56 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.

TIME LIMITS TO BE STRICTLY ADHERED

17.57 In the foregoing paragraphs, various time limits have been specified for submission of reports to the Commission, service of notice on the defaulting candidates, forwarding of their representations with your comments to the Commission, etc. All such time limits should be strictly adhered to failing which the Commission will take serious exception to any such lapses.

CHAPTER - XVIII

MISCELLANEOUS

SIGNING BY ILLITERATE PERSONS

18.1 Sub-rule (2) (e) of rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall be deemed to have signed on instrument or a paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission. The Commission has, accordingly, specified every officer belonging to an administrative service not below the rank of a Sub-Divisional Officer as an officer in whose presence such mark may be placed.

MANUSCRIPT, TYPEWRITTEN OR PRIVATELY PRINTED FORMS TO BE ACCEPTED

18.2 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.

SUBMISSION OF REPORT BY THE RETURNING OFFICER

18.3 Immediately after the declaration of the result in the constituency, you should, through the Chief Electoral Officer of the State, forward to the Election Commission two copies of your report on the various item as shown in **Annexure**-XLIVB for preparation of the Report on the elections by the Commission. You should advise the Presiding Officers working under you to give in their Diary 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**. Please ensure that this information is furnished by you to the Chief Electoral Officer within a fortnight from the declaration of the result. If you are a Returning Officer for more than one constituency, you should submit within time a separate report for each constituency. You should not, however, delay the submission of the report on the ground that any particular information is not readily available. Any information which could not be included in the report before the due date for submission should be sent by a supplementary report.

INDEX CARD

18.4 The Commission desires to prepare statistical part of the report as early as possible after the completion of election. To achieve this, it is essential that it should have requisite information with it. In view of this it is requested that you shall invariably fill in the 'Index Card' of **Annexure XLV** as early as possible but not later than 15 days after the poll and send it through the Chief Electoral Officer of the State/Union Territory to the Commission.

SAFE CUSTODY OF VOTING MACHINES AND ELECTION PAPERS

18.5 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. These are:-

(1) All the voting machines used at the election;

(2) The packets of unused ballot papers supplied for use as tendered ballot papers;

(3) The packets of tendered ballot papers and postal ballot papers, whether valid or rejected (this also includes packets in which covers containing postal ballot papers received late are kept);

(4) The packets of the counterfoils of used postal ballot papers;

(5) The packets of the marked copies of the electoral roll;

(6) The packets containing register of voters in Form 17A;

(7) The packets of the declarations by electors and the attestation of their signatures; and

(8) All other papers relating to the election which include the packets containing all papers and proceeding relating to nomination, scrutiny and withdrawal of candidature.

18.6 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.

ARRANGEMENT FOR SAFE CUSTODY OF ELECTION RECORDS

18.7 According to Commission's direction, 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.

18.8 One set of keys of the sealed steel trunks kept in the Treasury/Sub-Treasury will be entrusted to the Treasury Officer or an officer in the Treasury authorised in the Treasury code. The other set of keys will be kept by the District Election Officer himself or by a senior officer nominated by him.

18.9 A date-wise logbook about the movement or disposal of the election records from the Treasury should be maintained. All these security arrangements are necessary because these election papers may be summoned at any time during the trial of an election position by the High Court or by the Supreme Court or other competent Court.

18.10 The box(es) containing the election records mentioned at item (8) in para (5) above should be kept by the District Election Officer in his own safe custody.

18.11 For proper maintenance and safe custody of these records, the Commission feels that the election records should be kept in separate and properly secured store rooms. A suitable register should be introduced to ensure that whenever an official is required to carry out his official duties in the record room in question he makes an entry showing the purpose for which a particular record was required and signs his name. Where separate store rooms for election records are not available, the State Government may provide them. If separate rooms cannot be provided, arrangements should be made to store the records in steel almirahs in the charge of a responsible officer.

18.12 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 with or theft of such election records, they would be kept in a Government Treasury till the final disposal of the election petition.

PRODUCTION AND INSPECTION OF VOTING MACHINES

18.13 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.

PRODUCTION AND INSPECTION OF ELECTION PAPERS

18.14 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.

18.15 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 applicaiton, shall be allowed on the same day. Instructions for inspection of account of election expenses and supply of copies thereof are contained in Chapter XVII.

(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 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.

18.16 When election records are inspected by interested person soon after the completion of the election, effective supervision by officials is necessary. To avoid removal of any paper from the records, simultaneous inspection by a large number of persons should not be allowed.

SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS

18.17 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.

18.18 Under sub-rule (3) of rule 93, the copies of election return in Form 21-E may be supplied by the Returning Officer, District Election Officer, on Chief Electoral Officer, or the Election Commission on a payment of Rs. 2 for each copy.

DISPOSAL OF ELECTION PAPERS

18.19 The Commission has made the following direction under rule 94 of the Conduct of Elections Rules, 1961 for the disposal of election papers. Subject to any direction to the country given by the Commission or by a competent Court in any case and subject to the instructions contained in para 12 below, the election papers may be disposed of as indicated below:

18.20 ***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 Chief Electoral Officer should retain such ballot papers for six months.

(iii) Where the Chief Electoral Officer has not got sufficient accommodation to store the undistributed ballot papers, these ballot papers may be kept in Treasuries/Sub-Treasuries under the orders of the Chief Electoral Officer.

18.21 ***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 petitions is over.

18.22 ***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 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 Registers of Voters in Form 17A shall be retained for a period of one year after the completion of the election and shall thereafter be destroyed in all cases except those in respect of which election petitions or election appeals or prosecutions for impersonation are pending.

18.23 ***DIRECTION UNDER RULE 94(C)***

i. Papers specified in **Annexure XLVI** should be destroyed at the expiry of six months from the date of the declaration of the result.

ii. The list of challenged votes (Form 14) and the receipt book used for collection of challenge fee, the dispatch register of postal ballot papers and forms of nomination papers should not be destroyed before the expiry of 5 years from the date of declaration of the result or till they are audited and audit objections, if any, settled whichever is earlier.

iii. Every order appointing a person as a Presiding Officer or Polling Officer should not be destroyed before the expiry of three years from the date of the election to which the appointment relates.

iv. Final Result Sheet (Form 20), Declaration of Result of Election (Forms 21, 21-A, 21-B, 21-C, 21-D, 23 and 23-A) and Return of Election (Forms 21-E and 23-B) should be kept as permanent records of election.

v. The register of deposits may be destroyed in the same manner as revenue registers provided that in no case shall the register be destroyed before ten years.

vi. All records relating to the account of election expenses of a candidate who has lodged it within the time and in the manner required by the Act and the Rules shall be destroyed at the end of one year from the date the return ought to have been lodged.

vii. All records relating to the account of election expenses of a candidate who has failed to lodge it within the time and/or in the manner required by or under the Act and the Rules and thereby incurred the disqualification under Section 10A of the Representation of the People Act, 1951, shall be destroyed on the expiry of three years from the date on which the Commission's decision under sub-rule (8) of rule 89 of the Conduct of Elections Rules, 1961, is notified. If the disqualification has been removed by the Commission under Section 11 of the said Act, the records shall be destroyed on the expiry of one year after such removal.

viii. If any candidate applies for the return of any vouchers filed with his account of election expenses, the vouchers may be returned to him after keeping a certified copy in the record; provided there is no election petition or recrimination petition pending in respect of the election in which the question of the applicant's election expenses is at issue.

RETENTION OF PAPERS WHERE ELECTION PETITION IS PENDING

18.24 Where an election petition is pending for trial by a High Court or any other matter in respect of an election is pending adjudication by a Court, the papers relating thereto as mentioned in paragraphs 11.2, 11.4, 11.5(i), 11.5(ii), 11.5(iii) and 11.5(vi) should not be destroyed until the expiry of three months from the date of disposal of such petition or the matter finally.

MODE OF DISPOSAL OF ELECTION PAPERS

18.25 Except surplus and waste ballot papers, all election papers including restricted or confidential papers like used and unused ballot papers and their counterfoils, copies of electoral rolls, etc., should be shredded so that the same can be made into pulp which can be recycled for manufacture of paper, etc.

18.26 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.

18.27 Whenever Shredders are not available, the District Election Officer should purchase a shredder out of his office expense budget.

18.28 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.

DISPOSAL OF SURPLUS AND WASTE BALLOT PAPERS

18.29 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, if any, and waste ballot papers along with floor sweeping left in 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 and he should also obtain the counter signature of the superintendent of the Government Press on the certificate.

(3) As soon as practicable after the declaration of the result 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.

FACILITIES ALLOWED BY THE POST AND TELEGRAPHS DEPARTMENT FOR THE CONDUCT OF ELECTIONS

18.30 The Posts and Telegraphs Department has been requested to extend special facilities during period of elections for receipt and delivery of letters and other communications. They will issue their instructions to all the postal authorities in the country.

18.31 Ministry of Home Affairs have issued instructions that police wireless facilities may be used wherever posts and telegraphs facilities are not available.

18.32 For receipt and issue of urgent communications a Fax machine has been installed in the office of the Commission. The number of the Fax machine is 23713412. This may be utilized for sending urgent messages to the Commission. This is open on all days for all the 24 hours. You can also send the fax massages to the Secretary to the Commission concerned with your State or communicate with him through his e-mail which is available on the website of the Commission i.e. www.eci.gov.in.

TWO UNUSED BALLOT PAPERS FOR RECORD OF THE COMMISSION

18.33 Two un-issued ballot papers for each general election to the House of the People or 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 as soon as possible after election is over 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 and thereafter the Chief Electoral Officer should send the same without delay to the Commission

18.34 The ballot papers in respect of bye-elections should also be sent to the Commission. The words "Cancelled for record in the Election Commission" should be written on the reverse of each ballot paper.

ANNEXURES

ANNEXURE -I

(CHAPTER – I, PARA 1.5)

NUMBER OF SEATS IN LOK SABHA

Serial number and name of State/ Union Territory		TOTAL	SC	ST
STATES				
1	Andhra Pradesh	42	7	3
2	Arunachal Pradesh	2	-	-
3	Assam	14	1	2
4	Bihar	40	6	-
5	Chhattisgarh	11	1	4
6	Goa	2	-	-
7	Gujata	26	2	4
8	Haryana	10	2	-
9	Himachal Pradesh	4	1	-
10	Jammu & Kashmir	6	-	-
11	Jharkhand	14	1	5
12	Karnataka	28	5	2
13	Kerala	20	2	-
14	Madhya Pradesh	29	4	6
15	Maharashtra	48	5	4
16	Manipur	2	-	1
17	Meghalaya	2	-	2
18	Mizoram	1	-	1
19	Nagaland	1	-	-
20	Orissa	21	3	5
21	Pujab	13	4	-
22	Rajasthan	25	4	3
23	Sikkim	1	-	-
24	Tamilnadu	39	7	-
25	Tripura	2	-	1
26	Uttarakhand	5	1	-
27	Uttar Pradesh	80	17	-

28	West Bengal	42	10	2
	TOTAL	530	83	45
	Union Territories			
29	Andaman & Nicobar Islands	1	-	-
30	Chandigarh	1	-	-
31	Dadra & Nagar Haveli	1	-	1
32	Daman & Diu	1	-	-
33	NCT of Delhi	7	1	-
34	Lakshadweep	1	-	1
35	Pudducherry	1	-	-
	TOTAL	13	1	2
	GRAND TOTAL	543	84	47

ANNEXURE II

(CHAPTER –I, PARA 1.5)

NUMBER OF SEATS IN STATE LEGISLATIVE ASSEMBLIES

Serial number and name of State/ Union Territory		TOTAL	SC	ST
STATES				
1	Andhra Pradesh	294	48	19
2	Arunachal Pradesh	60	-	59
3	Assam	126	8	16
4	Bihar	243	38	2
5	Chhattisgarh	90	10	29
6	Goa	40	1	-
7	Gujata	182	13	27
8	Haryana	90	17	-
9	Himachal Pradesh	68	17	3
10	Jammu & Kashmir	87	7	-
11	Jharkhand	81	9	28
12	Karnataka	224	36	15
13	Kerala	140	14	2
14	Madhya Pradesh	230	35	47
15	Maharashtra	288	29	25
16	Manipur	60	1	19
17	Meghalaya	60	-	55
18	Mizoram	40	-	39
19	Nagaland	60	-	59
20	Orissa	147	24	33
21	Pujab	117	34	-
22	Rajasthan	200	34	25
23	Sikkim	32+	2	12++
24	Tamilnadu	234	44	2
25	Tripura	60	10	20
26	Uttarakhand	70	13	2
27	Uttar Pradesh	403	85	-
28	West Bengal	294	68	16

	TOTAL	4020	597	553
	Union Territories			
29	NCT of Delhi	70	12	-
30	Puducherry	30	5	-
	TOTAL	100	17	-
	GRAND TOTAL	**4120**	**614**	**553**

Notes : @ Exludes 24 seats for Pakstan occupied territory

+Includes 1 seat reserved for Sangha Constituency

++Reserved for Sikkimese of Bhutia Lepcha Origin

****Includes 12 seats reserved for Sikimese of Bhutia-Lepcha origin.**

ANNEXURE III

(CHAPTER -II, PARA 2.3)

LIST OF POLLING STATIONS

for..... (Assembly Constituency comprised within the)
..... Parliamentary Constituency.

SN of Polling Station	Locality	Building in which it will be located	Area of the Polling Station	Whether there is a separate entrance and exit if not reasons	Polling* Areas	Whether for all voters or men only or women only	Total Number of Voters assigned	Maximum distance that a voter will have to travel to reach the station	Remarks
1	2	3	4	5	6	7	8	9	10
				,					

1. Total number of voters
2. Total number of polling stations proposed
3. Average number of voters per polling station

Date..... *District Election Officer/Returning Officer*

* Here give names of villages, wards, streets, localities, and house numbers and part NO. of the electoral roll assigned. In case part is split up into two polling stations, then the serial numbers (not the house numbers) of the voters assigned should also be mentioned.

* Will not apply in the case of Union Territories (1) Andaman and Nicobar Islands, (2) Chandigarh, (3) Dadra and Nagar Haveli, (4) Lakshadweep and (5) Daman and Diu.

ANNEXURE IV

(CHAPTER II, PARA 2.14)

SCRUTINY SHEET FOR LIST OF POLLING STATIONS

.....Assembly Constituency of

.....State /UT

1. Date of Poll .....

2. Total number of voters in the Constituency .....

   (a) Men .....
   (b) Women.....
   (c) Service Voters .....
   Total .....

3. Number of polling stations required on the basis of an average: of 1000 voters per polling station.

4. Total number of polling stations actually provided. :

5. Average number of voters per polling station:

6. Number of polling stations to each of which more than 1200 voters: have been assigned, indicating the highest number of voters assigned to a polling station.

7. The lowest number of voters assigned to a polling station. :

8. Whether the number of voters in respect of each component village: or other unit of the polling are a has been shown in the list/map.

9. No. of polling stations for which the maximum distance that a voter : will have to travel is more than 2 kilometers.

10. Whether all the polling areas have been clearly demarcated:

11. Whether serial number of polling stations has been done in a systematic manner. :

12. (a) Whether there are any areas predominantly inhabited : by electors belonging to SC/ST and other weaker sections of the society

    (b) If so, the number of polling stations set up separately for them and the total number of electors assigned to each of them

13. Whether any polling station has been proposed to be located in any:

    (a) Private building

    (b) Temporary structure, and if so, whether the exact site chosen : for the location of the polling stations has been clearly indicated in the list

14. No. of polling stations which have less than 20 sq. mt. area. :

15. Whether it has been certified that the private buildings do not : belong to any of the Candidates, his active workers or known sympathizers.

16. Details of Polling stations where more than 4 polling stations in : urban areas and more than 2 polling stations in rural areas have been located in the same building

17. Whether it has been certified that all the polling areas within the : constituency are covered by the proposed polling stations.

18. (a) Serial Nos. of separate polling stations provided for : women voters

    (b) In case of (a) above, whether polling stations for men and women voters of a particular area have been located in the same building

19. Serial number of polling stations, which have not been situated in: the villages having the largest number of voters

20. Serial number of polling stations which have not been located in any of the villages attached to it :

21. Whether the list has been informally published and discussed with: the political parties, etc.

22. When the electoral roll of the Constituency was last intensively: revised; and whether there is any proposal of such revision again during the year

23. Any other remarks

District Election Officer

Note : Please specify the serial numbers in addition to total number of polling stations against items 6, 7, 12(b), 13, 14, 16, 18, 19 and 20.

ANNEXURE V

(CHAPTER II, PARA 2.14)

CERTIFICATE TO BE FURNISHED ALONG WITH LIST OF POLLING STATIONS

(i) That the draft, list was duly published, objections and suggestions were invited, and discussed with the party representatives and legislators on the lines indicated in the Commission's Directions;

(ii) That all the polling areas within the constituency have been covered in the list;

(iii) That no building, public or private, which is a temple, church, mosque, Gurudwara or has any religious significance or in respect of which any section of the public may have any legitimate objection or enter, has been proposed as a polling station;

(iv) That no police station, hospital or dispensary is proposed as a polling station;

(v) That separate polling stations have been set up in areas electors of which are predominantly SC/ST and other weaker sections of the society and that no such area has been either left out or linked with areas where electors predominantly belong to forward communities.

(vi) Where the usual limit of 1500 voters per polling station or the limit of two kilometers beyond which a voter should not ordinarily be required to walk has not been maintained, no better arrangement is practicable;

(vii) That no private building in the list of polling stations belongs to any political party or is known to belong to any prominent or active member of any of the political parties; and

(viii) In cases where private buildings have been selected as polling stations, the written consent of the owner for the purpose has been obtained.

Place ..... ***Signature of the District Election Officer /***

Date ..... ***Returning Officer***

ANNEXURE – VI

(CHAPTER II, PARA 2.18)

NOTICE OF PUBLICATIONS OF LIST OF POLLING STATIONS

In pursuance of the provisions of section 25 of the Representation of the People Act, 1951, I .... District Election Officer of ..... District in the State /UT of ..... / Returning Officer hereby provide for Parliamentary/Assembly Constituency with the previous approval of the Election Commission, the polling stations specified in the appended list for the polling areas or groups of voters noted against each.

District Election Officer/Returning Officer

Date---------- *Constituency*

List of polling stations for ……. [Assembly Constituency comprised within the] ----------Parliamentary constituency.

Serial No	Locality of Polling Station	Building in which it will be located	Polling Area	Whether for all voters or men only or women only
1	2	3	4	5

District Election Officer / Returning Officer

Date .....

Place .....

Note : Will not apply in the case of Union Territories of (1) Andaman and Nicobar Islands, (2) Chandigarh, (3) Dadra and Nagar Haveli, (4) Lakshadweep and (5) Daman and Diu.

ANNEXURE VII

(CHAPTER III, PARA 3.30)

ORDER OF APPOINTMENT OF PRESIDING AND POLLING OFFICERS

(To be made in duplicate at General Election)

General/ Bye-election 200-- to the House of the people Legislative Assembly of.....….....state/UT

In pursuance of sub-section (1) and sub-section (3) of section 26 of the Representation of the People Act, 1963 (43 of 1951), I hereby appoint the officers specified in column 2 and 3 of the Table below as Presiding Officer and Polling Officers respectively for the polling station specified in the corresponding entry in column 1 of the Table provided by me for*.……Assembly Constituency/forming part of Parliamentary Constituency.

I also authorize the Polling Officer specified in column 4 of the Table against that entry to perform the functions of the Presiding Officer during the unavoidable absence, if any, of the Presiding Officer.

TABLE

*Polling Station number and name with complete particulars of its location	Name of the Presiding Officer	Names of the Polling Officers	Polling Officer authorized to perform the functions of the presiding officer in the latter's absence
1	2	3	4

The poll will be taken 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).

*For the purpose of filling this column, see Para --- of Chapter III * *Omit if not applicable.*

Place ..... Signature .....

Date ..... District Election Officer / Returning Officer#

Place ..... District ..... Assembly Constituency----------

Note : The order will be signed by the District Election Officer/Returning Officer, as the case may be

ANNEXURE VIII

(CHAPTER IV, PARA-4.1)

List of polling materials for a polling station where Electronic Voting Machine is used.

1	Control Unit	1
2	Balloting Unit(s)	1 or more (Depending upon the Nos. of Candidates)
3	Register of voters (Form 17A)	1
4	Voter's Slip	1600
5	Working Copies of Electoral Rolls	3
6	Ballot Papers (for tendered votes)	20
7	Indelible Ink each	2 Phial of 10 C.C.
8	Address Tag for Control Unit	5
9	Address Tag for Balloting Unit	4
10	Special Tag	3
11	Green Paper Seals for EVM	4
12	Strip Seal	3
13	Rubber Stamp Arrow Cross Mark	1
14	Stamp Pad (Purple)	1
15	Metal seal for Presiding Officer	1
16	Match Box	1
17	Presiding Officer's Diary	1
18	Distinguishing Mark Rubber Stamp	1
19	Commission's order o identification of electors through 1 alternate documents	1
20	FORMS	
	i. List of Contesting Candidates	1
	ii. List of Challenged Votes (Form-14)	2
	iii. List of Blind and Infirm Voters (Form-14A)	2
	iv. List of Tendered Votes (Form-17B)	2
	v. Accounts of votes Recorded (Form-17C)	10

vi.	Record of paper seals used	2
vii.	Receipt Book for deposit of challenged votes fee 1 Book	1 book
viii.	Letter to S.SH.O	4
ix.	Declaration by the Presiding Officer before the Commencement of Poll and at the end of poll (Part I to IV)	2
x.	Declaration by Elector about his age	2
xi.	List of Electors who voted after giving declaration/ 4 refused to give declaration	4
xii.	Declaration by the companion of blind and inform voter	10
xiii.	Entry Passes for Polling Agents	

ENVELOPES

i.	For smaller envelopes (Statutory Covers) (SE-8)	1
ii.	For marked copy of electoral rolls (SE-8)	1
iii.	For other copies of electoral rolls (SE-8)	1
iv.	For Tendered Ballot Paper and Tendered Voters List	1
v.	For Declaration by the Presiding Officer before	1
vi.	1 commencement of the poll and at the end of the poll (SE-7)	1
vii.	For account of votes recorded (Form 17C) (SE-5)	2

viii.	For list of challenged votes (SE-5)	1
ix.	For unused and spoiled paper seals (SE-5)	1
x.	For appointment letters of Polling Agents (SE-6)	1
xi.	For list of blind and infirm voters (SE-5)	1
xii.	For Presiding Officer's Diary's report (SE-6)	1
xiii.	For Election Duty Certificate (SE-5)	1
xiv.	For Receipt Book and Cash forfeited (SE-6)	1
xv.	For declaration of comparisons (SE-5)	1
xvi.	For smaller envelops (others) (SE-7)	1
xvii.	For Register of Voters containing signatures of voters 1 (Form 17A) (SE-8)	1
xviii.	For other relevant papers (SE-5)	1
xix.	For smaller envelops (SE-8)	1
xx.	Cover for Presiding Officer's brief record under rule 40 (SE-6)	1
xxi.	Plain envelopes (SE-7)-2 (SE-8)	3 5
xxii.	For unused ballot papers (SE-7)	1
xxiii.	For any other paper that the R.O. has decided to keep in the sealed cover	1
xxiv.	Cover for unused and damaged special tag (SE-7)	1

xxv.	Cover for unused and damaged strip seal (SE-7)	1 (Wherever the envelopes are smaller in size the packing paper may be used and where the relevant printed envelope is not available plain envelope can be used and purpose may be indicated with red ink)

SIGN BOARDS

a) Presiding Officer
b) Polling Officer
c) Entry
d) Exit
e) Polling Agent
f) Miscellaneous Notice specifying area etc.as required by Rule 30(1)(a)

STATIONERY

i.	Ordinary pencil	1
ii.	Ball Pen	3 Blue+ 1 Red
iii.	Blank Paper	8 sheets
iv.	Pins	25 pieces
v.	Sealing Wax	6 sticks
vi.	Material for Voting Compartment	2+2 = 4
vii.	Gum paste	1 bottle
viii.	Blade	1
ix.	Candles sticks	4
x.	Thin Twine Thread	20 mtrs
xi.	Metal rule	1
xii.	Carbon Paper	3
xiii.	Cloth or rag for removing oil etc.	3
xiv.	Packing paper sheets	3
xv.	Cup/Empty tin/Plastic Box for holding indelible ink bottle.	1
xvi.	Drawing pins	24 pieces
xvii.	Check lists	2
xviii.	Rubber Bands	20
xix.	Cello tape	1

Lists of material to be returned by the Presiding Officer to the Sector Officer separately who is turn will deposit them in store at the office of the Chief Electoral Officer/District Election Officer –

1. Arrow Cross Mark Rubber Stamp
2. Metal Seal of Presiding Officer’
3. Stationery bag containing
4. Self inking pad
5. Material for voting compartment
6. Metal Rule
7. Plastic box for holding indelible ink
8. All other unused items

ANNEXURE IX-A
(CHAPTER V, PARA 5.12)
(STATUTORY RULES AND ORDER)

1*[FORM-2A

(SEE RULE 4)

NOMINATION PAPER

Election to the House of the People.....

