

HANDBOOK FOR CANDIDATE

Document No. 26, EDITION 1

FEBRUARY 2019

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

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1. PRELIMINARY

1.1. GENERAL

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

1.2. MODEL CODE OF CONDUCT

A visible and rigorous enforcement of Model Code of Conduct enhance the credibility of the elections and gives confidence to the stakeholders/voters. It is ensured that official machinery for the electoral purposes is not misused. It is also ensured that electoral offences, malpractices and corrupt practices such as impersonation, bribing and

inducement of voters, threat and intimidation to the voters, is prevented be prevented by all means. Introduction of photo electoral roll by the Election Commission is expected to play a crucial role in minimizing the scope for impersonation.

1.3. POLLING AGENTS

1.3.1. The polling agent appointed by the candidate should ideally be a voter in the same polling station aims at minimizing the external interference in the election process at the polling station. Such polling agents shall be ordinarily resident and elector of the concerned polling areas or of the neighbouring polling station. The polling agent should preferably have EPIC issued by ERO/BLO or any alternate identity prescribed by the Commission. Whenever, any Sector Magistrate asks a polling agent to disclose his Identity, the EPIC or any one of the alternate identity prescribed by the Commission should be produced.

1.4. VULNERABILITY MAPPING

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

1.5. BANK ACCOUNT

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

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

1.6. EVM AND VVPAT

1.6.1. The Electronic Voting Machine (EVM) was used universally in all polling stations in the country during the Lok Sabha election 2004. Voter Verifiable Paper Audit Trail (VVPAT) was used with EVMs first time in Bye-Election from 51-Noksen (ST) Assembly Constituency of Nagaland. However, the voter awareness about the EVM and VVPAT cannot be taken for granted. It is endeavour of the Commission to spread the awareness about the EVM and VVPAT among all the voters particularly, in the remote areas and among the new voters. The Commission has introduced the system of randomization of EVMs and VVPAT for allotment of EVMs and VVPATs to the polling stations and specific responsibility has been given to the Returning Officer. The first level checking of EVMs and VVPATs are carried out only by BEL/ECIL Engineers, as the case may be, only at the District/Sub-divisional Headquarters. At this stage, the EVMs and VVPATs are randomized in the presence of representative of recognised political parties for distribution to Assembly Constituencies. The second randomization of EVMs and VVPATs for allotting to specific polling stations is done in the presence of candidate or his election agent or authorized representative of the candidate and Election Commission's Observer.

1.6.2. VVPAT is used so that the elector shall be able to view through the transparent window of the VVPAT, the printed paper slip showing the serial number, name and the symbol of the candidate to whom he has cast his vote before such slip gets cut and drops in the drop box of the VVPAT.

1.7. NONE OF THE ABOVE (NOTA)

1.7.1. The provision of NOTA is an expression of decision not to vote for the contesting candidates. The Hon'ble Supreme Court, in its judgements dated 27.09.2013, in writ petition No. 161 of 2004 directed that the Commission should make necessary provision in the ballot papers/EVM for "None of the Above (NOTA)" option so that the electors who do not wish to vote for any of the candidates can exercise their right not to vote for any candidate without violation of the secrecy of their decision. A ballot panel with the words "None of the Above: NOTA" will be available after the panel containing the name and particulars of the last candidate on the ballot paper. The electors who do not wish to vote for any candidate can exercise their right not to vote for any candidate without violation of the secrecy of their decision. For example, if there are 15 candidates contesting the election, the words, "None of the Above" shall be written with

NOTA symbol on the 16th panel and the ballot button against such 16th panel will also be kept open.

1.8. POSTAL BALLOT PAPERS

1.8.1. The Commission has issued new instructions with reference to postal ballot. The new system calls for a greater involvement on the part of Returning Officer in managing postal ballot to prevent delay in dispatching and further postal delays in delivering the postal ballot to the eligible voters and in receiving the ballots back from them. The candidate and their election agents have some responsibility in making the new system functional and transparent. By an amendment to the Conduct of Elections Rules, 1961, by notification dated 21.10.2016, the postal ballot papers for Service Voters may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission of India for the persons specified in sub-clause (ii) of clause (3) of rule 18 (i.e. Service Voters). Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24 and 27 shall, mutatis mutandis, apply.

1.9. CURBING OF MONEY POWER

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

1.10. MICRO-OBSERVERS

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

1.11. SECTOR OFFICER

1.11.1. The District Election Officer will appoint sufficient number of Sectoral officers for each LAC. Usually, one sectoral officer will be in charge of 10-12 polling stations. They will coordinate all the election process in the polling stations assigned to them.

1.12. VIDEOGRAPHY OF CRITICAL EVENTS

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

1.13. CENTRAL POLICE FORCES (CPF)

1.13.1. The Commission deploys significant number of Central Police Forces into the election going States on the basis of its assessment on the ground realities.

1.14. VOTER ASSISTANCE BOOTH

1.14.1. To assist the electors for locating their names on the day of poll, in every premise/building where three or more polling stations are located, a "VOTER ASSISTANCE BOOTH" manned by the team of officials is also set up. In the said booth, a copy of part-wise electoral roll in alphabetical order of each of the concerned polling stations are kept to assist the voters for giving information regarding their Serial number in the electoral roll and name of polling station.

1.15. BLO

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

1.16. TRANSPARENCY

1.16.1. Transparency is the key for an effective and efficient election management for transparency adds to the credibility of the election. It is endeavour of the Commission that the election management should be transparent and there should not be any scope for complaint of partiality on the part of any official involved in the election management. The Commission takes very serious view about lack of neutrality on the part of any election official. Hence, Political parties and candidates are informed of the Commission's instructions issued in this behalf from time to time.

1.17. DELIMITATION AND EXTENT OF CONSTITUENCIES

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

1.18. PHOTO ELECTORAL ROLL (PER) AND EPIC

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

- 1.18.2. Section 15 of the Representation of the People Act, 1950 lays down that for every assembly constituency, there shall be an electoral roll which shall be prepared in accordance with the provisions of that Act under the superintendence, direction and control of the Election Commission. In all States and Union Territories, the electoral roll for a Parliamentary constituency shall consist of the electoral rolls for all the Assembly constituencies comprised within that Parliamentary constituency. In the State of Jammu and Kashmir and Union Territories not having a Legislative Assembly (viz. Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep), separate electoral rolls are prepared for Parliamentary constituencies in the same manner as the electoral rolls are prepared for Assembly constituencies in other States and Union Territories.
- 1.18.3. For Jammu & Kashmir, the electoral rolls for assembly constituencies are prepared in accordance with Jammu & Kashmir Representation of the People Act, 1957 and the rules made thereunder. Only state-subjects as defined under the constitution of Jammu and Kashmir are entitled to be included therein.
- 1.18.4. Greater emphasis is being laid on the clean electoral roll. Consequent upon introduction of Booth Level Officer system, the identification and removal of names of the dead voters and the shifted voters has become more accurate and this has helped the election machinery in ensuring the fidelity of the electoral rolls.
- a. In order to enhance the participation by the recognised political parties in roll revision, the Commission has also desired from the recognized political parties that they may appoint one Booth Level Agent (BLA) for roll revision on the pattern of appointment of Polling Agents during polling (and Counting Agents during counting) to complement the BLO.
 - b. The issue of distribution of EPICs to electors has contributed a lot in avoiding bogus voting. This work of EPICs was started from 1994. All the EPICs issued were assigned a unique number and the same was printed on these EPICs. The EPIC number is incorporated in the Electoral Rolls. To prevent impersonation, the photograph of electors has been printed in the electoral roll itself so as to achieve the purpose of identification of electors at the polling stations.
 - c. Further, with a view to prevent impersonation on the day of poll, the Commission has prepared Photo Electoral Rolls (PER) which are available in all States and Union Territories.

- d. The Photo Electoral Roll contains the photographs of the electors in addition to all the information presently incorporated in the existing rolls. This simplifies the process of verification of elector's identity at the polling station on the day of poll.
- e. The EPIC is used for identification of electors at the polling stations. In the case of those electors, who are not able to produce EPIC for identification, the identity is established by means of any of the alternative documents prescribed by the Commission, specific orders for which are issued at the time of election.
- f. An elector who produces an elector photo identity card, which has been issued by the Electoral Registration Officer of another assembly constituency, such card is also considered provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting. But in such cases, it is ensured that the elector does not vote at more than one place by thoroughly checking the left-hand forefinger of the elector to see that there is no indelible ink mark thereon, and by applying the indelible ink on the left forefinger properly while allowing him to vote.

1.19. CANDIDATE MUST BE AN ELECTOR

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

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

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

1.21. CORRECTION OF ENTRIES IN ELECTORAL ROLL

1.21.1. A person may also apply under section 22 of the Representation of the People Act, 1950 for the correction of entries in the electoral roll. Application for such correction is also to be made to the Electoral Registration Officer of the constituency. Here again, no order for correction of the electoral roll can be made after the last date for making nominations for an election in the constituency and before the completion of that election. The provisions relating to the above matters and the procedure for the inclusion of names and correction of entries in an electoral roll after the final publication are contained in sections 22 and 23 of the Representation of the People Act, 1950, and rules 26 and 27 of the Registration of Electors Rules, 1960. These provisions are reproduced in **Appendix 2**.

2. QUALIFICATION AND DISQUALIFICATION

2.1. INTRODUCTION

2.1.1. In order to contest, a candidate must possess certain qualifications and at the same time, he/she must not suffer from certain disqualifications. These qualifications and disqualifications are laid down both in the Constitution and the election statutes.

2.2. QUALIFICATION FOR ELECTION TO THE LOK SABHA

2.2.1. If a candidate wants to contest an election to the Lok Sabha (House of the People) from a parliamentary constituency, he/she must possess each of the following qualifications:

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

- d. If a candidate is contesting for the seat reserved for the Scheduled Tribes in the Union Territory of Lakshadweep, then he/she must be *a member of any of those Scheduled Tribes*, and in addition he/she must be an elector for the parliamentary constituency of that Union Territory. N.B.– In case someone is a candidate under this category, he/she must carefully note the words in *italic* letters.
- e. If a candidate is contesting for the seat allotted to the State of Sikkim, he/she must be an elector for the parliamentary constituency for Sikkim;
- f. If a candidate is contesting for a general seat, that is to say, for a seat not reserved for the Scheduled Castes or Scheduled Tribes as mentioned in the preceding sub-clauses, then he/she must be an elector for any parliamentary constituency (vide section 4 of the Representation of the People Act, 1951).

2.3. QUALIFICATIONS FOR ELECTION TO A LEGISLATIVE ASSEMBLY

2.3.1. If a Candidate want to stand for election to the Vidhan Sabha (Legislative Assembly) of a State (other than the State of Jammu and Kashmir) or of a Union Territory (including the National Capital Territory of Delhi), he/she must possess each of the following qualifications:

1. A candidate must be citizen of India [Article 173(a) of the Constitution, section 4(a) of the Govt. of Union Territories Act, 1963 and section 4 (a) of the Govt. of National Capital Territory of Delhi Act, 1991];
2. Candidate must make and subscribe before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution or, as the case may be in the First Schedule to the Government of Union Territories Act, 1963 or the Schedule to the Government of National Capital Territory of Delhi Act, 1991 [Article 173 (a) and Form VII/A in the Third Schedule to the Constitution, Section 4(a) and Form 1 in the First Schedule to the Government of Union Territories Act, 1963 and section 4(a) and Form 1 in the Schedule to the Government of National Capital Territory of Delhi Act, 1991];
3. Candidate must not be less than twenty-five years of age on the date of scrutiny of nominations [Article 173b) of the Constitution, section 4(b) of the Government of Union Territories Act, 1963 and section 4(b) of the Government of National Capital Territory of Delhi Act, 1991 read with section 36(2) (a) of the Representation of the People Act, 1951];
- 4.

- a. If a candidate wants to contest for a seat in the Legislative Assembly of a State or Union Territory reserved for the Scheduled Castes or for the Scheduled Tribes of that State, or that Union Territory, then he/she must be a member of any of those Castes or, as the case may be, of those Tribes, and in addition, he/she must also be an elector for any Assembly Constituency in that State or that Union Territory;
 - b. If a candidate wants to contest for a seat reserved for the Scheduled Tribes of an autonomous district of Assam, then he/she must be member of a Scheduled Tribe of any autonomous district and in addition, he/she must be an elector for the Assembly Constituency in which such seat or any other seat is reserved for that district;
 - c. If a candidate wants to contest for a seat reserved for Sikkimese of Bhutia Lepcha origin in the Legislative Assembly of Sikkim, then he/she must be a person either of Bhutia or Lepcha origin, and in addition, he/she must also be an elector for any Assembly constituency in that State other than the constituency reserved for the Sanghas;
 - d. If a candidate wants to contest for the seat reserved for the Sanghas in the Legislative Assembly of Sikkim, then he/she must be an elector for the Sangha Constituency in that State;
 - e. If a candidate wants to contest for a general seat, that is to say, for a seat not reserved as aforesaid, then he/she must be an elector for any constituency in the State or Union Territory concerned.
- 2.3.2. All the relevant provisions of the Constitution and the law, referred to above, are reproduced in **Appendix 3**.
- 2.3.3. The above are the various qualifications, which a candidate must possess if he/she want to stand as a candidate for election to Lok Sabha or a Vidhan Sabha. A candidate must be very careful about this. He/she is advised to take special care in respect of the following two matters.

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

- 2.4.1. A candidate must see that his/her name has been correctly registered and there is no mismatch of photo in the electoral roll. If there is any mistake in the spelling or in the description of his/her name or his/her father's/mother's/husband's name or in his/her address or in any other respect (including age & sex) or mismatch of photo, he/she must take immediate steps to get the mistake corrected. If the candidate does not get the mistake rectified in time, then at the time of scrutiny of nomination papers, other contestants may raise objections.

2.5. OATH OF AFFIRMATION BY CANDIDATES

2.5.1. A candidate must not forget to make and subscribe the oath or affirmation to which a reference has already been made (**Annexure 4**). The Election Commission has authorised a number of persons before whom the oath or affirmation can be made and subscribed. Relevant notifications of the Election Commission are reproduced in **Appendix 5**.

2.5.2. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officers for the constituency for the election. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. 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. In the case of a candidate, who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in the country where the candidate happens to be, or before any person 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 specially nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorised all stipendiary presidency magistrates, all stipendiary magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judges, as officers before anyone of whom, the candidate can make and subscribe the oath or affirmation.

2.6. NOMINATION BY OVERSEAS ELECTORS

2.6.1. An overseas citizen who is entitled to be registered in the Roll under Section 20A of the Representation of the People Act, 1950, and who submits claim application in Form 6A, 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. The claim application in Form 6A shall be submitted either in person directly to ERO of the constituency concerned or sent by post to the ERO along with the self-attested copy of the requisite documents as mentioned in Form 6A. Claim application can also be made online. Enrolment in the electoral roll would also confer on an overseas elector the right to

contest elections, subject to the fulfilment of the other requirements of the law. One of the essential qualifications prescribed under the law is that the candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf. The RO and ARO are among the persons so authorized for this purpose. In the case of a candidate who is outside India, the oath can be made before the diplomatic or consular representative of India in the country where the candidate happens to be. An overseas elector may approach the authorized person in the Indian Mission of the country concerned for making oath or affirmation.

2.6.2. 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 in the passport of the person. Thus, such person will necessarily have to produce his/her original passport for verification by the RO/ARO at the time of making the oath or affirmation. At the time of voting also, the identity of the overseas electors has to be verified by checking the particulars in their passports.

2.7. IMPORTANT POINTS ABOUT OATH OF AFFIRMATION

2.7.1. The oath or affirmation should be made and subscribed before the date fixed by the Election Commission for scrutiny of nomination papers at that election. In the case of Pashupati Nath Singh versus Harihar Prasad Singh (1968) 2 SCR 812-AIR 1968 SC 1064, the Supreme Court has placed two limitations in the matter of making and subscribing the oath or solemn affirmation. In the first place, the Court has held that words “having been nominated” in the form of the oath or affirmation in the Third Schedule to the Constitution of India clearly show that the oath or affirmation cannot be taken or made by a candidate, before he has been nominated as a candidate. That means, according to this finding of the court, that having regard to the relevant provisions contained in sections 30, 31, 32 and 33 of the Representation of the People Act, 1951 the oath or solemn affirmation can be made and subscribed by a candidate only after his nomination paper has been delivered under section 33 to the Returning Officer. In the second place, the Court has held that the expression “on the date fixed for scrutiny” in section 36(2) (a) of the Representation of the People Act, 1951 means on the whole of the day on which the scrutiny of nomination has to take place. In other words, the qualification according to this finding of the court must exist at the earliest moment on the day of scrutiny. This means that the oath or solemn affirmation must have been

made before the commencement of the day of scrutiny of nominations. Such oath or affirmation cannot be made by a candidate at any time on the date of scrutiny before the Returning Officer takes up nomination papers for such scrutiny. The Supreme Court has confirmed this view in the subsequent case of Khader Khan Hussain Khan and others versus S. Nijalingappa (1970) I SCA 548. Therefore, the candidates are well advised to take the oath immediately after presenting their nomination papers and in any case by the day previous to the date of scrutiny.

2.7.2. The oath or affirmation is to be made in person before the authorised officer.

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

2.7.4. The oath or affirmation has first to be made and then signed, by a candidate before the authorised person. It should be borne in mind that mere signing on the paper on which the form of oath is written out is not sufficient. A candidate must make the oath before the authorised person. He will ask the candidate to read out 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 authorised person should read out the oath and ask him/her to repeat the same and thereafter take his/her thumb impression on the form.

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

- 2.7.5. The authorised person will forthwith give a certificate to the candidate that he/she has made and subscribed the oath before him on that day at a particular hour. If the certificate is not given, the candidate can demand the same from him and get it.
- 2.7.6. If the authorised person is the superintendent or commandant of the prison or detention camp, he should issue forthwith to the candidate, a certified copy of the oath for producing it as evidence before the Returning Officer at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the expeditious means of transmission to the Returning Officer indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send the original of the oath or affirmation made and signed by the candidate to the Returning Officer.
- 2.7.7. If the authorised person is a medical superintendent of a hospital or a medical practitioner or a diplomatic or consular representative of India in the country where a candidate happens to be or the district judge or person belonging to the judicial service of State other than District Judge or Stipendiary Presidency Magistrate or Stipendiary Magistrate of the first class or any other person nominated by the Election Commission, as soon as the candidate has made and subscribed the oath or affirmation, he should certify this fact on the form, keep a copy for his record and hand over the original to the candidate. It will be the responsibility of the candidate to see that the original oath or affirmation is produced before the Returning Officer at or before the time fixed for the scrutiny of nomination papers.
- 2.7.8. The forms for making oath or affirmation can be obtained from the Returning Officer or Assistant Returning Officer of the constituency.
- 2.7.9. A candidate should be careful to keep with him/her sufficient evidence which he/she should be in a position to produce before the Returning Officer at the time of scrutiny about his/her making and subscribing the oath or affirmation: otherwise, he/she may be in difficulty if somebody challenges that he/she has not made and subscribed the requisite oath or affirmation and, therefore, he/she is not qualified to stand as a candidate.

2.8. DISQUALIFICATIONS FOR ELECTION TO HOUSE OF THE PEOPLE (LOK SABHA)

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

2.8.1. Constitutional Disqualifications

1. In the first place, a candidate must not hold any office of profit under the Government of India or the Government of any State [Article 102(I) (a) of the Constitution]. To this general rule, there are some exceptions. The first exception is mentioned in Article 102 (2) itself, according to which the office of a Minister, either for the Union or for any State is not regarded as an office of profit under the Government of India or the Government of any State. The other exceptions are mentioned in the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959). N.B. (1) For candidate's convenience, this Act (10 of 1959) has been reproduced in the Manual of Election Law published by the Government of India in the Ministry of Law, Justice and Company Affairs.
2. In the second place, a candidate must not be a person of unsound mind and so declared by a competent court [Article 102 (1) (b) of the Constitution].
3. In the third place, a candidate must not be an undischarged insolvent [Article 102(1) (c) of the Constitution].
4. In the fourth place, a candidate will be disqualified if he/she is not a citizen of India or if he/she has voluntarily acquired the citizenship of a foreign State or if he/she is under any acknowledgment of allegiance or adherence to a foreign State. In simple words, a candidate must not be an alien and a foreigner [Article 102(1) (d) of the Constitution].
5. Lastly, a candidate must not be disqualified by or under any law made by Parliament [Article 102 (1) (e) of the Constitution].

2.8.2. Statutory Disqualifications

The law made by Parliament as envisaged in Article 102 (1) (e) of the Constitution mentioned above is the Representation of the People Act, 1951. In addition to the above constitutional disqualifications, the Representation of the People Act, 1951 has laid down a number of disqualifications for being chosen as, or for being, a member of Parliament. These disqualifications are mentioned in section 8, section

8-A, section 9, section 9-A, section 10 and section 10-A of the Representation of the People Act, 1951. These disqualifications may, therefore, be called statutory disqualifications to distinguish them from constitutional disqualifications described above. The total number of the statutory disqualifications is six.

1. The first statutory disqualification is contained in section 8 of the Representation of the People Act, 1951. Under sub-section (1) of this section a person convicted of an offence punishable under any of the following provisions of law, shall be disqualified for specific period:
 - a) Section 153A (offence of promotion of enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of under influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offences of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill will between classes or offence relating to such statement in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860) or
 - b) The protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of “untouchability”, and for the enforcement of any disability arising therefrom; or
 - c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or
 - d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association, offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
 - e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
 - f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
 - g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987) or
 - h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the religious institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

- i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of the Representation of the People Act, 1951; or
 - j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991; or
 - k) Section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971); or
 - l) The Commission of Sati (Prevention) Act, 1987 (3 of 1988); or
 - m) The Prevention of Corruption Act, 1988 (49 of 1988); or
 - n) The Prevention of Terrorism Act, 2002 (15 of 2002).
 - (i) If the convicted person is sentenced to only fine, then the disqualification will be for a period of six years from the date of such conviction;
 - (ii) If the convicted person is sentenced to imprisonment, then the disqualification will be from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.
2. As per sub-section of Section 8, if a person has been convicted by a Court for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or any provision of the Dowry Prohibition Act, 1961, and sentenced to imprisonment for not less than six months, he shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of 6 years since his release from imprisonment.
3. A person convicted by a Court in India for any offence other than those mentioned in (1) and (2) above and sentenced to imprisonment for not less than two years is disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release from prison. It may be noted that in case of conviction of a person for more than one offence, in a common trial and with the sentences of imprisonment to run consecutively, for the purposes of Section 8(3) of the Representation of the People Act, 1951, the period of sentences of imprisonment of each offence should be added and if the total length of time for which a person has been ordered to remain in prison consequent upon such conviction and sentences is two years or more, the convicted person shall be disqualified under the said Section 8(3) of the Representation of the People Act,

1951. The Commission has clarified that the disqualification under the said section would commence from the date of conviction, regardless of any appeal filed against the conviction and regardless of whether the person intending to be a candidate is out on bail or not.

4. The second statutory disqualification is contained in section 8-A of the Representation of the People Act, 1951. It provides for disqualification for a corrupt practice at an election. A person found guilty of a corrupt practice at an election by a High Court in an election petition or by the Supreme Court in an election appeal may be disqualified for such period, not exceeding six years, as may be determined by the President in accordance with the opinion of the Election Commission.
5. The third statutory disqualification is contained in section 9 of the Representation of the People Act, 1951. It provides for disqualification for dismissal for corruption or disloyalty to the State. A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal. A certificate, issued by the Election Commission to the effect that a person having held office under the Government of India or the Government of any State has or has not been dismissed for corruptions or for disloyalty to the State shall be conclusive proof of that fact. No certificate, however, shall be issued by the Election Commission to the effect that a person has been dismissed for corruption or disloyalty to the state without giving that person an opportunity of being heard.
6. The fourth statutory disqualification is contained in section 9-A of the Representation of the People Act, 1951. Under this section, a person is disqualified for being chosen as or for being a member of Parliament if, and for so as long as, there subsists a contract entered into by him in the course of his trade or business with the Government of India for the supply of goods to, or for the execution of any works, undertaken by that Government. If, however, the candidate has entered into a contract with the Government of India in the course of his/her trade or business either for the supply of any goods to the Government or for the execution of any works undertaken by the Government and have fully performed his/her part of contract, then the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.
7. The fifth statutory disqualification is the holding of an office under a Government company. This is contained in section 10 of the Representation of the People Act,

1951. A person is disqualified for membership of Parliament if, and for so long as he is a managing agent, manager or secretary of any corporation or company in the capital of which the Government of India has not less than 25 percent share. A co-operative society, however, is excluded from the purview of this rule.

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

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

If a candidate wants to stand for election to the Legislative Assembly of a State (other than the State of Jammu and Kashmir) or of a Union Territory from an assembly constituency, he/she must not suffer from any of the following disqualifications, constitutional and statutory:

- a) Constitutional Disqualifications for Membership of the Legislative Assembly of a State (other than Jammu and Kashmir and the Legislative Assembly of a Union Territory). These are contained in Article 191 of the Constitution of India.
 1. In the first place, a candidate must not hold any office of profit under the Government of India or the Government of any State other than an office declared by the Legislature of the State by law not to disqualify its holder. The various State Legislatures have made laws declaring different offices of profit which will not disqualify a holder of any such office for being chosen as and for being a member of the Legislative Assembly of a State.
 2. In the second place, a candidate must not be of unsound mind and must not stand so declared by a competent court.

3. In the third place, a candidate must not be an undischarged insolvent.
 4. In the fourth place, a candidate will be disqualified if he/she is not a citizen of India or he/she has voluntarily acquired the citizenship of a foreign State or if he/she is under any acknowledgement of allegiance or adherence to a foreign State. In simple words, a candidate must not be an alien and a foreigner.
 5. And lastly, a candidate must not be disqualified by or under any law made by Parliament.
- b) Constitutional Disqualifications for Membership of the Legislative Assembly of Union Territory of Puducherry, are contained in section 14 of the Government of Union Territories Act, 1963.
1. A candidate must not hold any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislative Assembly of the Union Territory not to disqualify its holder. The Pondicherry Legislative Assembly has passed the Pondicherry members of the Legislative Assembly (Prevention of Disqualification) Act, 1994. A candidate for election of that Assembly should study that Act carefully.
 2. A candidate must not suffer from any of the disqualifications for being chosen as or for being a member of either House of Parliament as laid down in the provisions of sub-clause (b), sub-clause (c), or sub-clause (d) of Article 102(1) of the Constitution of India mentioned in para above, or any law made in pursuance of that Article. From the expression "any law made in pursuance of that Article" used in section 14(1) (b), it seems safer to assume that the Parliament (Prevention of Disqualification) Act, 1959 may apply if someone wants to stand as a candidate for election to the Legislative Assembly of Union Territory because in addition to the relevant provision relating to disqualifications contained in the Representation of the People Act, 1951 to which reference will be made just now the Parliament (Prevention of Disqualification) Act, 1959 has also been made in pursuance of article 102. In this view of the matter, Candidate should consider carefully whether he/she should resign any office of profit in so far as it is an office of profit under the Government, if falls at all within the prohibitive purview of clause (h) and clause (i) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959 before he/she file his/her nomination paper. In any case it will be safer for the candidate to consult his/her lawyer in this matter so that after election it may not be challenged.

c) Statutory Disqualifications for Membership of the Legislative Assembly of a State (other than Jammu and Kashmir) or of Union Territory of Puducherry. The statutory disqualifications for membership of the Legislative Assembly of a State or of a Union Territory are the same as the statutory disqualifications for membership of Parliament contained in section 8, section 8-A, section 9, section 9-A, section 10 and section 10-A of the Representation of the People Act, 1951, with this difference that the reference “to the appropriate government” in any of the section, such as section 9-A or section 10 shall mean, in relation to the disqualification for membership of the Legislative Assembly of a State, the Government of that State and shall, in relation to the disqualification for membership of the Legislative Assembly of Union Territory of Puducherry, mean not only the Government of that Union Territory but it means, also the Central Government so that if the Candidate has any subsisting contract entered into by him/her in the course of his/her trade or business with the administrator of Union territory he/she will be disqualified and if he/she has any such contract with the Central Government, then also he/she will be disqualified. The same position will hold good in relation to section 10 also of the Representation of the People Act, 1951. This view is taken in view of the definition of “State Government” given in the Representation of the People Act, 1950 which applies to the Representation of the People Act, 1951 also by virtue of section 2(1) (a) of the latter Act and section 55 of the Government of Union Territories Act, 1963. In a serious matter like election, the advice which the Commission gives to the candidate is that he/she should always play for safety and should not take any risk. In any case, it will be better for a candidate to consult his/her lawyer on this point.

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

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

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

2.10.3. In other words, the disqualifications for election to Parliament which have been discussed earlier in this chapter, will apply for election to the Legislative Assembly of the National Capital Territory of Delhi.