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognized political party)

I nominate as a candidate for election to the House of the People from the .....
..... Parliamentary constituency.

Candidate's name .....
father's/mother's/husband's name ..... His postal address……
.....
His names is entered at S. No. ..... in Part No. ..... of the electoral roll for ..... *(Assembly constituency comprised within) ..... Parliamentary constituency.

My name is ..... and it is entered at S.N..... in Part No. .....of the electoral rolls for..... *Assembly constituency comprised within ..... Parliamentary constituency.

Date ..... (Signature of proposer)

PART II

(To be used by candidate NOT set up by recognized political party)

We hereby nominate as candidate for election to the House of the People from the..... Parliamentary Constituency.

Candidate's name……..

Father's/mother's/husband's name.....

His postal address.....

His name is entered at S.No..... in Part No.....of the electoral roll for
.....*(Assembly constituency comprised within) ..... Parliamentary constituency.

We declare that we are electors of the above parliamentary constituency and our names are entered in the electoral roll for the Parliamentary Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

1*Substituted by Notification No. SO 558(E), dt. 9.8.1996.

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES

Sl. No.	Electoral Roll No. of Proposer			Full Name	Signature	Date
	@Name of Competent Assembly Constituency	Part No. of Electoral Roll	S.No. in that part			
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:-

(a) that I have completed.....years of age;

[STRIKE OUT b(i) or b(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(b) (i) that I am set up at this election by the.....party, which is recognized National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(ii) that I am set up at this election by the.....party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the the symbols I have chosen, in order of preference, are:-

(i)..... (ii)..... (iii).....

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language);

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

\+ I further declare that I am a member of the.....

** Caste/tribe which is a scheduled

*** caste/tribe of the State of..……….....in relation to.....…….....(area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present **general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date ..... Signature of the Candidate…..……..

* *Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.*

\+ *Score out this paragraph, if not applicable.*

** *Score out the words not applicable.*

@ *Not applicable in the case of Jammu and Kashmir,Andaman and Nicobar Island, Chandigarh,Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.*

N.B.: A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART III A

(To be filled by the candidate)

Whether the Candidate –

(i) has been convicted –

(a) of any offence(s) under sub-section (1); or

(b) For contravention of any law specified in Sub-Section (2), of Section 8 of the Representation of the People Act, 1951 (43 of 1951); or — YES/No.

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes" , the candidate shall furnish the following information:

(i) Case/First information report No./Nos .....

(ii) Police station (s) ……..
District(s) …….
State(s) ……..

Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .....

Date(s) of conviction(s) .....

Court(s) which convicted the candidate .....

Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of find(s)] .....

Date(s) of release from prison .....

Was/were any appeal(s)/revision(s) filed against above conviction(s) — Yes/No

.....

Date and particulars of appeal(s)/application(s) for revision filed .....

Name of the court(s) before which the appeal(s) /application (s) for revision filed .....

Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending .....

If the said appeal(s)/application(s) for revision has/have been disposed of .....

a Date(s) of disposal .....

b Nature of order(s) passed .....
.....
.....

Place .....
Date .....

Signature of Candidate

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer.

Date ..... **Returning Officer**

**Score out the words not applicable.*

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:-

Date ..... **Returning Officer**

(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of..... a candidate for election from 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**

** Score out the word not applicable.*

ANNEXURE IX-B

(CHAPTER V, PARA 5.12)

1* FORM-2B

(*SEE RULE* 4)

NOMINATION PAPER

Election to the Legislative Assembly of ..... State.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognized political party)

I nominate as a candidate for Election to the Legislative Assembly from the ..... Assembly Constituency. Candidate's name..... [Father 's/mother 's/husband's name] .....His postal address.....

His name is entered at S.No ..... in Part No..... of the electoral roll for ..... Assembly constituency. My name is ..... and it is entered at S. No..... in Part No.....of the electoral roll for the..... Assembly constituency.

Date ..... Signature of the Proposer

PART II

(To be used by candidate NOT set up by recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly from the ..... Assembly Constituency.

Candidate's name ..... Father's/ mother's / husband's name ..... His postal address ..... His name is entered at Sl. No .....in Part No .....of the electoral roll for..... ..... Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

1 Substituted by Notification No. SO 558(E), dt. 9.8.1996.*

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES

Sl. No.	Electoral Roll No. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	S.No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B.: There should be ten electors of constituency as proposers.

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare–

(a) that I have completed.....years of age;

[STRIKE OUT b(i) OR b(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(b) (i) that I am set up at this election by the.....party, which is recognized National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

(ii) that I am set up at this election by the.....party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate and that the symbols I have chosen, in order of preference, are:-

(i)..... (ii)..... (iii).....

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language)

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State

.

*I further declare that I am a member of the.....**Caste/tribe which is a scheduled ***caste/tribe of the State of..... .in relation to ------- (area) in that State.

I also declare that I have not been, and shall not be, ****nominated as a candidate at the present general election /the bye-elections being held simultaneously, to the Legislative Assembly of ……. (State) from more than two Assembly Constituencies.

Date ..... Signature of the Candidate

**Score out this paragraph, if not applicable.* ***Score out the Words not applicable.*

N.B.: A "recognized political party" means a political party recognized by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART III A

(To be filled by the candidate)

Whether the Candidate –

(i) has been convicted –

(a) of any offence(s) under sub-section (1); or

(b) For contravention of any law specified in Sub-Section (2), of Section 8 of the Representation of the People Act, 1951 (43 of 1951); or — YES/No.

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes" , the candidate shall furnish the following information:

(i) Case/First information report No./Nos .....

(ii) Police station (s) ……..
District(s) …….
State(s) ……..

Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .....

Date(s) of conviction(s) .....

Court(s) which convicted the candidate .....

Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of find(s)] .....

Date(s) of release from prison .....

Was/were any appeal(s)/revision(s) filed against above conviction(s) Yes/No

Date and particulars of appeal(s)/application(s) for revision filed .....

Name of the court(s) before which the appeal(s) /application (s) for revision .....

Filed .....

Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending .....

If the said appeal(s)/application(s) for revision has/have been disposed of .....

a Date(s) of disposal .....

b Nature of order(s) passed .....

.....

Place .....
Date .....

Signature of Candidate

PART IV

(*To be filled by the Returning Officer*)

Serial No. of nomination paper..... This nomination was delivered to me at my office at.....(*hour*) on.....(*date*) by the candidate/proposer.

Date ..... Returning Officer

**Score out the word not applicable.*

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 and decide as follows:

Date ..... Returning Officer

Perforation) .....

PART VI RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY

(*To be handed over to the person presenting the Nomination Paper*)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the…….. .....Assembly constancy was delivered to me at my office at.....(hour) on..... (date) by the *candidate/proposer.

All nomination papers will be taken up for scrutiny at..... (hour) on .....(date) at.....(Place.)

**Score out the word not applicable.*

(CHAPTER V, PARA -----)

(NOTE- TO BE USED FOR GENERAL OR BYE ELECTION FOR SIKKIM LEGISLATIVE ASSEMBLY). *The Forms have been notified while Notification No. H-11019(31)/99-Leg. II dated 6th December, 1999 of Ministry of Law Govt. of India (Legislative Department)*

FORM 2F
(See Rule 4)
NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a Constituency reserved for Sikkimese of Bhutia-Lepcha origin.

PART I*
(To be used by candidate set up by recognized political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the ……..Assembly Constituency.

Candidate's name…….

his postal address…….

His name is entered at serial number…….in part number……

of the electoral roll for the……..Assembly Constituency.

My name is…….. and it is entered at serial number…….in part number…….of the electoral roll for the Assembly Constituency

Date:…… (Signature of proposer)

PART II*

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the ……..Assembly Constituency.

Candidate's name ……

Father's /mother's/husband's name …….

His postal address ……

His name is entered at serial number …….in part number……..of the electoral roll for …….Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nominations:-

Particulars of the proposers and their signatures

Electoral roll number of proposer					
Sl.No.	Part number of electoral roll of the Constituency	Serial number in that part	Full name	Signature	Date
1.	2.	3.	4.	5.	6.
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.					

N.B. There should be ten electors of constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People act,1951.

* Strike out the part which is not applicable.

PART III

I, the candidate mentioned in Part I /Part II assent to this nomination and hereby declare-

(a) that I have completed …….years of age;

(b) (i) * that I am set up at this election by the …….Party, which is recognized National Party*/State Party* in this State and that the symbol reserved for the above party be allotted to me.

(ii) that I am set up at this election by the …….Party, which is a registered unrecognized political party*/that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are:-

(1) ……..(2)……..(3)…….

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in …….(name of the language).

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

* I further declare that I am a Sikkimese of * Bhutia/Lepcha origin.

Date: …… (Signature of Candidate)

---

* Strike out which is not applicable.

N.B. : A 'recognised political party' means a political party recognized by the Election Commission under the Election symbols (Reservation & Allotment) order,1968 in the State of Sikkim.

PART IV

(To be filled by the Returning Officer)

Serial number of nomination paper ……

This nomination was delivered to me at my Office at ……(hour)

on ……..(date) by the *candidate*/proposer ……

Date:…….. Returning Officer

---

* Strike out which is not applicable .

PART V

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act,1951 and decide as follows:-

Date :……. Returning Officer

PART VI

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial number of nomination paper ……..

The nomination paper 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 which is not applicable

" FORM 2G"

(See Rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a General Constituency or a Constituency Reserved for Scheduled Caste

PART I*

(To be used by candidate set up by Recognized Political Party)

I Nominate as a candidate for election to the Legislative Assembly of Sikkim from the ……..Assembly Constituency.

Candidate's name ……..

His postal address ……..

His name is entered at serial number ……..in part number …….of the electoral roll for the ……..Assembly Constituency.

My name is ……and it is entered at serial number ……..in part number ……of the electoral roll for the Assembly Constituency.

Date: …… (Signature of proposer)

PART II*

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the ……..Assembly Constituency.

Candidate's name ……

Father's /mother's/husband's name ……..

His postal address ……..

His name is entered at serial number ……in part number ……of the electoral roll for ……Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

Particulars of the proposers and their signatures.

Electoral roll number of proposer					
Sr.No.	Part number of electoral roll of the Constituency	Serial number in the Part	Full Name	Signature	Date
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					
10.					

N.B.:There should be ten electors of constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People Act,1951.

* Strike out the part which is not applicable.

PART III

I, the candidate mentioned in Part I* /Part II* assent to this nomination and hereby declare-

(a) that I have completed ……years of age;

(b) (i) * that I am set up at this election by the ……party, which is recognized National Party*/State Party* in this State and that the symbol reserved for the above party be allotted to me.

(ii) * that I am set up at this election by the ……Party , which is a registered–unrecognised political party* /that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are;

(1)……..(2)……..(3)…….

(c) that my name and my father's / mother's / husband's name have been correctly spelt out above in ……(name of the language)

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

* I further declare that I am a member of the ……..Caste which is a Scheduled Caste of the State of Sikkim.

Date :……. (Signature of Candidate)

* Strike out which is not applicable .

N.B. : A 'recognized political party' means a political party recognized by the Election Commission under the Election Symbols (Reservation and Allotment) order, 1968 in the State of Sikkim.

PART IV

(To be filled by the Returning Officer)

Serial number of nomination paper ……..

This nomination was delivered to me at my Office at …….(hour) on ……(date) by the *candidate /*proposer ……..

Date: …… Returning Officer

*.Strike out which is not applicable

PART V

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act,1951 and decide as follows:-

Date: ……. Returning Officer

PART VI

Receipt for nomination paper and notice of scrutiny
(To be handed over the person presenting the nomination paper)

Serial number of nomination paper ……

The nomination paper 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 which is not applicable

“ FORM 2H’
(See Rule 4)
NOMINATION PAPER
Election to the Legislative Assembly of Sikkim from Sangha Constituency

PART I*
(To be used by candidate set up by recognized political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the Sangha Constituency.

Candidate’s name …….

His postal address ……

His name is entered at serial number ……in part number ……

of the electoral roll for the ……Assembly Constituency.

My name is ……..and it is entered at serial number ……. in part number ……of the electoral roll for the Sangha Constituency.

Date: …… (Signature of proposer)

PART II*

We hereby nominate as candidate for election to the Legislative Assembly from the Sangha Constituency.

Candidate's name ……..
Father's /mother's/husband's name ……..
His postal address ……..
His name is entered at serial number ……in part number …….
of the electoral roll for Sangha Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

Particulars of the proposers and their signatures

Electoral roll number of proposer					
Sl.No.	Part number of electoral roll of the Constituency	Serial number in that	Full name	Signature	Date
1.	2.	3.	4.	5.	6.
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.					

N.B.There should be ten electors of Constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People Act,1951.

*.Strike out the part which is not applicable.

PART III

I, the candidate mentioned in Part I * /Part II* assent to this nomination and hereby declare-

(a) that I have completed …….years of age;

(b) (I)* that I am set up at this election by the ……Party, which is recognized National Party*/State Party* in this State and that the symbol reserved for the above party be allotted to me.

(II)*that I am set up at this election by the …….Party, which is a registered-unrecognized political party * /that I am contesting this election as an independent candidate * and that the symbols I have chosen, in order of preference , are;

(1)……..(2) …….(3)……..

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in ……(name of the language).

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

*I further declare that I am a member of Sangha.

Date:…….. (Signature of Candidate)

N.B. A recognized political party 'means a political party recognized by the Election Commission under the Election Symbols (Reservation & Allotment) Order, 1968 in the State of Sikkim.

* Strike out which is not applicable.

PART IV
(To be filled by the Returning Officer)

Serial number of nomination paper …….

This nomination was delivered to me at my Office at …….
(hour) on ……(date) by the * candidate/*proposer ……

Date ……. Returning Officer

---

* Strike out which is not applicable

PART V

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:-

Date : ……. Returning Officer

PART VI

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the nomination paper)

Serial number of nomination paper …….

The nomination paper of ……a candidate for election from the Sangha Constituency was delivered to me at my Office at …….(hour) on ……..(date) by the * candidate/*proposer.

All nomination papers will be taken up for scrutiny at …….(hour)
On ……..(date) at ……..(place).

Date: …….. Returning Officer

---

* Strike out which is not applicable

ANNEXURE IX-C
(CHAPTER V, PARA 5.13)

ELECTION COMMISSION OF INDIA
NirvachanSadan, Ashoka Road, New Delhi-110001

No. 3/4/2012/SDR Dated:-24th August, 2012

To,

Chief Electoral officers
of all State and Union Territories

Sub:- Affidavit to be filed by the candidates with their nomination paper- modification of format - regarding.

Sir/Madam,

The candidates at elections to the Parliament and the State Legislatures hitherto were required to file two affidavits: one, in Form -26 appended to Conduct of Elections Rules 1961 and the other, in the Form prescribed by the Commission, vide its Order No. 3/ER/2003 dated 27.03.2003, as subsequently modified by the letter of even number dated 25.02.2011. In the affidavits, the candidates are required to declare information about their criminal background, if any, assets, liabilities and educational qualifications.

2. On a proposal moved by the Commission for amalgamating the two affidavits into one format, the Govt. has amended Form 26 so as to include in it all the information that was sought in the two separate affidavits. The Ministry of Law and Justice have notified the revised format of Form 26 in the Gazette of India on 01.08.2012. A copy of the said notification dated 1st August, 2012 is enclosed herewith.

3. In view of the amendment to Form-26, all candidates shall, hereafter, file only one affidavit in the revised Form 26 notified on 01.08.2012(at elections to the Parliament and State Legislatures). The requirements to be followed while filing the affidavit have been mentioned in the notes given at the end of the format. Further, as already directed in the Commission's letter No. 3/ER/2011/SDR, dated 1st September, 2011, the affidavit should be on stamp paper of such denomination as prescribed under the State Act on the subject.

4. The Commission has directed that the revised format of the affidavit should be brought to the notice of the Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha and Legislative Councils (in the States having Legislative Council) with instructions to ensure that this is brought to the notice of all concerned. You may kindly ensure that all the Returning Officers, including Returning Officers for elections to Council of States and Legislative Councils, receive a copy of this letter along with the

notification of amended Form-26 and acknowledgement of receipt be obtained from every Returning Officer in the State. A consolidated certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter,

5. You are also requested to furnish a copy of this letter along with copy of the enclosed notification to every political party (including registered unrecognized parties) having headquarters in your State/UT, including the State Units of recognized National and State political parties.

Yours faithfully,

(Ashish Chakraborty)
Secretary

ANNEXURE - X
(CHAPTER V, PARA 5.13)

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
NOTIFICATION
New Delhi, the 1st August, 2012

S.O. I732(E).- In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 Of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:-

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2012.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961, for Form 26 and the entries relating thereto, the following Form and entries shall be substituted, namely:-

"FORM 26
(See rule 4A)

Please affix your recent passport size photograph here

Affidavit to be filed by the candidate 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 e-mail id (if any) is ……

(4) Details of Permanent Account- Number (PAN) and status of filing of Income Tax return·

SL No.	Names	PAN	The financial year for which the last Income-Tax return has been filed	Total income shown in Income-Tax return (in Rs.)
1	Self			
2	Spouse			
3	Dependent-1			
4	Dependent-2			
5	Dependent-3			

(5) I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following information: -

(i) The following case (s) is/are pending against me in which charges have been framed by the court for an offence punishable with imprisonment for two years or more:-

A	Cash/First Information Report No./Nos. together with complete details of concerned Police Station/ District State.	
B	Section(s) of the concerned Act(s) and short description of the offence(s) for which charged	
C	Name of the Court, Case No. and date of order taking cognizance:	
D	Court(s) which framed the charge(s)	
E	Date(s) on which the charge(S) was/were framed	
F	Whether all or any of the proceeding(s) have been stayed by any Court(s) of competent jurisdiction	

(ii)The following case(s) is/are pending against me in which cognizance has been taken by the court [other than the cases mentioned in item (i) above]:-

A	Name of the Court, Case No.and date of order taking ./ cognizance:	
B	The details of cases where the court has taken cognizance, section(s) of the Act(s) and description of the offence(s) for which cognizance taken	

C	Details of Appeal(s)/Application(s) for revision (if any) filed against the above order(s)	

(6) I have been/have not been convicted of an offence(s) [other than any offence(s) referred to in sub-section (1) or sub-section (2), or cover in sub-section (3), of section 8 of the Representation of the People Act, 1951 (43 of 1951)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information: In the following cases, I have been convicted and sentenced to imprisonment by a court of law:

A	The details of cases, Section(s) of the concerned Act(s) and description of the offence(s) for which convicted	
B	Name of the Court(s), Case No. and date(s) of order(s):	
C	Punishment imposed	
D	Whether any appeal was/has been filed against the conviction order. If so, details and the present status of the appeal:	

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note: 1: Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given

Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. Dependent here has the same meaning as assigned in Explanation (v) under section 75A of the Representation of the People Act. 1951. .

Note: 5. Details including amount is to be given separately in respect of each investment

Sl No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
I	Cash in hand					
II	Details of deposit in , Bank accounts(FDRs. Term Deposits and all other types of deposits including saving accounts). 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 m 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 l 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

Sl No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land Location(s) Survey number(s)					
	Area (total measurement in acres)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the\time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(ii)	Non-Agricultural Land: Location(s) Survey 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 m case of self-acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any investment on the property by way of development,					
	Approximate current market value					
Iv	Residential Buildings (including apartments) :- Location(s)-Survey number(s)					
	Built up area (Total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase m 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)

Sl No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
i	Loan or dues to Bank/financial institution(s)Name of the Bank or financial institution, Amount outstanding, Nature 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					
li	Government dues: Dues to departments dealing with government accommodation					

	Dues to department dealing with supply of water					
	Dues to department dealing with supply of electricity					
	Dues to department dealing with supply of telephones/mobiles					
	Dues to department dealing with government transport (including aircrafts and helicopters)					
	Income tax dues					
	Wealth tax dues					
	Service tax dues					
	Municipal/Property Tax dues					
	Sales Tax dues					
	Any other dues					
iii	Grand total of all Government dues					
iv	Whether any other liabilities are in dispute, if so, mention the amount involved , and the authority before which it IS pending.					

(9) Details of profession or occupation:

(a) Self ……
(b) Spouse ……....

(10) My educational qualification is as under:-

……..
(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:

Sl. No.	Name of the Candidates	Sh./ Smt./Kum.
1	Full postal address	
2	. Number and name of the constituency and State	
3	Name of the political party which set up the candidate (otherwise write 'Independent')	
4	(i) Total number of pending cases where charges have been framed by the Court for offences punishable with imprisonment for two years or more	
	(ii) Total number of pending cases where the court(s) have taken cognizance [other than the cases mentioned in item (i) above 1 - -	
5	Total Number of cases In which convicted and sentenced to imprisonment for one year or more [except for offences referred to in subsections (1), (2) or (3) of section 8 of Representation of the People Act, 1951]	

6		PAN of	Year for which last income Tax return filed	Total income shown
	(a) Candidate			
	(b) Spouse			
	(c) Dependents			

7	Details of Assets and Liabilities in Rupees.						
	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3	Dependent-4
A	Moveable Assets (Total value)						
B	Immovable Asset						
1	Purchase Price of self-acquired						

		immovable property						
	II	Development/ construction cost of immovable property after purchase (if applicable)						
	III	Approximate Current market price of-						
		(a) self-acquired assets (Total Value) (b) inherited assets (Total Value)						
9	Liabilities							
	i	Government dues (Total)						
	ii	Loans from Bank, Financial Institutions and others (Total)						
10		Liabilities that are under dispute						
	i	Government dues (Total)						
	ii	Loans from Bank, Financial Institutions and others (Total)						
11		Highest educational qualification: (Give details of highest School/ University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/ University and the year in which the course was completed.)						

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at…….. this 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 column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned,

Note: 4. The Affidavit should be either typed or written legibly and neatly.".

[F No. H-IIOI9(6)/2012-Leg. /I]

Dr. SANJAY SINGH, Addl, Secy.

Note: The principal rules were published *vide* notification number S.0.859, dated the 15th April, 1961 and last amended *vide* notifications-

(l) number S.O.728(E), dated the 8th May, 2007.

(2) number S.O. 425(E) dated 23rd February, 2011.

ANNEXURE XI
(CHAPTER V, PARA–5.44)

Memo No. ..... Dated..... .....

From: Returning Officer for .....

To ..... (Name of the candidate)

Sub: Election to ..... from constituency ..... — filing of the required affidavit.

You have filed your nomination paper for the above election today, but you have not filed, along with your nomination paper, the affidavit prescribed by the Election Commission vide its Order No.3/ER/2003/JS-II, dated 27th March, 2003 and/or the affidavit in Form 26, A copy each of the said Form 26, Order and the format of the requisite affidavit is enclosed for your ready reference. You are required hereby to furnish the requisite information in the prescribed affidavit, duly sworn before a Magistrate of the First Class or a Notary Public or an Oath Commissioner appointed by the High Court.

It should be noted that the requisite affidavit must be furnished by you immediately and positively before 3.00 p.m. on the last date of filing of nominations i.e..... .....

You may also note the consequences of not filing the requisite affidavit prescribed vide the above referred Order dated 27-3-2003 as explained in Para 16(3) of the said Order of the Commission.

(Returning Officer)

ANNEXURE XII

(CHAPTER V, PARA–5.48)

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
Designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election to the Council of States (*or the House of the People) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at ..... (hour) on ..…..... (date).

Signature of authorized person
Name Designation and Seal

Date…….

Score out which is not applicable.* **N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

FORM OF OATH OR AFFIRMATION

[ARTICLE 173 (A) OF THE CONSTITUTION OF INDIA]

(To be made by a candidate for election to the Legislature of a State)

I ..... having been nominated as a candidate to fill a seat in the Legislative Assembly (*or Legislative Council) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the Candidate

Sworn in the name of God/Solemnly affirmed by Shri/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…….

**Score out which is not applicable.*

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State.

FORM OF OATH OR AFFIRMATION

[SECTION 4 (A) OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991 (NO.1 OF 1992)]

(To be made by a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi)

I ..... having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati……..

at..... (Place) at ..... (hour) this the..... day of ..... 200 ..... before me.

Signature of authorized person Name Designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi has made and subscribed the oath / affirmation as required by the Government of National Capital Territory of Delhi Act, 1991 before me at my office at ..... (hour) on ..... (date).

Signature of authorized person Name, Designation and Seal

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the National Capital Territory of Delhi.

FORM OF OATH OR AFFIRMATION
[SECTION 4 (A) OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963 (NO.20 OF 1963)]

(To be made by a candidate for election to the Legislative Assembly of the Union Territory of Puducherry)

I ..... having been nominated as a candidate to fill a seat in the Legislative Assembly of Puducherry do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati……..at..... .....(Place) at…….. (hour) this the ..... day of ..... 200 ..... before me.

Signature of authorized person Name, Designation and Seal

Dated ……..

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election to the Legislative Assembly of Pond cherry has made and subscribed the oath / affirmation as required by the Government of Union Territories Act, 1963 before me at my office at ..... (hour) on ..... (date).

Signature of authorized person

Date ..... Name, Designation and Seal

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the Union Territory.

ANNEXURE XIII
(CHAPTER V, PARA - 5.49)
ELECTION COMMISSION OF INDIA
NEW DELHI

Dated the 18th March 1968

NOTIFICATION

No 3/6/68 /(1) – In pursuance of clause (a) Article 84 and clause (a) of article 173 of the Constitution of India and in supersession of its notification No.3/3/66, dated the 25th April 1967, the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) All stipendiary presidency Magistrates of all first class, and all (iii) District judges and all persons belonging to the judicial service of a State other than District judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council shall make and subscribe the oath or affirmation in form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said Article 84 and clause (a) of the said Article 173, the Election Commission hereby also authorizes as the person before whom the candidate may make and subscribe the said or affirmation,

(a) Where the candidate is confined in a prison, the superintendent of the prison.

(b) Where the candidate is under preventive detention the commandant of the detention camp.

(c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.

(d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative.

(e) Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on application made to it in this behalf.

Explanation:- In this notification

(1) The expression “The Returning Officer concerned” means -

(a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a Parliamentary Constituency or a seat in the Legislative Assembly of a State from an Assembly Constituency or a seat in the Legislative Assembly of State from a Assembly Constituency, or a seat in the Legislative Council of a State from a Council Constituency, the Returning Officer for that constituency;

(b) where a person has been nominated as a candidate for election to fill a seat in the Council of States by the elected members of the Legislative Assembly of a State the Returning Officer for that election.

(c) where a person has nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of State the Returning Officer for that election.

(1-A) the expression “district judge” and “judicial service” shall have the meanings respectively assigned to them in Article 236 of the Constitution of India.

(2) the expressions “Parliamentary Constituency” “Assembly Constituency” “and Council Constituency” shall have the meanings respectively assigned to them in the Representation of the People Act, 1950(43 of 1950)

By Order

Secretary to the
Election Commission of India

ELECTION COMMISSION OF INDIA
TALKATORA ROAD, NEW DELHI

Dated the 18th March, 1968

NOTIFICATION

No.3/6/68(2).-In pursuance of clause (a)of section 4 of the Government of Union Territories Act, 1963 (20 of 1963) and in supersession of its notification No.3/3/66, dated the 2nd May 1967, the Election Commission hereby authorizes (i) the Returning officer concerned and all the Assistant Returning Officers subordinate to him, (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly of a Union Territory shall make and subscribe the oath or affirmation in the form set for the purpose in the First Schedule to said act.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said section 4 the Election commission hereby also authorizes as the person before whom the candidate may make and subscribe the said oath or affirmation.

(a) Where the candidate is confined in a prison, the Superintendent of the prison.

(b) Where the candidate is under preventive detention, the commandant of the detention camp.

(c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.

(d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative.

(e) Where the candidate is for any reason unable to appear or prevented from appearing before the Returning Officer concerned or any other Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation - In this notification -

(1) the expression “the Returning Officer concerned” means and Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly.

(1-A) the expressions “district judge” and “judicial service” shall have the meanings respectively assigned to them in, Article 236 of the Constitution of India and

(2) the expression “Assembly Constituency” shall have the meaning assigned to it in clause (c) of sub section (1) of section 2 of the Government of Union Territory Act 1963, (20 of 1963)

By Order Secretary to the
Election Commission of the
India

ELECTION COMMISSION OF INDIA
NEW DELHI

Dated the 18th March, 1968

NOTIFICATION

No .3/6/68 (3) – In pursuance of clause (a) section 4* of the Govt. of National *Capital Territory of Delhi Act 1991 (1of 1992) and in supersession of its notification No. 3/3/66(1), dated 2nd May, 1967 the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him, (ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the First class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the * Legislative Assembly of the National Capital Territory of Delhi shall make and subscribe an oath or affirmation in the form set out for the purpose in the Schedule to the said Act.

2. Notwithstanding anything contained in paragraph 1. in pursuance of clause (a) of the said section 4, the Election Commission here by also authorizes as the person before whom the candidate may make and subscribe the said oath or affirmation-

(a) Where the candidate is confined in a prison, the Superintendent of the prison,

(b) Where the candidate is under preventive detention, the Commandant of the detention camp,

(c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical Superintendent in charge of the hospital or the medical Practitioner attending on him,

(d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative,

(e) Where the candidate is for any other reason unable to appear of prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation – In this notification–

(1) The expression "the Returning Officer concerned" means the Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in the *Legislative Assembly of National Capital Territory of Delhi.

(1-A) the expression "district judge" and "judicial service" shall have the meaning respectively assigned to them in Article 236 of the Constitution of India; and

(2) The expression "Assembly Constituency" shall have the meaning assigned to it in clause (b) of section 2 of the Govt. of National Capital Territory of Delhi Act., 1991.

By Order
Secretary to the Election
Commission of India

**Substituted by Election Commission's Notification No. 3/6/93- J.S.II, dt. 21-10-1993.*

ELECTION COMMISSION OF INDIA
NEW DELHI

Dated the 18th March, 1968

No. 3/4/J&K/68 – In pursuance of clause (a) section 51 of the Constitution of Jammu and Kashmir and in supersession of its notification No. 3/4/J&K/65, dated the 14th May, 1965, the Election Commission hereby authorizes-

(i) The Returning Officer concerned and all the Assistant Returning Officers subordinate to him.

(ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and

(iii) all District Judges and all person belonging to the judicial service of the State of Jammu and Kashmir other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly or in the Legislative Council of the State of Jammu and Kashmir, shall make and subscribe the oath or affirmation in the form set up for the purpose in the Fifth schedule to the said constitution.

2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (a) of the said section 51, the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation:-

(a) Where the candidate is confined in a prison, the Superintendent of the prison,

(b) Where the candidate is under preventive detention, the Commandant of the detention camp,

(c) Where the candidate is confined to bed in a hospital or elsewhere owing or illness or any other cause, the medical Superintendent in charge of the hospital or the medical practitioner attending on him,

(d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative,

(e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officers as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation – In this notification–

(1) The expression “the Returning Officer concerned means–

(a) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly Constituency or in the Legislative Council from a Council Constituency, the Returning Officer of that constituency,

(b) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly, the Returning Officer for that election,

(1-A) the expression “district judge” and “judicial service” shall have the meanings respectively assigned to them in Section 112 of the Constitution of Jammu and Kashmir.

(2) The expression “Assembly Constituency” and “Council Constituency” shall have the meanings respectively assigned to them in the Jammu and Kashmir Representative of the People Act, 1957.

By Order
Secretary to the
Election Commission of India

ANNEXURE XIV

(CHAPTER V, PARA-5.68)

FORMAT IN WHICH THE RETURNING OFFICER MAY PUBLISH THE INFORMATION RELATING TO GOVERNMENT DUES

(To be published in two newspapers having local circulation)

General / Bye-election to ..... from ..... constituency

Public Notice

Information as furnished by the contesting candidates in their affidavits in respect of Government dues is hereby published for information of all electors:-

S. No.	Name of candidate	Party affiliation, if any	Government dues to departments dealing with					Other C Government dues, if any
			Government accommodation	Supply of water	Supply of elements	Telephone	Government transport (inclucing aircrafts and helicopters	
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.								
2.								
3.								
4.								
5.								
etc.								

(Returning Officer for .....constituency)

ANNEXURE XV
(CHAPTER VI, PARA–6.28)
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

D I R E C T I O N

Dated: 16th September , 2008

No. 3/4/2008/JS-II: In pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules 1961, and in supersession of its direction S.O. 1/87, dated 17th July, 1987, the Election Commission hereby directs that the list of contesting candidates in Form 7A, at an election to the Legislative Assembly of the State/UT mentioned in column (1) of the Table below, from the Assembly Constituencies mentioned under column (2) of the Table shall be prepared in the language or languages specified against that constituency in column (3) of the said table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in column (3) :-

When any such list is forwarded to the Election Commission, it shall, if not in English, be accompanied by a translation in English.

TABLE

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
1	2	3
1-Andhra Pradesh	8-Boath(ST) 10-Mudhole and 13-Jukkal(SC)	Telugu and Marathi
	(b) *17-Nizamabd (Urban) * Added vide ECI Direction dated 28.1.2009	Telugu and Urdu
	(c) 57-Musheerabad 58-Malakpet, 59-Amberpet, 60-Khairatabad, 61-Jubilee Hills, 62-Sanathnagar, 63-Nampally, 64-Karwan, 65-Goshamahal,	Telugu, English and Urdu

	66-Charminar, 67-Chandrayangutta, 68-Yakutpura, 69-Bahadurpura, 70-Secunderabad and 71-Secunderabad Cantt.(SC)	
	(d) All other assembly constituencies	Telugu
2-Arunachal Pradesh	All Assembly Constituencies	English
3-Assam	(a)1-Ratabari(SC) 2-Patharkandi 3-Karimganj North 4-Karimganj South 5-Badarpur 6-Hailakandi 7-Katlichera 8-Algapur 9-Silchar 10-Sonai 11-Dholai(SC) 12-Udharbond 13-Lakhipur 14-Barkhola and 15-Katigora	Bengali English Assamese
	(b16-Haflong(ST)	
	(c) All other Assembly Constituencies	
4-Bihar	All assembly constituencies	Hindi
5-Chhattisgarh	All assembly constituencies	Hindi
6-Goa	All assembly constituencies	English and Konkani/ Marathi in Devnagari script
7-Gujarat	All assembly constituencies	Gujarati
8-Haryana	All assembly constituencies	Hindi
9-Himachal Pradesh	All assembly constituencies	Hindi
10-Jharkhand	All assembly constituencies	Hindi

11-Karnataka	(a)1-Nippani	Kannada and Marathi
	2-Chikkodi-Sadalga	
	11-Belgaum Uttar	
	12-Belgaum Dakshin	
	13-Belgaum Rural	
	14-Khanapur	
	47-Basavakalyan	
	51-Bhalki	
	52-Aurad(SC)	Kannada and Urdu
	76-Haliyal	
	77-Karwar	Kannada and English
	(b)44-Gulbarga Dakshin	
	45-Gulbarga Uttar	
	(c) 146-Kolar Gold Fields(SC)	
	154-Rajarajeshwarinagar	
	156-Mahalakshmi Layout	
	157-Malleshwaram	
	159-Pulakeshinagar(SC)	
	160-Sarvagnanagar	
	161-C.V. Raman Nagar(SC)	
	162-Shivajinagar	Kannada
	163-Shanti Nagar	
	164-Gandhi Nagar	
	165-Rajaji Nagar	
	166-Govindaraj Nagar	
	167-Vijay Nagar	
	168-Chamrajpet	
	169-Chickpet	
	170-Basavanagudi	
	173-Jayanagar	
	(d) All other assembly constituencies	
12-Kerala	(a)1-Manjeswar	Malayalam and Kannada
	2-Kasaragod	
	(b) 88-Devikulam(SC)	Malayalam and Tamil
	(c) All other assembly constituencies	Malayalam
13-Madhya Pradesh	(a)150-Bhopal Uttar,	Hindi and Urdu
	151-Narela,	
	152-Bhopal Dakshin-Paschim,	
	153-Bhopal Madhya and	
	180-Burhanpur	
	(b) All other assembly constituencies	Hindi

14-Maharashtra	(a)52-Nagpur South West, 53-Nagpur South, 54-Nagpur East, 55-Nagpur Central 56-Nagpur West, 57-Nagpur North(SC), 146-Ovala Majiwada, 147-Kopri Pachpakhadi, 148-Thane, 149-Mumbra Kalwa, 150-Airoli, 151-Belapur, 152-Borivali, 153-Dahisar, 154-Magathane, 155-Mulund, 156-Vikhroli, 157-Bhandup West, 158-Jogeshwari East, 159-Dindoshi, 160-Kandivali East, 161-Charkip, 162-Malad West, 163-Goregaon, 164-Versova, 165-Andheri West, 166-Andheri East, 167-Vile Parle, 168-Chandvali, 169-Ghatkopar West, 170-Ghatkopar East, 171-Nankhurd Shivaji Nagar, 172-Anushakti Nagar, 173-Chembur, 176-Vandre East, 177-Vandre West, 178-Dharavi(SC), 179-Sion Koliwada, 180-Wadala, 182-Worli, 183-Shivadi, 185-Malabar Hill, 187-Colaba, 205-Chinchwad, 206-Pimpri(SC) 207-Bhosari, 208-Vadgaon Sheri,	Marathi and English

	209-Shivajinagar, 210-Kothrud, 211-Khadakwasala, 212-Parvati, 213-Hadapsar, 214-Pune Cantonment(SC), and 215-Kasba Peth	
	(b)86-Nanded North, 87-Nadded South, 106-Phulambri, 107-Aurangabad Central, 108-Aurangabad West(SC), 109-Aurangabad East, 114-Malegaon Central, 115-Malegaon Outer, 136-Bhiwandi West, and 137-Bhiwandi East	Marathi and Urdu
	(c)174-Krula(SC), 175-Kalina, 181-Mahim, 184-Byculla, and 186-Mumbadevi	Marathi, English and Urdu
	(d)250-Akkalkot, 251-Solapur South 271-Chandgad, 280-Shirol, and 288-Jat	Marathi and Kannada
	(e) All other assembly constituencies	Marathi
15-Manipur	(a) 41-Chandel(ST) 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 52-Tamei(ST) 53-Temenglong(ST) 54-Nungba(ST) 55-Tipaimukh(ST)	English Manipuri

	56-Thanlon(ST) 57-Henglep(ST) 58-Churachandpur(ST) 59-Saikot(ST) 60-Singhat(ST)	
	(b) All other Assembly Constituencies	
16-Meghalaya	All assembly constituencies	English
17-Mizoram	All assembly constituencies	English
18-Nagaland	All Assembly Constituencies	English
19-Orissa	(a)127-Chhatrapur(SC), 133-Berhampur, 137-Paralakhemundi, 138-Gunupur(ST) and 140-Rayagada(ST)	Oriya and Telugu
	(b) All other assembly constituencies	Oriya
20-Punjab	All assembly constituencies	Punjabi
21-Rajasthan	All assembly constituencies	Hindi
22-Sikkim	All assembly constituencies	English
23-Tamil Nadu	(a) 3-Tiruttani (b)11-Dr. Radhakrishnan Nagar 12-Perambur 13-Kolathur 14-Villivakkam 15-Thiru-Vi-ka-Nagar(SC) 16-Egmore(SC) 17-Royapuram 18-Harbour 19-Chepauk Thiruvallikeni 20-Thousand Lights 21-Anna Nagar 22-Virugampakkam 23-Saidapet 24-Thiyagarayanagar 25-Mylapore 26-Velachery	Tamil and Telugu Tamil and English

	(c)54-Veppanahalli 55-Hosur 56-Thalli	Tamil, Telugu & Kannada
	(d)109-Gudalur(SC) 232-Padmanabhapuram 233-Vilavancode 234-Killiyoor	Tamil and Malayalam
	(e) All other assembly constituencies	Tamil
24-Tripura	All Assembly Constituencies	Bengali
25-Uttar Pradesh	(a) 3-Saharanpur Nagar, 4-Saharanpur, 7-Gangoh, 8-Kairana, 14-Muzaffar Nagar, 17-Najibabad, 18-Nagina(SC), 19-Barhapur, 20-Dhampur, 21-Nehtaur(SC), 22-Bijnor, 23-Chandpur, 24-Noorpur, 25-**** 26-Thakurdwara, 27-Moradabad Rural, 28-Moradabad Nagar, 29-Kundarki, 30-Bilari, 31-Chandausi(SC), 32-Asmoli, 33-Sambhal, 34-Suar, 35-Chamraua, 37-Rampur, 40-Naugawan Sadat, 41-Amroha, 47-Meerut Cantt., 48-Meerut, 49-Meerut South 60-Garhmukteshwar, 75-Koil, 76-Aligarh, 97-Firozabad, 115-Badaun,	Hindi and Urdu

	124-Bareilly, 125-Bareilly Cantt, 127-Pilibhit, 135-Shahjahanpur, 171-Lucknow West, 174-Lucknow Central, 213-Sishamau, 214-Arya Nagar, 278-Tanda, 286-Bahraich, ****** 313-Khalilabad and 356-Mau	
	(b)All other assembly constituencies	Hindi
	*** Deleted vide ECI Direction dated 28.1.2009	
26-Uttarakhand	All assembly constituencies	Hindi
27-West Bengal	(a)22-Kalimpong 23-Darjeeling 24-Kurseong 25-Matigara Naxalbari(SC) 26-Siliguri 27-Phansidewa(ST)	Bengali and Nepali
	(b)29-Islampur 30-Goalpokhar 31-Chakulia	Bengali and Hindi
	(c)115-Rajarhat New Town 116-Bidhannagar **149- Kasba 153-Behala Purba 154-Behala Paschim 157-Metiaburaz 158-Kolkata Port 159-Bhabanipur 160-Rashbehari 161-Ballygunge 162-Chowrangee 163-Entally 164-Beleghata 165-Jorasanko 166-Shyampukur 167-Maniktala 168-Kashipur Belgachhia	English

	(d)224-Kharagpur Sadar All other assembly constituencies **Added vide ECI Direction dated 28.1.2009	Bengali and English Bengali
28-NCT of Delhi	(a)20-Chandni Chowk, 21-Matia Mahal, 22-Ballimaran, 54-Okhla, 63-Seemapuri(SC), 65-Seelampur and 69-Mustafabad	Hindi, Urdu and English
	(b) All other assembly constituencies	Hindi and English
29-Puducherry	(a) 29-Mahe	Malayalam
	(b) 30-Yanam	Telugu
	(c) All other assembly constituencies	Tamil

ANNEXURE XVI

(CHAPTER VI, PARA–6.28)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110 001.

D I R E C T I O N

Dated: 6th February, 2009

No. 3/4/2008/JS-II/SDR: In pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules, 1961 and in supersession of its direction S.O. No. 2/87, dated 17th July, 1987 the Election Commission of India hereby directs that at an election in a Parliamentary Constituency specified in column 2 of the Table below, the list of contesting candidates shall be prepared in Form 7A in the languages specified against that constituency in column 3 of the said Table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in the said column.

When any such list is forwarded to the Election commission it shall, if not in English, be accompanied by a translation in English.

State / Union Territory		Parliamentary Constituency			Language/ Languages
1	Andhra Pradesh	(a)	1	Adilabad (ST)	Telugu and Marathi
			5	Zahirabad	
		(b)	4	Nizamabad	Telugu,English and Urdu
			7	Malkajgiri	
			8	Secunderabad	
			9	Hyderabad	
		(c)		All other Parliamentary Constituencies	Telugu
2	Arunachal Pradesh	All Parliamentary Constituencies			English
3	Assam	(a)	1	Karimganj (SC)	Bengali
			2	Silchar	
		(b)	3	Autonomous District(ST)	Assamese and English

State / Union Territory		Parliamentary Constituency			Language/ Languages
		(c)	All other Parliamentary Constituencies		Assamese
4	Bihar	All Parliamentary Constituencies			Hindi
5	Chhattisgarh	All Parliamentary Constituencies			Hindi
6	Goa	All Parliamentary Constituencies			Konkani in Devnagari script, Marathi and English
7	Gujarat	All Parliamentary Constituencies			Gujarati
8	Haryana	All Parliamentary Constituencies			Hindi
9	Himachal Pradesh	All Parliamentary Constituencies			Hindi
10	Jammu & Kashmir	(a)	5	Udhampur	Urdu and Hindi
			6	Jammu	Urdu
		(b)	All other Parliamentary Constituencies		Urdu
11	Jharkhand	All Parliamentary Constituencies			H indi
12	Karnataka	(a)	1	Chikkodi	Kannada and Marathi
			2	Belgaum	
			7	Bidar	
			12	Uttara Kannada	
		(b)	23	Bangalore (Rural)	Kannada and English
			24	Bangalore North	
			25	Bangalore Central	
			26	Bangalore South	
			28	Kolar (SC)	
		(c)	All other Parliamentary Constituencies		Kannada
13	Kerala	(a)	1	Kasaragod	Malayalam and Kannada
		(b)	14	Idukki	Malayalam and Tamil
		(c)	All other Parliamentary Constituencies		Malayalam
14	Madhya Pradesh	(a)	19	Bhopal	Hindi and Urdu
		(b)	All other Parliamentary		Hindi

State / Union Territory		Parliamentary Constituency			Language/ Languages
				Constituencies	
15	Maharashtra	(a)	10	Nagpur	Marathi and English
			25	Thane	
			26	Mumbai North	
			27	Mumbai North-West	
			28	Mumbai North-East	
			29	Mumbai North-Central	
			30	Mumbai South-Central	
			31	Mumbai South	
			34	Pune	
		(b)	All other Parliamentary Constituencies		Marathi
16	Manipur	(a)	1	Inner Manipur	Manipuri
		(b)	2	Outer Manipur(ST)	Manipuri and English
17	Meghalaya	All Parliamentary Constituencies			English
18	Mizoram	Entire Parliamentary Constituency			English
19	Nagaland	Entire Parliamentary Constituency			English
20	Orissa	All Parliamentary Constituencies			Oriya
21	Punjab	(a)	1	Gurudaspur	Punjabi and Hindi
			2	Amritsar	
			4	Jullundur	
			6	Hoshiarpur	
			8	Patiala	
			9	Ludhiana	
			13	Ferozepur	
		(b)	All other Parliamentary Constituencies		Punjabi
22	Rajasthan	All Parliamentary Constituencies			Hindi
23	Sikkim	Entire Parliamentary Constituency			English
24	Tamil Nadu	(a)	2	Chennai North	Tamil and English
			3	Chennai South	
			4	Chennai Central	
		(b)	7	Arakkonam	Tamil and Telugu

State / Union Territory		Parliamentary Constituency			Language/ Languages
		(c)	9	Krishnagiri	Tamil, Telugu and Kannada
		(d)	19	The Nilgiris (SC)	Tamil and Malayalam
			39	Kanniyakumari	
		(e)	All other Parliamentary Constituencies.		Tamil
25	Tripura	All Parliamentary Constituencies			Bengali
26	Uttar Pradesh	(a)	1	Saharanpur	Hindi and Urdu
			4	Bijnor	
			5	Nagina(SC)	
			6	Moradabad	
			7	Rampur	
			8	Sambhal	
			9	Amroha	
			10	Meerut	
		(b)	All other Parliamentary Constituencies		Hindi
27	Uttarakhand	All Parliamentary Constituencies			Hindi
28	West Bengal	(a)	4	Darjeeling	Bengali and Nepali
		(b)	5	Raiganj	Bengali and Hindi
		(c)	17	Barasat	Bengali and English
			21	Diamond Harbour	
			34	Medinipur	
		(d)	23	Kolkata Dakshin	English
			24	Kolkata Uttar	
		(e)	All other Parliamentary Constituencies		Bengali
29	Andaman & Nicobar Island	Entire Parliamentary Constituency			Hindi and English
30	Chandigarh	Entire Parliamentary Constituency			Hindi and Punjabi
31	Dadra & Nagar Haveli	Entire Parliamentary Constituency			Gujarati, Marathi and English
32	Daman & Diu	Entire Parliamentary Constituency			Gujarati
33	NCT of Delhi	All Parliamentary Constituencies			Hindi and English

State / Union Territory		Parliamentary Constituency	Language/ Languages
34	Lakshadweep	Entire Parliamentary Constituency	Malayalam
35	Puducherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam

ANNEXURE XVII A
(CHAPTER V, PARA–5.87)

No. ..... Dated: ----------

To .....

(Name)

& Address of candidate)

Subject:- Maintenance of account of election Expenses and lodging of true copy thereof

Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him or by his election agent under Section 77.

3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit. etc., he is required by law to lodge his account of election expenses.

4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A or the Representation of the People Act, 1951 for a period of three years.

5. The account of election expenses to be kept by a candidate or his election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred/authorized from day to day, as prescribed under rule 86 of the Conduct of Elections Rules, 1961.

6. An Expenditure Register having day to day account Register, Cash Register, Bank Register, Forms of Affidavit, Abstract Statement (Part I-VI) and acknowledgement form is being furnished to you herewith. You are required to maintain your day to day account of election expenses in this very Register and in no other document. All supporting vouchers, bills, etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election in Parts – I to VI of the format enclosed herewith.

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 should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the District Election Officer, Returning Officer, Election Observer appointed by the Election Commission or any other such authority nominated by the Commission in this behalf. Failure to produce this register when demanded will be considered as a major default on your part in maintaining your day-to-day account and you may render yourself liable to penal action under Section 171-1 of the Indian Penal Code.