2.11. DISQUALIFICATIONS FOR MEMBERSHIP CONSEQUENT ON DISQUALIFICATION FOR VOTING

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

1. Any person convicted of an offence punishable under 171E or 171F of the Indian Penal Code or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of the Representation of the People Act, 1951 shall be disqualified for voting at any election. The period of such disqualification for voting is six years from the date of conviction.
2. In the case of a person found guilty of a corrupt practice by an Order under section 99 of the Representation of the People Act, 1951, he will be disqualified for voting for the same period as determined by the President under sub-section (1) of section 8A for disqualification for standing for election.
3. If a person is, for the time being, disqualified for voting under the provisions of any law relating to corrupt practice or other offences in connection with elections, then he becomes disqualified for registration in an electoral roll and the name of any person who becomes so disqualified after registration as required to be forthwith struck off the electoral roll. These provisions are contained in section 16 of the Representation of the People Act, 1950. And one of the qualifications for standing for election is that a candidate must be an elector for the appropriate constituency (see section 4 and section 5 of the Representation of the People Act, 1951). But if he/she is disqualified for voting, then he/she cannot be an elector and, therefore, because of the disqualification for voting, he/she is not qualified for standing for election either from a parliamentary constituency or from an assembly constituency. All the important points relating to qualifications and disqualifications have been mentioned in this book and a candidate should carefully read the

provisions mentioned above because a perusal of this handbook will help him/her to understand the provisions of the Constitution and the law.

3. NOMINATION AND ALLOTMENT OF SYMBOLS

3.1. NOMINATION

3.1.1. A candidate has perhaps found that he/she possess all the requisite qualifications for standing as a candidate and for being elected as a member of the House of the People (Lok Sabha) or as the case may be, of the Legislative Assembly (Vidhan Sabha) and do not suffer from any of the disqualifications for such membership and, therefore, he/she want to stand as a candidate for an election to the Lok Sabha or Vidhan Sabha. He/she can stand as a candidate either at a general election which is necessary for constituting a new Lok Sabha or a new Vidhan Sabha or he/she may stand as a candidate at a bye-election which will be held for the purpose of filling any casual vacancy.

3.1.2. However, he/she cannot be nominated as a candidate for an election: -

- a. in the case of general election to the House of the People (whether or not held simultaneously from all Parliamentary constituencies), from more than two Parliamentary constituencies;
- b. in the case of general election to the Legislative Assembly of a State (whether or not held simultaneously from all Assembly constituencies), from more than two Assembly constituencies in the State;
- c. in the case of bye-elections to the House of the People from two or more Parliamentary constituencies which are held simultaneously, from more than two such Parliamentary constituencies;
- d. in the case of bye-elections to the Legislative Assembly of a State from two or more Assembly constituencies which are held simultaneously, from more than two such Assembly constituencies.

Explanation: Two or more bye-elections shall be deemed to be held simultaneously where the notifications calling such bye-elections are issued by the Election Commission under Section 149 or 150 of RP Act, 1951 on the same date.

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

3.1.4. The steps for a general election are set in motion by the issue of one or more notifications (called in common parlance as writ notifications) by the President of India

in the case of House of the People (Lok Sabha) and by the Governor of the State in the case of general election to the Legislative Assembly of that State. In the case of all bye-elections, such notifications are issued by the Election Commission.

3.1.5. As soon as the notifications, that is, the writs for a general election or a bye-election are issued as aforesaid, the Election Commission by notification in the Official Gazette fixes the time-table of the election under section 30 of the Representation of the People Act, 1951. This notification fixing the time-table is issued on the same date on which the writs for the general election or bye-election are issued. The notification fixing the time table under section 30 is published in the gazette of India in the case of an election to the House of the People (Lok Sabha) and in the Official gazette of the State in the case of an election to the Legislative Assembly (Vidhan Sabha) of the State concerned. This notification fixing the time table appoints

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

cannot be held before the 25th of March because the date of the poll cannot be earlier than the fourteenth day after the last date for the withdrawal of candidatures. The poll can be taken on more than one day also in a constituency. In such case, the first date of poll cannot be earlier than the 25th March in the above example.

3.1.6. A candidate will thus notice that neither the last date for making nominations nor the date for scrutiny of nominations and nor the last date for the withdrawal of candidatures can be a day which is a public holiday. But this prohibition is not applicable to the date of poll. There is no bar to the holding of a poll on a public holiday. Note: 'Public holiday' mentioned above means the public holiday declared as such under section 25 of the Negotiable Instruments Act, 1881 and not any other holiday.

3.1.7. On the issue of the notification by the Election Commission fixing the time-table of election under section 30 of the Representation of the People Act, 1951, a public notice of the intended election is issued by the Returning Officer under section 31 of the Representation of the People Act, 1951. By this public notice, the Returning Officer invites nominations of candidates for the election and specifies the place at which nomination papers are to be delivered. This public notice under section 31 is in Form 1 appended to the Conduct of Elections Rules, 1961. Generally, the public notice in Form 1 is published on the notice board of the Returning Officer and at such other places as he considers necessary for giving wide publicity to the notice including the offices of Gram Panchayat, Panchayat Samitis, etc.

3.2. PERIOD OF NOMINATION

3.2.1. It has already been mentioned above that only eight days (including the day on which the notification is issued) are available for the making of nominations. However, nomination cannot be filed on intervening holidays.

3.3. FORM OF NOMINATION PAPER

3.3.1. The nomination paper must be in the prescribed form. The nomination of a candidate for election to the House of the People (Lok Sabha) shall be made in Form 2A appended to Conduct of Elections Rules, 1961. Relevant form for filing nomination of a candidate at an election to the State Legislative Assembly (Vidhan Sabha) is Form 2B (Form 2A and 2B are reproduced in **Appendix 6 and 7**). Printed copies of the form of nomination paper can be purchased from the Returning Officer at a very nominal price. If the officially printed forms are not available or cannot be obtained, a candidate may use a privately printed, type-written, cyclostyled form; but he/she must take care to

see that the form used by him/her, exactly corresponds to the appropriate latest form as appended to the Conduct of Elections Rules, 1961. A candidate must be very particular about every entry in the nomination form.

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

- 3.4.1. Separate Bank Account to be opened by each candidate for election expenditure - In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.
- 3.4.2. The bank Account can be opened either in the name of the candidate or in the joint name with his election agent for the purpose of election expenditure. The bank account should not be opened in the joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate.
- 3.4.3. The bank account can be opened anywhere in the state. The accounts can be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.

3.5. QUALIFICATIONS AND DISQUALIFICATIONS

- 3.5.1. A candidate must possess all the requisite qualifications and must not suffer any of the disqualifications. He/she has been given elaborate guidance in this direction in the earlier chapter.

3.6. NOMINATION PAPER

- 3.6.1. A candidate's nomination must be in one of the appropriate forms – Form 2A (for House of the People or Lok Sabha) and Form 2B (for Legislative Assembly or Vidhan Sabha). Candidate should make sure that they fill up the nomination form very carefully and remember to give all particulars clearly and legibly. Candidates are required to put signatures in two places in the nomination paper. Any lapse in this regard can lead to rejecting of nomination.

3.7. INFORMATION PERTAINING TO CLAUSES OF DISQUALIFICATION

3.7.1. A candidate should make a declaration in his/her nomination paper that he/she is qualified and not disqualified for being chosen at the election. Candidate has to make declaration in respect of each clause 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.

3.8. FILING OF AFFIDAVIT

3.8.1. Along with the nomination paper, every candidate is required to file an affidavit in Form 26 (**Appendix 8**). 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. Each page of the Affidavits should be signed by the deponent concerned or the affidavits should bear on each page the stamp of the Notary/Oath Commissioner /Magistrate before whom the Affidavit is sworn. The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the state law of the state concerned.

3.8.2. While supplying forms of nomination paper, the Returning Officer will attach to nomination form, a copy of Form 26 (Appendix 8) appended to the Conduct of Election Rules, 1961. No column of the affidavit should be left blank or filled by just tick/dash marking. If the information asked for in a column is Nil or not applicable to the candidate than he/she should write 'Nil' or 'Not applicable' in that column [The Hon'ble supreme Court has held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, Returning Officer has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the Returning Officer shall give a notice to the candidate to submit a fresh affidavit complete in all respect. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny of nomination papers]. Each page of the Affidavit should be signed.

3.8.3. The optional facility of e-filing of affidavits (Form 26) can be availed by the candidates by entering the information on logging into the ECI website. In such case, the printed copy has to be taken on stamp paper of appropriate denomination and sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public

for filing the same before the Returning Officer. It may be noted that the notarized affidavit has to be filed latest by 3.00 PM on the last date of filing nomination. E-filing is not a substitute for the statutory requirement of having to file notarized affidavit in physical form. This facility of e-filing is available in two languages namely English & Hindi.

- 3.8.4. Copies of the affidavits will be displayed in the premises of a public place within the constituency freely accessible to the general public. Displaying copies on the Returning officer's notice board will be done in all cases, even if the office is outside the boundary of the constituency.
- 3.8.5. Uploading Affidavits filed by the candidates in the website: The affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents will be put up on the website soon after the candidates files the same and within 24 hours in any event. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.
- 3.8.6. The amendments made in Form 26 are in pursuance of the directions in the Judgement of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.).
- 3.8.7. In the judgement in Writ Petition (Civil) No. 536 OF 2011, the Hon'ble Supreme Court has, inter alia, given the following directions: - (i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein. (ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate. (iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her. (iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents. (v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.
- 3.8.8. In pursuance of the abovementioned judgement, the Commission has given following directions to be followed by candidates at elections to the House of Parliament and House of State Legislatures who have criminal cases against them,

either pending cases or cases of conviction in the past, and to the political parties that set up such candidates: -

- a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them – either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in Format C-1 attached hereto (**Annexure 43**), at least on three different dates from the day following the last date for withdrawal of candidatures and up to two days before the date of poll. The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.
- b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.
- c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form 26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3 (**Annexure 43**). The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.
- d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted Item (6A).

3.8.9. The political Parties – recognized parties and registered un-recognised parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto (**Annexure 43**). Publishing of the declaration in newspapers and TV channels is required to be done at least on three different dates during the period mentioned in Para 3.8.8 (a) above. In the case of TV channels, it shall be ensured that

the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

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

3.8.11. After the election, the candidates shall submit a report about publishing of declaration to the DEO and the political parties to the CEO of the State/UT. The Commission has provided Formats C-4 and C-5 (**Annexure 43**) for this purpose. A set of FAQs for clarification is also provided in **Annexure 43**.

3.9. CANDIDATE'S NAME IN THE NOMINATION PAPER

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

3.10. THE DATE ON WHICH THE NOMINATION PAPER IN THE APPROPRIATE FORM SHOULD BE FILED

3.10.1. The nomination paper in the appropriate Form from the date of notification of election or any day thereafter up to the last date for making nomination.

N.B.: But no nomination paper can be filed on any such date if it is public holiday.

3.11. TIME FOR FILING NOMINATION

3.11.1. Nomination can be filed only between 11 O' clock in the forenoon and 3 O'clock in the afternoon on any of the above-mentioned days. Candidate should note that on the last date for making nominations, there is bound to see rush for filing nominations. They should ensure that they are inside the room/hall, where nominations are received, well before 3 pm along with requisite papers and should not leave the hall until all formalities related to filing of their nominations are duly completed. The Returning Officers are under instructions to close the door of the room/hall exactly at 3 pm. Thereafter R.O. will not allow any person to enter the room/hall or allow any papers to be brought into the room.

3.12. BY WHOM A NOMINATION PAPER CAN BE PRESENTED

3.12.1. Nomination paper may be presented either by a candidate or by his/her proposers and by no one else. Wherever possible, it is advisable that a candidate should personally present the nomination paper so that no unforeseen hitch or difficulty may arise and endanger his/her candidature. Candidate or his/her proposer cannot send the nomination paper by post. The nomination paper cannot be delivered at the residence of the RO/ARO or outside the place mentioned in the notice in Form 1. If it is delivered at any other place, it will be rejected.

3.13. TO WHOM A NOMINATION PAPER SHOULD BE PRESENTED

3.13.1. Candidate's nomination paper must be delivered to the Returning Officer of the constituency or to such Assistant Returning Officer as is authorized by the Returning Officer in this behalf. This authorized Assistant Returning Officer is specified in the public notice of election issued under section 31 in Form 1 appended to the Conduct of Elections Rules, 1961.

3.14. WHERE A NOMINATION PAPER SHOULD BE DELIEVERED

3.14.1. The nomination paper must be delivered at the place specified in Form 1 aforesaid and at no other place. The nomination paper cannot be delivered at the residence of the officer specified or outside the place mentioned in the notice in Form 1. If it is delivered at any other place, it will be rejected.

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

3.15.1. Large number of vehicles and people accompanying some of the candidates at the time of filing nominations were causing serious concern about general law and order in the Offices of the Returning Officers. Keeping this in view, the maximum number of vehicles in the convoy of a candidate or accompanying him to be allowed to come within a periphery of 100 meters of Returning Officer's or the Assistant Returning Officer's Office has been restricted to three and the maximum number of persons who can be allowed to enter the Office of Returning Officer or the Assistant Returning Officer at the time of filing nomination has been limited to five (including the candidate). Candidates shall ensure that they do not violate these instructions in any manner.

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

3.16. BY WHOM NOMINATION PAPER SHOULD BE SIGNED

3.16.1. Nomination paper must bear the signature of proposer(s) as well as Candidate's own signature. The signature of the proposer(s) and candidate's own signature must be in the proper places shown in the Form of nomination paper for such signature. Candidate should be careful not to put his/her signature in the space indicated for the signature of the proposers or to put the signature of the proposers in the space indicated for the signature of the candidate. A nomination paper is a very important document and meticulous care should be taken to fill it as accurately as possible. A proposer can sign more than one nomination paper of the same candidate or of different candidates.

3.17. NUMBER OF PROPOSERS

3.17.1. Under Section 33 of the Representation of the People Act, 1951, the nomination of a candidate at election to the House of the People or a State Legislative Assembly shall be required to be subscribed by-

- i. One elector of the constituency, as proposer, if the candidate has been set up either by a recognized National party or by a recognized State party in the State or States in which it is recognized as State party (see Part-I of Forms 2A and 2B)
- ii. Ten (10) electors of the constituency, as proposers, if the candidate has been set up by a registered un-recognized political party or if he is an independent candidate (see Part-II of the Forms 2A and 2B).

3.17.2. If a State party recognised in one State is putting up candidate in another State in which it is not so recognised, the nomination of candidate(s) set up by that party in such other State will also be required to be subscribed by ten (10) electors of the constituency as proposers.

3.18. PROPOSER MUST BE AN ELECTOR OF THE CONSTITUENCY

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

3.18.2. The Candidate is, therefore, advised to go thoroughly through photo electoral roll of the constituency in which he/she intends to contest the election to check the particulars

of the electors who may be his/her proposer(s) whether the same are in order and there is no mis-match of photograph of such electors in the photo electoral roll.

3.19. WHAT CANDIDATE SHOULD DO IF HE OR HIS PROPOSER ARE BOTH UNABLE TO SIGN THEIR NAMES

3.19.1. Under the law [vide rule 2(2) of the Conduct of Elections Rules, 1961], if a candidate or his/her proposer is unable to sign, then he/she or his/her proposer shall be deemed to have signed the nomination paper, if he/she or his/her proposer have placed a mark or thumb impression on the nomination paper in the presence of the Returning Officer or the Assistant Returning Officer or such other officer as may be authorised in this behalf by the Election Commission and the Returning Officer or the Assistant Returning Officer or such other officer, on being satisfied as to the identity of the proposer or identity of the candidate, has attested the mark/thumb impression as being the that of the candidate or his/her proposer. It should be noted that in such cases the mark/thumb impression should be put in the presence of RO/ARO or the authorized officer and they should attest the same then and there.

3.20. DECLARATIONS TO BE MADE BY CANDIDATE IN THE NOMINATION PAPERS

3.20.1. While assenting to the nomination made by the proposer, a candidate is required to make a declaration in the nomination paper itself.

a. Firstly, it has already been pointed out that for election to the House of the People (Lok Sabha) or a State Legislative Assembly (Vidhan Sabha), a candidate must not be less than twenty-five years of age. A candidate should give his/her correct age in the nomination paper. If any candidate find that his/her age is not correctly mentioned in the electoral roll, he/she should give only his/her present age in the nomination paper and not the wrong age as shown in the electoral roll;

N.B. If the candidate age is near the legal minimum, that is to say, if he/she is just twenty-five years of age or a little more than that and there is an apprehension that an objection may be raised by a rival candidate regarding his/her age, arm with sufficient proof of his/her age.

b. Secondly, as to the candidate's political party, in case a candidate is set up by any political party;

N.B. But declaration as to being set up by a political party will not arise if the candidate stands as an independent candidate.

c. Thirdly, as to the choice of the three symbols in order of preference.

- d. Fourthly, as to the correct spelling of his/her name and the name of his/her father/mother/husband as given in the nomination paper;
- e. Fifthly, as to the fact that candidate is qualified and that he/she is not disqualified for being chosen to fill the seat for which he/she is contesting the election, and
- f. Sixthly, as to the fact that the candidate has not been, and shall not be nominated as a candidate at the present general election/bye-elections being held simultaneously to the House of the People or Legislative Assembly of a State from more than two Parliamentary/Assembly constituencies, as the case may be.

3.20.2. Apart from the declaration in respect of the matters mentioned above, a candidate is to make a further declaration in the nomination paper if he/she stands as a candidate for election from a constituency reserved for the Scheduled Castes or Scheduled Tribes. If the candidate belongs to a Scheduled Caste or a Scheduled Tribe, he/she should make a declaration to that effect in his/her nomination paper even if he/she contests an election from a general constituency as this will entitle him/her to the concessional amount of security deposit even in that general constituency. Be very particular in making the declaration accurately. Candidate may furnish, along with the nomination paper, copy of certificate/appropriate document in proof of the fact that he/she belongs to a Scheduled Caste or Scheduled Tribe. Returning Office may ask for such proof.

3.21. WHAT CANDIDATE SHOULD DO IF CONTESTING ELECTION WITHIN 5 YEARS OF DISMISSAL FROM OFFICE UNDER GOVT

3.21.1. If a candidate, having held any office under the Government of India or under the Government of a State, has been dismissed and the period of disqualification, referred to in section 9 of The Representation of the People Act, 1951 namely, the period of five years since the dismissal has not elapsed, then he/she will not be deemed to be duly nominated as a candidate unless his/her nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he/she has not been dismissed for corruption or disloyalty to the State.

3.22. PRODUCTION OF COPY OF ELECTORAL ROLL IF A CANDIDATE IS AN ELECTOR OF A DIFFERENT CONSTITUENCY

3.22.1. If the candidate's name has been registered as an elector in the electoral roll of a constituency different from the constituency from which he/she stand as a candidate, then he/she must file along with his/her nomination paper either a copy of the entire electoral roll of the former constituency or, a copy of the relevant part of that electoral roll (relevant part means the part of the electoral roll in which his/her name appears)

or, a certified copy of the relevant entries relating to his/her name in such roll. If for any reason it is not possible to file any of these documents along with the nomination paper, then the candidate must produce any of these documents before the Returning Officer at the time of the scrutiny of nomination; otherwise his/her nomination paper will be rejected.

3.23. HOW MANY NOMINATION PAPERS CAN BE FILED BY A CANDIDATE FOR STANDING AS A CANDIDATE FROM THE SAME CONSTITUENCY?

3.23.1. Under sub-section (6) of section 33 of the R.P. Act, 1951, maximum of four nomination papers only can be presented by candidate or on behalf of any candidate or received by the Returning Officer or Specified Assistant Returning Officer for election in the same constituency. These nomination papers can be filed either together or separately.

3.24. DEPOSITS

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

3.24.2. It has already been pointed out that from the same constituency, a candidate can file as many as four nomination papers, but in such a case he/she shall not have to make four different deposits. It will be enough if he/she makes only one deposit in respect of the first nomination paper. In the case of other nomination papers, no deposit is necessary. Candidate is only to attach to the first nomination paper that he/she file, the original treasury receipt or challan for the deposit. A true copy of the original receipt or challan for the deposit may be attached to every subsequent nomination paper, which

may be filed by him/her. Always retain the official duplicate of the treasury receipt of challan, which he/she receive from the Reserve Bank of India or the government treasury with him/her for his/her future reference and use.

3.24.3. A candidate should note particularly that the deposit may be made in two ways. Either the amount may be deposited with the Returning Officer in cash at the time of filing his/her nomination paper or he/she may deposit the amount in the Reserve Bank of India or in a Government treasury. He/she must do so before he/she file his/her nomination paper with the Returning Officer and he/she must, as already pointed out, attach the treasury receipt or challan which he/she will receive in duplicate from the Reserve Bank of India or the Govt. treasury to his/her nomination paper. If the candidate does not deposit the amount in cash with the Returning Officer at the time of filing his/her nomination paper or if he/she do not attach to his/her nomination paper the treasury receipt or challan, then his/her nomination paper will be rejected.

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

3.25. ELECTION SYMBOLS

3.25.1. On looking at the form of the nomination paper, a candidate not set up by a recognised National or State Party, will find that he/she is to make a choice, in order of preference, of three symbols out of a specified list of symbols. The Conduct of Elections Rules, 1961 require the Election Commission to specify by notification in the Gazette of India and the Official gazette of each State the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.

3.25.2. These rules also require that if a candidate has filed more nomination papers than one then the declaration as to symbols made in the nomination paper first filed, and no other declaration as to symbols, shall be taken into consideration at the time of allotment of symbols by the Returning Officer to the contesting candidates even if the nomination paper which has been first filed has been rejected by the Returning Officer. In other words, even if his/her first nomination paper is rejected but his/her second or third or fourth nomination paper is accepted by the Returning Officer as valid even then

the choice of symbols made by him/her in his/her first nomination paper will be taken into consideration at the time of allotment of symbols.

3.25.3. These rules also require that after the time of withdrawal of candidatures is over and there are more candidates in the field than one whose nominations have been found to be valid, then the Returning Officer shall immediately after the expiry of the time of withdrawal prepare the list of contesting candidates and allot subject to any direction issued by the Election Commission, a different symbol to each contesting candidate in conformity, as far as practicable, with his choice as shown in the nomination paper first filed.

3.25.4. In pursuance of these rules, the Election Commission issued on 31st August, 1968 an Order providing for specification, reservation, choice and allotment of symbols at elections in parliamentary and assembly constituencies in all States and Union territories, and for the recognition of political parties in relation thereto and for matters connected therewith. This order is called the Election Symbols (Reservation and Allotment) Order, 1968.

3.25.5. That Order also makes provisions for the recognition of parties as National and State Parties. Under para 17 of this Order, the Commission notifies at regular intervals the names of the recognized National and State parties, the list of symbols respectively reserved for them, the list of registered unrecognized parties and the list of free symbols. No candidate can choose a symbol outside these lists. Even if he does, such choice cannot be approved by Returning Officer.

3.26. CHOICE OF SYMBOLS BY CANDIDATES

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

3.26.2. The candidates, other than these, shall choose three symbols in order of preference from out of the list of free symbols specified for the State/Union Territory by the Commission and indicate such preference in the nomination paper.

3.27. ALLOTMENT OF SYMBOLS TO CANDIDATES

3.27.1. According to law, in every contested election a symbol shall be allotted to each contesting candidate in accordance with the provisions of the Commission's Symbols

Order. Different symbols shall be allotted to different contesting candidates at an election in the same constituency.

3.27.2. From the Symbols Order, referred to above, Candidate 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) Free symbols and reserved symbols vary from State to State.
- d) There are three categories of political parties, namely, (i) Recognised National Parties (which are recognised in all States and Union Territories) (ii) Recognised State Parties (which are recognised only in the specified States or Union Territories) (iii) Registered -unrecognized parties. N.B.- The Election Commission issues a consolidated notification from time to time specifying the list of recognised National and State parties and the symbols respectively reserved for them, the list of registered unrecognized parties and lists of free symbols for each State and Union Territory. Candidate should mention the correct name of the political party as per the name listed in the notification issued by the Commission. Similarly name of the symbol should be mentioned correctly. The above said notification will be available on the Commission website.
- e) A candidate set up by a National or State Party (in the State in which it is recognized) shall choose in his nomination paper and shall be allotted by the Returning Officer, only the reserved symbol of that party and no other symbol. This means that if he has been set up by a National or State Party, then, in his nomination paper, he can choose only the symbol reserved for that party and no other symbol.
- f) A reserved symbol can be allotted only to the candidate duly set up by the party for which the symbol is reserved. Such symbols cannot be allotted to other candidates in any constituency even if the party concerned has not put up any candidate in that constituency.
- g) 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 fulfilment of each of the following conditions, namely: -

(a) that an application is made to the Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;

(b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 (read with paragraph 13A) of the Election Symbols (Reservation and Allotment Order) 1968, in respect of such candidate; and

(c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment;

Provided that nothing contained above shall apply to a candidate set up by State Party at an election in any constituency in a State in which that party is not a State party and where the same symbol is already reserved for some other State Party in that State.

- h) Where elections are held simultaneously in a parliamentary constituency and in the assembly constituencies comprised in such parliamentary constituency, then- (i) If a symbol has been exclusively allotted under paragraph (g) to a candidate set up by a State Party in another State at the election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said component assembly constituencies unless such candidate is a candidate set up by that political party; and (ii) If a symbol has been exclusively allotted under paragraph (g) to a candidate set up by the said party at any election in any of the said component assembly constituencies that symbol shall not be allotted to any candidate at the election in the said parliamentary constituency unless such candidate is a candidate set up by that political party.
- i) Any association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of the Representation of the People Act, 1951 may apply to the Election Commission for registration as a political party by furnishing such information as is required under section 29A of that Act and as per the requirements specified in the guidelines for registration issued by the Commission. The Commission may on the satisfaction of the various requirements register it as a political party. The party so registered under section 29A of the Representation of the People Act, 1951 shall be deemed to be a registered political

party for the purposes of the Election Symbols (Reservation and Allotment) Order, 1968. Such registered party may then be a recognised National or State Party or a registered unrecognised party depending upon the poll performance at a general election.

j) Candidates not set up by a National or State Party, i.e., candidates set up by registered unrecognised political parties and independent candidates can make a choice of symbols in their nomination papers only out of the free symbols shown against the State from where they are seeking election and no other symbol. Where any free symbol has been chosen by only one candidate at such election, the Returning Officer shall allot that symbol to that candidate and to no one else.

k) Where the same free symbol has been chosen by several candidates at such election, then—

(a) If of those several candidates, only one is a candidate set up by a registered - unrecognised political party and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidate set up such unrecognised political party and to no one else; and, if, of those several candidates, two or more are set up by different 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 two or more such candidates set up by such different unrecognised political parties, only one is, or was, immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the Returning Officer shall allot that free symbol to that candidate, and to no one else;

(b) If of those several candidates, no one is set up by any unrecognised political party and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and

(c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the Returning Officer shall decide by lot to which

of those independent candidates that free symbol shall be allotted, and allot the free symbol to the candidate on whom the lot falls, and to no one else.

- 3.27.3. 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.
- 3.27.4. 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.
- 3.27.5. Under paragraph 10B of the Symbol order, 1968, a registered un-recognized Party may submit application to the Commission for allotment of a common symbol from the list of free symbols, at a general election to the Lok Sabha or Legislative Assembly. For seeking common symbol under para 10B in a State, a Party should be contesting election from at least 5% of the seats in that State in the case of general election of Legislative Assembly. In Lok Shabha general election, a Party seeking common symbol in a State should be contesting from at least 2 PCs in that State. 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 Commission's directions in the Constituencies mentioned in the direction. In the other constituencies such symbol will be open for allotment to other candidates as per the provisions of para 12 of the Symbol Order, 1968. Even in those cases in which a registered party has been allotted any particular symbol under Para 10B, but the party does not set up candidate or the nomination of the party's candidate is rejected, then also the symbol concerned can be allotted to other candidates who may have opted for the said symbol.
- 3.27.6. Other candidates not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the list of free symbols and no other symbol except for the candidates of party allowed the concession under Para 10 or 10A of the symbols order, 1968.

3.27.7. Where any free symbol has been chosen by only one candidate at such election, Returning Officer will allot that symbol to that candidate and to no one else. Please refer to para 12 of the symbols order, 1968.

3.27.8. Where the same free symbol has been chosen by several candidates at such election, then

(1) If of those several candidates, only one is a candidate set up by a registered unrecognized political party and all the rest are independent candidates, Returning Officer shall allot that free symbol to the candidate set up by the registered-unrecognized political party. This could mean that candidate of registered party gets preference over Independents.

(2) If two (or more) candidates of registered unrecognized parties have chosen the same free symbol then if any one of them was a sitting member of the previous house of the People or Legislative Assembly, as the case may be, then that candidate will get preference over the others and shall be allotted the symbol concerned. In no one among them was a sitting member then Returning Officer will draw lots among them and allot the symbol to the winner of that draw of lot.

(3) If the independent candidates are seeking the same free symbol, and one of them was a sitting member of the previous house and further was allotted that particular free symbol at the previous election when he elected as member, Returning Officer shall allot that free symbol to that candidate. He gets the preference over the other independents in such case.

(4) If none of the independents opting for the same free symbol was sitting member of the previous house then allotment of the free symbol is to be decided by draw of lots.

3.27.9. From the form of nomination paper, a candidate will find that if he/she is a party candidate, he/she is required to make a declaration to that effect in the nomination paper itself. Now, he/she may be set up by a recognised party, that is to say, a National Party or State Party, or he/she may be set up by a registered unrecognized party. The Symbol Order of the Commission lays down clearly that a candidate shall be deemed to be set up by a particular party, if, and only if, -

(a) the candidate has made the prescribed declaration to that effect in his/her nomination paper. The candidate is a member of that political party and his/her 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 been delivered to the Returning Officer of the constituency by 3 pm on the last date for making nominations.

(c) the said notice in Form B is signed by the president, the secretary or any other office bearer of the party, and the president, secretary or such other office bearer sending the notice has been authorised by the party to send such notice;

(d) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the State or Union Territory concerned, by 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 authorised by the party. No facsimile signature or signatures by means of rubber stamp, etc., of any such office bearer or authorised person shall be accepted and no form transmitted by fax, emails etc shall be accepted.