9. This very Register in which you are to maintain your day to day account of election expenses should itself be filed by you as your account of election expenses after the election as required under section 78 of the Representation of the People Act 1951 mentioned-above. You should keep a copy of the account as maintained in that Register for your record and reference. Along with the Register, you must file the abovementioned abstract statement containing details of expenditure, and the same must be supported by an affidavit in the format enclosed. The affidavit should be sworn before a Magistrate of the First Class or an Oath Commissioner or a Notary Public.

10. It may be noted that Section 77 (1) has been amended vide Election and Other Related Laws (Amendment) Act, 2003. As per the amended provisions of "Explanation (1)" of this Section, all expenditure incurred or authorized in connection with the election of the candidate by the political party which has set him up, any other association/body of persons or any other individual shall also be required to be included in the account of election expenses of the candidate under the said Section 77. The only exception is the expenses incurred on the travel of 'leaders' of the political party for propagating the programme of the political party, who are covered under 'Explanations 1 and 2 of Section 77(1).

11. If you contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.

12. Kindly acknowledge receipt of the letter along with its enclosures immediately in the enclosed acknowledgment form.

Yours faithfully,

RETURNING OFFICER FOR
…….Parliamentary/Assembly Constituency

** Strike off whichever is inapplicable*

Enclosures :

1. Register bearing serial no..... containing pages ..... for maintenance of election expenses, along with (i) the format for maintaining the abstract statement of accounts and (ii) the format of affidavit.

2. Extracts of Section 77, 78 and 10A of the Representation of the People Act, 1951, and rule 86 of the Conduct of Elections Rules, 1961.

3. Form of Acknowledgment receipt.

ANNEXURE XVII B
(CHAPTER V, PARA–5.88)

(Part A)

Register for Maintenance of Day to Day Accounts of Election Expenditure by Contesting Candidate

Name of the Candidate :
Name of Political Party, if any :
Constituency from which contested :
Date of Declaration of Result :
Name and address of Election Agent :
Total expenditure incurred / authorized :

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

1.	2.	3.	4.	5.	6.	7.	8.	9.
Date of expenditure/ event	Nature of expenditure	Total Amount in Rupees (paid + outstanding)	Name and address of payee	Bill No. / voucher No. and date	Amount incurred/ authorized by candidate or his election agent	Amount incurred/ authorized by political party and name of political party	Amount incurred/ authorized by other individual/ association /body/ any other (mention full Name and Address)	Remarks, if any
	Des crip tion	Qty.	Rate per unit					

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the candidate

Note :

1. This register must be maintained on a daily basis and shall be subject to inspection at any time by the Observer appointed by the Election Commission, the District 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 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 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 affect why it was not practicable to obtain the required vouchers must be given in the prescribed register.

4. The account and abstract statement shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be the correct copy of the account kept. The affidavit should be sworn by the candidate himself.

5. Apart from the expenses incurred or authorized by the candidate/election agent directly, all expenditure incurred or authorized by the political party, other associations, bodies of persons, individuals in connection with the election of the candidate 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 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	Nature of Expenditure	Amount	Places at which or person with whom the balance is kept (if cash is kept at more than one place/ persons, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-I 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 table of Part-I 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

ANNEXURE XVII-C

(CHAPTER V, PARA 5.89)

ABSTRACT STATEMENT OF ELECTION EXPENSES

PART-I

Name of Candidate :

Number and name of Constituency :

Name of State / Union Territory :

Nature of Election : By-Election/General Election

Date of declaration of result :

Name and Address of the Election Agent :

PART-II

I. Were you a candidate set up by a Political Party ? : Yes/No

II. If yes, name of the party. : .....

III. Is the Party a recognized Political Party ? : Yes/No

IV. If recognized political party, whether National / State Party : Nation/State Party

V. Has your party incurred/authorized expenses in your election ? : Yes/No

VI. Has any other association/ body of persons / individual incurred /authorized expenses in your election ? : Yes/No

VII. If yes, give its/his/their name(s) and complete address :

(1) ….....

(2) ….....

(3) .....

PART III

ABSTRACT STATEMENT OF EXPENDITURE ON ELECTION BY THE CANDIDATE/HIS ELECTION AGENT

Items of Expenditure	Expenditure incurred/ authorized by			Total Expenses incurred/ authorized (Total of Columns 2,3 & 4)
	Candidate/ his Election Agent	Political Party which set him up	Association/ Body of Persons/ Individual	
1	**2**	**3**	**4**	**5**
	Rs.	Rs.	Rs.	Rs.

i. Public meetings, processions, etc.

ii. Campaign materials, like, handbills, posters, video and audio cassettes, loudspeakers etc.

iii. Campaign through electronic / print media (including cable network)

iv. Vehicles used and POL expenditure on such vehicles

v. Erection of gates, arches, cutouts, banners, etc.

vi. Visits of 'leaders' to the constituency {other than the expenditure on the travel of 'Leaders' as defined in Explanation 2 under Section 77 (1) for propagating programme of the party}

vii. Visit of other party functionaries

viii. Other misc. Expenses Grand Total .....

LUMP-SUM GRANT RECEIVED, IF ANY, FROM –

(i) Political party

(ii) Any other association / body (with its name and address)

(iii) Any individual (with name and address)

PART IV

DETAILS OF EXPENDITURE ON VEHICLES USED

Details of all expenditure on all vehicles used in connection with the election including the vehicles supplied to candidate by his Political Party or any other association/organisation/body or by any other individual are required to be shown (the only exception is the expense incurred in connection with travel of 'leaders' of political party for propagating programme of political party covered by Explanations 1 and 2 under Section 77 (1).

Regn. No. of Vehicle	Type of Vehicle	No. of days for which used	Expenditure incurred on POL, maintenance and drivers Salary etc./hiring charges		
			Amount spent by the candidate/ election agent	Amount spent by the political party	Amount spent by any other Association/body of persons/ Individual
1	**2**	**3**	**4**	**5**	**6**

Grand total (Col. 4 + 5 + 6) Rs. .....

PART V

DETAILS OF EXPENDITURE ON PUBLIC MEETINGS

Public meetings held by the candidate/his election agent/his political party/any other association/ organisation/body any other individual (other than the candidate/his election agent).

Date of Meeting	Venue of Meeting	Name of authority from whom permission obtained	Cost of erecting pandal and hiring of furniture & fixtures	Cost of hiring Loud-Speakers and Micro-phones	Other miscellaneous expenses	Total	Out of the amount shown in col.7, the component of expenditure incurred by		
							Candidate/ Election Agent	The Political Party	Any other Association/ Body/ Individual
1	2	3	4	5	6	7	8	9	10

Grand total (Col. 8 + 9 + 10) Rs. .....

PART – VI
DETAILS OF EXPENDITURE ON TRAVEL OF LEADER(S) OF THE PARTY NOMINATED IN TERMS OF 'EXPLANATION (2)' UNDER SECTION 77(1) OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

1	2	3	4	5	6	7	8	9	10	11	12
		ARRIVAL DETAILS			**DETAILS OF STAY**		DEPARTURE DETAILS				
S. No.	Name of Leader	Date of Arival in Constituency	Mode of Travel	Expenditure on Fare paid (if known)	Duration of half in constituency	Expenditure on local journeys	Date of departure from constituency	Mode of Travel	Expenditure on fare paid (if known)	Whether Expenditure on item (5), (7) and (10) incurred by candidate political party or others Specify	Expenditure if any on item (5),(7) and (10) by candidate
1											
2											
3 etc.											
Total Expenditure											

PLACE .....
DATE .....

SIGNATURE OF CONTESTING CANDIDATE .....
NAME OF CONTESTING CANDIDATE .....

ANNEXURE - XVII D

(CHAPTER V, PARA – 5.89)

FORM OF AFFIDAVIT

Before the District Election Officer ..... (District, State/Union Territory) Affidavit of Shri .....(S/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 / authorized 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 authorized 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 there from (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 authorized 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 200..... Before me, (Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath Commission or Notary Public)

ANNEXURE -XVII E

(CHAPTER V, PARA – 5.89)

ACKNOWLEDGEMENT FORM

To The Returning Officer for

.....

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 the Candidate with date

**Strike Off, whichever is inapplicable.*

ANNEXURE -XVIII
(CHAPTER V, PARA – 5.103)

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001.

No.3/9/(ES008)/94-J.S. II Dated: 2nd Sept., 1994

ORDER

Subject : Restrictions on the printing on pamphlets posters etc.

The printing and publication of election pamphlets, posters, etc., is governed by the provisions of Section 127A of the Representation of the People Act, 1951. The said Section 127A provides as follows:-

"127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS, POSTERS ETC.

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster -

(a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by his to the printer in duplicate; and

(b) Unless, within a reasonable time after time printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.

(i) Where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section:-

(a) Any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly, and

(b) "election pamphlet or poster" means any printed pamphlet, and bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particular of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.*

(5) The above restrictions on the printing of election pamphlets, posters, etc., have been imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of an opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also sub serve the purpose of placing a check on the incurring of unauthorized election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

(6) The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc. are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127 A(2). Many a time, the election pamphlets, posters, etc. do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A (1).

(7) It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in Rahim Khan Vs. Khurshed Ahmed and others (*AIR 1975 SC 290):
"Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which takes prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a burden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation."

(8) In order that in future there is strict observance of, and compliance with, the requirements of the above mentioned provisions of law on the subject, the Commission, in exercise of its powers under Article 324 of the Constitution and all other powers enabling it in this behalf, and in suppression of all its previous instructions on the subject, hereby directs as follows:-

(1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.

(a) Pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters such other material printed by them:

(b) Asking the printing presses to send the copies of the printed material (along with three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing:

(c) Impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the license of the printing press under the relevant laws of the State, would be taken.

(9) The Chief Electoral Officers shall do likewise in respect of the printing presses located at the State capitals.

(10) Before undertaking the printing of any election pamphlets or posters, etc., printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Appendix A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.

(11) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Along with such printed material and the declaration, the printer shall also furnish the information regarding number of copies of document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Appendix-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

(12) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.

(13) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-Para (5) above in respect of the pamphlets, posters, etc., received by them.

(14) The Chief Electoral Officers and District Magistrates shall initiate prompt action for investigation forth with if any case of publication of election pamphlets, posters etc. in violation of the above mentioned provisions of said section 127A and/or the Commission's above

directions either comes, or is brought to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.

(15) The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.

(16) If any officer who is responsible for the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

BY ORDER AND IN THE NAME OF
ELECTION COMMISSION OF INDIA

(S.K. MENDIRATTA)
SECRETARY

TO,

1. The Chief Secretaries of Government of all States and Union Territories.
2. The Chief Electoral Officers of All States and Union Territories.

APPENDIX – A

Proforma for declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See Section 127-A of the Representation of the People Act, 1951).

I,.....son/daughter/wife of ..... (Name) resident of .....(village/town)…… (District) ..... (State), hereby declare that I as the publisher of …… (give brief particulars of election poster, pamphlet, etc.)

Being printed by .....…….....

(Name of the printing press)
Place ..... (Signature of Publishers)
Date .....
Full Address: .....
Attested by (person personally known to publisher)

Signature (name and address)
Signature (name and address)
Countersigned by
Signature (Name and address of Printer)

APPENDIX – B

PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF ELECTION POSTERS, PAMPHLETS, ETC.

1. Name and address of printer……..……..

.....……..…

2. Name and Address of publisher…….…….

.....…….....

3. Date of Printing order of the Publisher…….……..

.....…..….....…….....

4. Date of declaration of the publisher…….……...

.....…….

5. Brief Particulars of election poster, pamphlet, etc……...

.....…….……..

6. Number of copies of the above document printed…….……..

.....…….

7. Date of printing……..……..

.....……

8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document……..
.....…….....……
.....…….....

Place .....
Date .....

(Signature of Printer)
Seal of the printer

ANNEXURE - XIX

(CHAPTER VII, PARA-7.14)

(FOR USE AT GENERAL ELECTION)

ELECTION COMMISSION OF INDIA

To be published in an Extraordinary Issue of the Gazette of India Part II, Section 3(ii), immediately

Dated the .....

NOTIFICATION

No ..... In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES

[SEE RULE 10(1)]

Election to the House of the People from I-Madras North Constituency

Serial No.	Name of Candidate	Address of candidate	Party affiliation	symbol alloted
1	**2**	**3**	**4**	**5**
(i) Candidate of recognized National and State Political parties. **(ii)** Candidates of registered political parties (other than recognized National and State Political Parties). **(iii)** Other candidates.				
Place…… **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.

FORM 7-A
LIST OF CONTESTING CANDIDATES
[SEE RULE 10(1)]
Election to the House of the People from 2-Madras South Constituency

Etc.	Etc.	Etc.

* Indicate name in capitals.

** Indicate designation in capital

FORM 7-A
LIST OF CONTESTING CANDIDATES
[SEE RULE 10(1)]

Election to the House of the People from 3-Sriperumbudur (SC) Constituency

( )

Secretary
Election Commission of India

FORM 7-A

LIST OF CONTESTING CANDIDATES [SEE RULE 10(1)]

Election to the House of the People from 39-Nagarcoil Constituencies

Etc.	Etc.	Etc.

( )

Secretary
Election Commission of India

(FOR USE AT BYE - ELECTION)

ELECTION COMMISSION OF INDIA

To be published in an Extra ordinary Issue of ..... Government Gazette, part .....Section.....on.....immediately

Dated.....

NOTIFICATION

No ..... In pursuance of sub-rule(2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES [SEE RULE 10(1)]

ELECTION TO THE HOUSE OF THE PEOPLE FROM 1-MADRAS NORTH CONSTITUENCY

Serial No.	Name of Candidate	Address of Candidate	Party affiliation	Symbol allotted
1	2	3	4	5

(i) Candidate of recognised National and State Political parties.

(ii) Candidates of registered political parties (other than recognised National and State Political Parties).

(iii) Other candidates

Place ..... **

Date ..... Returning Officer***

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

** *Indicate name in capitals.*

*** *Indicate designation in capitals.*

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

(FOR USE AT BYE-ELECTION)

ELECTION COMMISSION OF INDIA

To be published in an Extraordinary Issue of ..... the Gazette of India part .....
Section.....on.....immediately

New Delhi

Dated .....

NOTIFICATION

No ..... In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES

[SEE RULE 10(1)]

ELECTION TO THE HOUSE OF THE PEOPLE FROM 1-MADRAS NORTH CONSTITUENCY

Serial No.	Name of Candidate	Address of Candidate	*Party affiliation	Symbol allotted
1	2	3	4	5
(i)	Candidate of recognised National and State Political parties.			
(ii)	Candidates of registered political parties (other than recognised National and State Political Parties).			
(iii)	Other candidates			

Place ..... **
Date .....

Returning Officer***

( )

Secretary
Election Commission of India

 Indicate the number and name of the Parliamentary Constituency.

* *Applicable in the case of candidates mentioned under categories (i) and (ii) above.*

** *Indicate name in capitals.*

****Indicate designation in capitals.*

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

ANNEXURE XX

(CHAPTER VII, PARA - 7.20)

NOTICE TO CONTESTING CANDIDATES REGARDING PENAL PROVISIONS IN THE ELECTION LAW

Please take note that following are the provision relating to the corrupt practice and electoral offences in the Representation of the People Act, 1951, and the offences relating to elections in Chapter IX-A of the Indian Penal Code. The list enumerated below is not to be taken an exhaustive. You are advised to study also relevant provisions in the law. The proof of the commission of these corrupt practices and electoral offences may entail as per law the election being declared void and/or also award of punishment as laid down in the law.

(I) REPRESENTATION OF THE PEOPLE ACT, 1951

A. CORRUPT PRACTICES

Section 123- (i) Bribery, (ii) undue influence, (iii) appeal on the ground of religion, race, caste, community or language or the use of, or appeal to religious or national symbols, (iv) promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language (v) publication of false statement in relation to the personal character or conduct of a candidate or his candidature, (vi) the hiring or procuring of vehicles or use of such vehicle for the free conveyance of voters, (vii) the incurring or authorizing of election expenses in excess of the prescribed limit, and (viii) the obtaining or procuring of assistance from specified categories of Government Servants, and (ix) booth capturing.

B. ELECTORAL OFFENCES

1. Section 125 - Promoting enmity between different classes in connection with election.

2. Section 126 - Prohibition of public meetings during the prohibited period.

3. Section 127-Disturbance at election meetings.
4. Section 127-A Restrictions on the printing of pamphlets, posters, etc.
5. Section 128 - Maintenance of secrecy of votes.
6. Section 130 - Prohibition of canvassing in or near polling stations.
7. Section 131-Disorderly conduct in or near polling stations.
8. Section 132-Misconduct at polling station.
9. Section 133-Illegal hiring or procuring of conveyances at elections.
10. Section 134-B Prohibition of going armed to or near to polling station.
11. Section 135 - Removal of ballot papers from polling stations.
12. Section 135-A offence of booth capturing.
13. Section 135-C Liquor not to be sold, given or distributed on polling day.
14. Section 136-Fraudulent or unauthorized destruction of election papers, documents, ballot papers, ballot boxes etc.

(II) INDIAN PENAL CODE

15. Section 171-B-Bribery.
16. Section 171-C-Undue influence at elections.
17. Section 171-D-Personation at elections.
18. Section 171-G-False statement in connection with an election.
19. Section 171-H-Illegal payments in connection with an election.
20. Section 171-I-Failure to keep election accounts.

ANNEXURE - XXI
(CHAPTER VII, PARA – 7.27)

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. (Candidate No. 1)	.....	Shri/Smt./Ms.	.....
2. Shri/Smt./Ms. (Candidate No. 2)	.....	Shri/Smt./Ms.	.....
3. Shri/Smt./Ms. (Candidate No. 3)	.....	Shri/Smt./Ms.	.....
etc.			
etc.			

Place .....

Date .....

SIGNATURE

(SEAL)

RETURNING OFFICER

ANNEXURE - XXII

(CHAPTER VIII, PARA – 8.2)

PART I

THE ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER, 1968

AN ORDER

***to provide for specification, reservation, choice and allotment of symbols at elections in Parliamentary and Assembly Constituencies, for the recognition of political parties in relation thereto and for matters connected therewith*.**

S.O. 2959, dated the 31st August, 1968 – WHEREAS, the superintendence, direction and control of all elections to Parliament and to the Legislature of every State are vested by the Constitution of India in the Election Commission of India;

AND WHEREAS, it is necessary and expedient to provide, in the interest of purity of elections to the House of the People and the Legislative Assembly of every State and in the interest of the conduct of such elections in a fair and efficient manner, for the specification, reservation, choice and allotment of symbols, for the recognition of political parties in relation thereto and for matters connected therewith;

NOW THEREFORE, in exercise of the powers conferred by Article 324 of the Constitution[1] [read with section 29A of the Representation of the People Act, 1951 (43 of 1951)] and rules 5 and 10 of the Conduct of Elections Rules, 1961 and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order:-

1. SHORT TITLE, EXTENT, APPLICATION AND COMMENCEMENT

(1) This Order may be called the Election Symbols (Reservation and Allotment) Order, 1968.

(2) It extends to the whole of India and applies in relation to elections in all Parliamentary and Assembly Constituencies other than Assembly Constituencies in the State of Jammu & Kashmir.

(3) It shall come into force on the date of its publication in the Gazette of India which date is hereinafter referred to as the commencement of this Order.

2. DEFINITIONS AND INTERPRETATION

(1) In this Order, unless the context otherwise requires –

(a) "clause" means a clause of the paragraph or sub-paragraph in which the word occurs;

(b) "Commission", means the Election Commission of India constituted under Article 324 of the Constitution;

(c) "Constituency", means a parliamentary constituency or an assembly constituency;

(d) "Contested election" means an election in a parliamentary or an assembly constituency where a poll is taken;

(e) "Election" means an election to which this Order applies;

[1]**[(ee) "form" means a form appended to this Order;]**

(f) "general election" means any general election held after the commencement of this Order for the purposes of constituting the House of the People or the Legislative Assembly of a State and includes a general election whereby the House of the People or the Legislative Assembly of a State in existence and functioning at such commencement, has been constituted;

(g) "paragraph" means a paragraph of this Order;

[2][(h) "political party" means an association or body of individual citizens of India registered with the Commission as a political party under Section 29A of the Representation of the People Act, 1951;]

[1][(i) "State" includes the National Capital Territory of Delhi and the Union Territory of Puducherry;]

(j) "Sub-paragraph" means a sub-paragraph of the paragraph in which the word occurs;

[2][(jj) "Union Territory" means Union Territory other than the National Capital Territory of Delhi and the Union Territory of Puducherry; and]

(k) Words and expressions used but not defined in this Order but defined in the Representation of the People Act, 1950, or the rules made there under or in the Representation of the People Act, 1951, or the rules made there under shall have the meanings respectively assigned to them in those Acts and Rules.

(2) The General Clauses Act, 1897 shall, as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Central Act.

[3].* * *]

4. ALLOTMENT OF SYMBOLS

In every contested election a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidates at an election in the same constituency.

5. CLASSIFICATION OF SYMBOLS

(1) For the purpose of this Order symbols are either reserved or free.

(2) Save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved for a recognized political party for exclusive allotment to contesting candidates set up by that party.

(3) A free symbol is a symbol other than a reserved symbol.

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[1] Inserted by Notification No. 56/97/Judl.III, dated 15.12.1997.

[2] Substituted by Notification No. O.N.56(E), dated 15.6.1989.

[3] Paragraph 3 omitted by Notification No. O.N.21(E), dated 23.3.1992 (w.e.f. 25.3.1992)

1 [6. CLASSIFICATION OF POLITICAL PARTIES

(1) For the purposes of this Order and for such other purposes as the Commission may specify as and when necessity therefore arises, political parties are either recognised political parties or unrecognized political parties.

(2) A recognised political party shall either be a National party or a State party.

6A. CONDITIONS FOR RECOGNITION AS A NATIONAL PARTY

A political party shall be treated as a recognized National party, if, and only if, either (A)(i) the candidates set up by it, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in their respective States at that general election; and (ii) in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States;

or (B)(i) its candidates have been elected to the House of the People, at the last general election to that House, from at least two percent of the total number of parliamentary constituencies in India, any fraction exceeding one-half being counted as one; and (ii) the said candidates have been elected to that House from not less than three States.

6B. CONDITIONS FOR RECOGNITION AS A STATE PARTY

A political party, other than a National party, shall be treated as a recognised State party in a State or States, if, and only if,

either (A)(i) the candidates set up by it, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in that State at that general election; and (ii) in addition, it has

returned at least two members to the Legislative Assembly of the State at the last general election to that Assembly;

or (B) it wins at least three percent of the total number of seats in the Legislative Assembly of the State, (any fraction exceeding one-half being counted as one), or at least three seats in the Assembly, whichever is more, at the aforesaid general election.

6C. CONDITIONS FOR CONTINUED RECOGNITION AS A NATIONAL OR STATE PARTY

If a political party is recognized as a National party under paragraph 6A, or as a State party under paragraph 6B, the question whether it shall continue to be so recognized after any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be dependent upon the fulfillment by it of the conditions specified in the said paragraphs on the results of that general election.]

[1][7. SAVINGS AND INTERPRETATION

(1) Notwithstanding anything contained in paragraph 6A, 6B or 6C, if any political party stands recognized, immediately before the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2000, either as a National party or as a State party in some State or States, the said party shall continue to have and enjoy the status of such National or State party for the purposes of the next general election, to be held after the commencement of the said Order, to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, and its continued recognition as such National or State party shall thereafter be dependent upon the fulfillment by it of the conditions specified in paragraph 6A or, as the case may be, paragraph 6B.

(2) For the removal of doubt, it is hereby clarified that the conditions in paragraph 6A or paragraph 6B shall not be deemed to have been satisfied by a political party, -

(I) if it is newly formed, whether as a result of split in a recognised National or State party or otherwise, and registered with the Commission under section 29A of the Representation of the People Act, 1951, after the last general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned; or

(II) on the joining or taking the membership of that party, by a member of the House of the People, or the Legislative Assembly of a State, after his election to that House or, as the case may be, that Assembly.]

8. CHOICE OF SYMBOLS BY CANDIDATES OF NATIONAL AND STATE PARTIES AND ALLOTMENT THEREOF –

(1) A candidate set up by a National Party at any election in any constituency in India shall choose, and shall be allotted, the symbol reserved for that party and no other symbol.

(2) A candidate set up by a State Party at an election in any constituency in a State in which such party is a State Party, shall choose, and shall be allotted the symbol reserved for that Party in that State and no other symbol.

(3) A reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State Party for whom such symbol has been reserved in the State in which it is a State Party even if no candidate has been set up by such National or State Party in that constituency.

[1][9. RESTRICTION ON THE ALLOTMENT OF SYMBOLS RESERVED FOR STATE PARTIES IN STATES WHERE SUCH PARTIES ARE NOT RECOGNISED

A symbol reserved for a State Party in any State –

2 {(a) shall not be included in the list of free symbols for any other State or Union Territory; and

(b) shall not be reserved for any other party which subsequently becomes eligible, on fulfillment of the conditions specified in [3] {{paragraph 6B}}, for recognition as a State Party in any other State:

Provided that nothing contained in clause (b) shall apply in relation to a political party, for which the Commission has, immediately before the commencement of the Election Symbols

[1] Substituted by Notification No. 56/97/Judl.III, dated 15.12.1997.
[2] Substituted by Notification No. 56/99/Judl.III, dated 8.6.1999
[3] Substituted by Notification No. 56/2000/Judl.III, dated 1.12.2000.

(Reservation and Allotment) (Amendment) Order, 1997, already reserved the same symbol which it has also reserved for some other State Party or Parties in any other State or States.}]

[1][10. CONCESSION TO CANDIDATES SET UP BY A STATE PARTY AT ELECTIONS IN OTHER STATES OR UNION TERRITORIES:

If a political party which is recognised as a State Party in some State or States, sets up a candidate at an election in a constituency in any other State or Union Territory in which it is not a recognised State party, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of free symbols for such other State or Union Territory, on the fulfillment of each of the following conditions, namely :-

(a) that an application is made to the Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;

(b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the

requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and

(c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment.

Provided that nothing contained in this paragraph shall apply to a candidate set up by a State Party at an election in any constituency in a State in which that party is not a State Party and where the same symbol is already reserved for some other State Party in that State.]

[2][10A. CONCESSION TO CANDIDATES SET UP BY AN UNRECOGNISED PARTY WHICH WAS EARLIER RECOGNISED AS A NATIONAL OR STATE PARTY

If a political party, which is 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, 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, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved earlier for that party when it was a recognised National or State party, notwithstanding that such symbol is not specified in the list of free symbols for such State or Union territory, on the fulfillment of each of the following conditions, namely:-

(a) that an application is made to the Commission by the said party for the exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;

(b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and

(c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment:

Provided that nothing contained in this paragraph shall apply to a candidate set up by the said party at an election in any constituency in a State or Union territory where the same symbol is already reserved for some other National or State party in that State or Union Territory].

11. RESTRICTIONS ON THE CHOICE AND ALLOTMENT OF SYMBOLS ALLOTTED UNDER PARAGRAPH 10 [1][OR PARAGRAPH 10A]

Notwithstanding anything contained in any of the foregoing provisions where elections are held simultaneously in a parliamentary constituency and in the assembly constituencies comprised in such parliamentary constituency, then-

(a) if a symbol has been exclusively allotted under paragraph 10 [1][or paragraph 10A] to a candidate set up by a political party at any election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said Assembly Constituencies unless such candidate is a candidate set up by that political party; and

(b) if a symbol has been exclusively allotted under paragraph 10 [1][or paragraph 10A] to a candidate set up by a political party at any election in any of the said Assembly Constituencies that symbol shall not be allotted to any candidate at the election in the said Parliamentary Constituency unless such candidate is a candidate set up by that political party.

12. CHOICE OF SYMBOLS BY OTHER CANDIDATES AND ALLOTMENT THEREOF

(1) Any candidate at an election in a constituency in any State or Union territory, other than-

(a) a candidate set up by a National party, or

(b) a candidate set up by a political party which is a State party in that State, or

(c) a candidate referred to in paragraph 10 or paragraph 10A,

shall choose, and shall be allotted, in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols for that State or Union territory by notification under paragraph 17.

(2) Where any free symbol has been chosen by only one candidate at such election, the returning officer shall allot that symbol to that candidate, and to no one else.

(3) Where the same free symbol has been chosen by several candidates at such election, then -

(a) if, of those several candidates, only one is a candidate set up by an unrecognized political party and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the unrecognized political party, and to no one else; and, if, of those several candidates, two or more are set up by different unrecognized political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognized political parties that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else:

Provided that where of the two or more such candidates set up by such different unrecognised political parties, only one is, or was, immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer shall allot that free symbol to that candidate, and to no one else;

(b) if, of those several candidates, no one is set up by any unrecognized political party and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and

(c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidates on whom the lot falls, and to no one else.]

13. WHEN A CANDIDATE SHALL BE DEEMED TO BE SET UP BY A POLITICAL PARTY

For the purposes of an election from any parliamentary or assembly constituency to which this Order applies, a candidate shall be deemed to be set up by a political party in any such parliamentary or assembly constituency, if, and only if,-

(a) the candidate has made the prescribed declaration to this effect in his nomination paper; [2]{(aa) the candidate is a member of that political party and his name is borne on the rolls of members of the party;}

(b) a notice by the political party in writing, in Form B, to that effect has, not later than 3 p.m. on the last date for making nominations, been delivered to the Returning Officer of the constituency;

(c) the said notice in Form B is signed by the President, the Secretary or any other office bearer of the party, and the President, Secretary or such other office bearer sending the notice has been authorized by the party to send such notice;

(d) the name and specimen signature of such authorized person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the [3]{State or Union Territory concerned}, not later than 3 p.m. on the last date for making nominations; and

(e) Forms A and B are signed, in ink only, by the said office bearer or person authorized by the party:

Provided that no facsimile signature or signature by means of rubber stamp, etc., of any such office bearer or authorized person shall be accepted and no form transmitted by fax shall be accepted.]

13A. SUBSTITUTION OF A CANDIDATE BY A POLITICAL PARTY:-

For the removal of any doubt, it is hereby clarified that a political party which has given a notice in Form B under paragraph 13 in favour of a candidate may rescind that notice and may give a revised notice in Form B in favour of another candidate for the constituency:

Provided that the revised notice in Form B, clearly indicating therein that the earlier notice in Form B has been rescinded, reaches the Returning Officer of the constituency, not later than 3 p.m. on the last date for making nominations, and the said revised notice in Form B is signed by the authorized person referred to in clause (d) of paragraph 13:

Provided further that in case more than one notice in Form B is received by the Returning Officer in respect of two or more candidates, and the political party fails to indicate in such notices in Form B that the earlier notice or notices in Form B, has or have been

rescinded, the Returning Officer shall accept the notice in Form B in respect of the candidate whose nomination paper was first delivered to him, and the remaining candidate or candidates in respect of whom also notice or notices in Form B has or have been received by him, shall not be treated as candidates set up by such political party.]

14. POWER OF COMMISSION TO ISSUE INSTRUCTIONS TO UN-RECOGNISED POLITICAL PARTIES FOR THEIR EXPEDITIOUS RECOGNITITON ON FULFILMENT OF CONDITIONS SPECIFIED IN [2][PARAGRAPH 6A OR PARAGRAPH 6B]

The Commission may issue for the benefit of unrecognised political parties such instructions as it may think necessary for their expeditious recognition when they have [2][fulfilled any of the conditions for such recognition specified in paragraph 6A or paragraph 6B].

15. POWER OF COMMISSION IN RELATION TO SPLINTER GROUPS OR RIVAL SECTIONS OF A RECOGNISED POLITICAL PARTY

When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognised political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the decision of the Commission shall be binding on all such rival sections or groups.

16. POWER OF COMMISSION IN CASE OF AMALGAMATION OF TWO OR MORE POLITICAL PARTIES

(1) When two or more political parties, one or some or all of whom is a recognised political party or are recognised political parties join together to form a new political party, the Commission may, after taking into account all the facts and circumstances of the case, hearing such representatives of the newly formed party and other persons as desire to be heard and having regard to the provisions of this Order, decide-

(a) whether such newly formed party should be a National party or a State Party; and
(b) the symbol to be allotted to it.

(2) The decision of the Commission under sub-paragraph (1) shall be binding on the newly formed political party and all the component units thereof.

16A. POWER OF COMMISSION TO SUSPEND OR WITHDRAW RECOGNITION OF A RECOGNISED POLITICAL PARTY FOR ITS FAILURE TO OBSERVE MODEL CODE OF CONDUCT OR FOLLOW LAWFUL DIRECTIONS AND INSTRUCTIONS OF THE COMMISSION

Notwithstanding anything in this Order, if the Commission is satisfied on information in its possession that a political party, recognised either as a National party or as a State party under the provisions of this Order, has failed or has refused or is refusing or has shown or is showing defiance

by its conduct or otherwise (a) to observe the provisions of the 'Model Code of Conduct for Guidance of Political Parties and Candidates' as issued by the Commission in January, 1991 or as amended by it from time to time, or (b) to follow or carry out the lawful directions and instructions of the Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular, the Commission may, after taking into account all the available facts and circumstances of the case and after giving the party reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the recognition of such party as the National Party or, as the case may be, the State Party.]

17. NOTIFICATION CONTAINING LISTS OF POLITICAL PARTIES AND SYMBOLS

(1) The Commission shall by one or more notifications in the Gazette of India publish lists specifying-

(a) the National Parties and the symbols respectively reserved for them;

(b) the State Parties, the State or States in which they are State Parties and the symbols respectively reserved for them in such State or States;

[3][(bb) xxxxxxxxx]

(c) the un-recognized political parties and the addresses of their headquarters registered with the Commission;] and

(d) the free symbols for each State and Union Territory.

(2) Every such list shall, as far as possible, be kept up-to-date.

18. POWER OF COMMISSION TO ISSUE INSTRUCTIONS AND DIRECTIONS

The Commission, may issue instructions and directions-

(a) for the clarification of any of the provisions of this Order;

(b) for the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

(c) in relation to any matter with respect to the reservation and allotment of symbols and recognition of political parties, for which this Order makes no provision or makes insufficient provision, and provision is in the opinion of the Commission necessary for the smooth and orderly conduct of elections.

*]

ANNEXURE - XXIII

(CHAPTER VII, PARA –8.8(p))

PART II

[1]FORM A

COMMUNICATION WITH REGARD TO AUTHORIZED PERSONS TO INTIMATE NAMES OF CANDIDATES SET UP BY RECOGNISED NATIONAL OR STATE POLITICAL PARTY OR REGISTERED UN-RECOGNISED POLITICAL PARTY.

(See paragraph 13(c) , (d) and (e) of the Election Symbols

(Reservation and Allotment) Order, 1968.)

To

1. The Chief Electoral Officer,
   …….(State/Union Territory)

2. The Returning Officer for the
   ……Constituency

Subject: General Elections to ……. from ……. (State/Union Territory) – Allotment of Symbols – Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorized by the party, which is National Party/State Party in the State of ……../Registered Un-recognised Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person 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. . .		

[1] Inserted by Notification No. 56/97/Judl-III, dated 15.12.1997

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,

President/Secretary
Name of the Party

Place .....

Date .....

(Seal of the Party)

N.B.

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

PART III

[1]FORM B

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY

[See paragraphs 13(b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order 1968]

To

The Returning Officer for the
…….Constituency

Subject: General/bye Election to ……. from ……. (Name of the Constituency) in ……..(State/Union Territory) – setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of ..... (party)

(i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named , and

(ii) the person whose particulars are mentioned in columns (5) to(7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye election from this constituency :

Name of the Constituency	Name of the approved Candidate	Father's/ Mother's/ Husband's Name of approved candidate	Postal address of approved candidate	Name of the substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's Name of substitute candidate	Postal Address of substitute Candidate
1	2	3	4	5	6	7

[1] Inserted by Notification No. 56/97/Judl-III, dated 15.12.1997 316

*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.

[1]3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the Authorized person of the Party)

(Seal of the Party) Place .....

Date .....

**** Score off, if not applicable.***

N.B.

1. This must be delivered to the Returning Officer not later than 3 p.m. on the last date for making nominations.

2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.

3. No form transmitted by fax shall be accepted.

4. Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

ANNEXURE - XXIV

(CHAPTER VIII, PARA-8.9(x))

EXPLANATORY NOTE FOR ALLOTMENT OF SYMBOLS

1. The allotment of symbols has to be made immediately after the expiry of the time fixed for the withdrawal of candidatures. While drawing up a list of contesting candidates a different symbol has to be allotted to each contesting candidate as far as possible in conformity with his choice given in the nomination paper first filed by him. You should proceed to allot the symbols in the following order.

   Firstly, you should pick up the candidates set up by National parties and allot to them the symbols reserved for them and no other symbol.

2. Secondly, you should pick up the candidates set up by State parties and allot them the symbols reserved for them. A party may be a State party in one State and not a State party in the State where it contests an election. If such a party sets up a candidate where it is not a State party, he should be allotted the symbol reserved for that party only if so specifically directed by the Commission in respect of your constituency on the fulfillment of the conditions laid down in paragraph 13 of the Symbols Order. In all other cases, the candidates of such party should be treated as candidates of registered un-recognised party.

3. Thirdly, you should take up the allotment of symbols to candidates set up by unrecognized political parties registered with the Commission. You should consult the latest list issued by the Commission. They should be allotted only free symbols according to the choice indicated in the nomination paper first filed.

   You should adopt the following procedure for allotment of symbols to candidates set up by registered political parties and independent candidates. If there is only one candidate set up by an unrecognized but registered party, then you should allot the free symbol according to the choice expressed in the nomination paper first filed. If, however, two or more candidates belonging to registered parties ask for the same free symbol then you should draw lots. Then you should proceed to allot symbols to candidates set up by associations or bodies not registered with the Commission and independent candidates not having any party affiliation. If, of the several independent candidates one of them is or was immediately before the election, a sitting member of the House of the People or the legislative Assembly and was allotted a particular free symbol at the previous election when he was chosen as such member, you should allot that free symbol to him. Then you should allot the symbol to the remaining candidates. If more than one candidate has chosen the same symbol as his first choice you should draw lots.

   Where election are held simultaneously in a parliamentary and in the Assembly Constituencies comprised in that Parliamentary Constituency and if a symbol is exclusively allotted under the Commission’s direction to a candidate set up by a State party at an election in a Parliamentary

Constituency in a State in which that party is not a State party, that symbol shall not be allotted to any candidate at that election in any of the component Assembly constituencies unless such candidate is a candidate set up by that political party. Similarly, if a symbol has been exclusively allotted to a candidate set up by a State party at an election from one of the Assembly Constituencies comprised within a Parliamentary Constituency, that symbol shall not be allotted to any candidate at the election from the said Parliamentary Constituency, unless such a candidate is set up by that political party.

4. It must be noted and strictly observed that only those free symbols are allotted to candidates set up by registered unrecognized political parties and independent candidates which are included in the list of free symbols as notified by the Election Commission for your State. For this purpose, you must always consult the latest list notified by the Commission containing the names of recognised National and State parties and the symbols respectively reserved for them and also the list of free symbols for your State.

ANNEXURE - XXV

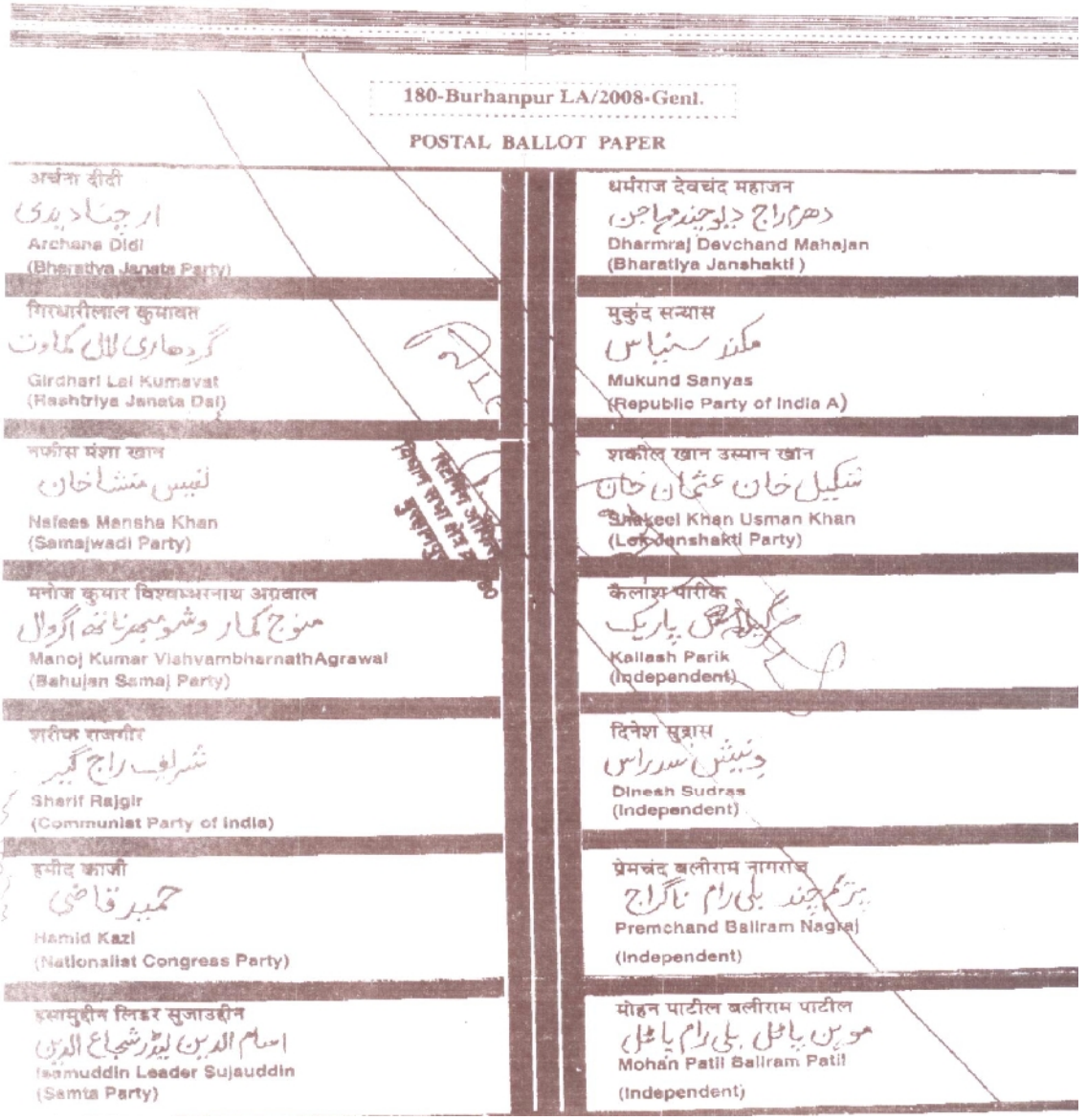
(CHAPTER X, PARA – 10.9)

180-Burhanpur LA/2008-Genl.

POSTAL BALLOT PAPER

Electoral Roll Part No. .....

Serial No. of Elector .....



ANNEXURE – XXVI-A

(CHAPTER X, PARA - 10.28)

[1]FORM 13F [SEE RULE 27N(3)]

APPOINTMENT OF PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE.

I ……..(name of the classified service voter) aged 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] …… Parliamentary constituency of the State/ Union territory of ……. in which I am entitled to give vote under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

…….. ……

(Signature of proxy) **(Signature of classified service voter)**

Serial number of his name on and part no. of electoral roll of the concerned constituency ……..

Serial number of his name in the last part of electoral roll of the concerned Constituency .....
Service Identity Card No. .....
Name of the Force to which he belongs……..

**Not applicable in Union Territories having no Legislative Assembly*

Note: (1) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act 1950 (43 of 1950).

(2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter.

(3) Score out the words not applicable.

RECEIPT OF FORM 13F FOR THE APPOINMENT OF PROXY BY CLASSIFIED SERVICE VOTER

Serial No……..

Received Form 13F of Shri / Smt. / Kum. .....

……

Returning Officer

1. Ins. by Notification. No. S.O.903 (6), dt. 05.08.2003.

ANNEXURE – XXVI-B

(CHAPTER X, PARA – 10.28)

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 number of his name on no. of electoral roll of the concerned constituency ……..

Serial number of his name in the last and part part of electoral roll of the concerned constituency .....
Service Identity Card No. .....
Name of the Force to which he belongs.....

*Not applicable in Union Territories having no Legislative Assembly

Note: (I) 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 Act1950 (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 APPOINMENT OF PROXY OR REVOCATION OF APPOINTMENT OF PROXY AND APPOINTMENT OF SUBSTITUTE PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE

(To be handed over to the person depositing the said form)

Serial No……..
Received Form 13F of Shri / Smt. / Kum. .....
R/o
.....
Dated …… (Signature and Seal)

Returning Officer

ANNEXURE XXVI-C

(CHAPTER X, PARA – 10.29)

LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

(UNDER RULE 27P(2) OF CONDUCT OF ELECTIONS RULES 1961)

(1) Name of State :

(2) No. & name of Constituency :

S.No.	Name of the Classified Service Voter (CSV)	Name of the Force to which he belongs & Service ID No.	Age	Father's/ husband's Mother's/ Name	Address	S.No. of his name in the last part of the electoral roll of the constituency	Name of the Proxy	Age of the Proxy	Father's/ husband's/ Mother's Name	Full Address of the Proxy	Date on which	
											Intimation about appointment was received by R.O.	Intimation about revocation if any, was received by R.O.
1	2	3	4	5	6	7	8	9	10	11	12	13

Signature of Returning Officer

ANNEXURE XXVI-D
(CHAPTER X, PARA – 10.29)

POLLING STATION-WISE SUB-LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

(SEE RULE 27P(3) OF CONDUCT OF ELECTIONS RULES 1961)

(1) No. & name of Constituency :

(2) Part No. of Electoral Roll :

S.No.	Name of the Classified Service Voter (CSV)	Name of the Force to which he belongs & Service ID No.	Age	Father's/ Husband's/ Mother's Name	Address	S.No. of his name in the last part of the electoral roll	Name of the Proxy	Age of the Proxy	Father's/ Husband's/ Mother's Name	Full Address of the Proxy
1	2	3	4	5	6	7	8	9	10	11

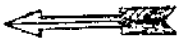
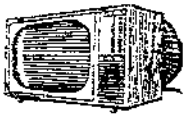
ANNEXURE XXVII
(CHAPTER X, PARA – 10.51)

ACCOUNT REGISTER OF POSTAL BALLOT PAPERS ISSUED TO PERSONS DRAFTED FOR ELECTION DUTY

S.N	Name of the person drafted for election duty and who has submitted Form-12 for Postal Ballot Paper	Whether the person is registered as an elector in the constituency (Yes/No)	If yes, Part No. & Serial Number in Electoral Roll	Date of which Postal Ballot Paper issued and entry made in the marked copy of the Electoral Roll	Whether the person collected the Postal Ballot Paper in person (Yes/No)	If yes, sign of the person with date token of receipt of P.B.	If no, whether the RO has taken action the deliver the P.B at the person address (Date Delivery)	Remarks
1	2	3	4	5	6	7	8	9

ANNEXURE XXVIII
(CHAPTER X, PARA – 10.70)

000220
S. No. . . . . 82-Dhouhani (S.T.) LA/2008-Genl.

1.	कुँवर सिंह टेकाम Kunwar Singh Tekam	
2.	तिलक राज सिंह Tilak Raj Singh	
3.	महिपाल सिंह Mahipal Singh	
4.	सूर्यबली कोल "बहुजन" Suryabali Kol "Bahujan"	
5.	चन्द्रपाल सिंह "उइके" Chandrapal Singh Uekey	
6.	शेषभान सिंह Sheshbhan Singh	
7.	हुब्ब लाल सिंह मरकाम Hubb Lal Singh Markam	
8.	अवधेश कोल Awdhesh Kol	
9.	अशोक सिंह पैगाम Ashok Singh Paigam	
10.	राम प्रकाश Ram Prakash	

ANNEXURE - XXIX

(CHAPTER XI, PARA – 11.11)

ELECTION COMMISSION OF INDIA

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

I GENERAL CONDUCT

(1) No party or candidate shall indulge in any activity, which may aggravate existing differences or create mutual haltered or cause tension between different castes and communities, religious or linguistic.

(2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or on distortion shall be avoided.

(3) There shall be no appeal to caste or communal, feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.

(4) All parties and candidates shall avoid scrupulously all activities which are “corrupt practices” and offences under the election law such as the bribing of voters, intimidation of voters, personating of voters, canvassing within 100 meters of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.

(5) The right of every individual for peaceful and undisturbed home life shall be respected, however as much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances

(6) No political party or candidate shall permit its or his followers to make use of any individual’s land, building, compound wall etc. without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.

(7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by the other parties. Workers or sympathizers of one political party shall not create disturbances at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meeting are being held by another party. Posters issued by one party shall not be removed by workers of another party.

II. MEETINGS

(1) The party or candidates shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

(2) A party or candidates shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exits, they shall be followed strictly. If any exemption is required from such orders it shall be applied for and obtained well in time.

(3) If permission of licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or licence.

(4) Organizers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organizers themselves shall not take action against such persons.

III. PROCESSIONS

(1) A party or candidate organising a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.

(2) The organizers shall give advance intimation to the local police authorities of the programme so as to enable the letter to make necessary arrangements

(3) The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.

(4) The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions the passage of held-up traffic could be allowed by stages thus avoiding heavy traffic congestion.

(5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.

(6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.

(7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of precisionists carrying article which may be put to misuse by undesirable elements, especially in moments of excitement.

(8) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

IV. POLLING DAY

All political parties and candidates shall-

(i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;

(ii) supply to their authorized workers suitable badges or identity cards;

(iii) agree that the identity slips supplied by them to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate or the name of the party.