3.27.10. In Form B, there is an option for the party to nominate a substitute candidate also in addition to the main candidate. If a suitable candidate has been nominated, the substitute will be treated as the party's candidate only in the event of nomination of main candidate being rejected on scrutiny, or on the withdrawal of the candidature by the main candidate (and if the nomination of the substitute candidate was otherwise valid and accepted and he is still in the field). If the nomination paper filed by the main candidate of a recognized National/State party is accepted, and if the nomination of the substitute candidate of that party is signed by only one proposer then the nomination of the substitute candidate shall be rejected. If his nomination paper is subscribed by ten proposers and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate.

3.27.11. Political parties are, permitted to cancel the authorization in Form B given in favour of one candidate and give a revised notice in Form B, in favour of another candidate subject to following conditions namely:

(1) Such revised notice in Form B cancelling or substituting the authorization in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations;

(2) Such revised notice in Form B is signed by the authorized office-bearer referred to in clause (d) of paragraph 13 of Symbols Order;

(3) The Returning Officer is satisfied about the genuineness of the revised notice; and

(4) The candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.

- 3.27.12. If a political party submits notice in Form B in respect of more than one candidate for the same constituency and the party does not state in such notices that the earlier notice(s) has/have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted to Returning Officer shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that party.
- 3.27.13. 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.
- 3.27.14. Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives Returning Officer intimation to that effect in Forms A and B, and he shall not be allotted the symbol reserved, if any, for that party.
- 3.27.15. Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party and Form A and B in his favour have been filed by the other party within the prescribed time limit.
- 3.27.16. It must also be noted by a candidate that the Symbols Order does not recognise electoral alliances which are sometimes entered into by political parties. Therefore, a symbol reserved for a National or State Party shall not be allotted to any candidate other than the candidate set up by such National or State Party itself.

3.28. PRELIMINARY SCRUTINY

- 3.28.1. On the presentation of a nomination paper, the Returning Officer will satisfy himself that the name and the electoral roll number of the candidate and his proposal has entered in the nomination paper are the same as those in the electoral rolls.
- 3.28.2. The Returning Officer will check whether the affidavit in Form 26 (Appendix 8) is duly filled up and attach along with the nomination paper. If not attached, the Returning

Officer will bring it to the candidate's notice about this requirement through the check list given below.

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

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

Check List of documents in connection with filing of nomination

Name of constituency

Name of the candidate

Date and time of filing nomination paper

Sl. No. of nomination paper

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

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

(a) _____ should be filed latest by _____.

(b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a fresh affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.

(c) _____ should be filed latest by _____.

Received

(Signature of candidate)

Signature of RO/ARO

Date & time:

Place:

N.B.

1. The Affidavit in Form 26, Forms A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
 2. If columns have been left blank in the affidavit in Form 26, this should be specified against item 1, and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.
 3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
 4. Certified extract of electoral roll can be filed up to the time of scrutiny.
- 3.28.4. Both the copies of checklist with all requirements indicated therein shall be signed by the RO as well as the candidate. The duplicate copy of the checklist will be handed over to the candidate/proposer who files nomination paper, while retaining the original with the nomination paper filed by the candidate.
- 3.28.5. If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued by the Returning Officer, clearly mentioning the date and time at which it is filed.

3.29. PHOTOGRAPH OF THE CANDIDATE

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

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

3.29.2. When the photograph is submitted, the candidate / election agent/proposer submitting the photograph shall be asked to give a declaration stating that the photograph being submitted is that of the candidate (mentioning the name and address) taken during the period of preceding 3 months. Format for declaration is given below:

(ECI Instruction 576/3/2015/SDR dated 16.03.2015 & 576/3/ 2015/SDR Vol II dated 21.05.2015).

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

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

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

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

OR

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

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

Date:

Name:

Address:

Tel No.

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

3.30.1. The law says that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his/her proposer or any other person, or in regard to any place mentioned either in the electoral roll or in the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of the candidate or his/her proposer or any other person in the electoral roll or in the nomination paper shall affect the full operation of the electoral roll or the nomination paper. The law also requires the Returning Officer to permit any such misnomer, inaccurate description or error to be corrected or to overlook, where necessary, such misnomer, inaccurate description or error in the electoral roll or the nomination paper. Still a candidate is well-advised to take particular care that no such misnomer or inaccurate description or clerical, technical or printing error in regard to his/her name or the name of his/her proposer or any other person or in regard to any place remains in the electoral roll or in the nomination paper, a candidate is well advised to look into the electoral rolls in which his/her name and the name of his/her proposer appear well in advance before the writ for election is issued because it is presumed that he/she must have decided well in time to stand as a candidate. And if after looking into the electoral roll well in advance of the issue of the writ for election, he/she find that there is any misnomer, inaccurate description or any error in the electoral roll either in relation to himself/herself or his/her proposer or any other person (e.g. father's name) or mismatch of photo or any other matter, then he/she must take immediate steps for the correction of the error, etc. under section 22 and for the inclusion of his/her name and or the name of his/her proposer, etc., under section 23 of the Representation of the People Act, 1950.

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

3.31.1. A candidate will find from the form of nomination paper that a part of it requires the Returning Officer or the Assistant Returning Officer before whom it is filed to fill in and sign a certificate of delivery. While filing the nomination paper make sure that the Returning Officer or the Assistant Returning Officer before whom the nomination paper

is filed enters in his/her presence its serial number and properly fills in and signs the form of certificate of delivery of nomination paper.

3.31.2. A candidate will also find from the nomination paper that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed, is required to hand over to him/her or his/her proposer presenting the nomination paper a receipt for the same which also contains a written notice of the date, time and place fixed for the scrutiny of nomination papers. Do not forget or overlook to obtain the receipt for nomination paper containing also the notice of the time, date and place fixed for the scrutiny. All these are statutory requirements contained in section 35 of the Representation of the People Act, 1951. Therefore do see that the certificate of delivery in the form given on the nomination paper is duly made in his/her presence by the Returning Officer or the Assistant Returning Officer to whom he/she has delivered the nomination paper and do not hesitate to ask from him for the receipt of nomination paper which he is bound to give to the candidate or his/her proposer before leaving the place where the nomination paper is filed.

3.31.3. The Commission has directed that Returning Officer should also give him/her along with the above notice about the scrutiny of nominations, another notice about the date, time and place of allotment of symbol to contesting candidates. Candidate should take that notice so that he/she may be present at the time of allotment of symbols, if his/her name is included in the list of contesting candidates.

3.32. EXAMINATION OF THE NOTICES OF NOMINATIONS

3.32.1. The Returning Officer under section 35 is required to cause to be fixed in some conspicuous place in his office a notice of the nominations received by him on each of the dates fixed for making of nominations. This notice is in Form 3- A appended to the Conduct of Elections Rules, 1961. Candidate is well advised to study and examine the notices of the nominations.

4. SCRUTINY OF NOMINATIONS

4.1. BY WHOM SCRUTINY OF NOMINATION PAPERS IS HELD

- 4.1.1. The next stage in the election process is the scrutiny of nomination papers by the Returning Officer. The Returning Officer is required by law to hold the scrutiny of all nomination papers received by him on the date fixed for scrutiny in the election time table issued under section 30 of the Representation of the People Act, 1951.
- 4.1.2. The scrutiny of nomination papers takes place on the day immediately following the last date for filing nominations. Thus, if today is the last date for filing nominations then tomorrow will be the date for scrutiny of nominations. But if tomorrow is a public holiday then the scrutiny of nominations will take place day after tomorrow provided it again is not a public holiday. In other words, scrutiny of nomination papers cannot be held on a public holiday.
- 4.1.3. Scrutiny of nomination papers can be done only by Returning Officer. This function cannot be delegated by the Returning Officer even to an Assistant Returning Officer. There is only one exception, that is to say, an Assistant Returning Officer may be authorized by the Returning Officer to hold the scrutiny of nominations if, and only if, the Returning Officer is unavoidably prevented from performing the function relating to the scrutiny of nominations (see the proviso to section 22 (2) of the Representation of the People Act,1951).

4.2. WHO MAY ATTEND SCRUTINY OF NOMINATIONS?

- 4.2.1. According to law only four persons in the case of each candidate may attend the place of scrutiny. These four persons are: (1) the candidate himself, (2) the candidate's election agent, (3) one proposer of the candidate and (4) one other person authorized in writing by the candidate. Even if the candidate has filed the maximum number of nomination papers from the same constituency, namely, four nomination papers and there are different proposers, even then only one proposer can be present at the scrutiny. Thus, only four persons for each candidate can be present, and if there are, say, for example, ten candidates who have filed nomination papers from a particular constituency then in all forty persons can be present at the scrutiny. It will be better for the candidate if the fourth person to be authorized by him/her in writing at the time of scrutiny is a lawyer conversant with election law, so that he may adequately protect his/her interests at the time of scrutiny. It will also be to interest of the candidate if he/she can present himself/herself at the scrutiny.

4.3. REASONABLE FACILITIES FOR EXAMINATION OF NOMINATION PAPERS

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

4.4. OBJECTIONS WHICH MAY BE RAISED

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

4.4.2. When any objection is raised against nomination paper of a candidate, he/she should try to impress upon the Returning Officer that he should not reject the nomination paper on any flimsy or technical ground. If R.O. is satisfied as to the identity

of the candidate and of the proposer then he should not reject the nomination paper only on ground of any technical defect or inaccurate description in the name of the candidate or the proposer or the inaccurate description of any place.

4.5. GROUND FOR REJECTION OF NOMINATION PAPER

4.5.1. Remember that the Returning Officer will be justified in rejecting nomination paper of a candidate on any one of the following grounds namely,

- i. If the candidate is clearly not qualified in law to be a member of the House of the People or of State Legislative Assembly, or
- ii. If the candidate is clearly disqualified in law to be such member, or
- iii. If the candidate has not taken the oath or affirmation as required by the Constitution; or
- iv. If nomination paper of the candidate has not been delivered in time; or
- v. If the candidate's nomination paper has been delivered to the Returning Officer or to an authorized Assistant Returning Officer by a person other than the candidate or his/her proposer; or
- vi. If the candidate's nomination paper has not been delivered at the place specified in the public notice issued by the Returning Officer; or
- vii. If the candidate's nomination paper has been delivered to a person other than the Returning Officer or any of his authorized Assistant Returning Officer; or
- viii. If the candidate nomination paper is not substantially in the prescribed form; or
- ix. If the candidate's nomination paper has not been subscribed by the required number of proposers or has not been signed either by the candidate or by his/her proposer(s) or by both in the places meant for such signatures in the nomination paper; or
- x. If the proper security deposit has not been made by the candidate in accordance with the law already explained; or
- xi. If the candidate's signature or the signature(s) of his/her proposer(s) on the nomination paper is/are not genuine; or
- xii. If the candidate does not belong to the class of persons for whom the seat in his/her constituency is reserved, e.g. if a candidate does not belong to Scheduled Caste and he/she files nomination paper to contest a seat reserved for the Scheduled Castes; or
- xiii. If the proposer is not an elector of the constituency or is not eligible to be proposer.

- xiv. If the candidate fails to furnish with his/her nomination papers, the affidavit in the prescribed formats.
- xv. If the candidate fails to specify his/her age in the nomination paper.
- xvi. where the candidate is not an elector of the constituency for which he has filed nomination paper and he has neither filed a copy of the electoral roll of the constituency in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll along with the nomination paper nor produced the same at the time of scrutiny as required under Section 33(5) of the said Act.
- xvii. columns were left blank in the affidavit and fresh affidavit not filed in spite of notice.

4.5.2. If a candidate's nomination paper is rejected for any reason by the Returning Officer, that candidate must get certified copies of the order of the Returning Officer immediately containing reasons for such rejections. According to the Commission's instructions, the candidate is entitled to get a copy immediately after the Returning Officer has passed an order rejecting his /her nomination paper for which he/she need not to pay any fee or charges. It may be noted that if any of the nomination papers is found valid and accepted, that candidate will be a validly nominated candidate even if the other nomination papers are rejected.

4.5.3. The candidate may apply for time to rebut any objection, if he/she find that any objection has been raised against his/her nomination as a candidate and to rebut that objection he/she require some time. The candidate may immediately apply to Returning Officer for time. In such a case the Returning Officer may allow adjournment as per the proviso to sub-section 15 of Section 36, which states that in such cases candidate concerned may be allowed time to rebut if not later than the next day but one following the date fixed for scrutiny.

4.6. OATH OR AFFIRMATION BY THE CANDIDATE

4.6.1. In this connection, the candidate attention may again be drawn to the Supreme Court decision in the case of Pashupati Nath Singh vs. Hari Har Prasad Singh (AIR 1968 SC 1064). According to that decision, the oath or affirmation by a candidate must be made after he has been nominated and before the date fixed for scrutiny. The detailed instructions in this regard have already been given in previous Chapter.

4.7. REJECTION OF ONE NOMINATION PAPER NOT TO AFFECT THE NOMINATION IF ANY OTHER NOMINATION PAPER IS FOUND VALID

4.7.1. It has already been mentioned that from the same constituency, the candidate can file as many as four nomination papers. If any of these four nomination papers is found to be valid, then that itself will be enough for his/her valid nomination even though the other three are rejected.

4.8. INDICATIVE LIST OF DOCUMENTS AND OTHER MATERIALS WITH WHICH THE CANDIDATE SHOULD BE PRESENT AT THE TIME OF SCRUTINY

4.8.1. To meet possible objections against nomination, candidate should take with him/her to the place of scrutiny the following documents, namely:

- a. Copy of checklist given by RO at the time of filing of nomination;
- b. Satisfactory evidence regarding his/her age;
- c. Where deposit has been made in cash, the receipt given to the candidate by Returning Officer or an authorized Assistant Returning Officer and, where deposit has been made in a Government treasury or in the Reserve Bank of India, the duplicate copy of the treasury receipt or challan;
- d. The receipt for nomination paper and notice of scrutiny which was handed over to the candidate by the Returning Officer or the authorized Assistant Returning Officer on presenting the nomination paper; and
- e. A copy of the affidavit filed in Form 26; and
- f. Any other evidence or material, which may be necessary to repeal and rebut any objection which has been or may be raised against the candidate's nomination.

4.9. CORRECTION IN THE NAMES OF CANDIDATES

4.9.1. In the past, there have been complaints from some candidates that their names were not correctly spelt in the ballot paper. In order to avoid such complaints, each candidate or in his absence, his election agent or his proposer, may be required to give the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, in writing either at the time of filing the nomination or immediately after the scrutiny of nominations is over or at the time of the allotment of symbols. If a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to Returning Officer the proper form and spelling of his name along with

evidence to support the claim and Returning Officer shall, on being satisfied as to the genuineness of the request make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates. Such request will not be entertained after list of contesting candidates is prepared.

4.10. DO'S AND DON'TS FOR GUIDANCE OF CANDIDATES

4.10.1. The election law of our country is quite comprehensive and the procedure quite elaborate. It is upon their due observance that the purity of the elections depends. Some of the Do's/Don'ts are suggested for the candidate guidance in **Appendix 11**. It should be noted that these are not exhaustive but are only illustrative.

4.11. CODE OF CONDUCT – DO'S AND DON'TS FOR GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

4.11.1. Apart from the Model Code of Conduct (**Appendix 17**), the Commission has issued another set of Code of Conduct - Do's and Don'ts for guidance of political parties and candidates to be observed from the announcement of an election and until the completion of the process of election. A copy these Code of Conduct - Do's and Don'ts is also given in **Appendix 12**. It is the responsibility of the candidate to ensure that neither he/she or nor the political party which has set him/her up, his/her agents, workers, supporters sympathizers indulge in any act of commission or omission which may amount to violation of the said Code of these Do's and Don'ts.

5. WITHDRAWAL OF CANDIDATES

5.1. WITHDRAWAL OF CANDIDATURE

5.1.1. If the candidate's nomination paper is accepted, he/she becomes a validly nominated candidate. But even then, he/she may like to withdraw from the contest for several reasons. Such reasons may be personal or political. The candidate may kindly note that the withdrawal of his/her candidature can be done only after the scrutiny of nominations is over and not at any stage before.

5.2. NOTICE OF WITHDRAWAL

5.2.1. If a candidate has decided to withdraw his/her candidature even after his/her nomination paper has stood the test of scrutiny by the Returning Officer, then he/she must do so by a notice in writing and such notice shall be in Form 5 appended to the Conduct of Election Rules, 1961 (**Appendix 13**). The candidate should fill form 5 very carefully and after signing the note, it must be delivered to the Returning Officer not later than 3 p.m. on the last date fixed under section 30 (c) for the withdrawal of candidatures in person or by any of his/her proposers or his/her election agent. If proposer or election agent is delivering the notice of withdrawal, there should be a written authorisation by the candidate authorising the proposer or election agent to deliver the withdrawal notice. Otherwise, such notice will not be accepted by the Returning Officer. The notice of withdrawal should not, in any case, be sent by post.

5.3. REQUIREMENTS FOR VALID WITHDRAWAL

5.3.1. The notice of withdrawal shall be in the prescribed form (Form 5).

5.3.2. It must be signed by candidate only and by no one else on his/her behalf.

5.3.3. It must be delivered to the Returning Officer not later than 3 O'clock in the afternoon on the last date for withdrawal of candidature; and

5.3.4. Such delivery must be made either by the candidate in person or by one of his/her proposers who signed his/her nomination as proposer or by his/her duly appointed election agent, but if it is delivered by the proposer or by election agent, then such proposer or election agent must be authorised by the candidate in writing in this behalf.

5.4. NOTICE OF WITHDRAWAL TO BE FINAL

5.4.1. The candidate must also note very carefully that once he/she has validly given a notice of withdrawal of his/her candidature to Returning Officer, it becomes final under

section 37 (2) of the Representation of the People Act, 1951 and he/she will not be allowed under any circumstances to cancel the notice.

5.4.2. But if the candidate has decided to withdraw from the contest, he/she has to take a particular care that all the conditions mentioned above are fulfilled. Otherwise, the withdrawal of his/her candidature will not be regarded as withdrawal in the eye of law and his/her name will be included by the Returning Officer in the list of contesting candidates prepared by him under section 38 of the Representation of the People Act, 1951 with the result that even if the candidate does not actually contest, his/her name will appear on the Ballot, he/she cannot get a refund of the money which he/she deposited along with his/her nomination paper and he/she will be required to file his/her account of election expenses. But if the notice of withdrawal is a good and valid one and accepted by the Returning Officer, then the candidate will be entitled to get back the money he/she deposited along with his/her nomination paper and he/she need not file the account of election expenses.

5.5. RECEIPT FOR NOTICE OF WITHDRAWAL

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

5.6. LIST OF CONTESTING CANDIDATES

5.6.1. Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures and after completing the symbol allotment, Returning Officer will then draw a list of contesting candidates which will comprise the names of validly nominated candidates, their addresses, their photographs and the symbol allotted, who have not withdrawn their candidature. The list of contesting candidates is to be drawn in Form 7A.

5.6.2. Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in Returning Officer's office. Returning Officer also supply a copy of the list of contesting candidates to each such candidate or his election agent.

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

5.6.4. The list will also be published in the Gazette of India in the case of a parliamentary election, and in the State Gazette concerned in the case of an assembly election.

5.7. ARRANGEMENT OF NAMES IN THE LIST OF CONTESTING CANDIDATES

5.7.1. As per the section 38 of the Representation of the People Act, 1951 and revised Form 4 (List of validly nominated candidates) and Form 7A (List of contesting candidates), names of candidates in the said lists are required to be arranged under three categories, i.e. (i) candidates of recognised National parties and State political parties in the State concerned, (ii) candidates of registered unrecognized political parties and (iii) other (independent) candidates. Therefore, names of candidates will be arranged in the said lists and also on the ballot papers in the said order under these categories. It may be noted that names will be arranged alphabetically in each of the above mentioned three categories separately. (However, the headings of the above mentioned three categories as given in the revised Form 7A shall not appear on the ballot papers). The serial numbering will however be continuous for all three categories.

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

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

nominated candidates and contesting candidates and in the Ballot Paper will be with reference to the distinguishing names of the candidates.

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

5.7.5. The Returning Officer will arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of the language as specified by the Commission. **(Appendix 9 and 9A).**

5.8. ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES

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

CANDIDATE'S IDENTITY CARD

Photograph

Shri/Srimatiis 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, he/she should enter the name of the party, otherwise last portion in the form indicating the party should be scored out].

5.8.2. The Commission has decided that in all elections, the identity cards issued to contesting candidates shall carry their photographs. All candidates should therefore be instructed by the Returning Officer to furnish two copies of their recent photographs as soon as the list of contesting candidates is finalized on the last date for withdrawal of candidatures. The identity cards of all candidates will be prepared in duplicate, so that

the duplicate copy is kept by the Returning Officer as office copy for the purposes of record.

5.8.3. The candidate should not fail to collect his/her identity card from the Returning Officer and he/she should always keep it with him/her. During the election campaign, on the day of the poll and on the date of counting, there will arise various occasions, on which the identification as a candidate will be necessary and this identity card will readily establish the identity as a candidate.

6. ELECTION AGENTS

6.1. APPOINTMENT OF ELECTION AGENTS

- 6.1.1. A candidate may appoint any person to be as his/her election agent. 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 after the nomination as a candidate or not at all. Every such appointment has to be made by a formal communication by the candidate in Form 8 (**Appendix 14**) in duplicate, which has to be forwarded to Returning Officer. The Returning Officer will return one copy thereof and return the second copy to the candidate/election agent after affixing thereon his seal and signature in token of his approval of the appointment.
- 6.1.2. Any person who is for the time being disqualified under the Constitution or under the Representation of the People Act, 1951, for being a member of either House of Parliament or either House of the Legislature of a State or for voting at elections shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.
- 6.1.3. Further, the Commission has instructed that the ministers of the union or states and MPs, MLAs, MLCs and any other person provided with security cover by the state shall not be appointed as election agents (and also as polling and counting agents) as the security personnel accompanying them cannot be permitted to enter polling station and counting centre, nor can their security be 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.
- 6.1.4. A candidate may revoke the appointment of election agent in writing in Form 9 (**Appendix 15**) under his/her signature by lodging with the Returning Officer. It shall operate from the date from which it is lodged with the Returning Officer. In the event of such revocation or the death of an election agent, the candidate may appoint another election agent in his place. The candidate should give notice of such appointment in writing in Form 8 to the Returning Officer and states the facts therein.
- 6.1.5. An election agent may perform such functions in connection with the election as are authorized by the Representation of the People Act, 1951 and the rules made thereunder. In particular, the candidate or his/her election agent must keep a full day to day account of his/her election expenses incurred on each item duly supported by vouchers which should be lodged along with the account of election expenses. It is also

pointed out that any corrupt practice (mentioned in section 123 of the R.P. Act, 1951) committed by his/her election agent will be regarded in law as having been committed by him/her and that will vitiate his/her election. Therefore, a candidate should take proper care in selecting the election agent. Candidate should ask his/her election agent to carefully go through the provisions of section 123 of the Act regarding corrupt practices. The candidate is responsible for the actions done by the election agent on his/her behalf.

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

6.1.7. The Commission has decided that Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself will serve the purpose of such identity card. The candidate should affix the photographs also of his/her election agent on the right top portion of both the copies of his appointment letter in Form 8. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of the candidates in Para 5.8.2 of Chapter 5.

7. CAMPAIGN PERIOD

7.1. INTRODUCTORY

7.1.1. The election law provides for an interval of not less than thirteen clear days between the last dates fixed for the withdrawal of candidatures and the poll. This period should be properly utilized for canvassing and educating the voters and for training the large number of workers and agents that the candidate will have to employ.

7.1.2. A contesting candidate should utilize this period fully for educating the voters as to how they have to record their votes by means of voting machines. Similarly, the persons proposed to be appointed by the candidate as his/her polling and counting agents should also be asked to thoroughly acquaint themselves with the voting and counting procedure to be followed while using these machines. For their guidance, the Commission has brought out separate handbooks for them which they should study carefully.

7.2. CORRUPT PRACTICES AND ELECTORAL OFFENCES

7.2.1. While undertaking the electioneering campaign, the candidate should ensure that the highest standard of morality and purity are maintained, as that would in turn ensure free and fair election. The most potent cause which tends to mar the smooth conduct of an election and disturb the atmosphere of friendly contest that should prevail during the elections, is the violation of the statutory provisions of election law relating to corrupt practices and electoral offences. The election law has enumerated various corrupt practices and electoral offences in sections 123 to 136 of the Representation of the People Act, 1951 and chapter IX-A of IPC. For the candidate's convenience, the above- mentioned provisions are reproduced in **Appendix 16**. The commission of any such corrupt practices and offences by the candidate's agents and workers may vitiate his/her election. The candidate should, therefore keep in check his/her overenthusiastic agents and workers from indulging in any objectionable activities. Even a single proved instance of corrupt practice may be enough to unseat the candidate, if he/she is successful in the election.

7.2.2. In particular, the candidate does not permit, on his/her behalf:

- i. Any bribery or undue influence by way of coercion or intimidation of voters or otherwise or personation;
- ii. Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport (this is also a criminal offence);

- iii. Any act to promote or attempt to promote on grounds of religion, caste, community or language, feeling of enmity or hatred between different classes of citizens of India is a corrupt practice and which may render the candidate's election void and entail disqualification for membership and which is also an electoral offence punishable with imprisonment for a term which may extend to three years, or with fine or both;
- iv. Any assistance from any government servant to help the candidate's prospects in the election, except that a government servant may, if he so desires, cast his vote for him/her;
N.B. Such assistance on the part of a Government servant is a corrupt practice as well as an offence. If the candidate instigates him to do so, he/she will be liable criminally for abetment. Provided that where any person in the service of the Government and belonging to any of the specified classes in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities, or does any other act or thing, for or in relation to any candidate, or his election agent, or any other person, acting with the consent of the candidate, or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.
- v. The candidate's election expenses to exceed the legal maximum;
- vi. any removal of ballot paper or voting machine from the polling station or tampering with the ballot boxes or voting machines by use of force or otherwise (these are criminal offences);
- vii. any appeal by the candidate or by his/her agent or any other person with his/her consent or with the consent of his/her election agent to vote or refrain from voting for any person on grounds of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of or appeal to National Symbols such as National flag or the National emblem which is a corrupt practice under the law. (However, no symbol allotted to a candidate shall be deemed to be a religious symbol or a National symbol);
- viii. the publication of any statement of fact which is false in relation to the personal character or conduct of any candidate;
- ix. booth capturing as defined in section 135A of the Representation of the People Act, 1951. Booth capturing is both a corrupt practice and an electoral offence punishable with imprisonment of not less than six months and up to two years and with fine.

7.3. MODEL CODE OF CONDUCT AND ITS OBSERVANCE

- 7.3.1. Apart from the abovementioned corrupt practices and electoral offences, the election campaigns may take different forms, which may create feelings of bitterness, irritation, confrontation and resentment among the various political parties and candidates and vitiate the atmosphere. To enable a conducive atmosphere for ensuring a free and fair election, the Commission has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates.
- 7.3.2. The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in the constituency. The Model code shall also apply to the content being published. The Model Code is reproduced at **Appendix 17**.
- 7.3.3. If this code is scrupulously followed by political parties and contesting candidates and also by their workers, there will be hardly any cause for ill-will or friction among them and the election can be conducted by the Officers charged with the task smoothly and fairly. These officers would thus require the candidate's co-operation in this noble task.

7.4. STANDING COMMITTEES

- 7.4.1. For ensuring compliance of the model code by all political parties and contesting candidates and for considering specific cases of violation of that code, the Commission has issued instructions in the past that a standing committee should be constituted in each district under the chairmanship of the head of the district administration i.e. Deputy Commissioner, District Magistrate etc. and besides the senior police officer of the district, the representative of National and State parties in the district should be associated with such committees.
- 7.4.2. The Commission has also instructed that, in addition to the aforesaid district Committees, there should be constituted a similar committee in each constituency. This committee will function under the Returning Officer and will consist of all contesting candidates or their authorized representatives, beside the senior police officers. The committee will meet quite frequently, if possible, from day to day. It will act as a watchdog to see that the Model Code of Conduct is followed. If candidate notices any instances of violation of such code, he should report to the committee for such remedial or punitive action as is considered necessary.

7.5. PROCESSION AND MEETINGS

- 7.5.1. The candidate or his/her party should obtain well in time the required permission from the proper authority for the holding of a meeting at any public or private place. The Commission has issued instruction that all public maidans, meeting halls, etc. should be made available to all candidates equally and no undue favour or preference should be shown in this regard to the candidates of any particular political party. Temples, mosques, churches or other places of worship should not be used as forum for such meeting or for any election propaganda. Similarly, permission should also be obtained for conducting processions. The application should be made in time to enable the local police authorities to make necessary traffic and security arrangements. Taking out processions on the same roads or routes on which some other candidate is also taking out a procession on the same day should be avoided. Pictorial representations should be sober and moderate and of real educative value to voters. A high standard of decency and decorum should be maintained while making speeches or raising slogans. No Loudspeakers should be used for any such meetings or processions or for general propaganda without prior written permission of the authorities concerned and beyond the hours fixed by the Commission in this behalf.
- 7.5.2. A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purposes, shall not be used at night between 10.00 p.m. and 6.00 a.m.
- 7.5.3. No Loudspeaker fitted on vehicles of any kind or in any other manner whatsoever should be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area.
- 7.5.4. There is no restriction of number of vehicles which the candidate may use for election campaign. However, no vehicle can be used without obtaining valid permission. The candidate should submit the details of all such vehicles that he/she may be using in the election campaign before the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences and should obtain permits in respect of such vehicles. Any further deployment of additional vehicles by the candidate can take place only after he/she or his/her election agent have submitted details of such additional vehicles and obtain permits such additional vehicles well before the actual deployment. While submitting the details of the vehicles that are being deployed for election campaign the details of the areas in which such vehicles would operate, should also be furnished.