(iv) refrain from serving or distributing liquor on polling day and during the twenty four hours preceding it;

(v) not allow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and candidates;

(vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and

(vii) co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

V. POLLING BOOTH

Excepting the voters no one without a valid pass from the Election Commission shall enter the polling booths.

VI. OBSERVERS

The Election Commission is appointing observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of the election they may bring the same to the notice of the observer.

VII PARTY IN POWER

The party in power whether at the Centre or in the State or States concerned shall ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign and in particular-

(i) (a) the Ministers shall not combine their official visit with electioneering work and shall

(b) govt. transport including official aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) public places such as maidans etc. for holding election meeting and use of helipads for airflights in connection with elections, shall not be monopolized by itself. Other parties and candidate shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) rest houses, dak bungalows or other Government accommodation shall not be monopolised by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premised appertaining thereto) as a campaign officer or for holding any public meeting for the purposes of election propaganda;

(iv) issue of advertisement at the cost of public exchequer in the news papers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the Party and Power shall be scrupulously avoided.

(v) ministers and other authorities shall not sanction grants/payment out of discretionary funds from the time election are announced by the Commission; and

(vi) from the time the election are announced by the Commission, Ministers and other authorities shall not-

(a) announce any financial grants in any form or promises thereof; or

(b) lay-foundation stones etc. of projects or schemes of any kind; or

(c) make any promise of construction of roads, provision of drinking water facilities etc. or

(d) make any ad-hoc appointments in Government, public undertakings, etc., which may have the effect the influencing the voters in favour or the party in power.

(vii) ministers of Central or State Govt. shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.

Note: The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

ANNEXURE - XXX

(CHAPTER XII, PARA – 12.38)

STEP-BY-STEP OPERATIONS DURING SEALING OF EVM BY THE RETURNING OFFICER

1. Arrange all the Balloting Units (BU) and Control Units (CU) required for the polling stations as well as the reserve quantities under the tables in order of polling stations. If space is a constraint, take-up the operations round wise.

2. Remove the BU from the carrying case.

3. Place a plastic bubble sheet on the table.

4. Place the BU in face down position on the plastic bubble sheet.

5. Tally the serial number on the BU with that on the carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.

6. Note down the serial number of the BU in the issue register.

7. Note down the machine serial number on the four (4) address tags of the BU. The four (5) tags will be required at the time of the Returning Officers (RO) sealing, which are placed as follows:

   - A tag for sealing after inserting ballot paper under the Ballot paper Screen
   - A tag for sealing the BU at the right top side after closing.
   - A tag for sealing the BU at the right bottom side after closing.
   - A tag on the carrying case after placing the BU. This may not be sealed but only tied to one corner hole of the carrying case using a thread.

8. Affix the Distinguishing Mark on he address tags.

9. Place the address tags for each polling station near the corresponding BU.

10. Place the BU in face up position on the table.

11. Open the top cover of the BU.

12. Put the slide switch to the proper position (set to 1, if the number of the candidates are 16 or less).

13. Open the transparent acrylic Balloting Paper Screen.

14. Place the Ballot Paper (this should already be signed on the reserve by the RO) under the transparent acrylic cover and ensure that the lines are aligned (IMPORTANT).

15. Unmask (Blue) all the used Candidate Buttons and mask (White) all the unused buttons.

16. Close the transparent acrylic Balloting Screen.

17. Remove the Control Unit (CU) from its carrying case and place it on the left side of the corresponding BU.

18. Tally the serial number of the CU with that on its carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.

19. Note down the serial number of the CU and BU the issue register.

20. Note down the serial number on two (2) address tags for the CU. The two tags are required at the same time of RO sealing, which are placed as follows:

    - A tag for sealing the Candidate Set Section and

    - A tag on the carrying case. This may not be sealed but only tied on the carrying case using thread.

21. Affix the distinguishing mark on the address tags. Place the address tags for each polling station near the corresponding CU.

22. Interconnect the BU with the CU as per pairing.

23. Place a new battery in the Candidate Set Section in the CU.

24. Switch ON the power switch in the bottom compartment of the CU.

25. Check for the ON (Green) and BUSY(Red) lamp on the CU are glowing and observe the display '88 8888 followed by 'np 1', 'Cd' (no. of contesting candidates) with Beep sound.

26. Press the 'Candset" Button on CU and observed the displayed 'Cd' with continuous beep sound. Observed Red light Busy lamp n CU and Green light in Ready lamp in BU. Then press the last unmasked button on the BU.

27. Press the 'Total' button and ensure that the number of candidates are correctly set and the total number of voters is ZERO and observe displayed 'np 1';cd*'& 'To0' with beep sound.
    (*for number of contesting candidates)

28. Switch OFF the CU (IMPORTANT).

29. Disconnect the BU from the CU and close the rear cover of the CU.

30. Close and seal the Candidate Set Section of the CU with an Address Tag.

31. Put a long thread (abut 1 meter) through the two inner seals of the ballot paper screen.

32. Attach an address tag to the long thread and position it towards the bottom side by putting another hole in the address tag.

33. Put Lac on the knot at the address tag and affix the RO's seal.

34. Close the BU's top cover.

35. Affix the seals on the address tags placed at the right top and right bottom latch covers of the BU.

36. Arrange the interconnecting cable of the BU in the proper fold with the rubber band.

37. Place the BU inside the plastic cover and place it in its carrying case.

38. Place the CU inside the plastic cover and place it in its carrying case.

39. Tie the respective address tags on the carrying cases with threads.

Note: 1. PUT A CARD BOARD WHILE SEALING WITH THE LAC.
2. PUT CELOTAPE FOR FIXING THE ADDRESS TAGS PROPERLY.

VALUABLE TIME WILL BE SAVED BY COMPLETING SEVERAL PRELIMINARY PROCEDURES LISTED BELOW BEFORE OPENING THE MACHINES:

i) Preparation of Issue Register with serial numbers columns for the Units left blank as per prescribed Proforma.

ii) Preparation of address tags-four (4) for BU and two (2) for the CU with all the relevant data excepting the serial number of the machine and the Distinguishing Mark filled in. Use rubber stamp for filling in (1) Name of the constituency (2) Assembly segment (3) Date of poll.

iii) Cutting of thread – about 1 meter (one) and 20 cms length (six) of the requisite numbers.

iv) Heating arrangements for the Lac. Lac to be used for sealing can be melted in a pot while one person put it on the sealing places another can mark the RO's seal on that.

v) RO's signature on the reserve side of the ballot papers. vi) Procuring 5-10 numbers of blades for cutting off excess thread. vii) Procuring of one of two tubes of dhesive (like Fevi-Kwick) for any on the spot repairs of breakages.

IMPORTANT GUIDELINES

- Please handle the machine carefully as these are liable to be damaged if not handled gently.
- Ensure that the ballot paper screen is not scratched while handling.

- Always place a new battery inside the machine during RO sealing.
- Ensure that the top side of the mating connector of BU is kept on top while connecting it to the CU. Any attempt to force the connection in the opposite direction will bend the sensitive pins inside the connector.
- Never leave the machine switched in 'ON' condition after sealing is over:
- Place the machine for safe custody after RO sealing.

IMPORTANT POINT – SEAL OF THE R.O.

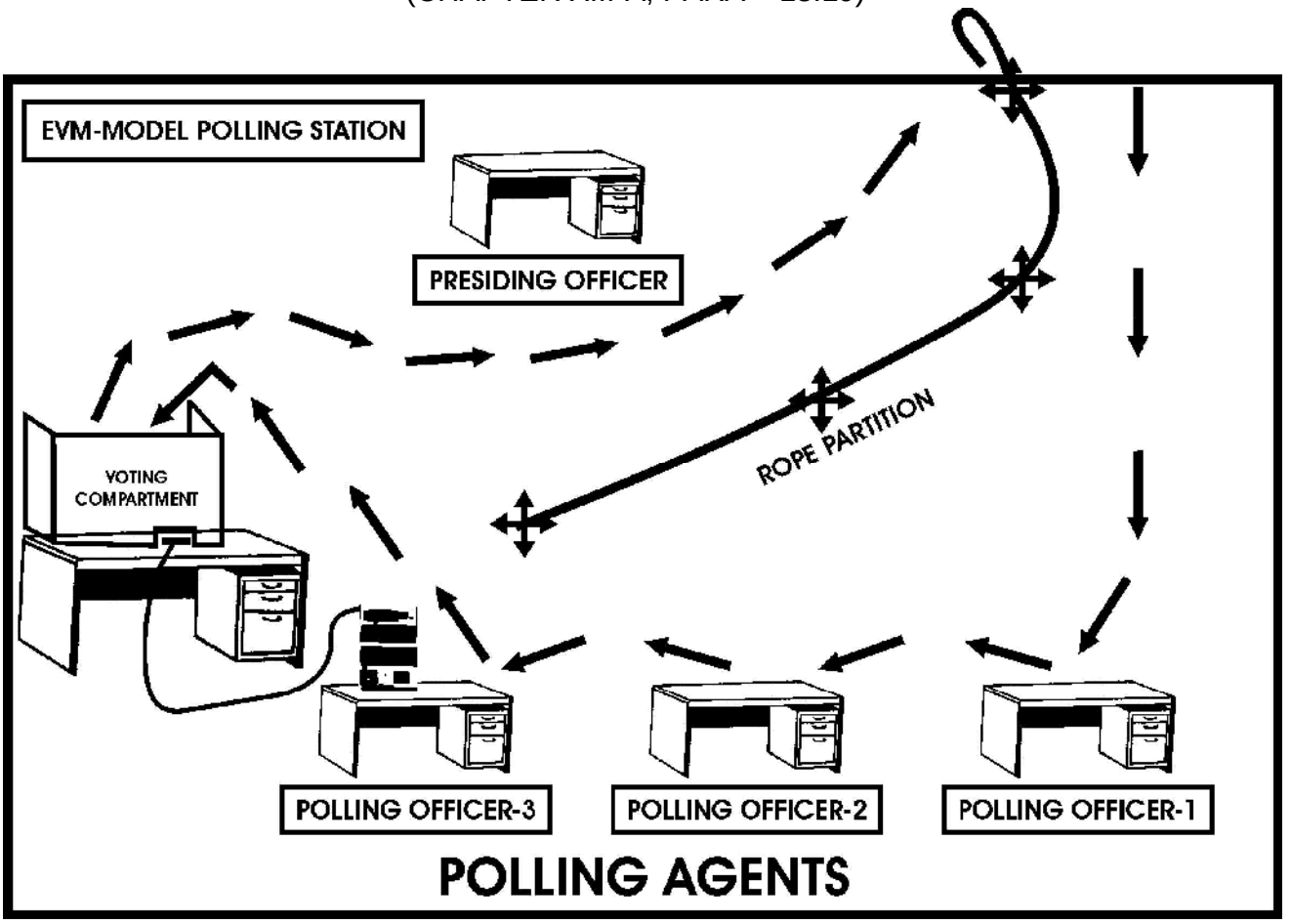
While preparing the Control Unit and Ballot Units by the Returning Officer, it has been mentioned at various places that the machines shall be sealed with the seal of the Returning Officer.

In this connection, it is clarified that while preparing the CUs and BUs for the polling, the RO shall not use the Secret Seal supplied by the Election Commission. He should use his own seal.

The Secret Seal of the Commission should be used to seal the machines after counting is over and before the machines are stored in the Treasury.

ANNEXURE XXXI-A

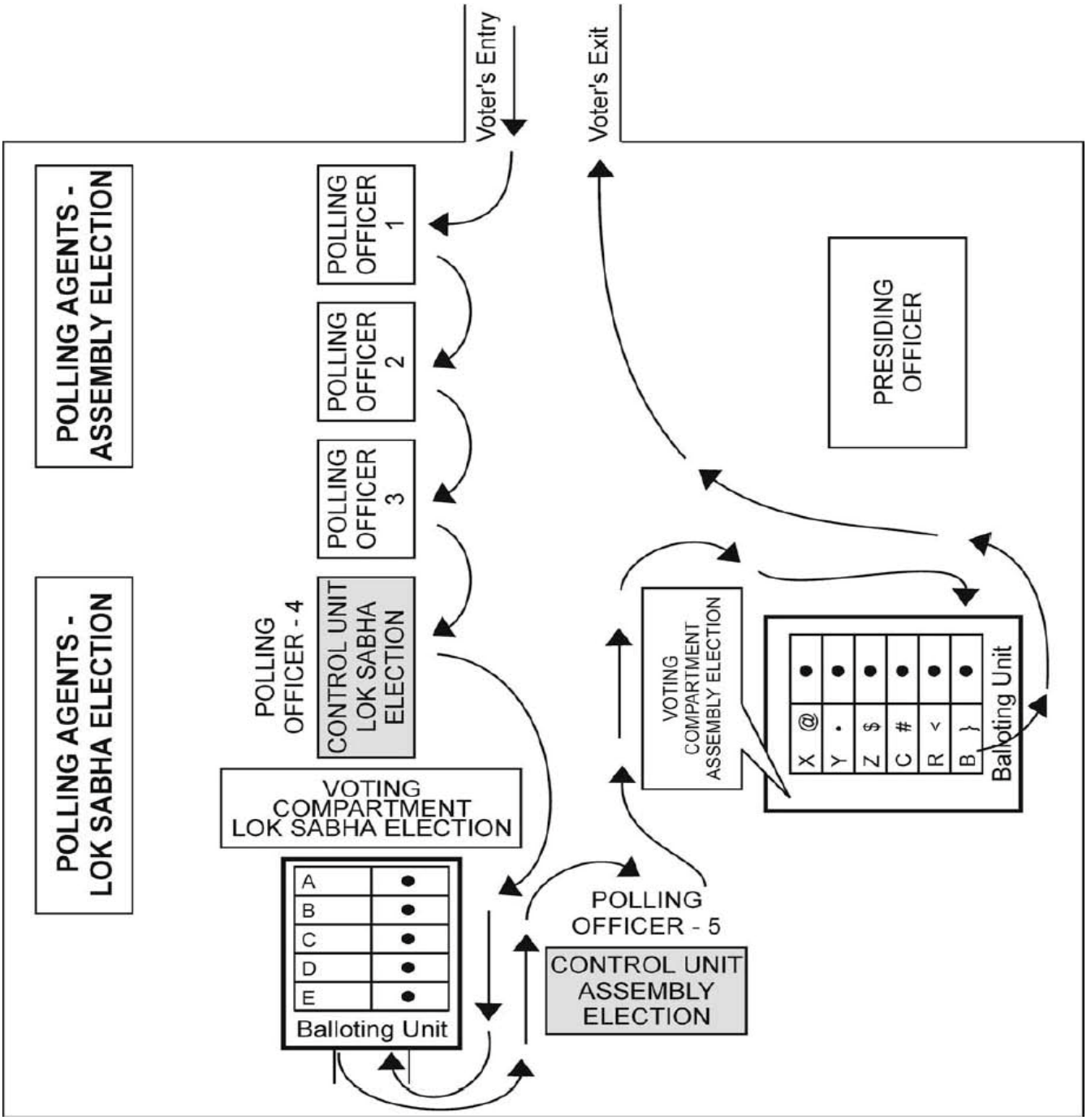
(CHAPTER XIII-A, PARA – 13.19)



ANNEXURE XXXI-B

(CHAPTER XIII-A, PARA – 13.19)

LAYOUT OF POLLING STATION WHERE EVMs ARE USED AT SIMULTANEOUS ELECTION



ANNEXURE – XXXII
(CHAPTER XII, PARA-12.56)
COMPLETE METHOD OF SEALING CONTROL UNIT

INCLUDING USE OF STRIP SEAL BY PRESIDING OFFICER AT POLLING STATION ON THE DAY OF POLL AFTER MOCK POLL

1. FOR THE SAKE OF EASY UNDERSTANDING, THE COMPLETE SEQUENTIAL ORDER OF THE STEPS TO BE TAKEN BY THE PRESIDING OFFICER AT THE POLLING STATION UNTIL AND INCLUDING FIXING THE STRIP SEAL ARE GIVEN BELOW:-

i) Before the commencement of the actual poll, the Presiding Officer conducts mock poll.

ii) After conducting mock poll and showing the result, the Presiding Officer shall clear the Control Unit of the date relating to mock poll by operating 'Clear" button.

iii) After clearing, he shall insert the Green Paper Seal (two seals in the case of BEL machines and only one in case of ECIL machine) to cover the windows of the inner door of the Result Section. While inserting the Green Paper Seal(s), care should be taken to ensure that the Green portion of the seal is visible through the windows of the inner door after it is closed.

iv) After inserting the Green Paper Seal, the inner door above the result buttons shall be closed.

v) Then the inner door of the result section shall be sealed off with the special tag.

vi) After fixing the Special Tag, close the outer door of the Result Section ensuring that the loose ends of the Green Paper Seal(s) protrude out from both the sides of the closed outer door (Refer to Commission's instructions vide letter no. 51/8/2001/PLN-IV dated 3.12.2001)

vii) Then the Presiding Officer shall seal the outer door with thread and address tag.

viii) Next he shall proceed to fix the Strip Seal around the Control Unit to seal the Result Section from outside completely so that this section cannot be opened without damaging the Strip Seal after the poll commences. The Strip Seal shall be positioned just below the "CLOSE" button. The detailed procedure to fix the Strip Seal is given below. There is a slight difference in the method of fixing the Strip Seal for BEL make machines and ECIL make machines. Follow the instructions below depending on the make of the EVM available in your State / Union Territory.

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

Step-1: Keep the Strip Seal with the pre-gummed portion 'A' positioned near the base of the Green Paper Seal protruding from the inner end of the door. Remove the

wax paper covering ‘A’. hen press the inner layer of the Green Paper Seal over the gummed portion ‘A’. Also keep the outer layer of the Green Paper Seal over the inner layer.

Step-2: Remove the wax paper over the pre-gummed portion ‘B’ and press this pre-gummed portion ‘B’ over the outer layer of Green Paper Seal. After pasting ‘B’ over the Green Paper Seal, the pre-gummed portion ‘C’ will come to the top position.

Step-3: Remove the wax paper over the pre-gummed portion ‘C’ and press both the ends of Green Paper Seal protruding from the upper portion of the outer door so that the inner layer of that Green Paper Seal is firmly gummed to ‘C’.

Step-4: Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the “CLOSE” Button. Bring the other end of the Strip Seal from right side of the Control Unit on top of the Outer Door where the pre-gummed portions ‘A’ , ‘B’ and ‘C’ have been pasted.

Step-5: Remove the wax paper covering the pre-gummed portion ‘D’ and press it firmly over the outer layer of the Green Paper Seal protruding from the top portion of the door. The pre-gummed portion ‘D’ spills over the Strip Seal below the “CLOSE” Button Press this spilled-over portion of ‘D’ firmly over the Strip Seal.

By the above process, all the four lose ends of the Green Paper Seals protruding from both the sides of the door get firmly pasted and held by the Strip Seal. At the same time, the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal.

3. METHOD OF SEALING ECIL MAKE MACHINES WITH STRIP SEAL

In ECIL machines only one Green Paper Seal is used. Therefore, the loose ends of the same Green Paper Seal protrude from either end of the outer door over Result Section. Following are the steps to seal with Strip Seal:-

Step-1: First double fold the inner end of the Green Paper Seal in the middle ensuring that the green portions of the seal remain outside ..

Step-2: Keep the Strip Seal with the pre-gummed portion ‘A’ positioned near the base of the inner fold of the Green Paper Seal protruding from the inner side of the outer door of the Result Section. Remove the wax paper over ‘A’ and press the inner fold of the Green Paper Seal over this gummed portion and paste.

Step-3: Remove the wax paper over the pre-gummed portion ‘B’ and press this pre-gummed portion ‘B’ over the outer layer of Green Paper Seal .

Step-4: After pasting ‘B’ over the Green Paper Seal, the pre-gummed portion ‘C’ will come to the top position. Remove the wax paper over the pre-gummed portion ‘C’, press the Green Paper Seal protruding from the top portion of the outer door so that the Green Paper Seal is firmly gummed to ‘C’.

Step-5: Take the remaining portion of the Strip Seal round the Control Unit from left side taking care that the strip passes below the “CLOSE” Button. Bring the other end of the Strip

Seal from right side of the Control Unit on top of the Outer Door where the pre-gummed portions 'A' , 'B' and 'C' have been pasted .

Step-6: Remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the outer layer of the Green Paper Seal protruding from the top portion of the door. The pre-gummed portion 'D' spills over the Strip Seal below the "CLOSE" Button Press this spilled-over portion of 'D' firmly over the Strip Seal .

By the above process, all the four lose ends of the Green Paper Seals protruding from both the sides of the door get firmly pasted and held by the Strip Seal. At the same time, the outer door over the Result Section is also sealed with this Strip Seal from all sides and this section cannot be opened without damaging this seal.

AFTER FIXING THE STRIP SEAL

4. After sealing the Control Unit with the Strip Seal, the Presiding Officer shall take care that the seal is not damaged or tempered with during the poll and this seal shall NOT be removed during or after the poll in the polling station.

5. At the end of the poll at prescribed hour, the Presiding Officer shall remove the cap over "CLOSE" Button without disturbing the Strip Seal and press the "CLOSE" Button to close the poll and replace the cap. After completing other formalities at the end of the poll, the Presiding Officer shall carefully pack the Control Unit in its carrying case and seal the carrying case with address tag. This sealed carrying case shall be delivered to the Counting Centre.

6. On the day of the counting, the Control Unit with the Strip Seal intact shall be allowed to be examined by the candidates/counting agents present at the Counting Table. Only thereafter, the seal shall be removed taking care that the Green Paper Seal(s) are not damaged. After examining the Green Paper Seals protruding outside, the thread seal on the outer door of the Control Unit shall be opened.

IMPORTANT PRECAUTIONS

7. (i) The Strip Seal shall be positioned to cover the portion below the "CLOSE" Button cap on the outer door of the Result Section. While fixing this strip, ensure that the "CLOSE" Button is left clear and not covered even partially by this strip so that there is no difficulty to operate that button.

(ii) The Strip Seal shall be fixed taut and shall not be loose.

(iii) DO NOT USE DAMAGED STRIPS.

(iv) Each polling station will be supplied with four (4) Strip Seals like Green Paper Seals.

(v) Presiding Officers shall account for each Strip Seal supplied t the polling station for the conduct of poll.

(vi) They should return every Strip Seal that is not used [including the strips (or pieces thereof)] damaged accidentally to the Returning Officers who will be held responsible if any Strip Seal is found in the hands of any unauthorized person at any time.

(vii) The CEOs and DEOs shall keep a record of the serial numbers of the Strip Seals supplied to each RO. Similarly, each RO shall keep a record of the Strip Seals supplied to each polling station.

(viii) Commission will issue samples of Strips Seals to the States for the purpose of demonstration as well as Training. These samples strips also shall be kept in safe custody. After using the Strips for Training or demonstration, as the case may be, the used Strips should be destroyed by shredding them.

ANNEXURE - XXXIII

(CHAPTER XXXIII, PARA 13.30)

DECLARATION BY PRESIDING OFFICER

PART-I

Declaration by the Presiding Officer before the commencement of the Poll Election from..... Parliamentary/Assembly/Constituency

Serial No. and name of Polling Station.....
Date of poll ……

I do hereby declare:

(1) that I have demonstrated to the polling agents and others presents-

(a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;

(b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;

(c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;

(2) that I have affixed my own signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.

(3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature

(4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(5) that I have read out the pre-printed serial number of the special tag and asked the candidates/ polling agents present, to note down the serial number.

Signature.....
Presiding Officer

Signature of polling agents

1 .....(of candidate.....) 2.....(of candidate.....)
3 .....(of candidate.....) 4.....(of candidate.....) etc.

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

1 .....(of candidate.....) 2.....(of candidate.....)

3 .....(of candidate.....) 4.....(of candidate.....)

Date .....

Time ..... **Signature.....**
Presiding Officer

PART-II

Declaration by the Presiding Officer at the time use of subsequent EVMs, if any.

Election from ..... Parliamentary/Assembly/Constituency Serial No. and name of Polling Station.....

Date of Poll.....

I hereby declare ;

(1) that I have demonstrated to the polling agents and others present by holding a mock poll that the subsequent voting machine is in perfect working order and that no vote is already recorded therein

(2) that I have affixed my own signature on the paper seal(s) used for securing the Result Section of control unit of the voting machine I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.

(3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(5) that I have read out the pre-printed serial number of the special tag and asked the candidates/ polling agents present, to note down the serial number

Signature.....
Presiding Office

Signature of polling agents

1 ……..(of candidate....….....) 2 .....(of candidate.....)
3 .....(of candidate.....) 4 ....…….....(of candidate.....) etc.

The following polling agent(s) declined to affix his/her signature(s), on this declaration.

1 ....……..... .....(of candidate.....) 2 .....(of candidate.....)
3 ....(of candidate

Signature.....
Presiding Officer

Date .....

Time .....

PART-III
DECLARATION AT THE END OF POLL

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part I—Accounts of Votes Recorded' of Form 17C as required under rule 49S(2) of the Conduct of Elections Rules, 1961.

Date..... Signature.....
Time ..... Presiding Officer

Received an attested copy of the entries in the account of votes recorded (Part I of Form 17C)

Signature of polling agents

1.....(of candidate.....) 2.....(of candidate.....)
3 .....(of candidate.....)4.....(of candidate.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of the Part I of Form 17C and to give a receipt there for and so an attested copy of that Form was not supplied to them:

1.....(of candidate.....) 2 .....(of candidate.....)
3 .....(of candidate.....) 4 .....(of candidate.....)

Date ..... Signature .....
Time ..... Presiding Officer

PART-IV

DECLARATION AFTER THE SEALING OF THE VOTING MACHINE

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the control unit and balloting units of the voting machine.

Date ..... Signature…….
Time ..... Presiding Officer

The following polling agents have affixed their seals.

Signature of polling agents

1 .....(of candidate.....) 2 .....(of candidate.....)
3 .....(of candidate.....) 4 .....(of candidate.....)

The following polling agents refused or did not want to affix their seals.

1 .....(of candidate.....) 2 .....……...(of candidate.....)
3 .....(of candidate.....…….....) 4 .....…….....(of candidate.....)

Date ..... Signature .....
Time ..... Presiding Officer

ANNEXURE – XXXIV

(CHAPTER XIII, PARA- 13.36)

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR

..... Assembly Constituency (comprised within ..... Parliamentary Constituency)

Sl. No. and name of Polling Station .....
I ..... son of .....aged ..... *resident of ..... hereby declare that :

(a) I have not acted as companion of any other elector at any polling station today, the .....

(b) I will keep secret the vote recorded by me on behalf of+ .....
.....

.....

Signature of Companion

---

* Full address to be given
+ Name, Part No. and Serial number of elector.
( ) To be filled in the case of election to the House of the People or at simultaneous elections.

ANNEXURE – XXXV

(CHAPTER XIII, PARA - 13.49)

PRESIDING OFFICER'S DIARY

1 Name of the constituency (in block letters):

2 Date of poll :

3 Number of the polling station : Whether located in-
(i) Government or quasi-government building;

(ii) Private building;

(iii)Temporary structure;

4 Number of polling officers recruited locally, if any :

5 Appointment of polling officer made in the absence of duly appointed polling officer, if any, and the reasons for such appointment

6 Voting Machine-
(i) Number of Control Units used :

(ii) S. No. (s) of Control Units used :

(iii) Number of balloting units used :

(iv) S. No. of balloting units used :

7 (i) Number of paper seals used :

(ii) Sl. Nos. of paper seals used :

7A (i) Number of special tags supplied:

(ii) S.No.(s) of special tags supplied:

(iii) Number of special tags used:

(iv) S.No.(s) of special tags used(:
(v) S.No.(s) of special tags returned as unused

7B (i) Number of Strip Seals supplied:

(ii) S.No.(s) of Strip Seals supplied:

(iii) Number of Strip Seals used:

(iv) S.No.(s) of Strip Seals used:

(v) S.No.(s) of Strip Seals returned as unused:
Number of polling agents and the number who arrived late :

8 Number of candidates who had appointed polling agents at the polling stations :

9 (i) Total no. of voters assigned to the polling station:

(ii) Number of electors allowed to vote according to marked copy of the electoral roll:

(iii)Number of electors who actually voted as per the Register of Voters (From 17-C).

(iv) Number of votes recorded as per the voting machine

( )

( )

10 Signature of first Polling Officer

Signature of Polling officer In-Charge of Register of Voters

11 Number of electors who voted-
Men .....
Women .....
Total .....

12 Challenged vote-
Number allowed .....
Number rejected .....
Amount forfeited Rs. .....

13 Number of persons who have voted on production of Election Duty Certificate (EDC) :

13A Number of proxy voters who voted:

14 Number of electors who voted with the help of companions

15 Number of tendered votes :

16 No. of electors
From whom declarations as to their age obtained....

Who refused to give such declaration .....

17 Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment :

18 Number of votes cast-
from 7 a.m. to 9 a.m.
from 9 a.m. to 11 a.m.
from 11 a.m. to 1 p.m.
from 1 p.m. to 3 p.m. from 3 p.m. to 5 p.m.

19 Number of slips issued at the closing hour of the poll:

20 Electoral offences with details :
Number of cases of-
(a) canvassing within one hundred metres of the polling station :
(b) impersonation of voters :
(c) fraudulent defacing, destroying or removal of the list of notice or other document at the polling station.
(d) bribing of voters :
(e) intimidation of voters and other persons :
(f) booth capturing

21 Was the poll interrupted or obstructed by-
(1) riot :
(2) open violence :
(3) natural calamity :
(4) booth capturing:
(5) failure of voting machine:
(6) any other cause
Please give details of the above

22 Was the poll vitiated by any voting machine used at the polling station having been-
(a) unlawfully taken out of the custody of the Presiding Officer:–
(b) accidentally or intentionally lost or destroyed :
(c)damaged or tampered with :
Please give details

23 Serious complaints, if any, made by the candidate/agents :

24 Number of cases of breach of law and order :

25 Report of mistakes and irregularities committed, if any, at the polling station

Whether the declarations have been made before

26	the commencement of the poll and if necessary during the course of poll when a new voting machine is used and at the end of poll as necessary	

Place .....
Date ..... Presiding Officer

This diary should be forwarded to the Returning Officer along with the voting machine and other sealed papers.

ANNEXURE – XXXV-A

(CHAPTER XIII, PARA-13.52)

ADDITIONAL INPUTS TO BE GIVEN BY PRESIDING OFFICER

1	Polling booth No.
2	CPF deployed Y/N
3	Micro Observer deployed Y/N
4	Video Camera deployed
5	Total Voters
6	No. of Votes polled
7	% of votes polled
8	Total No. of candidates
9	No. of candidates represented by polling agents
10	No. of voters who voted using documents other than EPIC
11	Whether Mock poll done in the presence of agent? Y/N
12	Whether Mock Poll cleared? Y/N
13	Whether machines closed and sealed properly in the presence of agents?
14	Whether 17C given to polling agents after obtaining their signature?
15	No. of voters who have voted after 5 PM by receiving the token at the end of polling hours
16	Whether any significant incident took place during the poll? Y/N

ANNEXURE – XXXV-B

(CHAPTER XIII, PARA—13.53)

Report of Micro Observer for Poll Day

S. N.	Point	Remarks
1	Whether mock poll has been conducted in presence of micro Observer?	Yes or No
2	Whether data of mock poll from the ballot unit was cleared and the EVM count was set to zero after the mock poll and before the beginning of real poll?	Yes or No
3	How may polling agents and of which political party, were present during the mock poll	
4	Whether more than one polling agent from the same political party were present inside the polling station at any time?	Yes or No
5	Whether polling agents were allowed to note the serial numbers of balloting unit and control unit and green paper seal?	Yes or No
6	Whether the entry pass system was enforced properly? Whether any unauthorized person was inside the polling station at any point of time?	Yes or No
7	Whether marking of indelible ink on left forefinger was done properly?	Yes or No
8	Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17-A)?	Yes or No
9	Whether the list of votes issued with Postal Ballot was available with the Presiding Officer & Polling Agents? Did any person already issued Postal Ballot appeared to vote again in person?	Yes or No
10	Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?	Yes or No
11	Whether the Presiding Officer or Polling Officer was going towards voting compartment or giving any undue instructions to the voters?	Yes or No
12	Whether the scrutiny of voters in the Absentee, Shifted and Duplicate list was done meticulously by the Presiding Officers in accordance with ECI Guidelines?	Yes or No

13	Whether copies of accounts of votes recorded in Form-17C have been given to the polling agents?	Yes or No
14	Whether voting compartment was properly placed to ensure secrecy of voting?	Yes or No
15	Whether sealing of voting machine was done according to instructions?	Yes or No
16	Whether any complaint by polling agent, election agent or any political party was received? If yes, give it's substance	Yes or No
17	Any other incident or issue that you would like to highlight.	

Signature of Micro Observer:
Date & Time
Name (in full) :
Designation : --------
Phone No. :---------

ANNEXURE – XXXVI

(CHAPTER XIII, PARA 13.58)

FORM 17C [SEE RULES 49S AND 56C (2)]

PART I. ACCOUNT OF VOTES RECORDED

S. N. **Election to the House of the People .....or Legislative Assembly**
From XYZ ----------Constituency

	No. and name of Polling Station	--------
	Identification No. of Voting Machine used at the Polling Station	Control Unit No:. ------ Balloting Unit No:.-----
1	Total No. of electors assigned to the Polling Station.	995
2	Total No. of voters as entered in the Register for Voters (Form 17A)	761
3	No. of voters deciding not to record votes under rule 490	2
4	No. of voters not allowed to vote under rule 49M	1
5	Total No. of votes recorded as per voting machine	758
6	Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed	Yes, it tallies
7	No. of voters to whom tendered ballot papers were issued under rule 49P	3

8 No. of tendered ballot papers

		S. N.	**From**	**To**
(a)	received for use (10)	1	00981	00990
(b)	issued to electors (3)	2	00981	00983
(c)	not used and returned (7)	3	00984	00990

9 **Account of paper seals**

	S. N.	**From**	**To**
Serial Numbers of paper seals supplied	1	A009758	A009760
Total number supplied	3		(Signature of
Number of paper seals used	1 (S.N. A009758)		Polling Agents)
Number of unused paper seals	2		1….
Returned to Returning Officer (Deduct item 3 from item 2)	Nil		2….
			3….
Serial number of damaged paper seals			4….
			5….

Date .....

Place .....

Signature of Presiding Officer

Note: - The words and figure in column 3 which are highlighted are only for sake of illustration.

PART II
RESULT OF COUNTING

1.	Name of Candidate	No. of votes recorded
1.	A	109
2.	B	59
3.	C	77
4.	D	263
5.	E	38
6.	F	2
7.	G	51
8.	H	94
9.	I	65
Total		758

Whether the total nos. of votes shown above tallies with the total no. of votes shown against item 5 of Part I or any discrepancy noticed between the two totals: Yes, it tallies.

Place.....
Date..... **Signature of the Counting Supervisor**

Name of candidate/ Election agent/ Counting agent	Full Signature
1	
2	
3	
4	
5	
6	

Place .....
Date ..... **Signature of the Returning Officer**

ANNEXURE - XXXVII
(CHAPTER XIII, PARA 13.74)

Log Book of ..... Building in which voting machines have been stored pending counting ..... District..... Constituency

Date of Entry	Time of Entry	Name & Designation of the Officer entering	Purpose of Entry	Details of other persons accompa—nying the officer	Signature of Officer entering	Signature of the O.I.C. Police Guard	Time of Exit	Details of persons coming out with the officer	Total time spent inside room	Signature of Officer coming out	of O.I.C Police Guard	remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

ANNEXURE XXXVII-A
(CHAPTER XIII, PARA 13.90)
MODEL FORM FOR REPORT U/S 57 OF R.P. ACT 1951
FAX/TELEX/WIRELESS MESSAGE

From : Returning Officer
For.....Parliamentary/Assembly Constituency.

To :

Secretary
Election commission of India
New Delhi

Repeated

To Chief Electoral Officer of .....No ..... (.) Date.....
Reference General/Bye-Election to house of People/.....Legislative Assembly From..... Parliamentary/Assembly Constituency (.) Reports Have Been Received and Verified that poll on date At following Polling Station (S) Was Adjourned under Section 57 (1) of the Representation of the people act 1951 Because of Circumstances Indicated Against EACH.

Sl. No.	No. & Name of Polling Station	Name/Designation Of Reporting AUTHORITY	Circumstances Under Which Poll ADJOURNED
1	2	3	4
1			
2			
3			

Commission's Directions Solicited Under Section 57 (2) of the said act (.) It is Recommended that Adjourned poll may be held on Between.....to.....Hours of the above polling Station (s) At the Same Location (s) (.)

Not to be transmitted: Returning Officer For… ……..PC/AC

Place…….. Date .....

Copy by post, in confirmation forwarded to the:

1. Secretary. Election Commission of India, New Delhi
2. Chief Election Officer ……

RETURNING OFFICER FOR ……..PC/AC

ANNEXURE –XXXVII-B

(CHAPTER XIII, PARA 13.95)

MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951
FAX/TELEX/WIRELESS MESSAGE

From : Returning Officer For.....Parliamentary/Assembly constituency

To :

Secretary
Election Commission of India
New Delhi

Repeated

To :

Chief Electoral Officer of.....
No.....(.) Date.....
Reference General/Bye-Election to the house of People.....Legislative Assembly From..... parliamentary/Assembly Constituency (.) Reports Have Been Received and Verified that poll taken on ..... at following station(s) was vitiated to such an extent that the result of poll there at cannot be ascertained for reasons indicated against each polling station:

Sl. No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Poll Vitiated
1	2	3	4
1			
2			
3			

Matter is reported under sub-section (1) of section 58 of the representation of the people act 1951 (.) further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted:

Place…….. Date..... Returning Officer For ……PC/AC

1. Secretary, Election Commission of India, New Delhi.

2.Chief Election Officer.....

RETURNING OFFICER FOR ……PC/AC

ANNEXURE –XXXVII-C

(CHAPTER XIII, PARA 13.102)

MODEL FORM FOR REPORT U/S 58A OF R.P. ACT 1951

FAX/TELEX/WIRELESS MESSAGE

From : Returning Officer

For.....Parliamentary/Assembly constituency

TO : SECRETARY
ELECTION COMMISSION OF INDIA
NEW DELHI

Repeated

To : Chief Electoral Officer of .....No …..... (.)Dated The .....Reference General/Bye-Election to house of People/.....Legislative Assembly From.....parliamentary/ Assembly Constituency (.) Reports Have Been Received That Booth Capturing has taken place at the following station (s) in such a manner that result of poll taken there at on.....(dated) cannot be ascertained (.) Details of booth Capturing are given BELOW against each such polling station (.)

Sl. No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Poll Vitiated
1	2	3	4
1			
2			
3			

Matter is reported under sub-section (1) of section 58 A of the representation of the people act 1951 (.) further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted:

Place…….. Date..... Returning Officer For …….PC/AC

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer.....

RETURNING OFFICER FOR ……..PC/AC1

ANNEXURE –XXXVIII

(CHAPTER XIII, PARA –13.108)

PROFORMA FOR SUBMISSION OF THE REPORTS TO THE COMMISSION ON THE DAY OF POLLING

Name of State .....

Name of Constituency .....

Time of Report .....

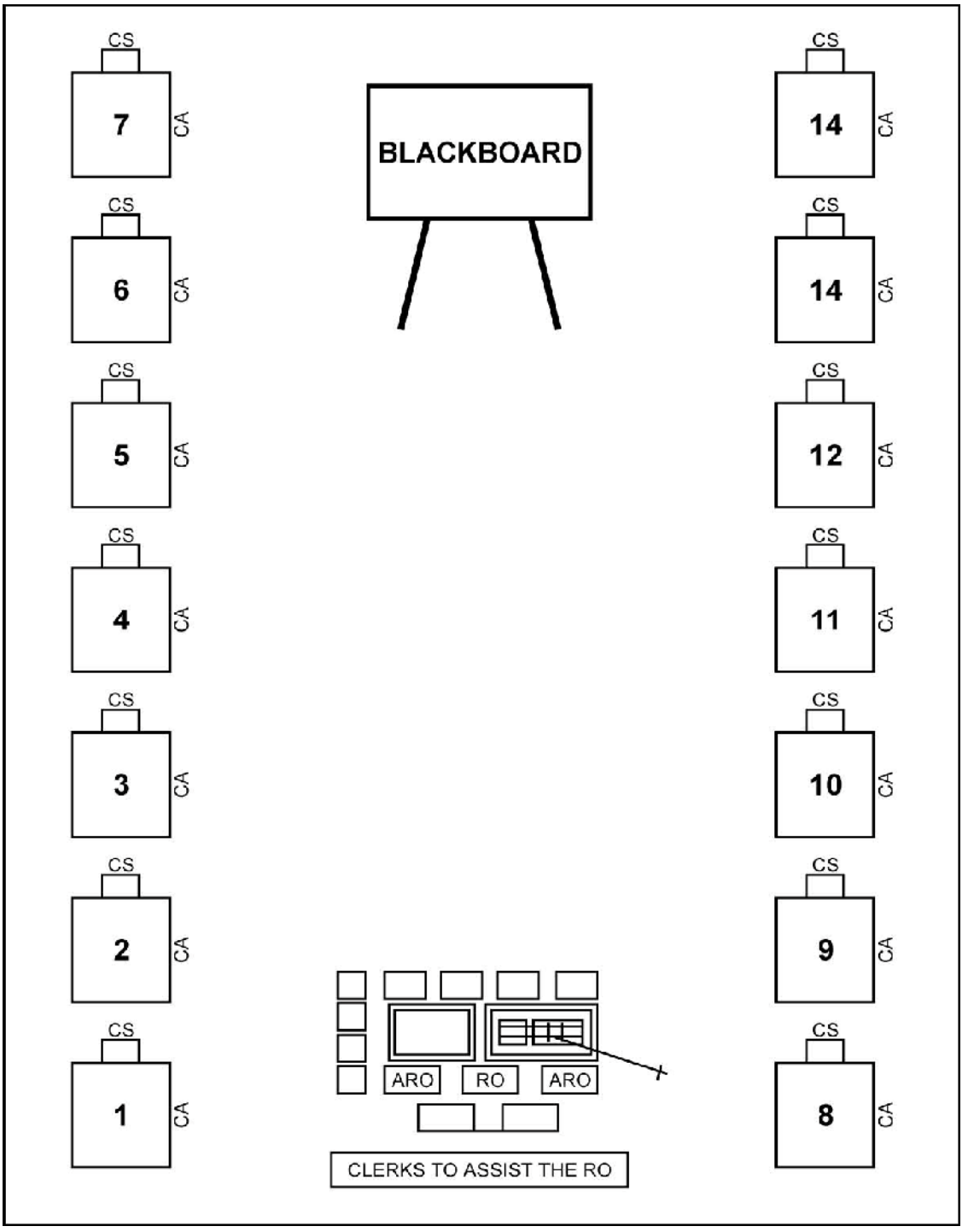
1. Interruption or obstruction of poll due to riots, open violence, natural calamity or any other cause. …….
2. Vitiation of the poll by any of the EVMs having been unlawfully taken out of the custody of the Presiding Officer, accidentally or unintentionally lost or destroyed or damaged or tampered with. …….
3. Votes having been unlawfully recorded by any person in the EVMs. ……..
4. Booth capturing. ……..
5. Serious complaints. ……..
6. Violence and breach of law and order. ……..
7. Mistakes and irregularities, which have a bearing on the elections. ……..
8. Weather conditions. ……..
9. Poll percentage. ……..
10. Whether all the diaries of Presiding Officers have been scrutinized and irregularities, if any detected. ……..
11. Recommendations regarding repoll/fresh poll, if any. ……
12. Any other remarks.

Place .....

Date ..... Signature of Returning Officer

ANNEXURE XXXVIII-A
(CHAPTER XIV, PARA 14.22)

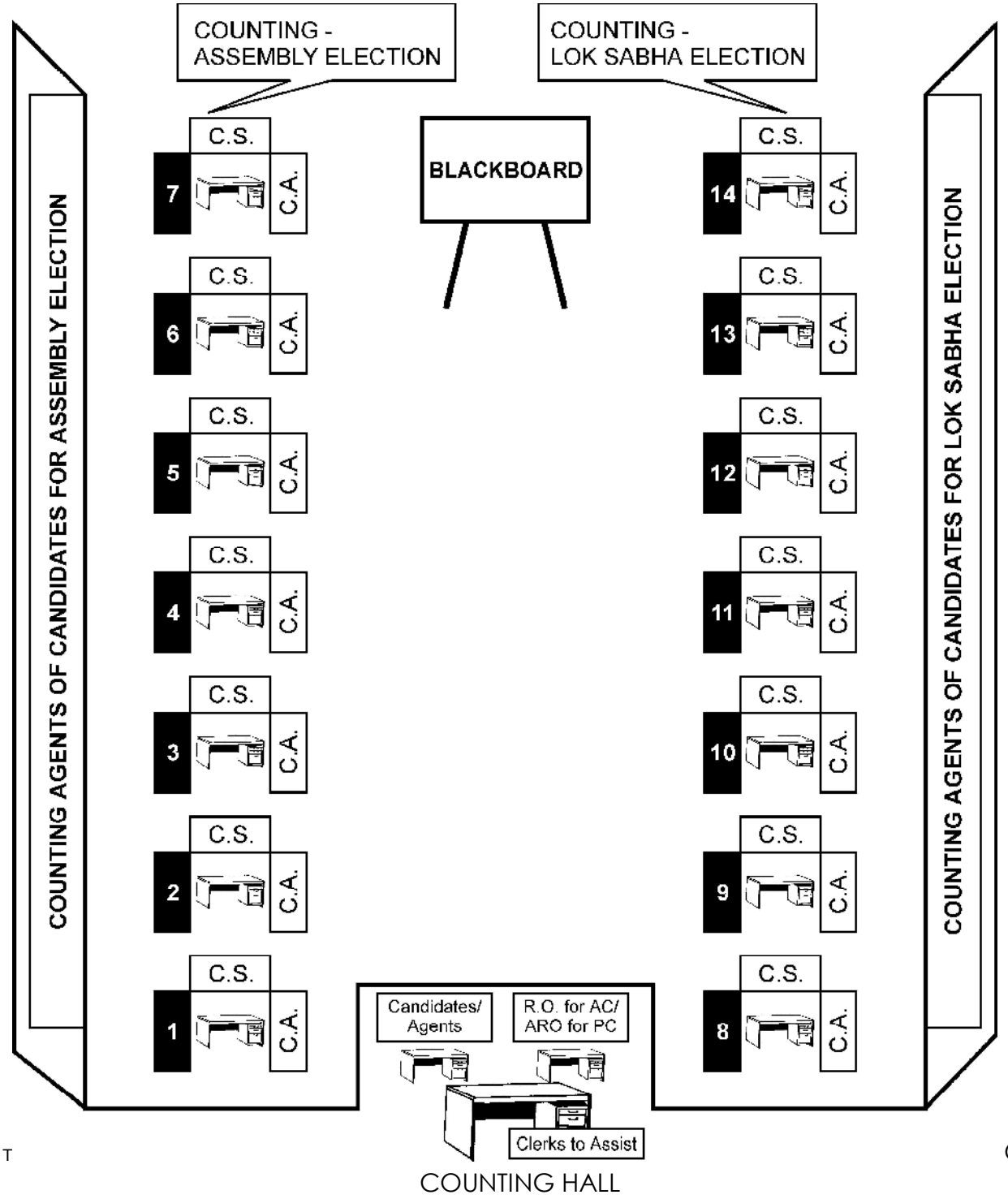
LAYOUT OF COUNTING HALL



ANNEXURE XXXVIII-B
(CHAPTER XIV, PARA 14.22)

Layout of Counting Hall

EVMs – SIMULTANEOUS ELECTIONS –



T OF COUNTING HALL

ANNEXURE XXXIX-A
(CHAPTER XIV, PARA 14.23)

Election Commission of India

INFORMATION SHEET ON COUNTING CENTRES

State/UT Code :	State/UT Name :

A. Basic Information

(a) Counting Centre No. | (b) Category : Urban/Rural

(c) No. of Parliamentary Constituencies proposed to be covered in this Centre :

Sl. No.	PC No.	PC Name	PC Type (Gen/SC/ST)	Whether PC covered in whole or part
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*[1] :

(g) Police Station No.: | (h) Police Station Name : | (k) Pin Code

(i) District No. : | (j) District Name :

(l) Confirm is the Strong Room for storing Polled Ballot Boxes After the Poll is located in the counting centre itself : Yes/No

(m) If the answer in (1) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this 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 :

B. Facilities/Infrastructure Available (Please Tick)

(a) Type of Structure : Pucca/Kuchcha | (b) Adequate Storage Space : Yes/No

(c) Water : Yes/No | (d) Toilet : Yes/No

(e) First-aid facilities : Yes/No | (f) Regular electricity availability : Yes/No

(g) Arrangements proposed for emergency lighting :

(h) fire-fighting arrangements proposed :

*[1] Strike out whatever is not applicable.

C. Information on Counting Halls

No. of halls available for Counting :

Halls No.	Dimension of the Hall (in Mtrs.)		No. of Doors	AC Nos. of Assembly Segments proposed to be covered*[2]		No. of tables proposed to be places in the Hall
	Length	Width		In whole*[3]	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*[4]**	(a) STD Code :
	(b) Tel : (1) (2) (3)	(c) Fax :
E.	**Verification Report of RO**	(a) Date of Verification :
	(b) Remarks/Recommendations (covering the aspects of law and order, security, public address system, media and place for crowds etc.):	
	Continued on continuation sheet no. _____No. of continuation sheets added : ___	
	Verifying Officer's	Date :

	(c) Name : (d) Designation : (e) Full Address : (use stamp, if available)	Place : Signature :
F.	**For use by CEO**	
	(a) Remarks :	
	Continued on continuation sheet no. _____	No. of continuation sheets added : ___
	(b) Name : (c) Address : (use stamp, if available)	Date : Place : Signature :

*[4] Phone/fax nos. should be obtained in advance, even though these may be made operational later.