Expenditure incurred on all such vehicles which are used for election campaign shall be booked against the election expenditure of the candidate.

- 7.5.5. Any vehicle which has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.
- 7.5.6. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.
- 7.5.7. The candidate should ensure that vehicles for the campaign purpose ply only with the prior approval of the Returning Officers and must display the permit issued in original (not photocopy) prominently on the windscreen. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.
- 7.5.8. The candidate should intimate to District Administration 3 days prior to landing of Helicopter and persons traveling therein and obtain prior permission for the landing of such Helicopter.

7.6. DEFACEMENT OF PUBLIC AND PRIVATE PROPERTY

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

i. DEFACEMENT OF PUBLIC PLACES:

1. No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cut-outs, hoardings, banners flags etc. shall be permitted on

any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

2. If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premises) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.
3. If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

ii. DEFACEMENT OF PRIVATE PLACES

- a. In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.
- b. If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law on the subject of prevention of defacement of property.
- c. Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written

permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the following proforma. The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidate's expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

Statement showing the details of wall-writings / posters / hoardings / banners, etc. displayed by Shri / Smt. / Ms., contesting candidate in Parliamentary Constituency / Assembly Constituency Name of the Village / Town /Locality

S. No.	Name and address of the owner of the private property from whom written permission has been obtained	Details of Wall-writing or Hoardings or Banners or Poster (Size of wall writing / hoarding / banner / poster shall be indicated)	Expenditure incurred or likely to be incurred on the wall writing / hoarding / banner / posters etc. (Rupees)
			Total

- d. Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party,

organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

iii. DEFACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

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

if any, or under the provisions of the general law for causing wilful damage to the property of others)

iv. DEFACEMENT OF VEHICLES

1. In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.
2. On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.
3. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

v. OTHER CAMPAIGN RELATED ITEMS

Subject to accounting for the expenditure, the following may be permitted:

1. In processions and rallies etc., flags, banners, cut-outs etc. can be carried subject to local laws and prohibitory orders in force;
2. In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.
3. Educational institutions including their grounds {whether Govt. aided, private or Govt.} shall not be used for political campaigns and rallies.

vi. OPERATION OF TEMPORARY CAMPAIGN OFFICE

For the purpose of local campaign, the candidate will be allowed to set up and operate temporary campaign office subject to the following conditions:

1. No such office will be opened by way of any encroachment either of public or private property.
2. No such offices will be opened in any religious places or campus of such religious places.

3. No such offices will be opened contiguous to any educational institution / hospital.
4. No Such offices will be opened within 200 meters of an existing polling station.
5. Such offices can display only one party-flag and banner with party symbols/photographs.
6. The size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc.; then the lower size prescribed by local law shall prevail.

7.7. VULNERABILITY MAPPING

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

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

- 7.8.1. The law provides that no person shall –
- a. Convene, hold, attend, join or address any public meeting or procession in connection with an election; or
 - b. Display to the public any election matter by means of cinematograph, television or other similar apparatus; or
 - c. propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- 7.8.2. Any person who contravenes the above provisions shall be punishable with imprisonment for a term, which may extend to two years or with fine, or with both.

7.8.3. The expression "election matter" means any matter intended or calculated to influence or affect the result of an election.

7.8.4. The candidate should keep these provisions in view while holding public meetings, or taking on any processions, etc.

7.9. DISTURBANCE IN THE PUBLIC MEETINGS

7.9.1. If any supporter of a rival candidate or any one opposed to the candidate or his/her party creates disturbance in any of his/her election meetings, the chairman of the meeting may request any police officer who may be present to ascertain the name and address of the person who disturbs the meeting. The police will take action to prosecute the offender under section 127 of the Representation of the People Act, 1951 which has been reproduced at **Appendix -16**. The offence under section 127 is cognizable.

7.9.2. Similarly, the candidate's workers, agents and supporters should also be told not to disturb public meeting of rival candidates.

7.10. STRICT OBSERVANCE OF CODE OF CONDUCT – DO'S AND DONT'S FOR OBSERVANCE OF POLITICAL PARTIES AND CANDIDATES

7.10.1. As already mentioned in previous Chapters, the Commission has given two sets of Do's and Don'ts for guidance of political parties and candidates for ensuring free, fair and peaceful elections (vide **Appendix-11 and 12**). Ensure that not only the candidate but also the political party, if any, which has set up the candidate, his/her agents, workers, supporters and sympathizers also observe those Do's and Don'ts strictly from the time the elections are announced and till their completion.

7.11. RESTRICTIONS ON PRINTING AND PUBLISHING OF PAMPLETS ETC

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

- a. Every election pamphlet, hand-bill, placard or poster, which is printed or multigraph by any process (except copying by hand), must bear on the front the name and address of the printer and the name and address of the publishers:
- b. the printer of any such document must obtain from the intending publisher a declaration (in duplicate) regarding his identity signed by him and attested by two persons to whom he is personally known (Annexure-A of **Appendix -18**).
- c. As soon as the document is printed the printer must send one copy of the declaration and one copy of the document to the Chief Electoral Officer, if the

document is printed at the capital of the State, and to the District Magistrate of the district in which it is printed in any other case;

- d. Contravention of any of the provisions of the section is punishable with imprisonment up to six months or fine up to two thousand rupees or with both;
- e. These restrictions however do not apply to any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

7.11.2. In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law the Commission has issued detailed order on 2.9.94 (**Appendix -18**). The order mainly provides as follows:

- a. The printer should send four copies of the printed material, instead of one as mentioned in sub-para (c) above and one copy of the declaration of the publisher to the chief electoral Officer/District Magistrate within 3 days of its printing, the failure of which should be treated as a violation of the above provisions.
- b. The printer should furnish along with the declaration and copies of the printed material, full particulars regarding number of copies of the pamphlets, etc., printed and the price charged for such job in the proforma prescribed by the Commission, duly signed and authenticated by such printer. A copy of the proforma prescribed for the purpose is reproduced in Annexure-B of Appendix -18.
- c. The District Magistrates shall exhibit at some conspicuous place in their office all the election posters, pamphlets, etc., received by them from the printing press so that the candidates and other interested persons may be able to check in respect of which documents the requirements of law have been complied with so as to enable them to bring to the notice of the authorities concerned the cases of other election posters, pamphlets etc., in respect of which the above requirement of law have been violated.
- d. The Chief Electoral Officers shall also do like-wise in respect of such documents received by them.
- e. The District Magistrates and other authorities charged with the detection and investigation of offences have been instructed that they should initiate prompt action and investigation, if any case of publication of election poster, pamphlet, etc. in violation of the abovementioned provisions of section 127-A of the Representation of the People Act, 1951 either comes, or is brought, to their notice. In all such cases, prosecutions should be launched against the offenders expeditiously.

7.11.3. In recent times, the Election Commission of India has observed the trend that the advertisements are brought out in print media, especially newspapers, for and against particular political parties and candidates, some surrogate and some under the name of some organization during the election period. In order that there is strict observance of and compliance with, the requirement of the provisions of Section 127- A of Representation of People Act, 1951, the Commission has issued following orders -

- a. In the case of advertisements, the source of which is traceable, the following action shall be taken:
 - i. if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s);
 - ii. if the advertisement is not with the authority from the candidate, then action shall be taken for prosecution of the publisher for violation of Section 171 H of IPC-(incurring expenditure in advertisement without written authority from the candidate(s) concerned).
- b. If the identity of the publisher is not indicated in the advertisement, then the District Election Officer/Returning Officer shall contact and get the information from the Newspaper concerned, and shall take appropriate action, as above.

7.11.4. The candidate must see that all the above requirements of law and the Commission's directives are invariably complied with in respect of the election pamphlets and posters printed and published by him/her or on his/her behalf. This is essential for ensuring healthy election campaigns and maintaining purity of elections. Also, the candidate should not hesitate to report to the authorities concerned any instances, which come to his/her notice or knowledge about the publication of any election posters or pamphlets in contravention of the above provisions of law.

7.12. PROHIBITION OF MISUSE OF SHORT MESSAGE SERVICES (SMS)

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

- i. For objectionable SMSs, which are violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf,

the Police Authorities shall advertise special mobile numbers on which the receiver of such SMS can forward the said SMS (along with the number of the sender of the objectionable SMS). The Police Authorities shall initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation of the People Act 1951, the Conduct of Election Rules, 1961, instructions/directions issued thereunder by the Commission and any other law applicable in the case.

- ii. Bulk SMSs transmitted during the campaign period as an alternative electioneering, as and when noticed by Returning Officer or District Election Officer will be brought to the notice of Chief Electoral Officer, who in turn, will find out the cost involved from the Service Provider and apportion it to the candidate or candidates concerned as the case may be.
- iii. There shall be prohibition of transmitting bulk SMSs of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll.

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

7.13.1. The candidate's attention is also invited to Section 126 of the Representation of the People Act, 1951, which imposes restrictions for campaigning during the period of 48 hours ending for the close of poll. Hence, the Commission has issued an instruction that after the campaign period is over, the district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. However, it has been decided by the Commission that the elected MP or elected MLAs of poll going PC/AC constituency should not be asked to leave their constituency during the election to Lok Sabha/State Legislative Assembly, even if he/she is not an elector of the poll going PC/AC constituency. However, such MP/MLA shall not be allowed to carry out any campaign in the constituency after the campaign period is over, i.e., 48 hours before the time of close of poll. Further MLA shall stay only in his own constituency and not visit any other assembly segment of a Parliamentary Constituency in the case of election from a Parliamentary Constituency.

7.14. UNOFFICIAL IDENTITY SLIPS

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

- i. Name and serial number of the voter in the electoral roll;

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

7.14.2. The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station, which is not permissible. The circulation of any slip containing any such slogan or exhortation within 200 meters of the polling station would amount to canvassing which is not permissible under the law. The content of slips, which may be issued by the candidates, are as given below:

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

7.15. POLLING REHEARSALS

7.15.1. The candidate may arrange for his/her polling agent to attend polling rehearsals in their respective areas so that they may get familiar with the polling procedure and the operation of voting machines.

7.16. EDUCATING THE ELECTORS ABOUT THE VOTING PROCEDURE

7.16.1. The candidate's workers should educate the electors about the voting procedure and, in particular, the manner of recording of votes by means of voting machines and VVPAT. The electors should be advised to use the voting machines and to give their signatures or thumb impressions without any fear. They should be informed that this will not in any way violate the secrecy of their vote or disclose their identity, as the packets of registers of voters containing the signatures/thumb impressions of electors will be sealed, immediately after the close of the poll, with the seals of the Presiding Officers and polling agents of the candidates and such sealed packets shall not thereafter be opened or inspected by any person except under the order of a competent court.

7.16.2. The candidate's workers should also familiarize the electors about the other details of voting procedure followed at the polling station. The elector should be informed that after an elector's name is located in the electoral roll and his identity established, his

left forefinger will be marked with indelible ink. The Commission has now changed the manner of application of indelible ink on the elector's finger. Now the indelible ink will be applied on voter's left-hand forefinger as a line from the top end of the nail to the bottom of the first joint of the left forefinger.

He will then be required to give his signature or thumb impression on the register of voters. If he puts his thumb impression on the register, he should clean his thumb with the help of a piece of wet cloth or rag provided on the table of the polling officer. This will be necessary to avoid any possible smudge on the voting machine. The electors must be informed about the new manner of marking of the left-hand forefinger, so that they may not raise any objection to it at the polling station. The Polling Officer in charge of the Control Unit of the voting machine will then allow the elector to record his vote on Balloting Unit kept in the screened voting compartment on the basis of this voter's slip. For this purpose, the polling officer will press the Ballot button on the Control Unit which will activate the Balloting Unit to record the vote. The elector will record his vote by simply pressing the 'Candidate' button on the Balloting Unit against the name, photograph and symbol of the candidate of his choice. On pressing the said button, the voter will see a red lamp glowing against the name and symbol of the candidate whose button he has pressed and the VVPAT will print a small slip of paper that carry the symbol, name and serial number of the candidate voted which will be visible for seven seconds in the VVPAT window. Also, a beep sound will be heard emitting out from the Control Unit. These audio and visual indications are confirmation of the fact that his vote has been duly recorded for the candidate of his choice.

7.17. DUMMY BALLOT PAPERS

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

7.18. DUMMY BALLOTING UNITS

7.18.1. There is also no objection to the candidates/ political parties preparing dummy Balloting Units for the purpose of educating the voters. The dummy Balloting Units may be made of wooden, plastic or ply board boxes, half the size of the official Balloting Units and may be painted brown, yellow or grey. These dummy Balloting Units may

have provision for showing the serial number, name and symbol of the candidate as in the dummy ballot paper. It may also have a battery-operated button and a lamp which may lit on the button being pressed.

7.19. PRINTED SAMPLE OF EVM AT POLLING STATION

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

- a. A printed sample of EVM Balloting Unit pasted on a cardboard (real size) will be supplied to all the presiding officers. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in colour so that 'blue button' 'green light' and 'red light' etc are clearly represented.
- b. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.
- c. The Presiding Officer or other polling staff shall not frequent the voting Compartment as that may give scope for complaints.
- d. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time inspect the Balloting Unit (BU) but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

7.20. SYMBOL

7.20.1. For the convenience of the voters, the candidate may print copies of his/her symbol and distribute them, but the voters cannot carry with them the paper containing the symbol to the polling station.

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

7.21.1. In recent time, the Election Commission of India has noticed that on the day of poll, sometime persons come to the polling station to vote in the name of voters who are dead or shifted to other places. In the course of canvassing for votes on the candidate's behalf, his/her workers and agents may find that some of the voters whose names appear in the electoral roll are dead, that some voters may have more or less

permanently left the locality. The candidate may ask his/her workers to prepare a list of such dead, absentee or shifted and duplicate voters for each polling station separately. If possible, get a list of such voters agreed to by all the contesting candidates and arrange to deliver the agreed list to the Returning Officer at least 7 days before the first day of the poll in the constituency. Even if the list cannot be agreed to by all the contesting candidates, get as many of them to agree as possible, or, failing even that, supply the Returning Officer with his/her own list.

7.21.2. In order to prevent impersonation at the time of poll, the Commission has issued the following directions in respect of Absentee, Shifted and Dead electors.

- A List of ASD voters should be prepared polling station wise and it should be ensured that each Presiding officer is provided with a separate list of Absentee, Shifted and Dead electors (ASD List).
- On the day of poll, in order to cast vote, the elector, whose name appears in such a list, shall have to produce EPIC for his/her identification or any one of the alternative photo identity documents permitted by the Commission. The Presiding Officer shall verify the identification document personally and the details should be properly registered by the Polling Officer concerned in the register of voters in Form 17A.
- Thumb impression of such electors shall also be obtained in addition to signature against the column of "signature/thumb impression" of Register of voters (Form 17A). The thumb impression shall be in addition to the signature even in the case of an elector who is a literate and can sign.
- Presiding Officer shall maintain a record and give a certificate at the end of the poll (to be kept with Form 17A for scrutiny) that so many electors from the ASD list were allowed to vote after proper scrutiny.
- If videography/ photography is being done in the polling station, such electors shall be photographed and their record kept.

7.21.3. Micro observers, who are present, should ensure that these instructions with regard to Absentee, Shifted and Dead electors are meticulously followed and make a specific mention about this in their report. The Presiding officer shall be briefed specially about these procedures to be followed in Polling stations for electors who are in the list of Absentee, Shifted and Dead electors. The Commission has directed that identification of overseas electors at the time of casting of votes at polling station shall be done only on the basis of original passports produced by them. The voter slip collected from the

voters should be tagged serially and after the completion of the poll, the same should be kept in a separate envelope provided for the purpose.

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

7.21.5. The candidate should hand over to his/her polling agent for each polling station a copy of the list of such dead, absentee or shifted and duplicate bogus voters for that polling station so that he may watch for any person coming to vote in the name of any such voter on the polling day and may draw the attention of the Presiding Officer to the fact.

7.21.6. By following the above instructions diligently, the candidate will not only help himself/herself but also assist the election authorities materially in preventing bogus voting.

7.22. DEATH OF A CANDIDATE BEFORE POLL

7.22.1. The law (Section 52 of R.P. Act, 1951), which earlier provided for countermanding of election on the death of any candidate has undergone a significant change by the Representation of the People (Amendment) Act, 1996. As per the amended Section 52 only in the event of death of a candidate set up by a recognised political party in the following circumstances the poll shall be adjourned:

- a. The said candidate dies at any time after 11.00 a.m. on the last date for making nomination and his nomination is found valid on scrutiny under section 36; or
- b. His nomination has been found valid on scrutiny under section 36 and he has not withdrawn his candidature under section 37, and he dies, and in either case a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or
- c. He dies as a contesting candidate and a report of his death is received before the commencement of the poll.

7.22.2. The Returning Officer on being satisfied about the fact of the death of the candidate, will order the adjournment of the poll to a date to be notified later by the Election Commission.

7.22.3. In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll will be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the

candidate shall be deemed to have been set up by recognised political party only if all the requirements mentioned in para 13 of the Election Symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A' and 'B' by the time of the death of the candidate, the candidate shall not be deemed to have been set up by a recognised political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation by 3.00 p.m. of the day (as required under para 13 of the Symbols Order) cannot be accepted.

7.22.4. Another important point to note in this connection is that recognised political party, for the purpose of section 52 of Representation of the People Act, 1951, means a recognised National party or a party recognised as a State Party in the State concerned. A party recognised as a State Party in a particular State will be treated only as a registered un-recognised party in other State where it is not recognised as State Party, even if that party has been granted concession to use its symbol in other States. Therefore, poll will not be adjourned on the death of a candidate set up by such a party.

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

7.22.6. A person who had given a notice of withdrawal of his candidature 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.

7.22.7. If the list of contesting candidates had already been published under section 38, before the adjournment of poll, the Returning Officer will prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.

7.22.8. Further stages of the election will continue as per the revised schedule notified by the Commission.

8. VIDEOGRAPHY OF CRITICAL EVENTS

8.1. INSTRUCTIONS RELATED TO VIDEOGRAPHY

8.1.1. In order to have a true, faithful and concurrent record of the violations of the election law and its standing instructions and to assess the impact of its corrective measures, the Election Commission has issued the following instructions.

1. Returning Officer of each constituency shall make arrangements to record through videography of critical events during the process of electioneering, including but not restricted to the period of public campaign, the day of poll, the transport and receipt of polled ballot boxes and other materials, counting of votes and the declaration of results in an independent intelligent and purposeful manner.
2. For this purpose, the Returning Officers may make use of video cameras and crew available with the Governmental or semi-Governmental agencies within their jurisdiction or hire local private professional Videographers.
3. The Returning Officer shall, while programming the itinerary of the Video teams, take into account the number of electors, the size of the constituency, the number of sensitive polling stations, previous history of booth capturing and other malpractices, the general law and order situation, the likelihood of commission of corrupt practices and electoral offences and other related factors.
4. On the basis of his assessment, the Returning Officer should decide the number of video teams needed. The Commission has not prescribed any maximum or minimum number of video teams for an assembly/parliamentary constituency and has left it to the discretion of the Returning Officers on a correct appreciation of the factors mentioned above.

8.1.2. The Commission has issued the following instructions in the matter of selection of Videographers and their deployment: -

1. The private videographers to be hired shall be screened thoroughly as to their professional competence, track record, financial viability and other related factors.
2. The videographers should not belong to any political party and should not be known sympathizers or supporters or close relatives of any of the contesting candidates or any of the leaders of any political party or should not have been hired by any political party or contesting candidate.
3. The Returning Officer is required to provide tea, snacks food etc. to the videographers and they shall not be left to fend for themselves while on duty. It shall

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

4. Video teams should be under the personal supervision and guidance of a senior election related officer.
5. As and when required the video teams may be asked to accompany the General/Election Expenditure Observers so that all critical events observed by them may also be videotaped.
6. The videographers shall be impressed that the principle behind the scheme is to record and videotape critical events only which are likely to vitiate the poll and not to just videotape all events in a routine manner in order to fill the cassette.

8.1.3. Following items should be considered for special watch and videography –

- Meeting addressed/attended by Ministers, top national/State level leaders of recognized parties.
- Riots or riotous situations or commotions brick batting, free-for-all etc.
- Violent incidents, damaging of property, looting, arson, brandishing of arms etc.
- Booth capturing.
- Intimidation of voters.
- Inducement / bribing of voters by distribution of items like saree, dhoti, blankets *etc.*
- Canvassing within 100 meters of polling stations.
- Vulgar display of expenditure like huge cut-outs etc.
- Movement and activities of candidates with doubtful / criminal records.
- Hypersensitive & sensitive polling stations
- Important events such as nomination, scrutiny and withdrawal of candidatures
- Preparation of EVMs by ROs
- Closure of strong room after deposit of EVMs therein
- Opening of strong rooms before taking out the EVMs for counting
- Counting process

Note: These are illustrative and not exhaustive. All video and digital photography should be done with date and time recording so that the real time and date can be verified.

8.1.4. The video films thus prepared shall be viewed by the Returning Officer immediately to identify whether any of the organizers / speakers or other participants of the public meeting has committed any violations or infractions of statutory provisions and

directions of the Commission or Model Code of Conduct relating to the conduct of elections.

- 8.1.5. In cases where the Returning Officer is himself competent, immediate corrective action including disciplinary action against all those found guilty shall be taken and the Commission informed of the same.
- 8.1.6. In cases of serious infringements, which the Returning Officer in his judgment decides to report to the Commission, a copy of the videotape concerned will be forwarded to the Commission by quickest means possible. The tapes will be carefully indexed and accompanied by a brief explanatory note of the infringement towards which the attention of the Commission is proposed to be invited. The explanatory note shall invariably mention the broad details of the violations, the persons responsible for the same and the action recommended.
- 8.1.7. The video graphic clippings are required to be shown to one of the Observers available in the Constituency on a-daily basis to enable him apprise the Commission of the situation prevailing in a particular constituency so that remedial measures, if any needed, can be taken promptly.
- 8.1.8. While seeking the clearance of the Commission for taking up of the counting of the votes and declaration of the results, the Returning Officer must include a categorical statement to the effect that all infringements observed in the video graphed events have been appropriately and completely disposed of.
- 8.1.9. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other) the Commission directs that photography may now be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting. For such photography, arrangements will be made by the respective District Election Officer (DEO) in consultation with the Chief Electoral Officer.
- 8.1.10. In particular cases where the Commission has specifically directed video/digital photography of voters in identified area/assembly segments/polling stations, care should be taken to ensure that faces of all electors coming to cast their vote but not having EPIC or other ECI approved photo identity card, is captured in same sequence as they are entered in form 17-A i.e. Register of Voters. The photograph of electors shall be taken immediately after an entry has been made in form 17-A.
- 8.1.11. Critical events in and around the polling station should also be captured on video/digital camera in such polling stations. For example,
- Mock poll and sealing of EVM before commencement of polls.

- Positioning of voting compartment
- Presence of polling agents
- Voters waiting outside at the close of scheduled hour of poll and the last voter in queue
- Visits of sector officers, observers and other electoral functionaries etc.

8.1.12. The District Election Officers will issue digital cameras to the trained officers selected for the purpose under proper receipt for covering the specified polling station. These officers will capture the photographs of electors as indicted above during the period of poll and at the end of poll shall issue a certificate that “I have captured photographs of all electors who voted at polling station number.....on date..... and total number of photographs in the camera are”.

8.1.13. After completion of poll the officer who did the photography shall deposit the camera along with the above certificate at a separate counter to be erected for the purpose at collection centre. These officers will be given proper duty passes to enable them to do photography inside the polling station. On receipt of such cameras District Election Officer shall make arrangements for downloading the photographs and their comparison. The Returning Officers and Observers will use the results of photo matching while making the recommendations for repoll. The downloaded data in respect of all polling stations will be kept by the DEOs in CDs for later use. The cameras will be cleared after downloading the photographs and their comparison for use in subsequent phases or elections as per the instructions issued by the Chief Electoral Officer in this respect.

8.1.14. The training of personnel who will be engaged in digital photography inside the polling stations shall be arranged by the Chief Electoral Officer. The Chief Electoral Officer/District Election Officers will make sure that enough batteries are available for operation of cameras in remote areas. All 2nd Polling Officers, all Presiding Officers, all AROs/ ROs/ DEOs/ Observers/ Candidates and political parties should be apprised of these arrangements.

8.1.15. Each and every video cassette produced in compliance with the orders of the Commission shall form a part of the record of the concerned election and stored as such with due precautions for its safety until it is weeded out with the prior written approval of the Commission and in the manner prescribed, as in the case of other records of the election.

8.1.16. All such video-cassettes will be in the custody of the District Election Officer concerned as in the case of all other election related records.

8.1.17. Each videotape shall be indexed with a uniform code number in the following standard formulation: State/District/AC/Date of recording/Gist of event video-graphed.

8.1.18. The locking seal of cassettes will be kept intact and not broken, so that copying of the contents of cassette on another cassette does become impossible, but shall be covered by a tape before consigning the cassette for storage with a view to preventing accidental erasing of contents, editing, manipulation, etc.

8.1.19. In pursuance of rule 93(2) read with section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions.

Inspection –

(a) Every application for inspection of a videocassette shall be made in writing and should contain the full particulars concerning the cassette of which inspection is required,

(b) an inspection of the cassette shall be allowed to any person applying for the same on payment of Rupees 25/- per hour of inspection or part thereof unless inspection is required to be made urgently in which case the fee shall be Rupees 50/-

(c) Inspection on an ordinary application shall be allowed on the date following the date on which the application is made or on a subsequent day and inspection on an urgent application shall be made on the same day.

Certified copy –

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

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

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

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

9. INTRODUCTION TO EVM AND VVPAT

9.1. INTRODUCTORY

- 9.1.1. The Electronic Voting Machine (EVM) , the replacement of the ballot box is mainstay in the electoral process. First conceived in 1977 in the Election Commission, the Electronics Corporation of India Ltd. (ECIL), Hyderabad was assigned the task to design and develop it. In 1979, a proto-type was developed, which was demonstrated by the Election Commission before the representatives of political parties on 6th August, 1980. The Bharat Electronics Ltd. (BEL), Bangalore, another public-sector undertaking, was co-opted along with ECIL to manufacture EVMs once a broad consensus was reached on its introduction.
- 9.1.2. First time use of EVMs occurred in the general election in Kerala in May, 1982; however, the absence of a specific law prescribing its use led to the Supreme Court striking down that election. Subsequently, in 1989, the Parliament amended the Representation of the People Act, 1951 to create a provision for the use of EVMs in the elections (chapter 3). A general consensus on its introduction could be reached only in 1998 and these were used in 25 Legislative Assembly Constituencies spread across three states of Madhya Pradesh, Rajasthan and Delhi. Its use was further expanded in 1999 to 45 Parliamentary Constituencies and later, in February 2000, to 45 Assembly Constituencies of the Haryana Assembly elections. In the State Assembly elections, held in May 2001, in the states of Tamil Nadu, Kerala, Pondicherry and West Bengal, the EVMs were used in all the Assembly Constituencies. Since then, for every State Assembly election, the Commission has used the EVMs. In 2004, in the General election to the Lok Sabha, the EVMs (more than one million) were used in all 543 Parliamentary Constituencies in the country.
- 9.1.3. The use of the voting machines also required consequential changes in the Conduct of Elections Rules, 1961 which make detailed provisions for conduct of poll at the polling stations and counting of votes. Necessary changes in the said Rules have been made by the Conduct of Elections (Amendment) Rules, 1992 promulgated w.e.f. 24.3.1992 (**Appendix 19**). By these amending Rules, a new Chapter II in Part IV containing rules 49A to 49X has been inserted after rule 49 making detailed provisions for the conduct of poll at the polling stations where electronic voting machines are used. Further, a new rule 66A was inserted after rule 66, making provisions for the counting of votes recorded by means of voting machines. Besides under the newly included provisions of rule 66A, rule 55C, 56D and 57C was included which would apply in place

of Rule 55, 56 and 57 respectively in case of counting of voting through EVM. By these amending Rules, new Forms 17A, 17B and 17C have also been inserted after Form 17 appended to the Conduct of Elections Rules, 1961.

9.2. INTRODUCTION TO EVM

- 9.2.1. An EVM consists of two units, namely, Control Unit (CU) and Balloting Unit (BU). These two units are interconnected, when the voting machine is put in operation, by means of a 5-meter-long cable, one end of which is permanently attached to the Balloting Unit. The free end is plugged into the Control Unit when the voting machine is put to use. A Balloting Unit caters up to 16 candidates (including NOTA).
- 9.2.2. Presently, there are two models of EVMs. These are called as M2 EVM and M3 EVM.
- 9.2.3. M2 EVM: Post 2006 EVMs are as called M2 EVM. In M2 EVM, 4 (Four) Balloting Units can be cascaded together to accommodate up to a maximum of 64 candidates (including NOTA), which can be used with one Control Unit.
- 9.2.4. M3 EVM: Post 2013 EVM are called as M3 EVM. In M3 EVM, 24 (Twenty-Four) Balloting Units can be cascaded together to accommodate up to a maximum of 384 candidates (including NOTA). Provision for insertion of Battery in 5th, 9th, 13th, 17th and 21 Balloting Unit, if more than four BU are used. There are two thumbwheels on the top right side of BUs to set the BU number from 01 to 24. Display panel displays the data on two rows each having 12 characters. In M3 EVM, the candidate set section has been separated from Battery section and have a separate outer door, which opens from right to left. Both M2 and M3 EVMs can record up to 2000 votes.
- 9.2.5. The appearance and features of EVM manufactured by both BEL, Bangalore and ECIL, Hyderabad are more or less the same. Numeric in Braille signage (1 to 16) has been provided on the Balloting Unit (BU) top cover on the right of the blue button for each contesting candidate for the convenience of the visually challenged (blind) persons.
- 9.2.6. The Electronic Voting Machine (EVM) operates on a 7.5 volts battery and can be used anywhere and under any conditions. It is tamperproof, error-free and easy to operate. Control Unit and Balloting Unit are supplied in two separate carrying cases which are easily portable. The polling information once recorded in the machine is retained in its memory even when the battery is removed.
- 9.2.7. After the panel containing the name and particulars of the last candidate on the ballot paper for Postal Ballot, EVM Ballot as well as Tender and Braille ballot, there shall be a panel below the last panel with the words 'None of the Above' written therein, for

the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. Those words shall be written in the same language or languages as used in case of names of candidates. The size of the panel shall be the same as in the case of the candidates.

9.2.8. On the Balloting Unit, there is provision for display of the ballot paper containing the particulars of the election, the serial numbers and names and photograph of contesting candidates and the symbols respectively allotted to them. There is a blue button against the name of each candidate. By pressing this blue button, the voter can record his vote in favour of the candidate of his choice. Alongside the said button, there is also a lamp for each candidate. This lamp will glow red when the vote is recorded. Simultaneously a beep sound will also be heard. One Balloting Unit caters up to sixteen buttons. If there are 15 candidates, the last panel will be for NOTA.

9.2.9. On the top most portion of the Control Unit, there is provision for displaying the information and data recorded in the machine, like the number of contesting candidates, total number of votes polled, votes polled to each candidate, etc. This portion is called, for easy reference, 'Display Section' of the Control Unit. Below the display section, there is a compartment for fixing the battery, which runs the machine. On the right side of this compartment, there is another compartment in which there is a button for setting the machine for the number of candidates, contesting the particular election. This button is called the 'Cand. Set' button and the whole section of the Control Unit containing these two compartments is called the 'Candidate Set Section'. Below the Candidate set section is the 'Result Section' of the Control Unit. This section contains (i) 'Close' button on the left side, used for closing the poll, (ii) two buttons in the middle - 'Result' & 'Print'. Result button is for ascertaining the result. Print button is for printout of the detailed result (For this purpose a special gadget is to be attached to the Control Unit) and (iii) 'Clear' button on the right side, for clearing the data recorded in the machine, when the data is no more required. In the bottom portion of the Control Unit, there are two buttons - one marked 'Ballot' and other marked 'Total'. By pressing the button 'Ballot', the Balloting Unit becomes ready to record the vote and by pressing the button 'Total', the total number of votes recorded up to that stage (but without the candidate-wise break up) can be ascertained. This section is known as the 'Ballot Section' of the Control Unit.

9.3. INTRODUCTION TO VVPAT

9.3.1. As per proviso to Rule 49A of the Conduct of Election (Amendment) Rules, 2013, a printer with a drop box of such design approved by the Election Commission may also be attached to a voting machine for printing a paper trail of vote, in such constituency or constituencies or parts thereof as the Election commission may direct. This is referred to as the Voter Verifiable Paper Audit Trail System (VVPAT). Voter Verifiable Paper Audit Trail (VVPAT) is an independent printer system attached with the Electronic Voting Machines (EVM) that allows the voters to verify that their votes are cast as intended. The Commission has directed to use VVPAT in all elections at every Polling Station. The presiding officer keeps the VVPAT along with the Balloting Unit in the voting compartment; the VVPAT shall be connected to the EVM in the manner as directed by Election Commission. For this purpose, the voting compartment is increased proportionally. In VVPAT, on pressing the balloting button on Balloting Unit, the electors shall be able to view the printed paper slip for 7 seconds showing the serial number, name and the symbol of the candidate for whom he has cast his vote. Such paper slip stays displayed for seven seconds before it gets cut and drop in the drop box attached to the VVPAT.

9.3.2. VVPAT operates on 22.5-volt battery and now used in all elections at every polling station. The thermal paper used in the VVPATs for printing of VVPAT paper slips can print approximately 1500 paper slips only, out of which approximately 100 paper slips are got printed during the commissioning of VVPATs and mock poll at polling station on poll day. So, the maximum number of electors assigned to any Polling station is 1400. In case of M2 VVPAT, Control Unit and VSDU are kept with the Presiding Officer/Polling Officer and Balloting Unit and VVPAT are kept in the voting compartment. There is no VSDU in M3 VVPAT.

10. PREPARATION FOR THE POLL - COMMISSIONING OF EVM AND VVPAT

10.1. PRELIMINARY

10.1.1. As per the amendment in the Conduct of Election (amendment) Rules, 2013, after rule 49A the proviso is added that a printer with a drop box of such design as approved by the ECI, may be attached to a voting machine for printing a paper trail of the vote, in such constituency or Constituencies or part thereof as the ECI may direct. This instrument is known as the Voter Verifiable Paper Audit Trail (VVPAT). The Commission has directed that VVPAT shall be used with EVMs at all polling stations in all Elections to the Parliament and State Legislative Assemblies.

10.2. FIRST LEVEL CHECKING AND RANDOMIZATION OF EVM & VVPAT

10.2.1. As a general policy, the Commission desires that all EVMs and VVPATs available within a district shall be stored at the district headquarters under the direct control of the District Election Officer. It may be possible that owing to want of storage space, the EVMs and VVPATs 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 and VVPATs available in the district shall be brought to the district headquarters under proper escort.

10.2.2. The first level checking shall be carried out by the BEL/ECIL engineers under the overall control of the DEO in the presence of the representatives of the recognized political parties, as the case may be, at the district/Sub-divisional headquarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name and other particulars including phone numbers of such officer to the CEO. The first level checking involving the checking of the functionality of the machines by casting of one vote against each of the 16 buttons and additionally mock poll with 1200 votes in 1%, 1000 votes in 2% and 500 votes in 2% of the total machines. After observation of FLC poll and mock poll result, poll data is cleared for each EVM (BU+CU) which is followed by sealing of the Control Unit by Pink Paper Seal (PPS) and preparation of Registers thereof and through EVM Management System.

10.2.3. For the purpose of tracking, the various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed

sticker) will be prepared and kept ready for use. (These stickers are carried by the Engineers at the time of FLC).

10.3. NUMBERING OF EVM AND VVPAT

10.3.1. As soon as the first level check is over, the sticker is pasted on the back of the CU and the engineer in charge of checking will put his signature indicating the date in the relevant slot in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the Control Unit (CU) will also be indicated in the relevant slot in the sticker.

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

10.4. DATABASE OF VOTING MACHINES

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

10.5. SCHEDULE FOR RANDOMIZATION OF VOTING MACHINES

10.5.1. The DEO will fix up a schedule for the randomization of CUs / BUs / VVPATs for their distribution to various ACs. It is to be done in presence of the representatives of recognized political parties. The randomization will be done in EMS with the CUs /BUs/VVPATs which are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. The surplus CUs/BUs/VVPATs shall also be randomly grouped and distributed AC wise for the purpose of training and awareness programs (for the training of the polling staff as well as for the purpose of voter awareness). A green-coloured sticker shall be affixed on the CUs and BUs assigned to ACs for polling. The sticker shall clearly indicate the name of

State/UT and the number and name of Assembly Constituency. "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, BUs and VVPATs will be marked "Election" or "Training/Awareness" in the EVM Management System.

10.5.2. For Training & Awareness, only FLC OK units shall be used. It is to be ensured that no data of previous election is remained in the machines and only dummy symbols should be used for ballot papers and VVPATs.

10.5.3. The list of such EVMs and VVPATs to be used for awareness purpose shall be given to Nationalized and State political parties and also to candidates. A sticker in Bright Orange colour mentioning Voter Awareness shall be affixed on such EVMs and VVPATs. Those shall be stored securely and used by authorized officials deputed by DEO concerned. They must be trained comprehensively on functioning of EVMs and VVPATs, log books shall be maintained.

10.5.4. The status of 5% EVMs and VVPATs separated for awareness purpose shall be marked as "Training & Awareness" in place of FLC-OK in EMS.

10.6. DISTRIBUTION OF LIST AND VOTING MACHINES TO RETURNING OFFICER

10.6.1. After first randomization, separate lists of CUs, BUs and VVPATs allotted to each AC for use at polling stations as well as the training shall be prepared and signed by the DEOs representative and the R.O and such lists shall be handed over to all representatives of the recognized political parties. Even if a representative is not available at the time of randomization, the list shall be sent to the party office and a receipt obtained. After first randomization, list of randomized CUs, BUs and VVPATs clearly indicating which CUs, BUs and VVPATs are to be used in which AC for polling and which CUs, BUs and VVPATs are to be used in which AC for training and awareness should be given to each recognized political party and a written acknowledgement obtained. A copy of this list should be given to all the candidates after the last date of withdrawal of candidatures. Randomization of EVMs and VVPATs shall be done by EVM Management System (EMS) only.

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

10.7. SECOND RANDOMIZATION

10.7.1. Second randomization of EVMs and VVPATs has to be done before preparing the EVMs and VVPATs 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 and VVPATs is to allocate EVMs and VVPATs randomly to polling stations. The Returning Officer should fix the date of preparation of EVMs and VVPATs for poll (Candidate set) and intimate all candidates to remain present or send their representatives during the process. The date should be fixed as early as possible after the last date of withdrawal of candidatures and finalization of ballot papers. On the date so fixed second randomization of EVMs and VVPATs also should be done in EMS before doing the process of preparation of EVMs and VVPATs for polls so that CUs, BUs and VVPATs should be randomly allocated to polling stations. A list of CUs, BUs and VVPATs along with the number of polling stations assigned to them should be given to all the candidates. Similarly, a list of CUs, BUs and VVPATs kept in reserve should also be given to the candidates and written acknowledgement taken.

10.8. PREPARATION OF VOTING MACHINES

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

10.8.2. At this stage, the CU, BU and VVPAT 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/VVPAT 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 and VVPAT. The R.O. should also, as a pro-active measure, do a random verification of at least 5% of such CU/BU/VVPAT pairs to test the working status of the EVMs with VVPATs.

10.8.3. After preparation of the Balloting Units, it should be sealed with Pink Paper Seal (PPS) having signature of the Candidates. Common address tag should be used for CU/BU/VVPAT.

10.8.4. The address tag attached to reserve CU/ BU/VVPAT 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/ VVPATs 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. EVMs/VVPATs found defective during candidate setting or mock poll on poll day shall be stored in a separate warehouse.

10.9. DISPERSAL OF VOTING MACHINES FOR ACTUAL POLL

10.9.1. When the EVMs and VVPATs 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.

10.9.2. At the time of dispatch, the Presiding Officers shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS Number indicated on the sticker compared with PS Number mentioned in the address tag before accepting the EVM and VVPAT. Discrepancy if any, shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

10.9.3. The candidates may be advised to share the machine number of the EVM (both CU/ BU) and VVPAT allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM and VVPAT for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers shall be advised to display the sticker containing the machine number etc., to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the Presiding Officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; number of BU/BUs used and serial numbers of BU/BUs used; number of VVPAT/VVPATs used and serial numbers of VVPAT/VVPATs used at the polling station in the Presiding Officer's Diary. All the stages of randomization of EVMs and VVPATs as enumerated above, shall invariably be fully video-graphed and records are kept properly.

10.10. REPLACEMENT OF CU, BU AND VVPAT FROM COMMISSIONING TILL MOCK POLL

10.10.1. In case any BU or CU does not work properly during commissioning of EVMs and VVPATs, dispersal of Polling Parties or during mock poll at the polling station, the following action shall be taken:

- i. in case of BU does not work properly, only the defective BU is to be replaced from reserve BU.
 - ii. in case of CU does not work properly, only the defective CU is to be replaced from reserve CU.
- 10.10.2. The list of replaced BUs, CUs and VVPATs shall be provided to the contesting candidates or their election agents and necessary entries shall be made in the EMS.

10.11. REPLACEMENT OF CU, BU AND VVPAT DURING ACTUAL POLL

- 10.11.1. In case the CU or BU does not work properly during actual poll at any polling station, replacement of the whole EVM (BUs, CU and VVPAT) is required and in case the VVPAT does not work properly during actual poll at any polling station, replacement of only VVPAT is required. The Sector Officer or any authorized officer who effects such replacement, shall prepare a special report indicating the machine number of CU/BU/VVPAT and new CU/BU/VVPAT separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU/VVPAT 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.
- 10.11.2. In case replacement of EVMs becomes necessary during actual poll, the entire set including the CU, all the BUs and VVPAT shall be replaced. Before starting poll with the new EVM, only one vote to each contesting candidate including NOTA should be polled in the Mock Poll and a mock poll certificate will be given by the presiding officer separately for this EVM. In case of replacement of only VVPAT during actual poll, no Mock Poll will be conducted.
- 10.11.3. In case of replacement, the unique ID numbers of the CU, BUs and VVPATs which have been used after replacement should be marked against the concerned polling station in the EVM Management System.

10.12. RECEPTION OF CU, BU AND VVPAT AFTER POLL

- 10.12.1. After the poll is over, the machines shall be transported back to the reception centres under proper escort. After all formalities are completed, the complete set of CUs, BU(s) and VVPAT(s) of a particular polling station shall be kept in the same strong room and the room sealed in the presence of the candidates/their agents and the observer. Unused VVPATs and unused EVMs shall be stored in separate strong room.

10.13. EVMS AND VVPATS USED FOR REPOLL

- 10.13.1. In case of repoll, the EVM and VVPAT required for the same shall be drawn from the reserve list and the CU/BU/VVPAT number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU, BU(s) and VVPAT clearly mentions it to be the EVM and VVPAT for use in the repoll indicating the date and PS no.
- 10.13.2. After repoll, the strong room shall be re-opened in presence of the candidates/ their agents and observer for the storage of the EVMs and VVPATs used. This EVM and VVPAT used in repoll should be placed together with the respective old EVM and VVPAT that was used earlier in the original poll. A tag '**Not to be counted**' shall be put prominently on the respective old EVM and VVPAT and another tag '**Repoll EVM -to be counted**' shall be put on the new repoll EVM and VVPAT. RO shall sign on both the tags.
- 10.13.3. In case of re-poll, the unique ID number of the CU, BUs and VVPAT used in re-poll should be entered in the EVM Management System (EMS).

10.14. COMMUNICATION TO POLITICAL PARTIES / CANDIDATES

- 10.14.1. The political parties/candidates should be advised in writing to properly train their counting agents. They should also be asked to bring their copies of Form 17-C which shows the machine numbers used at the polling station and was handed over to them at the close of the polling by the presiding officer (for tallying purpose). Besides, the candidates have also been given a consolidated list of polling station wise list of CUs and VVPATs used during the polls. This along with the additional information given by RO in writing to the candidates regarding the machine numbers of CUs and VVPATs used as replacement and the CUs used during repoll will give a complete picture of all the EVMs used at polling stations. In order to further facilitate, the RO shall paste the EVM deployment account indicating the CU numbers of EVM and VVPATs used polling station wise in the relevant counting hall itself for everyone to see.
- 10.14.2. The above instructions should be strictly complied with, and brought to the notice of all concerned, viz. the political parties, contesting candidates, all field officers concerned and the observers. The instructions for the preparation of voting machines have been issued by the commission vide ECI No 51/87/2007-EMS dated 12.10.2007 and 51/87/2010-PLN-IV dated 23.9.2010). Polled machines shall be kept in the Strong Room with minimum strength of 1 platoon.

10.15. VIDEOGRAPHY OF THE EVENTS

10.15.1. All the stages enumerated above shall invariably be fully covered with videography and records kept properly.

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

10.16.1. The District Election Officer/Returning Officer will, at least one week before the date on which the preparation of the voting machines is to be taken up, give notice of the same in writing to recognised Polling parties/each candidate or his election agent intimating him the place or places where the EVMs and VVPATs will be so prepared and the date and time at which such preparation will commence. Returning Officer will also inform the candidate/his election agent the number of representatives that every recognised political party/every candidate will be permitted to bring with him at the aforesaid place or places. This will again depend on the number of EVMs and VVPATs to be prepared for use. The whole process of preparation of the EVMs and VVPATs done in the presence of observers shall be video-graphed.

10.16.2. If for any reason, none of the candidates or their agents is present on the date and time given in the notice sent to them, Returning Officer has instruction not to postpone the process of preparing the EVMs and VVPATs. Returning Officer will go ahead even if no candidate or agent is present. However, announcements shall be made through the public address system fitted in the building before starting the preparation. If any candidate/ his election agent or person duly authorized by the candidate in writing comes late, he will be allowed to witness the process from there on.

10.16.3. When the candidates and their agents are present, the District Election Officer /Returning Officer shall explain to them the procedure to be followed by him/her for preparing the EVMs and VVPATs. The DEO/Returning Officer will allow them to inspect the Control Units, Balloting Units and VVPATs during the process of their preparation.

10.17. PREPARATION OF THE BALLOTING UNIT

10.17.1. Each Balloting 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 candidate's buttons which are not required to be used, depending on the number of contesting candidates;

- C. Setting the slide switch (or thumbwheel switch in M3 EVM) at the appropriate position, i.e. 1, 2, 3 or 4 (or 01, 02,24 in M3 EVM) 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 as per procedure for sealing BU.

10.18. FIXING THE BALLOT PAPER

- 10.18.1. On every ballot unit, a printed ballot paper shall be displayed in the space specially provided for the purpose under a transparent acrylic sheet (ballot paper screen). The ballot paper shall contain the serial number of each candidate, his name, photo and the election symbol allotted to him/her as per the list of contesting candidates. Where the number of contesting candidates (including NOTA) exceeds sixteen, the ballot paper shall be printed on more sheets than one as each ballot unit will cater up to sixteen candidates only. Where the number of candidates (including NOTA) exceeds sixteen but is equal to or less than thirty-two, the ballot paper shall be printed on two sheets – the first sheet containing the names, etc., of candidates from Sl. Nos. 1 to 16 and the second sheet containing the names, etc., of candidates from Sl. Nos.17 onwards. Likewise, where the number of candidates (including NOTA) exceeds thirty-two and is up to forty-eight, the third sheet will contain the names, etc., of candidates from Sl. Nos. 33 onwards and up to 48, and where the number of candidates (including NOTA) exceeds forty-eight, the fourth sheet will contain the names etc., of candidates from Sl. Nos. 49 onwards. In such cases, each sheet of the ballot paper will be displayed on a separate Balloting Unit. There is provision for fixing the ballot paper on the Balloting Unit under a transparent acrylic sheet (ballot paper screen). The Returning Officer shall either sign/affix his facsimile signature on the back of every ballot paper before it is fixed in a Balloting Unit.
- 10.18.2. Every ballot paper shall have a serial number and sheet number where printed on more than one sheet. The sheet number will be indicated as $\frac{1}{2}$, if it is the first sheet and two sheets are used, $\frac{3}{4}$, if it is the third sheet and four sheets are used and so on. Before it is inserted and fixed on a ballot unit, it shall be either signed on its back by the Returning Officer or stamped on its back with a rubber stamp bearing the facsimile signature of the Returning Officer.
- 10.18.3. For fixing the ballot paper under the ballot paper screen, first the top cover of the ballot unit has to be opened. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the

cover up. The top cover and the lower portion of the ballot unit will then open like a book. Thereafter, the ballot paper screen, which is hinged to the top cover on the extreme left side will be opened. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards the ballot paper screen will become free for opening on the upper side of the top cover. After so opening the ballot paper screen, the ballot paper will be placed in the space provided for the purpose on the upper side of the top cover of the ballot unit. The ballot paper will be properly aligned so that each candidate's name and his symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are in line with the corresponding grooves on the ballot units.

10.18.4. 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 will be sealed on the inner side of the top cover, by passing a thread through the two holes on the screen specially provided for the purpose on the inner side. The thread will be tightened and given a firm knot. The two ends of the thread will be placed on an address tag and Returning Officer will put his/her seal on the thread and the address tag.

10.19. MASKING OF CANDIDATES BUTTON WHICH ARE NOT TO BE USED

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

10.20. SETTING OF SLIDE SWITCH IN M2 BALLOTING UNIT

10.20.1. Inside the M2 Balloting 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 Balloting Unit is to be linked with the other Balloting Units and kept inside the voting compartment for use at a polling station.

10.20.2. Where the number of contesting candidates is up to fifteen, only one Balloting Unit will be used (Since NOTA will be in sixteenth position). In such a case, the slide switch shall be set to the position marked 1. Where the number of contesting candidates is more than fifteen and up to thirty-one, two Balloting Units will be used. In the first Balloting 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 Balloting Unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set to the position '2'.

10.20.3. Likewise, if three Balloting Units are to be used in a constituency where the number of contesting candidates exceeds thirty-one and is up to forty seven, the slide switch will be set to the position marked '1' in the first Balloting Unit in which the names of candidates at serial nos. 1 to 16 appear, to the position marked '2' in the second Balloting Unit in which the names of contesting candidates at serial nos. 16 to 32 appear and to the position marked '3' in the third Balloting Unit. Similarly, if the fourth Balloting Unit is also to be used in case the number of contesting candidates exceeds forty-seven, then the slide switch will be set to the position marked '4' in the last Balloting Unit.

Note: It is absolutely essential to ensure that the slide switch is set in the appropriate position in each Balloting Unit as any wrong linking of the Balloting 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 Balloting Units in the proper sequential order.

10.21. SETTING OF THUMB WHEELS IN M3 BALLOTING UNIT

10.21.1. Inside the M3 Balloting Unit, on the top right side, there is thumbwheel switch. The positioning of these determines the serial order in which a particular Balloting Unit is to be linked with the other Balloting Units and kept inside the voting compartment for use at a polling station.

10.21.2. Where the number of contesting candidates is up to fifteen, only one Balloting Unit will be used (Since NOTA will be in sixteenth position). In such a case, the thumbwheel switch shall be set as '01'. Where the number of contesting candidates is more than fifteen and up to thirty-one, two Balloting Units will be used. In the first Balloting Unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, that thumbwheel switch shall be set as '01' and the second

Balloting Unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set as '02'. Likewise, if three Balloting Units are to be used in a constituency where the number of contesting candidates exceeds thirty one and is up to forty seven, the thumbwheel switch will be set as '01' in the first Balloting Unit in which the names of candidates at serial nos. 1 to 16 appear, as '02' in the second Balloting Unit in which the names of contesting candidates at serial nos. 16 to 32 appear and as '03' in the third Balloting Unit. If the fourth Balloting Unit is used in case the number of contesting candidates exceeds forty-seven, then the thumbwheel switch will be set as '04' in the fourth Balloting Unit. Similarly, if the fifth Balloting Unit is used in case the number of contesting candidates exceeds sixty-three, then the thumbwheel switch will be set as '05' in the fifth Balloting Unit. In this way, 24 Balloting Units can be set and connected to Control Unit in M3 EVM.

Note: It is absolutely essential to ensure that the thumbwheel switch is set in the appropriate position in each Balloting Unit as any wrong linking of the Balloting Units will show error on CU display. The error should be set right by interlinking the Balloting Units in the proper sequential order.

10.22. SEALING OF THE BALLOTING UNIT

10.22.1. After that, the Balloting Unit will be closed by bringing the top cover back to its original position. The Balloting Unit will then be sealed by the Returning Officer with his own seal. For this purpose, pass two threads one through the three holes at the top and the other through the three holes at the bottom specifically provided for the purpose, give a firm knot to each thread and seal each thread with the Returning Officer's seal by placing its two ends on an address tag after duly filling up the particulars.

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

10.22.3. Additionally, the BU shall be sealed with a special "pink paper seal" supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal. After affixing the pink paper seal, BEL and ECIL engineer shall sign on the pink paper seal. Candidates or their representatives shall also be allowed to sign on the pink paper seal with name of the candidate, name of the party before the signature. Candidates and their representatives should also be allowed to

note down the serial number of the pink paper seal on the BU. A register shall be maintained to note down the serial no. of the pink paper seal used on the Balloting 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.

10.22.4. After the Balloting Unit has been so prepared and sealed, it should be kept back in the carrying case. Another address tag containing the above particulars should be attached to the handle of the carrying case.

10.23. INTER-LINKING OF BALLOTING UNITS, CONTROL UNIT AND VVPAT

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

10.23.2. The Balloting Units shall be so inter-linked that the second Balloting Unit, i.e. the Balloting Unit in which the slide switch (thumbwheel switch in M3 EVM) is set at position 2 (as 02 in M3 EVM), is linked with the first Balloting Unit in which the slide switch (thumbwheel switch in M3 EVM) is set at position 1 (as 01 in M3 EVM). Where three Balloting Units are to be used, the third Balloting Unit will be linked with the second Balloting Unit and the second with the first, and where the four Balloting Units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.

10.23.3. For linking one Balloting Unit with another, there is a socket provided in a compartment at the back of the Balloting Unit. The connector of the interconnecting cable of the second Balloting Unit will be plugged into the above-mentioned socket of the first Balloting Unit. Likewise, the connector of the third Balloting Unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit. In M3 EVM, a cascade of 24 Balloting Units can be connected to one Control Unit (Catering 384 candidates including NOTA). There is provision for insertion of Battery in 5th, 9th, 13th, 17th and 21st Balloting Unit, if more than four BU are used. Battery will be inserted in 5th, 9th, 13th, 17th and 21st Balloting Unit, if more than four BUs are used.

10.23.4. The rear compartment in the Control Unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine

operational and supplies power to the Control Unit as well as to all the Balloting Units when linked to the Control Unit in the manner described above.

10.24. PREPARATION OF CONTROL UNIT

10.24.1. Like the Balloting 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 panel for NOTA, and
- iii. Sealing that section of the Control Unit, which is called 'Candidate Set Section' and which contains the battery and the button to set the number of candidates.

10.25. BATTERY INSTALLATION

10.25.1. The Electronic Voting Machine operates on a special battery, which is supplied by the manufacturing company. Only a new battery should be used whenever a machine is used at any election. There is provision for installation of the battery on the top side of the Control Unit.

10.26. SETTING THE NUMBER OF CONTESTING CANDIDATES

10.26.1. A Control Unit of the M2 EVM can cater up to sixty-three candidates and a NOTA option. i.e. a total of 64. In M3 EVM, Control Unit can cater 383 candidates and a NOTA option. Therefore, at every election where the voting machine is used, the Control Unit has to be set according to the number of contesting candidates at that election and a NOTA option.

10.26.2. For setting the number of contesting candidates, the following operations shall be performed:

- i. The number of contesting candidates and a NOTA option can be set in the Control Unit only by linking this unit with the Balloting Unit or with all the Balloting Units where more than one Balloting Units are to be used. The process of linking the Balloting Units with the Control Unit has already been explained above.
- ii. After the Control Unit and the Balloting Unit(s) have been linked, lift the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.
- iii. Press the button marked 'Cand. Set' in the 'Candidate Set Section' of the Control Unit. Thereupon, Display Panel will flash 'SET CANDIDATE - -'.
- iv. When the letters 'SET CANDIDATE - -' start flashing on the Display Panels on the Control Unit, the candidate's button against NOTA option in the Balloting Unit

should be pressed. For example, if there are nine contesting candidates and the machines is to be set for nine candidates, candidate's button of the tenth candidate on the Balloting Unit against NOTA option should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button against the name of the contesting candidate at serial no.24 and a NOTA option in the second Balloting Unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'SET CANDIDATE - -' and instead the full panel will display the number of candidates for which the machine has been so set, like 'CANDIDATE 10' or, as the case may be 'CANDIDATE 24'.

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

10.27. CLEARING THE MACHINE

10.27.1. After the number of contesting candidates and panel for NOTA has been set in the Control Unit in the manner described above, all the data recorded in the machine relating to votes polled for mock poll during the first level checking of EVMs, if any, should be cleared. For this purpose, the button marked 'Clear' in the Result Section of the Control Unit should be pressed. On the 'Clear' button being pressed, all the counts in the machine will be automatically set to ZERO and the display panels on the Control Unit will start displaying that the number of votes recorded in the machine for each contesting candidate is '0' (ZERO).

10.27.2. After the Control Unit has been set according to the number of contesting candidates at the election and the previous data cleared, the power will be switched off and the Control Unit and the Balloting Unit(s) will be delinked by removing the interconnecting cable from the Control Unit.

10.28. SEALING THE 'CANDIDATE SET SECTION'

10.28.1. After the battery has been installed and the Control Unit has been set according to the number of contesting candidates, the 'Candidate Set Section' should be closed and sealed so that nobody can have access to the battery and the 'Cand. Set' button in the 'Candidate Set Section', thereafter.

10.28.2. The 'Candidate Set Section' will be closed by replacing the cover and pressing it tight. It will be sealed by passing a thread through the two holes provided for the

purposes on the left side in case of M2 EVMs (left side and right side in M3 EVMs as there are two separate doors for Battery and Candidate Set button), 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.

10.28.3. The candidates and their agents shall be allowed to put their seals, if they so desire, on the address tag along with the seal of the Returning Officer. The Control Unit will then be put in its carrying case, which will now be ready for transportation to the polling station. On the handle of the Control Unit also, an address tag will be attached containing the above particulars.