Election Commission of India
INFORMATION SHEET ON COUNTING CENTRES

Continuation Sheet for CEO's Comments

State/UT Code :		State/UT Name :
A.	(a) Counting Centre No.:	

F.	**For use by CEO**	
	(b) Remarks (contd.) :	
	Continued on continuation sheet no. _____	No. of continuation sheets added : ___
	(b) Name:	Date:
	(c) Address:	Place:
	(Use stamp, if available)	Signature

Explanatory Notes

Item No.	Item	Explanation
	State/UT Code	Code assigned to the State/UT: S01 to S25 and U01 to U07 for UTs in alphabetical order (List of codes enclosed)
A(a)	Counting Centre No.	No assigned to the Counting Centre Within each State/UT, Running Serial numbers for Counting Centres have to be given, starting from 1
A(b)	Building	Name of the Building of the Counting Centre
A(c)	Area-ID (Particulars of Stree/locality/area in which the building is situated)	Geographical identification details like Street, Mohalla, Locality, Area etc. where the building of the Counting Centre is situated. This should help to quickly locate the building.
A(d)	Police Station No.	No. assigned to the Police Station within the District. Running serial number, starting from 1, should be assigned to Police Stations within each District.
A(e)	District No	No. assigned to the Revenue District within the State/UT. Running serial nos., starting from 1, should be assigned to the districts in a State/UT.

Note : The Police Station No and District No should be the same as assigned to these units in the control tables defined in the detailed data structures, which were circulated to the States/UTs in connection with Computerization of Electoral Roll, 1998 vide Commission's letter No. 23/97/PLN-II dated 29th September, 1997. If these unique identification numbers for the various units have not been assigned so far, the verifying officers may leave the respective fields bland, but the names of the different units must invariable be filled up in the form.

State/UT Codes

State/UT Code	Name of State/UT
S01	Andhra Pradesh
S02	Arunachal Pradesh
S03	Assam
S04	Bihar
S05	Goa
S06	Gujarat
S07	Haryana
S08	Himachal Pradesh

State/UT Code	Name of State/UT
S09	Jammu & Kashmir
S10	Karnataka
S11	Kerala
S12	Madhya Pradesh
S13	Maharashtra
S14	Manipur
S15	Meghalaya
S16	Mizoram

State/UT Code	Name of State/UT
S17	Nagaland
S18	Orissa
S19	Punjab
S20	Rajasthan
S21	Sikkim
S22	Tamil Nadu
S23	Tripura
S24	Uttar Pradesh

State/UT Code	Name of State/UT
S25	West Bengal
U01	A & N Islands
U02	Chandigarh
U03	D & N Haveli
U04	Daman & Diu
U05	NCT of Delhi
U06	Lakshadweep
U07	Puducherry

ANNEXURE XXXIX-B
(CHAPTER XIV, PARA 14.23)

GENERAL ELECTION TO LOK SABHA/LEGISLATIVE ASSEMBLY

LIST OF COUNTING CENTRES

NAME OF THE STATE/U.T.:

Sl.No.	No. & Name of P.C.	No. & Name of A.C. segments proposed to be covered	Particulars of building proposed for counting centre.	District in which centre falls	Whether Information Sheet on counting centre attached	Whether map of counting centre attached	Whether map of P.C. attached
1.	2.	3.	4.	5.	6.	7.	8.

Signature _____

Name of Chief Electoral Officer : _____

State/UT_____

ANNEXURE – XL-A

(CHAPTER XIV, PARA14.24)

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE FOR COUNTING

Election to Lok Sabha.....Legislative Assembly ..... Constituency (When Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in accordance with the said rule, fixed the.....day of (month).....20.....a.m./p.m. as the date and time for the counting of votes in the Constituency and ..... (Place) in.....as the place for such counting.

Place ..... Signature .....

Date ..... Returning Officer .....

To

All candidates or their election agents.

ANNEXURE XL-B

(CHAPTER XIV, PARA 14.24)

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE FOR COUNTING

Election to Lok Sabha.....Legislative Assembly ..... Constituency (When Counting takes place at more than one place) In pursuance of rule 51 of the Conduct of Elections Rules, 1961.

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below:

Name of the Assembly Constituency	Date and Time	Place of Counting

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....(Place) on.... .(date) …….at.....(time).

Place .....

Date .....

Signature .....

Returning Officer .....

To All
Candidates or their election agents.

ANNEXURE XLI

(CHAPTER XIV, PARA 14.27)

APPOINTMENT OF COUNTING SUPERVISOR/ASSISTANTS

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 ..... Signature .....

Date ..... Returning Officer .....

ANNEXURE – XLII

(CHAPTER XIV, PARA 14.100)

FORM 20

FINAL RESULT SHEET

[SEE RULE 56C(2)(C)]

ELECTION TO THE HOUSE OF THE PEOPLE FROM THE 56 PARLIAMENTARY CONSTITUENCY PART I

(To be used both for Parliamentary and Assembly Election)

Total No. of Electors in Assembly Constituency/Segment ……87,725

Name of the Assembly/Segment… 275AB..... ……..(in the case of election from a Parliamentary Constituency)

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of rejected votes	Total	No. of tendered votes
	A	B	C	D				
1	1	2	3	4	5	6	7	8	9
1.	5	135	205	403	5	748	Nil	748	1
2.	6	170	145	340	118	765	Nil	765	—
3.	6A	405	70	105	230	810	Nil	810	—
4.	7	240	120	215	362	937	Nil	937	2
5.	8	72	269	142	319	802	Nil	802	—
6.	9	72	142	347	92	653	Nil	653	—
7.	10	240	267	142	115	764	Nil	764	—

.....And so on.....

.....

.....

(LAST PAGE)

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of rejected votes	Total	No. of tendered votes
	A	B	C	D				
1	2	3	4	5	6	7	8	9
.....								
.....								
.....								
78	93	127	347	349	916	Nil	916	—
79	368	40	197	215	820	Nil	820	—
Total No. of votes recorded at Polling Stations	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3

No. of votes recorded on postal ballot papers — Not applicable

(To be filled in the case of election from an assembly Constituency)

Total votes polled	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3

Place : Sub-Division Office AB
Date : 27th July, 1992

Assistant Returning Officer

The portion under highlight is only for sake of illustration only.

PART II

(To be used for Parliamentary Election only)

Name of Assembly Segment	No. of valid votes cast in favour of				Total of valid votes	No. of rejected votes	Total	No. of tendered votes	
	A	B	C	D					
1	2	3	4	5	6	7	8	9	
275 AB	18,697	15,353	10,974	8,458	53,482	Nil	53,482	3	
276 CD	21,059	19,170	12,358	18,753	71,340	Nil	71,340	9	
277 EF	21,610	13,448	23,117	9,321	67,496	Nil	67,496	—	
278 GH	11,822	23,731	13,728	6,540	55,821	Nil	55,821	1	
280 IJ	17,523	17,399	16,055	18,835	69,812	Nil	69,812	2	
281 KL	21,937	16,756	17,080	11,921	67,694	Nil	67,694	—	
Grand Total	112,648	105,857	93,312	73,828	385,645	8,770	385,645	15	
No. of votes recorded on postal ballot papers	47	13	22	5	87	17	104	15	

Place .....

Date : 28th July, 1992

(Signed) QRS

Returning Officer

The portion under highlight is only for sake of illustration only.

ANNEXURE - XLIII

(CHAPTER XVI, PARA – 16.8)

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 ..... **with drew* my candidature in time. / did not withdraw

5. I *was..... elected and *secured.....more than one-sixth of the total number*was not elected and did not secure of valid votes polled in the election.

6.A I did not stand as a candidate at the General Election from any other constituency]

6.B (a) I stood as a candidate at the General Election also from the–

(i) ..... H.P./L.A. Constituency

(ii) ..... H.P./L.A. Constituency

(iii) ..... H.P./L.A. Constituency

(b) I have not applied for the return of my deposit in any of these other constituencies. The deposits made in these other constituencies may be forfeited.

7. I request that the deposit referred to in paragraph 2 may be returned to me.

8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place .....
Date ..... (Signature of Candidate)

** Strike off the words not applicable in your case Omit the portions within [ ] as necessary.*

ANNEXURE XLIII-A
(CHAPTER XVI, PARA – 16.9)

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. Yours faithfully,

Place .....

Date ..... (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 –XLIII-B

(CHAPTER XVI, PARA – 16.10)

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 – XLIV

(CHAPTER XVII, PARA – 17.46)

REPORT TO ELECTION COMMISSION OF INDIA
LODGING OF ELECTION EXPENSES ACCOUNTS

ELECTION TO THE HOUSE OF THE PEOPLE

.....Legislative Assembly

Serial number and name of constituency……..

Date of declaration of result ……..

Last date for lodging of accounts of election expenses.....……

Name of elected candidate.....

Serial No.	Name (party affiliation of candidate) and address of contesting candidate	Whether account have been lodged	Date of lodging of account	Whether lodged in time	Whether lodged in the manner required by law	if not, a brief statement of defects noticed	Total expenses incurred as per account filed	Remarks
1	2	3	4	5	6	7	8	9
					Total			

Place .....
Date .....

District Election Officer/
Returning Officer

Notes: (1) A separate report should be sent in respect of each constituency.

(2) The report should cover all contesting candidates, whether they have been elected or defeated at the poll.

(3) The name of the constituency shall be spelt exactly in the same manner as in the Delimitation Order. The names of the candidates shall be spelt as in the list of contesting candidates.

(4) In determining the last date by which the accounts of election expenses are to be lodged by the contesting candidates, the date on which the returned candidate has been declared elected shall not be taken into account while calculating the period of 30 days under section 78 of the Representation of the People Act, 1951

(5) Returns lodged by candidates after the last date should be examined and material defects, if any, noticed therein, recorded in column 7.

ANNEXURE XLIV-B

(CHAPTER XVIII, PARA – 18.3)

REPORT ON THE ELECTION BY THE RETURNING OFFICER

1	Name of the constituency	
2	Date or dates of poll in the constituency:	
3	Number of the polling parties deployed in the Constituency, the composition of each party including police or similar officers employed for maintaining order at the polling station:	
4	Nature of the Polling programme, –Single-day poll. Constituency divided into zones and polling completed one after another with one/two days interval for transit or single party took up polling in adjacent polling station on successive 2/3 days of alternative days: ……	
5	Total number of electors in the Constituency – Men women; Number of electors in the part relating to service voters;	
6	Names of candidates nominated and the choice of symbols expressed by each in the nomination paper first delivered by or on his behalf:	
7	Number of nomination papers filed on behalf of each candidate:	
8	Names of candidates whose nomination papers were rejected with brief reasons:	
9	Names of candidates who withdraw their nominations	
10	Names of contesting candidates together with the description of the symbol allotted to each and party affiliation:	
11	Names of candidates who renounced their party after allotment of symbols:	

12	Names of candidates (independents), subsequent to the last date of withdrawal joined some other party, or some party claims that its candidate is contesting the elections as a party candidate	
13	Number of polling stations located- (i) in Government and Quasi-Government buildings: (ii) in private buildings: (iii) in temporary structures: Total:	
14	Number of postal ballot papers- …….. Issued..... Returned back..... Undelivered in time after prescribed hour	
15	1-Service votes and their wives: 2-Voters on Election Duty: 3-Special voters and their wives: 4-Electors subjected to preventive detention: Date of issue of postal ballot papers to service voters:	
16	CSVs and Proxy Voters (a) Total Number of CSVs: (b) Number of Proxies who voted:	
17	Names of polling stations, if any, where poll was adjourned and repoll was ordered and reasons for such adjournment or repoll:	
18	Number of ordinary Electors who voted at polling stations	
19	Numbers of persons who voted on production of Election Duty Certificate:	

20	Number of blind or infirm voters who voted with the help of companions	
21	Percentage of votes polled to total electorate	
22	Date and time of commencement of counting	
23	Number of valid votes polled by each contesting candidate	
24	Number of votes rejected: (Postal Ballot Papers)	
25	Challenged vote Total: Number allowed: Number rejected: Amount forfeited:	
26	Tendered votes-Total:	
27	Date and time of declaration of result:	
28	Number of Polling Officers recruited locally:	
29	Number of candidates: party wise (also independents and others)	
30	(a) forfeited deposit (b) amount of deposit forfeited:	
31	Number of candidates who were their own election agents:	
32	Number of election agents appointed	
33	Number of polling agents appointed:	
34	Number of candidates who appointed polling agents	
35	Number of counting agents appointed by candidates	
36	Number of Voting Machines used: (i) Number of Control Units: (ii) Number of Balloting Units; (iii) Number of Voting Machines kept in reserve stock:	

	(a) Number of control Units (b) Number of balloting Units (iv) Whether any machine from the reserve stock was used: if so, how many control units and how many balloting 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- form 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 application recived 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 Plese give detials 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:	

ANNXURE XLV
(CHAPTER XVIII, PARA – 18.5)

ELECTION INDEX CARD FOR LEGISLATIVE ASSEMBLY ONLY

(AT ELECTION WHERE ELECTRONIC VOTING MACHINES ARE USED)

State: ……. No.& Name of Constituency: ..... Year:

District: ……. Type of Constituency (Gen./SC/ST). ……

I	CANDIDATES	Men	Women	Total
1	Nominated			
2	Nominations Rejected			
3	Withdrawn			
4	Contested			
5	Forfeited Deposits			
II	**ELECTORS**	**Men**	**Women**	**Total**
1	General			
2	Service			
	Total			
III	**VOTERS**	**Men**	**Women**	**Total**
1	General			
2	Proxy			
3	Postal			
	Total			
IV	**DETAILS OF VOTES**			
1	Rejected Votes (Postal)			
2	Votes not retrieved from EVM			
3	Total Valid Votes polled			
4	Tendered Votes			
V	**DETAILS OF POLL**			
1	Total No. of polling stations set up in the constituency			
2	Average no. of electors assigned to a polling station			
3	Date(s) of Poll			
4	Date of Re-poll, if any			
5	No. of polling stations where Re-poll was ordered			
6	Date(s) of counting			
7	Date of declaration of result			

Note: Please read the instructions supplied with the Index Card before filling-up.

VI. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl. No.	Names of the Contesting Candidates (in Block Letters)	Sex (M/F)	Age (Years)	Category (SC/ST)	Party Abbreviation	Valid Votes Polled		
						General	Postal	Total
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
	TOTAL							

Note: Arrange serially contesting candidates in descending order of valid votes polled.

Certified that the Election Index Card has been checked with Form 2A or 2B, 3A, 20 and 21C or 21D or 21E and R.O. 's Report etc. and that there is no discrepancy. Further certified that the Party affiliation has been verified from the declarations made by the candidates in the nomination papers first filed with a Notice in writing to that effect signed by authorized persons under paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

Date..... **(Signature)**

(Seal) Chief Electoral Officer (Seal) Returning Officer

ELECTION INDEX CARD FOR LOK SABHA ELECTIONS ONLY
(AT ELECTION WHERE ELECTRONIC VOTING MACHINES ARE USED)

State ..... Year of Election .....No. & Name of Parliamentary Constituency Type of Constituency (Gen/SC/ST)

I .	CANDIDATES	Men	Women	Total
1.	Nominated			
2.	Nomination Rejected			
3.	Withdrawn			
4.	Contested			
5.	Forfeited Deposits			
II.	**ELECTORS**	**Men**	**Women**	**Total**
1.	General			
2.	Service			
	TOTAL			
III.	**VOTERS**	**Men**	**Women**	**Total**
1.	General			
2.	Proxy			
3.	Postal			
	TOTAL			
IV.	**DETAILS OF VOTES**			
1.	Rejected Votes (Postal)			
2.	Votes not retrieved from EVM			
3.	Total Valid Votes Polled			
4.	Tendered Votes			
V.	**DETAILS OF POLL**			
1.	Total No. of Polling stations set up in the Constituency			
2.	Average No. of electors assigned to polling station			
3.	Date(s) of Poll			
4.	Date(s) of Re-poll, if any			
5.	Number of Polling stations where Re-poll was ordered			
6.	Date of Counting			
7.	Date of Declaration of Result			

Note: Please read the instructions supplied with the Index Card before filling-up.

VI. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Sl. No.	Name of Contesting Candidates (in block letter)	Sex (M/F)	Age (Years)	Category (SC/ST)	Party Abbreviation	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	AC No.	Postal Total
1.														
2.														
3.														
4.														
5.														
6.														
7.														
8.														
9.														
10.														
11.														
12.														
13.														
14.														
15.														
16.														
	TOTAL													

1. Arrange serially contesting candidates in descending order of valid votes polled.
2. If the No. of Assembly Segments are more than 8, use additional Cards as per requirement.
3. Indicate names of Recognized and Un-recognized parties as registered with the commission in standard abbreviated form as prescribed by the Commission.

VII. DETAILS OF ELECTORS - ASSEMBLY SEGMENT WISE

Total Electors		AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	TOTAL
1. General	Men Women Total									
2. Service	Men Women Total									
3. Total	Men Women Total									

Certified that the Election Index Card has been checked with Forms 2A or 2B, 3A, 20 and 21C or 21D or 21E and R.O's Report etc. and that there is no discrepancy. Further certified that the Party affiliations have been verified from the declarations made by the Candidates in the nomination papers first filed with a Notice in writing to that effect signed by authorized persons under paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968.

Date Signature (Seal) Returning Officer

(Seal) Chief Electoral Officer

ANNEXURE – XLVI

(CHAPTER XVIII, PARA – 18.24)

LIST OF THE PAPERS FOR DESTRUCTION SIX MONTHS AFTER THE DECLARATION OF RESULT

1. Form of Notice (Form 1).
2. Notice of nominations (Form 3-A).
3. List of validly nominated candidates under rule 8 (Form 4).
4. Form of Notice of withdrawal (Form 5).
5. Notice of withdrawal of Candidates (Form 5).
6. List of contesting candidates (Form 7-A).
7. Appointment of election agents (Form 8).
8. List of tendered votes (Form 15).
9. Appointment of polling and counting agents (Form 10 and 18).
10. Office copies of Form 18.
11. Revocation of the appointment of election agents, polling agents and counting agents (Form 9, 11, 19).
12. Used electoral rolls at a polling station other than the marked copy [Rule 31(3) / 49C (3)].
13. Record kept by the Presiding Officers regarding voting by blind and infirm electors (Form 14-A).
14. Packet containing cancelled ballot papers [Rules 39(7) and 41.]
15. Notes and records maintained by the Presiding Officer, the declarations made by the polling agents and any other paper directed by the Returning Officer to be kept in a sealed packet.
16. List containing names of persons under preventive detention (Rule 21).
17. List of electors permitted to vote by postal ballot.
18. Applications made by persons subjected to preventive detention for permission to vote by postal ballot received by the Returning Officers.
19. Applications for postal ballot papers by electors employed on election duty (Form 12 and Form 12-A).
20. Postal ballot papers returned undelivered.
21. Applications made for reissuing of postal ballot papers.
22. Applications for the recount of votes (Rule 63).
23. Unused postal ballot papers with counterfoils.
24. Notice of counting of votes-time, place and date, etc.

25. Notice of inspection of accounts of election expenses.

26. Correspondence between the Returning Officer and the candidates and the election or counting agents.

27. Application for allotment of symbols.

28. Damaged paper seals and unused paper seals including those received back from the Presiding Officers by the Returning Officers.

29. General reports, diaries and memo, note-books from the Presiding Officers.

30. Notices under clauses (a) and (b) of sub-rule (i) of rule 31/49C.

31. Packets containing objections by candidates and agents etc., in the course of poll and counting of votes.

31A. A Sealed packet containing the proceedings drawn by the Returning Officer after counting of votes.

32. Sealed packets containing check memos for counting of votes.

33. Certified extract of electoral rolls filled along with the nomination papers.

34. Forms of account of ballot papers/account of votes recorded.

35. Paper seal account.

36. Publicity material such as wall posters, handbills and open statements issued by the candidates at the election.

37. Election duty certificates (Form 12-B)

38. Declarations under rule 40 (1)/49N.

Annexure - XLVII
(CHAPTER XII, PARA - 12.27)
(Register for Preparation of EVMs)

Name of State/UT:
Name of District:
Name of Assembly/Parliamentary Constituency:
Address of Preparation of EVM hall:
Date:

S. No.	Name of candidate	Name of Representative of candidates with party affiliation, if any	Identity document No. with date	Signature of Candidates / His representative	Remarks, if any.

Note: If a candidate or his representative is absent the proof of due service of notice to the candidate should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

Annexure - XLVIII
(CHAPTER XII, PARA-12.33)

(Register for Sealing of Ballot Unit of EVMs using Pink Paper Seal)

Name of State/UT:
Name of District:
Address of FLC hall:
Date:

It is certified that the sealing of the Ballot Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Ballot Units and I am satisfied with the sealing of the Ballot Units.

Sl.No.	Unique ID No. of Ballot Unit	Pink Paper Seal Number

S.No.	Name of candidate	Name of political party with party affiliation, if any	Identity document No. with date	Signature of Candidate / his representative

Annexure - XLIX
(CHAPTER 17, PARA-17.43)

Serial Number of the candidate in Summary Report of the DEO _____

Name of the district :

CANDIDATE WISE SCRUTINY REPORT OF THE DEO ON LODGING OF ELECTION EXPENSES UNDER RULE 89 OF C.E. RULES, 1961 TO THE HOUSE OF PEOPLE OR STATE LEGISLATIVE ASSEMBLY			
[In case of any discrepancy in the account submitted by the candidate and the Shadow Observation Register, copies of all the registers and evidences collected, should be sent along with this report]			
Sr.No.	Description	To be filled up by the DEO	
1.	Name & address of the candidate		
2.	Political Party affiliation, if any		
3.	No. and name of Assembly/Parliamentary Constituency		
4.	Name of the elected candidate		
5.	Date of declaration of result		
6.	Last date prescribed for lodging Account		
7.	Date of lodging of account by the candidate		
8. (a)	Whether account lodged by the candidate is in the prescribed format (Yes or No)		
(b)	Defects noticed in the format by the DEO	Tick rows	Brief note on details of the details
(i)	Abstract statement (Part I to part VI) not filled up/not duly signed		
(ii)	Duly sworn in Affidavit of the candidate not filed		
(iii)	Register of day to day accounts along with bank register and cash register not duly signed by the candidate		
(iv)	Vouchers in respect of items of election expenditure not submitted / not signed by the candidate or his election agent		
(v)	Self Certified copy of the Statement of Bank account for election expenses not submitted		
(vi)	All receipts for election expenses not deposited in the aforesaid bank a/c and all payments except petty expenses not made by cheque		
9	Grand Total of all election expenses by the candidate as mentioned in Part-III of the Abstract		

	Statement, filed by the candidate					
10(a)	Whether the items of expenses reported by the candidate correspond with the expenses shown in the Shadow Observation Register and Folder of Evidence (Yes or No)					
(b)	If No, then, please fill up the details where expenditure has been understated/ not mentioned at all by the candidate					
	Items of expenditure	Date	Page No.	Mention amount as per the Shadow Observation Register folder of evidence	As per the account submitted by the candidate	Amount under stated by the candidate
	TOTAL					
11 (a)	Did the candidate produce his Register of Election Expenditure for inspection by the Observer/ RO (Yes or No). 3 times during campaign period					
(b)	Was any discrepancy pointed out to the candidate at the time of inspection of register by the Observer. If Yes, mention the discrepancy?					
(c)	Was a notice pertaining to any discrepancy in expenditure given to the candidate by the RO ? Please mention date and nature of discrepancy.					
(d)	Did the candidate give any reply to the notice? (Please Annex copy of the notice and explanation received).					
12	Whether the DEO agrees that the expenses are correctly reported by the candidate (Yes or No)					
13	Lump sum amount given to the candidate in Cash or Cheque by Political Party as mentioned in Part-III of the Abstract Statement. Also mention name in the party					
14	Lump sum amount given to the candidate in Cash or Cheque by any other person/ entity. Also mention name of the party.					
15	Was there any incident of distribution of money, food or other items in the constituency by the candidate or his agents or his party functionaries or any other person related to the candidate? Please					

	mention date and name of person.	
	SEAL: DATE:	Signature (Name of the DEO)

Note for item No. 10 (b):

1. Please mention details of particular events where expenditure is under reported vis-à-vis the Shadow Observation Register.

2. If practicable, please attach separate annexure indicating item wise break up of expenditure.

Comments, if any, by the Expenditure Observer:-

Date: Signature of the Expenditure Observer

Forwarded to the Election Commission of India by the CEO	
Date:	Signature of the Chief Electoral Officer**

*If the Expenditure Observer has some more facts that have not been covered in the DEO's report. He may annex separate note to that effect.

**_If the CEO feels giving additional comments. He or she may forward the comments separately._