10.29. SETTING UP OF VVPAT

10.29.1. The VVPAT will be prepared for poll. A new battery power pack will be installed in the VVPAT unit and shut the door of the battery compartment, but no sealing is required on battery compartment as the power pack can be replaced (after switching off the CU) if low battery status is indicated during the Poll. A fresh paper roll will be installed in the VVPAT. Serial numbers, name of candidates and symbols allotted to them and NOTA option and its symbol as given in BU will be loaded in VVPAT with the help of BEL/ECIL engineers. A test printout will be checked with the ballot paper in Balloting Unit (BU). Then one vote to each candidate will be given to check that the VVPAT is printing the paper slips accurately.

10.30. SAFE PRESERVATION OF PREPARED VOTING MACHINES

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

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

10.30.3. If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, Returning Officer will send notice for the candidates or their authorized representatives and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it

was opened, is over. Details of such opening and closing should also be accurately and fully reflected in the above-mentioned log book and the entire process should be video graphed.

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

10.31. MAINTENANCE OF RECORDS OF VOTING MACHINES

- 10.31.1. Returning Officer will maintain complete record of all CUs, BUs and VVPATs used at the election. That record will show clearly the number of CUs, BUs and VVPATs used at each polling station along with the serial numbers of each such unit. The record will also show the number of CUs, BUs and VVPATs along with their serial numbers, which have been prepared for use and kept in reserve. If any of such Control Units or Balloting Units or VVPAT is put to use, a complete record as to where each such unit was used should be properly maintained and it should show also the reasons for which the use of such reserve unit became necessary.

10.32. SUPPLY OF VOTING MACHINES TO POLLING PARTIES

- 10.32.1. The voting machines will 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, Returning Officer will 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, Balloting Unit(s) and VVPAT supplied to him and his full signature in token of having received the same.
- 10.32.2. That register will have further provision for keeping proper account of the machines received back from the Presiding Officers.
- 10.32.3. The reserve machines will be kept at a central place or places in the constituency on the day of poll so that the same may be supplied with the least possible delay to any polling station where an emergent need arises for replacement of any Control Unit or Balloting Unit(s) or VVPAT. These machines will be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by Returning Officer.

11. POSTAL BALLOT PAPERS

11.1. SERVICE VOTERS

11.1.1. Service voters (other than those who have opted for proxy voting) are eligible to receive postal ballot (**Appendix 40**).

11.1.2. Postal ballot papers have to be sent to all service electors, whose names are included in last part of electoral roll, provided they have not opted for proxy voting. Service electors who have appointed proxy are called Classified Service Voters (CSVs). In their case, the proxy will vote in the polling station assigned for the area covering the house address of the service voter. By an amendment to the Conduct of Elections Rules, 1961, by notification dated 21.10.2016, the postal ballot papers for Service Voters may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission of India for the Service Voters. Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24 and 27 shall, mutatis mutandis, apply.

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

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

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

11.2. POSTAL BALLOT PAPERS – FORM AND LANGUAGE

11.2.1. It may be noted that there would be different specifications for the two types of postal ballot papers, i.e.

- i. Postal ballot papers for service voters.

- ii. Postal ballot papers for the other categories of electors entitled to vote by postal ballot.
- 11.2.2. For service voters, the particulars regarding names of candidates and party affiliation will continue to be printed in the official language of the State and in English. Election Symbol is not to be printed on the Postal Ballot for service voters. Photographs of candidates will also be printed on it. Along with name of candidates, their party affiliation, if any, is also to be printed i.e. name of the political party which sets up the candidate is to be printed below the name of the candidate. In the case of independent candidates, the word "Independent" has to be printed.
- 11.2.3. As for the Postal Ballot papers for the other categories of electors i.e. for those entitled to vote by postal ballot (other than service voters), the election symbols allotted to the candidates and photographs of candidates will also be printed thereon. The particulars on the ballot paper will be printed in the official language of the State and also in English (where English is not the official language). The party affiliation is not required to be printed on the ballot paper in the case of postal ballot for these categories of electors. The election symbol will be printed between the photograph of the candidate and the space for marking vote.
- 11.2.4. On both types of postal ballot papers, the photograph of candidates will be printed. The photograph of the candidates will be printed in the panel for the name of the candidates and will appear on the right side of the name in between the name and symbol of the candidate or the column for marking vote/preference, as the case may be. The size of the photograph printed on the ballot paper will be 2 cm x 2.5 cm.

11.3. POSTAL BALLOT PAPERS TO PERSONNEL ON ELECTION DUTY

- 11.3.1. Persons on election duty who are entitled for Postal Ballots (PB) and Election Duty Certificate (EDC) – All persons appointed on election duty who are not able to cast their vote at the polling station where they are enrolled as a voter are entitled to the facility of either an EDC or a postal ballot. In case they are put on election duty in the same constituency in which they are enrolled as a voter, they are entitled to get an EDC, which entitles them to vote at the polling station where they are on duty. If they are on duty in a constituency other than the constituency where they are enrolled as a voter, they are entitled to a Postal Ballot. These persons include employees in polling parties, Sector Officers, Zonal Officers, Returning Officers and Assistant Returning Officers. District Elections Officer, Deputy District Election Officer, employees posted in the offices of District Election Officer, returning Officer, Control Room and other election

related offices, micro-observers, all police personnel, home guards, drivers, conductors and cleaners of vehicles, engaged for election work etc, if such persons are not able to cast their vote at the polling station where he or she is enrolled as a voter by reason of being on duty in relation to elections. Polling agents of candidates also fall in the category of voters on election duty for this purpose. A person is entitled to an EDC if he or she is on duty in the same constituency where he or she is enrolled as a voter, and entitled to a postal ballot if he or she is on duty in any constituency.

- 11.3.2. Information to Political Parties - All Recognized Political Parties will be informed in writing the schedule of facilitation of postal balloting at the Facilitation Centres. They shall be allowed to send their representatives to witness the facilitation process at the Facilitation centres.
- 11.3.3. Time to be set apart for Postal Balloting - In each training session at least 2 hours will be set apart for facilitation of postal balloting. If necessary, more than 2 hours may be set apart for this purpose as per need. Postal Balloting is to be done after the training is over. Political Parties representatives shall be allowed in the Facilitation Centre after the training is over and when the process of facilitation of postal balloting begins.
- 11.3.4. Arrangements for representatives of candidates - Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the officer in-charge of facilitation can order such a person to leave the premises immediately.
- 11.3.5. Casting of postal ballots in the facilitation ballot box: A large steel trunk with one opening at the top for casting of postal ballots shall be used as a facilitation ballot box at the facilitation centre. Before the casting of postal ballots is started, the empty facilitation ballot box will be opened and shown to all present. The facilitation ballot box will then be sealed by the officer in-charge of the Facilitation Centre. Every voter shall cast his or her postal ballot in the Facilitation Ballot Box after marking it and sealing it in the envelopes as described above.
- 11.3.6. Sorting of postal ballots - After all postal ballots for the day have been cast, the box will be opened by the officer in-charge of the Facilitation Centre in the presence of the representatives of political parties. All the postal ballots will be taken out of the box and the empty box will be shown to the said representatives of political parties. The postal ballot envelopes will be sorted Assembly Constituency wise and the total number of postal ballot envelopes received for each Assembly Constituency will be entered in a Statement in FORMAT-1 to be maintained for this purpose at the facilitation centre. Representatives of political parties present will be requested to put their signatures on

the register and will be given a copy of the relevant pages of the register. All postal ballot envelopes for one Assembly Constituency will be kept in a large envelope meant for that Assembly Constituency. The name of the Facilitation Centre, the date of Facilitation and the number of postal ballots contained therein will be clearly written on this envelope. The number and name of the Assembly Constituency for which the envelope is meant will also be clearly written on the envelope. This envelope will then be sent to the Returning officer of the concerned Assembly Constituency along with a copy of the relevant Statement in Format-1 through special messenger appointed for this purpose not below the rank of Deputy Tahsildar.

11.3.7. On the day of dispatch of polling parties also a steel trunk (facilitation ballot box) shall be kept at the dispatch centre so that any election duty official who did not cast vote at the training session can drop the envelope containing the postal ballot in such facilitation ballot box. After all the parties have left, this facilitation ballot box will be opened and sorted constituency wise and sent to the respective ROs in sealed envelopes in the same manner as explained above. Candidates should be informed in advance about this activity so that if they want to depute any representative, they may do so.

11.3.8. If any voter did not cast vote at the facilitation centre / dispatch centre then he can vote only by post.

11.3.9. Receipt of Postal Ballots by Post-

a) Arrangement to be made with Postal Department - For receiving back postal ballots by post, the Chief Electoral Officer will make an arrangement with the Postal Department and ask them to nominate one post office for each Parliamentary / Assembly Constituency which will deliver postal ballots every day to the respective Returning Officer. The time of delivery will be fixed at 3 PM every day at the office of the Returning Officer, except for the counting day when the time for delivery will be before 8 AM or such other time fixed for commencement of counting, at the counting centre for that Assembly Constituency. The list of counting centres and the addresses of ROs offices will be communicated in writing to the Postal Department by the CEO.

b) Political Parties and Candidates to be present at the time of receipt of postal ballots by post - Contesting candidates will be informed in writing that they or their representatives may remain present at the time of delivery of postal ballots by the post office. A pass should be issued to the nominated postal department employee to enter the counting centre on counting day for this purpose.

c) Procedure on receiving postal ballots by post - The number of postal ballots delivered by the post office will be ascertained in the presence of the political party

representatives and candidate representatives and an acknowledgement of the number of postal ballots received will be given to the post office. A copy of this acknowledgement shall be kept in the record of the RO. The number of postal ballots received will be entered in the daily return in FORMAT-3 by the RO. The entire process will be video-graphed.

d) Storage of postal ballots received by post - The Retuning Officer will keep all postal ballots received from the post office every day in a separate envelope for that day and write on the envelope the date and words - "Postal Ballots Received by Post". He will keep this envelope also in the strong room for postal ballots every day after the post has been received.

11.3.10. Sending postal ballots to the place of counting where counting is not done at RO headquarter - In those cases where the counting is done at a place other than the RO headquarters, the postal ballots for the Parliamentary / Assembly Constituency will be transferred to another strong room for the postal ballots for the concerned Parliamentary / Assembly Constituency at the counting centres, one day before the day of counting. For this purpose, the RO shall inform in writing to the candidates the time at which this will be done. The strong room for postal ballots shall be opened in the presence of the candidates or their representatives present. All postal ballots will then be kept in a large steel box which will be sealed in the presence of candidates and their representatives. This box will then be carried under guard of armed CPF to the strong room for postal ballots at the counting centre. Candidates and their representatives shall be allowed to follow the vehicle carrying postal ballots. The box containing postal ballots will then be kept in a strong room for postal ballots at the counting centre in the presence of the candidates and their representatives. Strong room will then be sealed and signatures of candidates and their representatives will be taken as proof of their presence. Candidates and their representatives shall be allowed to keep watch on the strong room, if they so desire. The whole process will be video graphed. On the day of the counting, the returning officer will open the strong room and bring all postal ballots and copies of the relevant pages of registers received from the facilitation centres to the table where the postal ballots will be counted.

11.3.11. Tallying of postal ballot numbers before counting: - The envelopes received from facilitation centres will be opened one by one and the number of postal ballots found in each envelope will be tallied with the numbers mentioned in the copies of relevant pages of the registers received from the facilitation centre. The result of such

tallying will be shown to the candidates and their election agents before the counting of postal ballots. Similarly, the register of postal ballots received by post shall also be shown to the candidates and their election agents.

12. POLLING PERSONNEL

12.1. FORMATION OF POLLING PARTIES

- 12.1.1. A District Election Officer-wise database, of all eligible poll personnel shall be maintained in electronic format, which can facilitate computerized randomization. All relevant particulars like Name, Sex, Place (constituency) of residence, work place, Home Constituency, Designation, Office and Department/Institutions should be entered.
- 12.1.2. The database shall contain, distinctly and separately, the State Govt. employees including Public Sector Undertakings, teachers etc. who can be employed as polling personnel.
- 12.1.3. Similarly, the database shall distinctly and separately contain all Central Government employees including PSU, Bank etc.
- 12.1.4. Unless otherwise advised, the polling parties shall be formed out of the State Govt. employees. The Central Government employees including PSUs and Banks, etc. shall be utilized for selecting suitable persons as Micro Observers.
- 12.1.5. Presiding Officers and Polling Officers shall be classified on the basis of scale of pay and their post and rank. As far as practicable, Gazetted Officers will be deployed as Presiding Officers and failing that officials who are working in supervisory capacity only should be deployed as Presiding Officers. The Presiding Officer should be of higher scale/grade in comparison to other Polling Officers of that formation.
- 12.1.6. In view of the recent instructions regarding issue of postal ballot papers, Assembly Constituency No., Part No., Sl. No. of each and every official shall be indicated. In case, he is not a voter, in the process of continuous updation he should be enrolled in the electoral roll of Assembly Constituency concerned and Elector Photo Identity Card issued. Similarly, the personnel meant for being appointed as Micro observers should invariably be enrolled as voter and Elector Photo Identity Card issued. Therefore, persons put on polling duties should invariably be voters. Further, no person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.
- 12.1.7. In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instil confidence in the minds of Political Parties and candidates about free and fair elections, proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party should be ensured. Two officials of the same serial group/category should not be put

together. Further, two members of the polling party should not be from the same department (in case of school teachers, they should not be from the same school).

12.1.8. Polling personnel database should include personnel both from the State Government departments as well as the Central government offices. Central Government employees should be utilized for micro observer duties to be decided by Observers. Polling personnel to be posted within the district unless specifically directed otherwise.

12.2. PROCEDURE FOR FORMATION OF POLLING PARTIES

12.2.1. Database & software should be prepared and developed by the CEO and distributed among DEOs. District Election Officers should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant information should be entered into an electronic database of the computerized randomization application software approved by the CEO for that state.

12.2.2. From this full database of officers, a list of 120% of the required number of polling persons should be generated (including reserve) randomly, using the software. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. It should be noted that this randomized list is DEO-wise and not at any other level like subdivision, tehsil, block, assembly constituency etc. This is only to identify and select the officials that would be given training for poll duties as presiding and polling officers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the polling personnel are likely to be deployed will be known. All that the polling personnel will know at this stage is whether he (or she) is a presiding officer or a polling officer and the venue and time of trainings.

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

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

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

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

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

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

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

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

12.3. COMPOSITION OF POLLING PARTY

12.3.1. A polling party would, in normal case, consist of a Presiding Officer and three polling officers. Fourth polling Officer is required if VSDU is attached with VVPAT. The First Polling Officer is in charge of the marked copy of electoral roll and responsible for identification of the voters. The Second Polling Officer makes the entries in the Register of Voters (Form 17 A) including EPIC/other identification document details, takes the signature of the voters or the thumb impression (in the case of illiterate voters), applies indelible ink on the left forefinger of the voters and issues voters slip to the voters indicating the serial number in which they would be going into the voting compartment

to cast vote. The Third Polling Officer is the custodian of the “CU” and activates the “BU” by pressing “BALLOT” button of the “CU” and allows the voter to go inside the voting compartment for casting vote, in the order of the serial number on the voters’ slip issued by the Second Polling Officer. The Commission has decided that in the event of shortage of polling staff in any particular District/Constituency, and then in such places, the polling party may consist of a Presiding Officer and two polling officers as against the three polling officers which is the standard norm. In that case, the duty of the First Polling Officer will also include application of indelible ink on the finger of the voter, after identification of the voter. The Second Polling Officer will be the custodian of the ‘CU’ also in such cases, in addition to his normal duties of making the entries in Form 17 A (Register of Voters) and taking the signature/thumb impression of electors therein. It is clarified that in such cases where only two polling officers are used, it is not necessary to prepare the voters slip serial numbers. Instead, the Second Polling Officer will activate the “CU” and then send the voters inside the voting compartment exactly in the same sequence in which they sign in the Register of Voters (Form17A). There will be no need to prepare the voters slips at the polling stations in such cases. Further, in the cases where number of polling officers is restricted to two, the contesting candidates should be informed in writing in advance about this. The duties to be performed by the two polling officers should also be explained to the candidates.

13. OBSERVERS

13.1. PRELIMINARY

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

13.2. STATUTORY POWERS OF OBSERVERS

13.2.1. The Candidate's attention is invited to Section 20B of Representation of People Act, 1951 which reads as follows: -

1. The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.
2. The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the results of the poll at that polling station or place cannot be ascertained.
3. Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 66. The observers are also to oversee/monitor the expenditure incurred by the candidates and to ensure that Commission's guidelines regarding maintenance of day-to-day accounts of election

expenditure by the candidates are strictly enforced and are also required to scrutinize the register of accounts maintained by the candidates.

13.3. MICRO OBSERVERS

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

13.4. SECTOR OFFICERS

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

13.4.2. Pre-poll responsibility:

1. Ascertaining the approach and accessibility to polling stations
2. Ascertaining infrastructure at polling stations – water, shade, ramps, toilets, telephone etc. and physical status of building.
3. Ensuring that wide publicity is given to new polling station.
4. To collect phone numbers, ascertain mobile connectivity at polling station.
5. He shall keep an eye and report on movement of unauthorized campaign vehicles, defacement of property, unauthorized campaigning, misuse of public buildings / government vehicles / government servants and all possible violation of Model code of conduct.
6. EVM and VVPAT demonstration to the voters in catchments and introduction of 'NOTA' option to be explained to the voters.
7. Give specific information about EPIC coverage programme.
8. Inform voters about helplines and locations of their polling stations.

9. Inform voters to check their names and entries in PER through BLO.
 10. Frequent visits for confidence building measures and fine tuning the vulnerability mapping;
 11. Vulnerability Mapping.
 12. Identification of villages, hamlets and segments of voters vulnerable to threat and intimidation.
 13. Identification and report to returning officer about persons who make it vulnerable.
 14. Ensuring free access of voters for voting.
 15. Contact points with in the vulnerable community with their telephone numbers.
- 13.4.3. Poll-eve responsibility
1. Ensure that the polling teams and all materials have reached their polling stations.
 2. Ensure that force has arrived at polling stations according to the plan.
 3. Clarify any last-minute doubt on EVM and VVPAT operation or the polling process, amongst the polling personnel.
 4. Give ok report to control room.
- 13.4.4. Poll day responsibility
1. To ascertain the mock poll status before commencement of poll. Remedial action to sort out the problem, if any.
 2. Frequent visit and attention on the polling station where the mock poll had to be conducted in the absence of the polling agents.
 3. Report commencement of polls.
 4. To ensure that Forces deployed at the polling stations are in position.
 5. Replacement of EVMs and VVPATs where required (Sector officer to have spare EVMs and VVPATs).
 6. Track and report the presence / absence of polling agents.
 7. To assist polling team inside the polling station with procedures.
 8. To maintain the purity of poll process and check all aspects of polling during their visits to polling stations.
 9. Mock poll status to be reported within 30 minutes to Returning Officer.
 10. Check voting pattern – any segment / section conspicuous by its absence. Inform Returning officer for remedial measures.
 11. Report voting percentage from time to time to Returning Officer as instructed.
 12. Handling of poll day complaints.
 13. Check the sealing of EVMs, VVPATs and preparation of papers by polling parties.
 14. Escort EVMs and VVPATs with polling teams to receipt centre.

15. Replacement of polling personnel from the reserve parties.
 16. At the end of poll, he will ensure that: presiding officer's diary is filled up properly, EVMs and VVPATs are properly sealed, Copies of 17C are given to polling agents, Register of Voters 17A is properly filled up and Format for Presiding Officer's additional report to be submitted to Observer s filled up properly.
- 13.4.5. After poll, the sector officer shall submit a report on polling to the Returning Officer.

14. SECURITY ARRANGEMENTS AT POLLING STATIONS

14.1. SECURITY

14.1.1. During elections, the Commission deploys Central Police Forces for the smooth conduct of elections. The Local State Police (including all its variants) and Central Paramilitary Forces stand deputed to the Election Commission of India at the time of elections and they come under its superintendence and control for all purposes. The Commission uses the services of personnel of these forces for smooth conduct of elections.

14.1.2. As per the Commission's instructions where CPF personnel are deployed at the Polling station, they are used as static force outside the Polling station.

14.1.3. As per the directions of the Hon'ble Supreme Court in CA No.9228 of 2003 (Janak Singh Vs. Ram Das Rai and others) in the polling stations with CPF coverage, one CPF Jawan from the CPF party posted at the polling station will be stationed at the entrance of the polling station so that he can keep a watch on the proceedings that are going on inside the polling station, particularly, to ensure that no unauthorized person enters inside the polling station and/or no irregularity is committed either by the polling staff or outsiders in the poll process. However, it should be ensured that this CPF personnel is not located inside the polling station.

14.1.4. The CPF Jawan posted at the entrance of the polling stations shall keep a watch specifically on the following: -

1. No unauthorized person is present inside the polling station at any time during the poll.
2. The polling party or the polling agents do not attempt to cast or cast any vote or votes when no voter is present inside the polling booth.
3. No Presiding Officer/polling officer accompanies any voter to the voting compartment.
4. No polling agent or polling officer threatens any voter or makes any gesture to threaten them.
5. No arms are carried inside the polling station.
6. No rigging takes place.

14.1.5. If the CPF Jawan posted at the entrance of the polling station discovers violation of the election process as above or observes something unusual going on inside the polling station, he shall not interfere in the poll process but report the same to the officer in-charge of the CPF party at polling station or to the observer. The officer in-charge of

CPF party will in turn bring it to the notice of the Returning Officer and also Observer immediately in writing for further necessary action.

- 14.1.6. In the buildings which have more than one polling station and where only half a section of the CPF personnel is deployed, the CPF Jawan selected for duty at the entrance of the polling station may be asked to oscillate from one polling station to another and look at what is going inside these polling stations and report to the officer in charge of the CPF party or to the observer, if any irregularity is observed by him.
- 14.1.7. Returning Officer/Observer will report cases from where adverse reports are received from the CPF parties for further instructions of the Commission.
- 14.1.8. It is clarified that the CPF Jawan shall be posted at the entrance of only those polling stations, where CPF is deployed.
- 14.1.9. It is further clarified that the CPF Jawan posted at the entrance of the polling station shall not verify the identity of electors coming into the polling stations to cast their votes as such verification is the duty of the polling personnel.
- 14.1.10. According to the Commission's instructions, the CPF Jawans should not be positioned inside the polling station.
- 14.1.11. After the poll is completed, the polled EVMs and the Presiding Officers shall be escorted by a contingent of CPF to the Reception Centre. Details in this regard shall be worked out by the DEO and SP in consultation with Observer in advance.
- 14.1.12. The CPF shall also be responsible for guarding the Strong Room where the polled EVMs are stored and kept till the day of counting.

15. POLLING DAY

15.1. INTRODUCTORY

15.1.1. Polling is the most important event in the election process. In a democracy, it is through the poll that the electors express their choice of the candidate to represent them in Parliament or State Legislature.

15.2. DECLARATION OF HOLIDAY ON POLLING DAYS

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

15.3. PROHIBITION OF CANVASSING

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

- (a) canvassing for votes;
- (b) soliciting the vote for any elector.
- (c) persuading any elector not to vote for any particular candidates;
- (d) persuading any elector not to vote at the election;
- (e) exhibiting any notice or sign (other than an official notice) relating to the election;
- (f) using or operating within or at the entrance of the polling station or in any public or private place in its neighbourhood any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; and
- (g) shouting or otherwise acting in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood.

N.B.- The distance from which a loudspeaker, etc, is used is immaterial. The offence will be committed even if it is used from a distance of more than 100 meters if it causes annoyance to any person visiting the polling station for the poll or interference with the work of officers and other person on duty at the polling station.

15.4. PROHIBITION OF GOING ARMED TO OR NEAR A POLLING STATION

15.4.1. The candidate's attention is invited to Section 134B of Representation of People Act, 1951 whose underlying intention is to ensure that, except those expressly permitted by

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

15.5. CANDIDATE'S ELECTION BOOTHS

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

15.6. PREVENTION OF VOTERS FROM VOTING

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

15.7. ILLEGAL HIRING OF VEHICLES FOR THE CONVEYANCE OF VOTERS

15.7.1. The candidate must not allow anyone on his/her behalf to provide conveyance for voters on the polling day. It is both a corrupt practice and an electoral offence. If the candidate finds any other candidate or his agents, supporters or workers providing such conveyance for voters, he/she should make a complaint in this regard then and

there and take action to prosecute the offender, under section 133 of the Representation of the People Act, 1951. If the candidate does not do so and merely send a complaint to the election authorities, much valuable evidence against the offenders would be lost. The candidate may also use this as ground for filing an election petition against the offending candidate in due course as free conveyance of voters from or to polling station is also a corrupt practice. The candidate's polling agent can also make a written complaint in this regard to the Presiding Officer who will forward the same to the Magistrate concerned who has jurisdiction to deal with such cases. The candidate may also ask the Presiding Officer to record his remarks on the complaint from his own observations.

15.8. REGULATION OF TRAFFIC ON THE DAY OF POLL

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

(1) The objective is that the polling areas should be cordoned off from all vehicular traffic on the polling day in order to prevent the voters from being carried to and from polling booths in contravention of the election law.

(2) Public transport vehicles like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters.

(3) Private cars, taxis carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, restaurants will, however, be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters. The traffic of these vehicles will be so diverted as to effectively control their misuse.

(4) The plying of lorries, trucks will also be similarly regulated.

(5) The district magistrate, Regional Transport Authorities etc., will be instructed to enforce effectively and fully the regulation, both in letter and spirit, and a certificate shall be obtained from the concerned authorities.

(6) The political parties and contesting candidates and amongst them, their agents and workers shall be warned that any contravention of the regulation would receive serious notice and may provide sufficient materials for challenging the election in an election petition and also invite penal action under the law.

15.8.2. For an election to the House of the People, each contesting candidate will be entitled to:

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

15.8.3. For an election to the State Legislative Assembly, each contesting candidate will be entitled to:

- a. One vehicle for his own use
- b. One vehicle for use of his election agent
- c. In addition, one vehicle for use of his workers or party workers.

Note

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

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

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

15.8.5. The candidate should follow the above guidelines of the Commission's scheme meticulously and should obtain permits for the vehicles to be used by him/her and his/her party workers on the day of the poll well in advance.

15.9. REMOVAL OF BALLOT PAPERS ON EVM FROM POLLING STATION TO BE AN OFFENCE

15.9.1. If the candidate or his/her agents honestly suspect that any voter is illegally taking any ballot paper or a voting machine out of polling station or unauthorizedly or fraudulently tampering with the same, he/she should draw the attention of the Presiding Officer to the matter immediately for necessary action on his part.

15.10. REMOVAL OF DISORDERLY PERSONS

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

15.11. POLLING AGENTS

15.11.1. Every contesting candidate is entitled to appoint one polling agent and two relief agents to act as the polling agents at each polling station. Only one of them can, however, remain present inside the polling station at a time. They can relieve each other from time to time. Any relief agent can take the place of the polling agent when the latter goes out. Of the three, whoever is inside the polling station is treated as polling agent of the candidate for the time being; he has the same rights and responsibilities as given to the polling agent by law. Further, the polling agents may be allowed to go out of the polling stations even after 3.00 pm to attend the nature's call, etc. and come back inside the polling station. However, it may be ensured that only the polling agent or his substitute can be present inside the polling station at a time. The Presiding officer shall brief the polling agents to remain present in the polling station till the voting is over to oversee the sealing procedure of EVMs and VVPATs and sign the declaration, etc. Polling agents/relieving agent's movement sheet is provided to each polling station, in which each and every polling agent shall be required to sign, indicating the time of arrival at the polling station and time of departure. Further the Commission has instructed that the Ministers of the Union and States and MPs, MLAs, MLCs and any other person provided with security cover by the State shall not be appointed as Polling agents as the Security Personnel accompanying them cannot be permitted to enter polling station, nor can their security be jeopardised in the absence of their security personnel. No person with security cover can be allowed to surrender the security cover to enable him to become a polling agent.

15.11.2. The appointment of polling agents is made in writing in Form 10 (**Appendix 23**). The polling agents who are appointed by the candidate, shall be ordinarily resident and shall be voters in the same polling station only. Such polling agents must have Electors' Photo Identity Cards. If any person who is a registered elector in the polling area and proposed to be appointed as polling agent by the candidate but does not have Elector's Photo Identity Card, in that case, the candidate or his/her election agent may make a written request to the Returning Officer who shall make necessary arrangement for issue of Elector's Photo Identity Card to such elector. All polling agents shall display their Elector's Photo Identity Card prominently on. The candidate is not required to send a copy of the appointment order to the Returning Officer. The polling agent should produce the appointment order in original at the polling station so that the Presiding Officer may admit him into the polling station. A polling agent should sign the letter of appointment in Form 10 in token of his agreement to act as the candidate's polling

agent. It is advisable that his signature is placed in the candidate's presence or in the presence of the his/her election agent, if the latter makes the appointment. The polling agent will also have to sign again in the presence of the Presiding Officer at the polling station. He should be asked to sign before the Presiding Officer in the same manner as he signed before the candidate or his/her election agent so that there will no discrepancy in his signature. This will help in his identity being readily accepted.

15.11.3. To enable the Presiding officer of a polling station to verify the signature of the candidate or his election agent as given in appointment letter in Form 10, the candidate's specimen signature or that of his/her election agent shall be obtained by the Returning Officer on the format (Appendix - 25) and copies thereof in sufficient number shall be supplied to each Presiding Officer, Observers of the Commission, Zonal Magistrate and Sector Magistrate etc., in the constituency. If the candidate has not appointed any election agent, then in the column meant for the signature of the election agent the words "No Election agent appointed" shall be recorded in the said Format. The candidate is at liberty to revoke the appointment of an election agent and to appoint another person in his place. If such a change in the appointment is made at the last moment when the Presiding Officer has already been supplied with the copy of the Format (**Appendix 25**) containing the specimen signatures as originally furnished by the candidate, then it shall be the candidate's responsibility to supply a copy of Form 9 revoking the appointment of the election agent and to supply a copy of Form 8 appointing the new election agent to the Presiding Officer.

15.11.4. The candidate or his/her Election agent may revoke the appointment of any of his/her polling agents in writing in Form 11 (**Appendix 24**) and lodge the revocation order with the Presiding Officer of the polling station. If a polling agent happens to die before the poll, the candidate or his/her election agent should inform the Presiding Officer. In the case of revocation or death, the candidate or his/her election agent may appoint another polling agent by a fresh letter of appointment in Form 10 in the same manner as before, but in such a case, state in the letter the facts leading to such appointment.

15.12. WHEN POLLING AGENT SHOULD REACH THE POLLING STATION

15.12.1. The polling agent should reach the polling station at least one hour before the commencement of the poll. This will enable him to be present when the Presiding Officer prepares the Voting Machines and VVPAT for taking the poll and goes through

the other preliminary/arrangements before the commencement of the poll. If any part of these preliminaries has already been gone through, the proceedings will not be commenced de-novo to accommodate any latecomer. Each polling agent will be supplied by the Presiding Officer with a pass on the authority of which the polling agent can go in and out of the polling station as may be necessary.

15.13. TRACKING PRESENCE OF POLLING AGENTS AT THE POLLING STATIONS AND MANDATORY CONDUCT OF MOCK POLL AND CERTIFICATION

- 15.13.1. The candidate is advised to ensure that his/her polling agents reach the polling stations well in advance before the commencement of poll so that the pre-poll formalities such as issue of entry pass to the agents, conduct of mock poll etc., are done in time.
- 15.13.2. The Presiding Officers shall conduct mock poll as explained in para 21.2 in the presence of the polling agents and prepare and sign the mock poll certificate in the prescribed format (Appendix 28).
- 15.13.3. The Presiding Officers shall mention the names of the agents and the candidates they represent and obtain their signatures for the purpose of record.
- 15.13.4. Mock poll shall be conducted normally one hour before the scheduled hour of commencement of poll. All contesting candidates should be informed in writing well in advance that mock poll would start one hour before the commencement of poll and they should be advised to instruct their polling agents to be present in time for the mock poll. Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present, in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the mock poll certificate on this aspect.
- 15.13.5. The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non-confirmation of mock poll could be indicative of some problem on the part of presiding officer or the EVM and hence the Returning Officer shall make immediate intervention to sort out the problem.

15.13.6. The polling stations not having the presence of rival candidates of recognized parties and where the mock poll had to be conducted in the absence of agents shall merit focused attention of the election machinery. Interventions such as deployment of reserve micro-observers, deployment of video cameras, frequent visits by sector officers and other senior officers could be made.

15.13.7. After the completion of poll on the basis of mock poll certifications received from the Presiding Officers, the Returning Officer shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The observers shall also pay their attention to this aspect.

15.14. DUTIES OF POLLING AGENT

15.14.1. The main duty of the polling agent is to see that the candidate's interests are safeguarded at the polling station, for which he has been appointed as his/her polling agent. His other duties are-

(a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who try to impersonate voters;

(b) to help in having the Voting Machines properly secured and sealed according to the rules before and after the poll;

(c) to take a copy of the account of votes recorded and paper seal account in Form 17-C from the Presiding Officer after the close of the poll; and

(d) to see that the documents relating to the poll are also secured and sealed properly as required by law.

15.14.2. The Commission has brought out a separate "Handbook for Polling Agents" which the candidate may purchase in sufficient numbers for distribution among the polling agents, if considered necessary. These are available with the Chief Electoral Officer of the State/Union Territory.

15.15. THINGS TO BE BROUGHT BY POLLING AGENT

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

(a) his letter of appointment;

(b) a copy of the electoral roll for the polling station;

(c) a list of the names of the dead absentee or shifted and duplicate voters included in the list;

(d) a small brass seal, which he can use for putting his seal on the carrying case(s) of the Balloting Units(s) before they are transported to the counting/collection centre; and

(e) pen, paper and pencil.

15.16. WEARING OF BADGES, ETC INSIDE POLLING STATION

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

15.16.2. Wearable like caps, shawl etc. with political party's name, symbol or slogan is not allowed inside the polling station on the poll day.

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

15.17. ARRANGEMENTS AT POLLING STATIONS

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

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

15.18. ADMISSION TO POLLING STATIONS

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

(a) Polling Officers;

(b) each candidate, his election agent and one polling agent of each candidate at a time;

(c) persons authorized by the Election Commission;

(d) public servants on duty in connection with the election;

N.B: The expression "public servants on election duty" would not include police officers (unless called for by the Presiding Officer for maintenance of law and order in the polling station or any other purpose), Ministers, Ministers of State and Deputy Ministers of the Union or the State/Union Territories.

(e) Observers appointed by the Commission;

(f) a child in arms accompanying an elector;

(g) a person accompanying a blind or an infirm voter who cannot move without help; and

(h) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll.

NB: No security personnel accompanying, if any, an elector, candidate or his election agent or polling agent shall be allowed to enter in the 100-meter perimeter of polling stations described as the "Polling Station Neighbourhood" and within the polling booth.

15.19. SEATING ARRANGEMENTS FOR POLLING AGENTS

15.19.1. The Presiding Officer will make arrangements to provide seats to the polling agents at such polling station in such a way that the polling agents are seated inside the polling stations so that they may see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.

15.19.2. According to the latest instructions of the Commission, the seating arrangement at the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely,

(i) candidates of recognised national parties,

(ii) candidates of recognised state parties,

(iii) candidates of recognised state parties who have been permitted to use their reserved symbols in the constituency,

(iv) candidates of registered unrecognized parties, and

(v) independent candidates.

15.20. PRELIMINARIES BEFORE THE COMMENCEMENT OF POLL

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

(a) demonstrate to the polling agents and other persons present that the EVM and VVPAT is in perfect working order and that no votes have already been recorded in the machines.

(b) conduct a mock poll to satisfy the polling agents that the EVM and VVPAT is functioning properly;

(c) clear the votes recorded at such mock poll from the Control Unit of the voting machine and remove paper slips from VVPAT so that no data relating to the mock poll remains in EVM and VVPAT.

(d) prepare mock poll certificate and obtain the signatures of the polling agents;

(e) fix green paper seal in the frame provided for fixing the green paper seal on the inner door of the inner compartment of result section of the Control Unit;

(f) close the inner door of the result section of the Control Unit with thread and seal it with 'Special Tag'. The drop box of VVPAT shall also be sealed by fixing the common Address Tag.

(g) close the outer cover of that (Result) section of the Control Unit with thread and seal it with 'Address Tag';

(h) secure and seal the Result Section from outside with 'Strip Seal';

(i) demonstrate to the polling agents and other persons present that the marked copy of the electoral roll (copy of the electoral roll to be used for 'marking' the names of electors who are allowed to vote) does not contain any remarks other than those used for issuing postal ballot papers and election duty certificates; and that the deletions appearing in the supplement, if any, appended to the draft roll as well as the supplement prepared after disposal of claims and objections before final publication have been reflected in the reprinted mother roll by strikethrough method the word "D E L E T E D" superimposed on the concerned elector detail box in case of photo electoral roll;

(the electoral roll would be duly signed by one of the AEROs and one more official) and

(j) demonstrate to the polling agents and other persons present that the 'Register of Voters' (From 17A) does not already contain any entry in respect of any elector.

15.21. PREPARATIONS OF EVM AND VVPAT BEFORE POLL

15.21.1. Before an EVM and VVPAT is used at the polling station for taking poll, its Control Unit needs to be prepared further by taking the following steps in the presence of the candidates/their agents. The Presiding Officer shall start the preparations about an hour before the time fixed for the commencement of the poll. If any polling agent is not present, the preparations by the Presiding Officer will not be postponed so as to await the arrival of the polling agent. If any polling agent turns up late there is no need to do the preparations again. Any polling agent arriving late will be able to watch subsequent stages of preparation only.

15.22. PREPARATIONS ON THE BALLOTING UNIT

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

15.22.2. Where more than one Balloting Unit to be used at a polling station, these Balloting Units have to be inter-connected in the correct sequential order. In such a case, only the first Balloting Unit will be connected with the VVPAT unit. The polling agents may satisfy themselves that the Presiding Officer has correctly linked the Control Unit with the VVPAT and Balloting Unit(s). If there is any defect in such interlinking, it will immediately be noticed on the display panels of the Control Unit.

15.22.3. The polling agents should also check and ensure that

- i. the ballot paper is properly fixed in the ballot display panel under the ballot paper screen; and
- ii. the two seals affixed by RO at the top and bottom portion on the right-hand side of the Balloting Unit are intact.
- iii. pink paper seal is fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal.
- iv. the cable connecting VVPAT unit to the Control Unit should be visible to be polling agents throughout its entire length.
- v. The slide switch (or thumbwheel switch in M3 EVM) on BU is correctly adjusted.

15.23. PREPARATIONS ON THE CONTROL UNIT

15.23.1. Polling Agent will be allowed to check that the seal put by the Returning Officer on the 'Candidate Set Section' on the Control Unit is intact. This seal has been put

by the Returning Officer after the setting the number of candidates in the Control Unit according to the number of the contesting candidates (including NOTA) in the concerned parliamentary/assembly constituency.

15.23.2. The following preparations are then to be made by Presiding Officer on the Control Unit:

- i. Connecting the Control Unit with the VVPAT: Presiding Officer should plug the interconnecting cable of the Balloting Unit or the first Balloting Unit where more Balloting Units than one is used into the socket provided for the purpose in the rear compartment of the VVPAT. Plug the interconnecting cable of the VVPAT into the socket provided for the purpose in the rear compartment of the Control Unit.
- ii. Switching the 'Power' switch to 'ON' position: The 'Power' switch provided in the rear compartment of the Control Unit should then be put to 'ON' position. There will be a beep sound and the 'ON' lamp on the display section of the Control Unit will glow green.

Close the rear compartment after performing the functions at (i) and (ii) above. For the purpose of keeping it firmly closed, a piece of thin wire may be run through the two holes provided for the purpose and the ends of the wire may be screwed for a few turns. However, the rear compartment is not to be sealed, as it will require to be opened again after the close of poll for switching off the 'Power' and disconnecting the VVPAT.

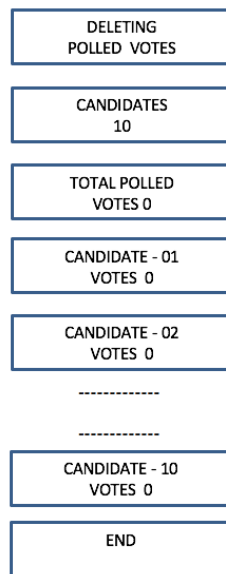
15.24. PREPARATIONS ON VVPAT

15.24.1. Presiding Officer should plug the interconnecting cable of the Balloting Unit or the first Balloting Unit where more than one Balloting Units are used into the socket provided for the purpose in the rear compartment of the VVPAT. Plug the interconnecting cable of the VVPAT into the socket provided for the purpose in the rear compartment of the Control Unit. In case of M2 VVPAT, plug the interconnecting cable of the VSDU into the socket provided for the purpose in the rear compartment of the VVPAT.

15.25. DEMONSTRATION OF EVM AND VVPAT

15.25.1. Before commencing the poll, the Presiding Officer has to satisfy not only himself but all polling agents present at the polling station that the EVM and VVPAT is in perfect working order and that no votes have already been recorded in the machines. For such satisfaction, he shall first show to all present that all counts have been set to ZERO by pressing the 'Clear' button. The 'Clear' button is provided in a compartment in

the result section of the Control Unit. This compartment is covered by an inner door and an outer cover. The inner door covers the compartments containing 'Clear' button, 'Result' button and 'Print' button. Adjacent to this 'CLOSE' button is available in another chamber. This chamber containing 'CLOSE' button is covered when other cover of result section is closed. The outer cover is provided above the inner door and covers also the compartment containing the 'Close' button. For reaching the 'Clear' button, he will first open the outer cover by pressing the latch provided on the left side slightly inwards. Thereafter, the inner door can be opened by inserting the thumb and a finger through the two apertures above the 'Result' and 'Print' buttons and then simultaneously pressing the latches inside slightly inwards. In no case, should this inner door be force opened without releasing the latches in the manner described above, as otherwise this most vital compartment will get damaged. When the 'Clear' button is pressed, the Display Panels on the Control Unit will start displaying the information sequentially (every indication is followed by a beep sound).



NOTE: If on pressing 'Clear' button, the display panels do not display the information as indicated above, it means that some of the earlier operations needed for clearing the machine have not been performed. To clear the machine, the Presiding Officer should ensure that Balloting Units, VVPAT and Control Unit have been properly linked. He should then press the 'Close' button and thereafter press the 'Result' button. Now when he presses the 'Clear' button, the display panels will start displaying the information. The display of the information on the display panels shall satisfy the polling agents present at the polling station that no votes are already recorded in the machine. The Presiding Officer shall also show that the drop box of VVPAT is empty.

15.26. MOCK POLL

15.26.1. Before commencing the mock poll, the Presiding Officer should place the Balloting Unit(s) and VVPAT inside the voting compartment. While placing the BU(s) and VVPAT in voting compartment, it must be ensured without fail, that secrecy of voting is not compromised. After demonstrating as above that no votes are already recorded in the machine; the presiding officer shall conduct a mock poll by recording at least 50 votes at random for each of the contesting candidates. For that purpose, he will perform the following operations: -

- a. He will press the 'Ballot' button on the ballot section of the Control Unit. On pressing the 'Ballot' button, 'Busy' lamp in the display section will glow red. Simultaneously, the 'Ready' lamp on the Balloting Unit will also start glowing green.
- b. Then Presiding Officer will ask any polling agent to press, according to his choice, any of the candidate's blue buttons on the Balloting Unit. It has to be ensured that each of the blue (unmasked) buttons is pressed at least once, so that each button left unmasked is tested and found functioning properly.
- c. On the candidate's blue button being so pressed, the 'Ready' lamp on the Balloting Unit will go off and the candidate's lamp near the button will start glowing red. The VVPAT will print a small slip of paper that carry the symbol, name and serial number of the candidate voted which will be visible for seven seconds in the VVPAT window. Also, a beep sound will be heard from the Control Unit. After a few seconds, the red light in the candidate's lamp, red light in the 'Busy' lamp and the beep sound will go off. This will be the indication that the vote for the candidate, whose blue button has been pressed, has been recorded in the Control Unit and that the machine is now ready to receive the next vote.
- d. This process as explained in the preceding paras (a), (b) and (c) will be repeated for recording one or more votes for each of the remaining candidates. A careful account of the votes so recorded in respect of each candidate has to be kept. VVPAT paper slips will be printed with each vote.
- e. When the votes are being so recorded, the Presiding Officer may press the 'Total' button on the ballot section of the Control Unit to verify at any time that the total votes recorded in the machine tally with the number of votes which have been polled up to that stage.

NOTE: 'Total' button should be pressed only after the vote has been recorded for any candidate and the 'Busy' lamp in the display section is off.

- f. At the end of the mock poll, when the Presiding Officer presses the 'Close' button in the result section, the display panels in the display section will show the information sequentially.
 - g. Now on pressing the button marked 'Result' in the Result Section, the Display Panels will start showing the information sequentially. After the mock poll, ascertain the result in Control Unit and count the VVPAT paper slips (after taking out from the VVPAT drop box) in respect of each candidate in the presence of polling agents and confirm that the result tallies with the votes polled in respect of each candidate.
 - h. Next, the Presiding Officer will again press the 'Clear' button to clear the account of votes recorded during the mock voting. On the 'Clear' button being so pressed, all counts will show ZERO. Also, the paper slips in VVPAT should be cleared from the drop box and the drop box should be sealed.
- 15.26.2. As the presence of polling agents helps in preventing impersonation and ensures that the EVM and VVPAT used at the polling station is in proper working condition and cleared of the votes cast at the time of mock poll, the Commission has introduced a certificate to be issued by the Presiding Officer which will indicate the names of the polling agents present and the candidates they represent and obtain their signatures on it. A proforma of the mock poll certificate is given in Appendix – 28.

15.27. FIXING GREEN PAPER SEAL IN THE CONTROL UNIT

- 15.27.1. In order to maintain the secrecy of ballot, in the conventional system of voting where ballot papers and ballot boxes are used, the ballot boxes are sealed and secured by fixing a green paper seal specially got printed by the Commission. Once the green paper seal is fixed in a ballot box and the lid of the box is closed, the box cannot be opened and the ballot papers contained therein cannot be tampered with or taken out for counting unless the green paper seal is torn. Similar safeguard has been provided in the EVM so that once the poll commences, nobody should be able to tamper with the EVM. To achieve and ensure this, provision has been made for fixing the same green paper seal, which is used for securing a ballot box, in the Control Unit of the EVM.
- 15.27.2. There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the result section of the control unit. Before the green paper seal is fixed in the frame provided for the purpose on the inner side of the door of the inner compartment of the result section of the control unit, the Presiding Officer will affix his/her signature in full immediately below the serial number of the paper seal on the white surface of the paper seal. It shall also be got signed by such of the candidates

or their polling agents as are present and are desirous of affixing their signatures. The Presiding Officer will verify that the signatures of the polling agents on the paper seal tally with their signatures on their letters of appointment.

15.27.3. The seal will be so fixed that it is seen through the aperture from outside and serial number of the green paper seal is visible from outside.

15.27.4. After fixing the paper seal, the door of the inner compartment will be closed by pressing it fit. It will be closed in such a manner that the two open ends of the paper seal project outwards from the sides of the inner compartment. Before the green paper seal is fixed in the frame provided for the purpose, the Presiding Officer will affix his/her signature in full immediately below the serial number of the paper seal on the white surface of the paper seal. It shall also be got signed by such of the candidates or their polling agents as are present and are desirous of affixing their signatures. The candidates or their polling agents are allowed to note down the serial number of paper seals so supplied for use and actually used.

15.28. SPECIAL TAG

15.28.1. After the green paper seal has been fixed and secured and signed by the Presiding Officer and Polling agents, the door of the inner compartment over the "Clear" button and "Result" buttons will be pressed fit and closed by the Presiding Officer in such a manner that the two open ends of the paper seal continue projecting outwards from the sides of the inner door. Then this inner door will be sealed with a 'Special Tag'. For this, the Presiding Officer will pass the high-quality twine thread specially supplied for this purpose by the Returning Officer through the two holes provided in the inner door and through the hole provided in the special tag and tie the thread into a knot and seal the thread on the special tag with sealing wax. Thereafter without breaking the seal, he will adjust the Special Tag in the compartment of "CLOSE" button ensuring that the "CLOSE" button protrudes through the hole cut in the middle of the special Tag.

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

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

- 15.28.4. The special tag is used to seal the inner compartment over the 'Clear' and 'Result' buttons after the process of signing the green paper seal by Presiding Officer and contesting candidates/polling agents and fixing and securing it in the frame(s) provided for fixing the paper seal on the inner side of the door of the inner compartment of the result section of the control unit is over. The door of the inner compartment over the "Clear" button and "Result" buttons should be pressed fit and closed in such a manner that the two open ends of the paper seal continue projecting outwards from the sides of the inner door. Then this inner door should be sealed with the special tag. For this, Presiding Officer should pass the high-quality twine thread (specially supplied for this purpose by the Returning Officer) through the two holes provided in the inner door and through the hole provided in the special tag.
- 15.28.5. It should be ensured by Presiding Officer that spoiled or torn special tag is not used in any case. If, by any chance, the special tag is spoiled or torn, he should use another one. For this purpose, like "Green Paper Seals", the Returning Officer supplies to Presiding Officer with 3 or 4 'Special Tags'.
- 15.28.6. After doing all this, tie the thread into a knot and seal the thread on the 'Special Tag' with sealing wax. Thereafter without breaking the seal, he will adjust the Special Tag in the compartment of 'Close' button ensuring that the 'Close' protrudes through the hole cut in the middle of the Special Tag for the purpose.
- 15.28.7. After the inner compartment of result section of the Control Unit has been closed and sealed, the outer cover of the result section should be pressed fit for closing that Section. Before pressing that outer cover, it should be ensured that the two open ends of the paper seal project outwards from the either sides of the outer cover.
- 15.28.8. After the outer cover of result section has been closed, that cover should be sealed by (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover, (ii) tying thread into a knot (iii) attaching a label (address tag) similar to the one which is attached to the 'Candidate Set Section' at the Returning Officer's level and sealing the thread on the address tag with wax and the seal of the Presiding Officer. The candidates or their polling agents shall also be permitted to affix their seals, if they so desire, on the outer cover.
- 15.28.9. The Returning Officer will provide sufficient number of blank common address tags as part of polling materials. Particulars in the address tag should be carefully filled by presiding officer. The serial number of each Control Unit is inscribed on its bottom portion.

15.28.10. The candidates or their polling agents present should also be permitted to affix their seals, if they so desire, on the outer covers address tag along with Presiding Officer's seal.

15.28.11. By so closing and sealing the inner compartment and the outer cover, the whole result section gets sealed and secured and the votes which will be recorded by the Control Unit cannot be deleted or result cannot be tampered with.

15.29. STRIP SEAL

15.29.1. To further improve the sealing arrangements for EVMs, the Election Commission of India has introduced an additional outer seal for sealing the "Result Section" of the Control Unit completely with an Outer Paper Strip Seal (hereafter referred to as "Strip Seal") so that this portion of the Control Unit cannot be opened once the polling has started and till the counting is taken up. This will ensure that from the time the first vote is cast in the machine at the polling station and till it is brought to the counting table, no person could have opened the result section without damaging the strip seal.

15.29.2. Accordingly, at every polling station where the election is held with the use of EVM and VVPAT, the Control Unit shall be secured and sealed with the strip seal as detailed below, from outside completely with the strip seal so that this section cannot be opened without damaging the strip seal. The strip seal shall be positioned on the outer door of "Result Section" just below the rubber cap covering the "CLOSE" button in such a way that the rubber cap covering the "CLOSE" button is not covered by the strip seal.

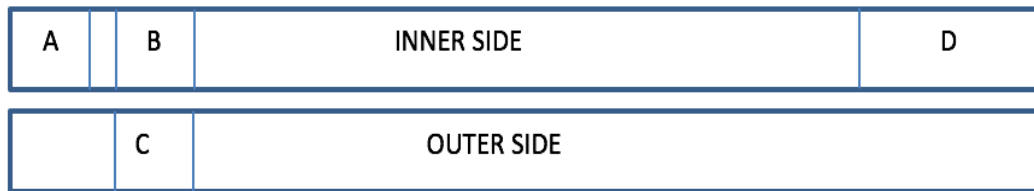
15.29.3. Strip seal – physical features:

The following are the major physical features of the strip seal;

1. Strip seal is a paper seal with a measurement of 23.5" (twenty-three points five inches) in length and 1" (one inch) in width. The length of the strip seal is such that it can easily be wrapped round the breadth of the Control Unit to provide an extra outer seal of the Control Unit before the commencement of the poll and after the other standard seals have been affixed in the Control Unit.
2. Each strip seal has a 'Unique Identity Number'.
3. These strip seals will be supplied by a firm duly approved by the Commission, and the Chief Electoral Officers will centrally procure them for each State.
4. At both the ends of the strip seal, there are FOUR (4) pre-gummed portions. Of these three are about one square inch area (identified by letters 'A', 'B' & 'C') and one is of

about two square inch area (identified by letter 'D'). Each gummed portion is covered by a strip of wax paper.

5. The strip seal has an inner side and an outer side. On the inner side of the strip, at one end there are two adjacent pre-gummed portions marked by letters 'A' & 'B'. At the other end of the inner side of the strip, there is about 2" (two inches) pre-gummed portion marked 'D'. On the outer side of the strip, there is only one pre-gummed portion marked 'C'. A drawing of the strip seal showing the outer side and inner side is given below:



The A, B, C and D are the gummed portions on inner side and outer side of the seal.

15.29.4. For the sake of easy understanding, the complete sequential order of the steps to be taken by the Presiding Officer at the polling station until and including fixing the strip seal is given below:

- i. Before the commencement of the actual poll, the Presiding Officer conducts mock poll.
- ii. After conducting mock poll and showing the result, the Presiding Officer shall clear the Control Unit of the data relating to mock poll by operating "Clear" button.
- iii. After clearing, he shall insert the green paper seal to cover the windows of the inner door of the result section. While inserting the green paper seals, 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 seals, the inner door above the result button will be closed.
- v. Then the inner door of the result section will be sealed off with the special tag.
- vi. After fixing the special tag, the Presiding Officer will close the outer door of the result section ensuring that the loose ends of the green paper seal(s) protrude out from both the sides of the closed outer door.
- vii. Then the Presiding Officer shall seal the outer door with thread and address tag.
- viii. Next, he shall proceed to fix the strip seal around the Control Unit to seal the result section from outside completely so that this section cannot be opened without damaging the strip seal after the poll commences.

- ix. Before the strip seal is fixed to seal the result section from outside, Presiding Officer should affix his signature in full immediately below the serial number of the paper seal. It shall be got signed by such of the contesting candidates or their polling agents as are present and are desirous of affixing their signatures. He should verify that the signatures of the polling agents on the Strip Seal tally with their signatures on their letters of appointment.
- x. The strip seal shall be positioned just below the “CLOSE” button.

15.30. METHOD OF SEALING CONTROL UNIT WITH STRIP SEAL

15.30.1. Following are the steps to seal EVM with Strip Seal:

- Step-1: The Presiding Officer will first double fold the inner end of the green paper seal in the middle ensuring that the green portion of the seal remain outside
- Step-2: He will then 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. After removing the wax paper over ‘A’ and he will press the inner fold of the green paper seal over this gummed portion and paste.
- Step-3: Thereafter he will remove the wax paper over the pre-gummed portion ‘B’ and press this gummed portion over the outer fold of the green paper seal.
- Step-4: After pasting ‘B’ over the Green Paper Seal the pre-gummed portion ‘C’ will come to the top position. The Presiding Officer will remove the wax paper over ‘C’, and press the green paper seal protruding from the top portion of outer door so that the green paper seal is firmly pasted over ‘C’.
- Step-5: He will 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. He will then 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: After removing the wax paper covering the pre-gummed portion ‘D’ he will press it firmly over the green paper seal protruding from the top portion of the door. The pre-gummed portion ‘D’ spills over the strip seal below the “CLOSE” button. The Presiding Officer will press this spilled over portion of ‘D’ firmly over the strip seal. By the above process, both the loose ends of the green paper seal protruding from both the sides of the outer door get firmly pasted and held by the strip seal. At the same time the outer door over the Result Section is also sealed with this strip seal from all sides and this section cannot be opened without damaging this seal.

After fixing the Strip Seal

15.30.2. After sealing the Control Unit with the strip seal, the Presiding Officer shall take care that the seal is not damaged or tampered with during the poll and this seal shall NOT be removed during or after the poll in the polling station. At the end of the poll at prescribed hour, the Presiding Officer shall remove the cap over "CLOSE" button without disturbing the strip seal and press the "Close" button to close the poll and replace the cap. After completing the 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 at the counting centre. On the day of the counting, the Control Unit with the strip seal intact shall be allowed to be examined by the candidates/counting agents present at the counting table. Only thereafter, the seal shall be removed taking care that the green paper seals are not damaged. After examining the green paper seals protruding outside, the thread seal on the outer door of the Control Unit shall be opened.

Important precautions

- 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, it will be ensured 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.
- The strip seal shall be fixed taut and shall not be loose.
- Damaged strips shall not be used in any circumstances.
- Each polling station will be supplied with four (4) strip seals like green paper seals.
- Presiding Officers shall account for each strip seal supplied to the polling station for the conduct of poll.
- 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.
- The Chief Electoral Officer and the District Election Officers shall keep a record of the serial numbers of the strip seals supplied to each Returning Officer. Similarly, each Returning Officer shall keep a record of the strip seals supplied to each polling station.
- The Commission issues samples of strip seals to the State for the purpose of demonstration as well as training. These sample 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.

15.31. ACCOUNT OF PAPER SEAL

15.31.1. The Presiding Officer should keep a correct account of the green paper seals supplied to him for use at the polling station and the paper seals actually used by him for sealing and securing the Control Unit. Such account shall be maintained by him in the form specifically prescribed for the purpose vide Item 9 of Part I of Form 17C appended to the Conduct of Elections Rules, 1961.

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

15.32. EVM AND VVPAT READY FOR ACTUAL POLL

15.32.1. The EVM and VVPAT are now ready in all respects for actual poll.

15.33. MAINTENANCE OF SECRECY OF VOTING

15.33.1. Section 128 of the Representation of the People Act, 1951 requires every polling agent to maintain and to aid in maintaining the secrecy of voting; no polling agent should communicate any information calculated to violate such secrecy to any person. Any person contravening the above provisions of law is punishable with imprisonment for a term, which may extend to 3 months or with fine or with both.

15.33.2. Before commencing the poll, the Presiding Officer will bring to the notice of all present the provisions of aforesaid Section 128 of the R.P. Act, 1951 regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

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

15.34.1. After the Presiding Officer has gone through the preliminaries, as stated above he will make a declaration in the prescribed form (Appendix - 26) Part I, to the effect that he has completed those preliminaries. He will read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and will also obtain thereon the signatures of such of the polling agents as are present and willing to affix the same. The polling agents should sign that declaration as it would satisfy all that the poll had commenced in free and fair manner. If any polling agent

refuses to sign that declaration, the Presiding Officer will make a note of his name in the paragraph provided for that purpose in the form of said declaration.

15.35. COMMENCEMENT OF THE POLL

15.35.1. The poll will be commenced at the stroke of the hour fixed for the purpose. By that time the preliminaries would have been completed by the Presiding Officer. If for any unforeseen reasons the preliminaries are not over, the Presiding Officer may admit about three or four voters at the hour fixed for the commencement of the poll and let the Polling Officers deal with them so as to enable them to go through the process of voting.

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

15.36. ENTRY OF VOTERS IN POLLING STATION

15.36.1. Normally, there will be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time or as the Presiding Officer may direct. Other voters waiting to come in will be made to stand in a queue outside. Formation of more than one queue for men voters or for women voters should not be allowed. The polling agents should not object to this. In view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for every male voter. Presiding Officer should ensure that Senior citizens and physically challenged electors are given priority for entering the polling station, without having to wait in the queue with the other electors. All necessary assistance as may be required should be provided to them at the polling station. For this purpose, if necessary, arrangements should be made for such persons to form a separate queue. Presiding Officer should ensure that full facility is provided for such electors to take their wheelchair inside the polling station. Men and women voters should be admitted into the polling station in alternate batches.

15.37. FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS

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

15.38. METHOD OF RECORDING OF VOTES IN EVM

15.38.1. Polling Agent should be completely familiar with the method of recording of votes on the EVM so that they may not be raised unnecessary objections about the procedure followed at the polling station.

15.38.2. After the procedural requirements relating to identification of an elector, application of indelible ink on his left forefinger and obtaining his signature/thumb impression on the of (as explained in detail in the succeeding paragraphs) have been completed and the elector allowed to record his vote in the voting machine, the Presiding Officer/Polling Officer in-charge of the Control Unit of the voting machine shall press the 'Ballot' button on the Control Unit. This would make the Balloting Unit(s) ready for recording the vote of the elector. When the 'Ballot' button is pressed, the lamp marked 'Busy' on the Control Unit will glow red. Simultaneously, the lamp marked 'Ready' on each Balloting Unit kept in the voting compartment will start glowing green. For recording his vote, the elector will press the blue button (called the candidate's button) provided against the name, photograph and symbol of the candidate of his choice on the Balloting Unit. (For each candidate, a separate blue button is provided against his name, photograph and symbol). When the elector presses the candidate's blue button, the 'Ready' lamp will go off and the candidate's lamp provided near his blue button on the balloting unit will start glowing red. The VVPAT will print a small slip of paper that carry the symbol, name and serial number of the candidate voted which will be visible for seven seconds in the VVPAT window. Also, a 'beep' sound will be heard by all present, emanating from the Control Unit. After a few seconds, the red light in the candidate's lamp on the balloting unit, the red light of the 'Busy' lamp on the Control Unit and the beep sound will go off. These visual and audio signs will be the indication that the vote for the candidate whose button was pressed by the voter has been recorded in the Control Unit. The balloting unit will then get automatically locked

and the next vote can be recorded only when the 'Ballot' button on the Control Unit is pressed again for allowing the next voter to record his vote.

- 15.38.3. If any voter is not properly aware of the method of voting through EVM, the Presiding Officer will demonstrate using the cardboard model of EVM kept in the polling station. Polling agent should not go inside the voting compartment to assist voters.

15.39. VOTING PROCEDURE AT THE POLLING STATION

The voting procedures are briefly as follows: -

1. When an elector enters a polling station, he will proceed direct to the first polling officer who will be in-charge of the identification of electors and of the marked copy of the electoral roll. After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left forefinger will be marked with indelible ink by the second polling officer. This will be done by the second polling officer before making entries in the register of voters (Form 17A) to ensure that the indelible ink mark dries up before the voter leaves the polling station, as he will also be in-charge of the 'Register of Voters' (Form 17A). That polling officer will note down in column (2) of that register his serial number as per the electoral roll. In column (3) of Form 17A (Register of Voters) the last four digits of the Identification document should be mentioned by him. In the case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the instructions to note down the last four digits of the document shall continue to apply. The type of the document produced should also be mentioned therein. He will obtain the signature or thumb impression of the elector in column (4) of the said register against the entry relating to him. Last four digits of the EPIC/Identity documents produced by the elector should be entered in the 'Remarks' column (Column 5) of the Register of Voters (Form 17-A) The second polling officer will also then prepare a voter's slip for the elector.
2. The elector will then go with this voter's slip to the Presiding Officer or the third Polling Officer whoever is in-charge of the Control Unit of the voting machine. The Presiding Officer/Third Polling Officer, as the case may be, will inspect the elector's left forefinger for the indelible ink mark thereon and allow him to record his vote in the voting machine on the basis of the aforesaid voter's slip. The procedure for recording the vote by means of the voting machine has been explained in the preceding paragraphs.

3. The electors will be allowed to record their votes in the voting machine in the in exactly the same sequence in which they have been registered in the register of voters. If it has not been possible to follow such exact serial order in respect of any elector, due to any exceptional circumstance or unforeseen or unavoidable reason, a suitable entry showing the exact serial number at which he has voted should be recorded in the remarks column of the register of voters against the person concerned. Similar entries should also be made in respect of the subsequent voters whose serial order has been disturbed thereby.
4. The checking of the left forefinger of the voter before he leaves the polling station in order to ensure that there is a clear indelible ink mark may be entrusted by the Presiding Officer to some other member of his party. If he finds that such mark is not clearly visible or the indelible ink has been wiped off, he shall again mark the voter's left forefinger with indelible ink.

15.40. CHALLENGE TO THE IDENTITY OF A VOTER

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

15.41. LIST OF DEAD, ABSENT AND ALLEGEDLY SUSPICIOUS VOTERS

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

15.42. FORMAL CHALLENGE TO VOTER'S IDENTITY

- 15.42.1. If the Presiding Officer disregards the list, Polling agent may formally challenge the identity of the person provided he/she is satisfied that the person concerned is impersonating a voter.
- 15.42.2. Even if the name of a voter is not mentioned in the above list of dead, absent and allegedly suspicious voters, but Polling agent has personal knowledge that the person claiming to be the voter is not the real voter, he/she may formally challenge that person's identity.
- 15.42.3. Every person whose name is entered in the electoral roll is entitled to vote at the election and a person claiming to be a voter and giving the name and other details correctly and producing EPIC or one of the alternative documents approved by the Commission for this particular election is normally presumed to be that voter. Therefore, Polling agents are advised to challenge the identity of a voter only when they are sure about their identity of the person challenged.

15.43. CHALLENGE FEE

- 15.43.1. The Presiding Officer will not entertain any challenge by a polling agent, until the challenger pays him Rupees 2 in cash. After the amount has been paid, the Presiding Officer will furnish a receipt there for to the challenger in the form prescribed by the Election Commission.

15.44. SUMMARY INQUIRY INTO A CHALLENGE

- 15.44.1. When the identity of an elector is formally challenged by a polling agent, the Presiding Officer will warn the person challenged, about the penalty for impersonation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of challenged votes (**Appendix 27**) and ask him to sign or affix his thumb impression thereon. If the person challenged refuses to do so, the Presiding Officer will not allow him to vote.
- 15.44.2. After the Presiding Officer has completed the entries in the list of challenged votes and obtained the signature or thumb impression of the person challenged in the relevant column in the said list, he will ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, the Presiding Officer will disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a prima facie case that the person challenged is not the voter in

question, the Presiding Officer will call upon the latter to produce evidence to rebut the challenge, i.e., to prove that he is the voter he claims to be. In the course of the inquiry, the Presiding Officer is free to ascertain the true facts by putting any questions necessary for the purpose of establishing the identity of any person and require him to answer him on oath. He may also take evidence of any person whom he thinks to be helpful in his inquiry, like, the village officer, the neighbours of the voter in question or any other person present. While taking such evidence, he may administer oath to the person challenged or any other person offering to give evidence.

15.44.3. After the completion of the inquiry, if the Presiding Officer considers that the challenge has not been established, he should allow the person challenged to vote. Where, however, he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting. In that case, the Presiding Officer has also been instructed to hand over the person concerned to the police man on duty, together with a complaint addressed to the SHO of Police Station, in the jurisdiction of which the polling station falls, for prosecution of the person concerned.

15.45. RETURN OF FORFEITURE OF CHALLENGE FEE

15.45.1. After the inquiry is over, if the challenge is established, the Presiding Officer will return the challenge fee of Rupees 2 to the challenger after taking his receipt in the appropriate column (column 10) in the list of challenged votes, referred in above (Appendix 27), and on the counterfoil of the relevant receipt in the receipt book.

15.45.2. Where, however, the Presiding Officer is of the opinion that the challenge was frivolous or was not made in good faith, he will forfeit the challenge fee to Government and will not return it to the challenger.

15.46. CLERICAL AND PRINTING ERRORS TO BE OVERLOOKED

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

15.47. ELIGIBILITY OF VOTER NOT TO BE QUESTIONED

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

15.48. PRECAUTIONS AGAINST VOTING BY UNDER AGE VOTERS

15.48.1. As stated above, the eligibility of a person whose name is included in the electoral roll to be a voter cannot be questioned or enquired into by the Presiding Officer at the polling station. However, if the Presiding Officer is prima facie satisfied about the identity of a voter and also about the fact of inclusion of his name in the electoral roll, but considers such person to be below the minimum voting age, the Presiding Officer has been instructed by the Commission to obtain a declaration in the prescribed form from the person concerned about his age. Before obtaining the declaration from such elector, the Presiding Officer will inform him of the penal provisions in section 31 of the Representation of the People Act, 1950 for making a false declaration relating to the inclusion of his name in the electoral roll.

15.48.2. Polling Agent may bring to the notice of the Presiding Officer such cases of voters whose names are included in the electoral roll, but who seem to be much below the voting age, so that the Presiding Officer may take action in respect of such voters as mentioned above.

15.49. VOTING THROUGH PROXY: CLASSIFIED SERVICE VOTERS

15.49.1. As an alternative to the postal ballot, service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act, 1950 applies, have been provided the facility to opt to vote either through proxy or through postal ballot papers. Such service voters, who opt to vote through proxy, have been categorized as "Classified Service Voters" (CSVs). The CSVs are required to appoint a person who is a resident of the area covered by the constituency concerned, as his proxy. The proxy should be of at least 18 years of age and shall not be disqualified for registration as an elector. The appointment will be made in Form 13F. An appointment once made will be valid for all future elections so long as the person making the appointment continues to be a service voter or till the appointment is revoked or the proxy dies. The CSV has the option to revoke the appointment and appoint a new proxy

on the death of the earlier proxy or for other reasons. Such revocation of appointment is to be done in the newly inserted Form 13G.

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

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

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

15.50. VOTING BY BLIND AND INFIRM VOTERS

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

15.50.2. Infirm voters who are capable of voting by themselves by pressing the button of the candidate of his choice on the balloting unit of EVM shall be permitted authorized

companion only up to Voting compartment in the polling station, not inside the voting compartment. This will apply in cases where the nature of physical infirmity is such that the elector needs assistance only for his movement and not for voting. The presiding Officer has to take decision in such cases.

15.50.3. Further, none of the polling staff can act as a companion to record vote on his behalf.

15.50.4. A candidate, his election agent or polling agent (provided he is not less than 18 years of age) can also act as such companion to a blind or infirm voter. But he can act as such companion of only one elector on that day. The person acting as such companion is required to make a declaration in the prescribed form to the effect that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as a companion of any other elector at any polling station on that day.

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

15.50.6. Before an elector is permitted to take with him a companion inside the Voting Compartment, the right index finger of the companion should be checked to ensure that it is not already marked with indelible ink. If it is found to be already marked, such person cannot be permitted to be companion for the purpose of rule 49N.

15.50.7. Before any person is permitted to act as a companion of an elector, he shall be required to declare that he will keep the vote recorded by him on behalf of the elector a closely guarded secret and that he has not already acted as a companion of any other elector at any other polling station from that day. The declaration will be obtained by the Presiding Officer from the companion in the prescribed format.

15.50.8. Sub-rule (2) of Rule 49N provides that the Presiding Officer shall keep a record of cases where electors record vote with the assistance of the companion in Form 14A. This should cover all cases where the companion is permitted to go into the voting compartment with the elector to assist him in recording the vote. Cases where a companion only comes to assist the elector in his movement and does not go into the voting compartment shall not be included in Form 14A.

15.51. TENDERED VOTES

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

15.52. ELECTORS DECIDING NOT TO VOTE

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

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

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

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

15.53. VIOLATION OF SECRECY OF VOTING

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

15.54. PROCEDURE IN CASE OF COMPLAINT ABOUT PARTICULARS PRINTED ON PAPER TRAIL

- 15.54.1. If an elector after having recorded his vote alleges that the paper slip generated by the VVPAT has shown the name or symbol of a candidate other than the one he voted for, the Presiding Officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration. If the elector gives the written declaration, the Presiding Officer shall make a second entry related to that elector in Form 17A and permit the elector to record a test vote in the EVM in his presence and in the presence of the candidates or polling agents who may be present in the polling station and observe the paper slip generated by the VVPAT. If the allegation is found to be true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that EVM and act as per the direction that may be given by the Returning Officer. If, however, the

allegation is found to be false and the paper slip so generated matches with the test vote recorded by the elector, then, the Presiding Officer shall-

- a. make a remark to the effect against the second entry, relating to that elector in Form 17 A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- b. obtain the signature or thumb impression of that elector against such remarks;
- c. make necessary entries regarding such test vote in item 5 in Part I of Form 17C.

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

15.55.1. Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the Balloting Unit(s) and VVPAT kept in the screened voting compartment is/are not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with the Balloting Unit(s)/VVPAT or has remained inside the voting compartment for an 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 Balloting Unit(s) and VVPAT are not tampered or interfered with in any way and that the poll progresses smoothly and in an orderly manner.

15.55.2. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/names/ballot button, the Presiding Officer may from time to time make an inspection of Balloting Unit(s) and VVPAT, but he should not make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

15.56. VOTING BY PERSONS PRESENT AT CLOSING HOUR

15.56.1. The Presiding Officer will close the polling station at the hour fixed for the purpose and will not thereafter admit any elector into the polling station. But all electors present at the polling station before it is closed will be allowed to cast their votes, even if for that purpose the polling is to be continued beyond the specified closing hour. For the above purpose, the Presiding Officer will distribute to all voters, who are standing in the queue and waiting to vote at the specified closing hour, slips signed by him in full and serially numbered from 1 onwards. He will not thereafter allow any person to join the queue and for ensuring this he shall start distribution of the above slips to such voters from the tail end of the queue and proceeding backward towards its head.

15.57. CLOSE OF POLL

- 15.57.1. The Presiding Officer shall close the poll after the last voter has recorded his vote, so that no further recording of votes in the machine is possible. For this purpose, the Presiding Officer shall press the 'CLOSE' button on the Control Unit and set the power switch of Control Unit to 'OFF' position and disconnect the Balloting Unit(s) and VVPAT from the Control Unit. When the close button is pressed, display panels on the Control Unit will show "Poll Closed". The voting machine will not accept any further votes now.
- 15.57.2. The total number of votes recorded in the EVM shall be immediately noted by the Presiding Officer in the Account of Votes Recorded in Form 17C.

15.58. FURNISHING OF COPY OF ACCOUNT OF VOTES RECORDED (FORM 17C) BY THE PRESIDING OFFICER

- 15.58.1. Rule 49S of the Conduct of Elections Rules, 1961 provides that the Presiding Officer should, at the close of the poll, prepares an account of votes recorded in the voting machine in the prescribed Form 17C. He is also required by the above rule to furnish to every polling agent present at the close of the poll, an attested copy of the account after obtaining a receipt therefor from the Polling Agent. Polling agent should, therefore, ensure that he/she receive a copy of the said account from the Presiding Officer as such account will be greatly needed by their candidates at the time of the counting of votes. Every polling agent who receives a copy of the said account from the Presiding Officer should sign on the form of declaration (Appendix 26 Part III) prescribed by the Commission, which the Presiding Officer has to make at the close of the poll. If any polling agent refuses to accept a copy of the above account, the Presiding Officer will note down the name of such polling agent in the above-mentioned declaration.

15.59. SEALING OF EVM AND VVPAT AFTER THE CLOSE OF POLL

- 15.59.1. After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, the voting machine shall be sealed and secured by the Presiding Officer for transportation to the counting/collection centre.
- 15.59.2. For sealing and securing the voting machine, the Balloting Unit(s), the Control Unit and VVPAT will be disconnected after the power switch in the Control Unit switched off. The Balloting Unit(s), the Control Unit and VVPAT will be put back in their

respective carrying cases. The carrying cases will then be sealed on both sides with the Presiding Officer's seal on common address tag showing the particulars of the election and the polling station.

15.59.3. The candidates or their polling agents who are present and desirous of putting their seals on the carrying cases shall be allowed to do so.

15.59.4. The names of the candidates/polling agents who have affixed their seals on the carrying cases of Balloting Unit(s), Control Unit and VVPAT will be noted by the Presiding Officer in the declaration which he makes at the close of the poll vide Part IV of Appendix-26.

15.60. SEALING OF ELECTION PAPERS – AFFIXATION OF SEALS THEREON BY POLLING AGENTS

15.60.1. After the close of the poll, the Presiding Officer will also seal all the election papers in separate packets in accordance with the rules and instructions of the Election Commission. The polling agents present at polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packets containing the following documents: -

- i. The marked copy of the electoral roll;
- ii. Register of Voters;
- iii. Voters slips;
- iv. The tendered ballot papers and the list of tendered votes in Form 17B:
- v. The unused tendered ballot papers;
- vi. The list of challenged votes;
- vii. The unused and damaged paper seals, if any;
- viii. Appointment letters of polling agents; and
- ix. Any other papers that the Returning Officer has directed to be kept in a sealed packet.

15.60.2. Polling agent is advised, in the interest of his/her candidate to affix seals on the above packets of election papers.

15.61. TRANSMISSION OF EVM, VVPAT AND ELECTION PAPERS TO THE COLLECTION/STORAGE CENTRE

15.61.1. After the EVM, VVPAT and all election papers have been sealed and secured by the Presiding Officer, he will deliver them or cause them to be delivered at the collection/storage centre.

15.62. ACCOMPANYING VEHICLES CARRYING VOTING MACHINES

15.62.1. Polling agents are permitted to accompany the vehicle in which the EVM and VVPAT and election papers are carried to the collection/storage centre. But He/she will have to make his/her own transport arrangements and will not be permitted to travel in the vehicle carrying the voting machine and election papers.

15.63. ARRANGEMENT AT RECEPTION CENTRE FOR COLLECTION OF EVM, VVPAT AND OTHER MATERIALS

CUSTODY OF EVM AND VVPAT

15.63.1. After the completion of poll in a constituency, EVM and VVPAT will be taken to the place of storage and kept in safe custody under proper guard till they are taken to the counting place. The candidate will be informed in advance by the Returning Officer about the programme and route of the collection parties that will be sent by him for the collection of the polled EVM and VVPAT from the polling stations and for bringing them to place of storage. If the candidate wants, he/she may ask his/her agents to accompany those collection parties. The candidate will, however, have to make his/her own arrangement for their transport as they would not be allowed to travel in the official vehicle. If the candidate likes, he/she may also post an agent to keep watch at the place where EVM and VVPAT are kept, and the agent will be allowed to affix his seal on the doors and windows of the building in which the machines are stored in addition to the seal that may be affixed by the Returning Officer. In case the candidate himself/herself or his/her election agent himself is not putting up such seals, the candidate should give full particulars of the agent who would put such seals, to enable the verification of his identity. After EVMs and VVPATs have been received and stored and the room has been locked, no one will be allowed to go in until the morning of the day fixed for counting. If during the interval, the room is to be opened for some reason, the Returning Officer will inform the candidates and open the room in their presence and immediately after the purpose for which the room is opened has been served, the candidate or their representatives will again be allowed to seal the doors and windows. A log book will also be maintained in order that a full record is available of persons entering the room, the purpose of the visit, time of entry, time of exit etc.

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

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

15.64. ADJOURNED POLL

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

15.64.2. Where the poll has been adjourned at a polling station the adjourned poll will recommence from the stage at which it was left immediately before the adjournment. i.e., only those electors, who had not already voted before the poll was adjourned, will be permitted to vote at the adjourned poll. The Presiding Officer of the polling station, at which such adjourned poll is taken, will be provided with the sealed packets containing (i) the marked copy of the electoral roll, and (ii) Register of Voters received earlier from the presiding officer of the polling station concerned at which the poll was adjourned, and also a new voting machine.

15.64.3. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and Register of Voters will be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present

at the polling station and this very marked copy for the electoral roll and Register of voters will be used for adjourned poll.

15.64.4. 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.

15.65. FRESH POLL

15.65.1. If any voting machine used at a polling station–

- i. has been unlawfully taken away by unauthorised person; or
- ii. has been accidentally or intentionally destroyed or lost or damaged or tampered with and the Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason; or
- iii. any error or irregularity in procedure is likely to vitiate the poll is committed at a polling station;

The Returning Officer will report the facts of the Election Commission and the Chief Electoral Officer of the State.

15.65.2. After considering all the material circumstances the commission will, if necessary

- i. declare the poll at that polling station to be void; and
- ii. formally fix the date and hours for fresh poll and notify it.

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

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

15.65.5. There is no legal bar against the counting of votes in respect of the rest of the constituency. The Returning Officer will not, however declare the result of the election until the fresh poll has been completed and the vote recorded in such fresh poll counted and incorporated in the result sheet.

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

15.66.1. Under section 58A, if booth capturing (as defined in section 135A) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to

the Election Commission. On receipt of that report from the Returning Officer, the Election Commission shall, after taking all material circumstances into account, either (i) declare the poll at that polling station to be void and direct; fresh poll to be taken on a date to be appointed by it, or

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

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

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

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

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

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

15.67.3. The procedure for receipt, scrutiny, verification and storage of forms 17A and 17C etc. is given below-

RECEIPT AND STORAGE

1. The existing instructions stipulate that attested copies of Form 17 C (Accounts of Votes Recorded) will be handed over by the Presiding Officer to each of the polling agents

present at the time of close of poll, even without their asking for it, and two copies of Form 17C will be sent to the Returning Officer. Of the two copies of Form 17C received from each polling station, one copy is to be kept along with the EVM and VVPAT and other copy is to be kept separately along with other election papers.

2. At the collection centre, a separate counter shall be opened to receive the materials of those polling stations with polling percentage more than the percentage prescribed by the Commission for a particular election, after the end of poll. The Presiding Officers of polling stations where polling percentage has been more than the said percentage shall be instructed to approach this counter for handing over the EVMs, VVPATs and other materials.
3. The EVMs and VVPATs of all polling stations, irrespective of polling percentage, along with one copy of Form 17C (Account of Votes), shall be kept in the strong room as is the existing practice.
4. As per the existing practice, the other election papers received from the polling stations are to be kept in a separate strong room (other than the strong room in which the EVMs and VVPATs are kept). For the sake of convenience in taking out the Forms 17A and the other documents for scrutiny in respect of polling stations where polling has been more than the prescribed percentage, it will be ideal if a separate room can be identified for storing the election papers of such polling stations. If a separate suitable room is not available, these documents may be kept in the same room in which election papers in respect of other polling stations are kept. In such cases election papers relating to polling stations where polling percentage has been more than the percentage prescribed by the Commission after the end of poll may be kept in a clearly demarcated place so that there is no confusion at the time of taking out the documents in respect of these polling stations for scrutiny.

SCRUTINY

5. Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up at 9 A.M. on the day following the day of poll. However, if by that time, a substantial number of polling parties, say 10% are yet to return, the scrutiny may be deferred till such time polling parties return. The scrutiny shall be done by the Returning Officer and the Observer at a place/room identified in advance, preferably near the strong room itself. Adequate security

arrangement shall be made for such place. **All contesting candidates shall be given advance notice, in writing (under proper acknowledgement)**, about the scrutiny of Forms 17A, 17C and other documents and material indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate may be present **only to watch the proceedings** of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by any one at the time of scrutiny. However, the discussion between the Observer and Returning Officer and their observation on the scrutiny of the record shall be kept confidential. The candidate, his election agent or authorized representative of the candidate shall not be allowed to keep cellular phones during this activity.

6. During the process of scrutiny, the candidates / their election agents or their authorized representatives may watch the proceedings from **a safe distance so that they can get a clear view of the proceedings** but, are not able to handle the election papers / material or interfere with the proceedings. There shall be proper barricading to ensure this, and the candidates or their representatives shall not be allowed to cross the barricade under any circumstance.
7. Proper log-books shall be maintained for recording the time and purpose of opening and closing the storage room where election records are kept. The room shall be opened in the presence of Observer(s) and the candidates /their election agents/representatives at the time fixed for the purpose. But, if any candidate/election agent/representative chooses not to attend these proceedings, despite written notice having been served, the proceedings shall be conducted at the appointed hour and not delayed/adjourned merely because of his absence. If they report late when proceedings are going on, they may be allowed in to watch the proceedings onward only.
8. After taking out copies of Forms 17C and the packets containing Forms 17A and marked copies of electoral roll in respect of such polling stations (where polling has been more than the percentage as prescribed by the Commission after the end of poll) for scrutiny, the strong room shall be duly closed and sealed after making entry in the log-book and obtaining the signatures of all candidates or their representatives as may be present.

POST - SCRUTINY PROCEDURE

9. After scrutiny, the Forms 17A, 17C and marked copies of electoral roll for each polling station, other documents and material shall be re-sealed with the seal of the Returning Officer. The candidates or their election agents/representatives present, may also be allowed to affix their seal or signature thereon, if they so desire. These sealed envelopes shall then be kept back in the strong room from which they were taken out. This shall also be done in the presence of the candidates or their election agents/representatives. The room shall then be sealed with the seal of the Returning Officer. The candidates or their representatives may also affix their seals/signatures thereon if they so desire.
10. After scrutiny of Forms 17A, 17C and other documents and material, the Returning Officer and Observer shall make necessary recommendations to the Commission for repoll, wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.
11. Normal requirement of scrutinizing the Presiding Officers' diaries, visit sheet, diaries maintained by Patrolling/Sector/Zonal Magistrates, complaint registers maintained at the District Control room, statements of images shall be followed strictly, for all polling stations irrespective of poll percentage, and the facts revealed on the scrutiny of these documents will be taken into account for forming opinion for recommending re-poll.
- 15.67.4. If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll.
- 15.67.5. The fresh poll will be taken in the same manner as is prescribed for the original poll.

16. COUNTING OF VOTES

16.1. INTRODUCTORY

16.1.1. Counting of votes is the last major step towards the culmination of the election process. It is on the correct and proper counting of votes that the true choice of the electorate finds expression and it is on the basis of such ascertainment of their true choice that their chosen representative is declared elected. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.

16.1.2. Under the law, counting of votes is to be done by, or under the supervision and direction of, the Returning Officer of the constituency in the presence of the candidates and their agents. The law authorizes the Assistant Returning Officer also to undertake the counting of votes. The counting of votes may be simultaneously done at places more than one and at tables more than one at the same place. As the candidate or his election agent cannot be expected to be physically present at each of such counting places and tables, the law permits the candidate to appoint his/her counting agents who may be present at each of the said counting places and counting tables and watch his/her interests.

16.2. APPOINTMENT AND RANDOMIZATION OF COUNTING OFFICIALS

16.2.1. The posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Centre on the day of the counting.

16.2.2. The District Election Officers shall issue photo-identity cards to all counting staff. After the Randomization, explained in the following paragraphs is over, the reserve staff would be seated separately in an enclosure within the counting centre campus.

16.2.3. The District Election Officer must keep a pool of well-trained officials (including the reserved pool) available for counting purposes. The counting officials be directed to reach the counting centre at 6 am on the date of counting. As already mentioned in Para 1 above, these officials would not be allotted the Assembly Constituency or the Table number in advance.

16.2.4. 2.4. The Observers and the District Election Officer would assemble at one place for carrying out the randomization at 5 am on the day of the counting. This place may be the NIC centre, Counting Centre or any other office where the process can be conveniently carried out. The list of trained officials would be provided by the District

Election officer to the Observers. There would be two lists, one of Counting Supervisors and another of Counting Assistants and each counting official would be assigned a unique serial or code number which would be so labelled as to indicate clearly the category to which he belongs i.e. whether he is a Counting Supervisor or a Counting Assistant.

16.2.5. The randomization would be carried out either manually or by using a computer. For manual randomization, the senior most Observer present would randomly assign the Constituency and the table number to the counting officials by the draw of lots. This has to be done with the two lists mentioned above separately and independently so that for each of the tables the name of one Counting Supervisor and one Counting Assistant is generated. The District Election Officer would make all prior arrangements to ensure quick and smooth conduct of this randomization process. This would include preparing chits of the unique serial numbers assigned to counting officials and the constituency/table numbers.

16.2.6. Alternatively, the District Election Officer may make arrangements for carrying out the abovementioned randomization with the aid of a computer in consultation with the Observers. However, before using a computer aided method the Observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.

16.2.7. The District Election Officers would ensure that Videography of the process of randomization is carried out for record.

16.2.8. To illustrate it by a practical example, let us assume a district has 10 Ac's, with 14 counting tables each. For this district 154 (including 10% reserve) Counting Supervisors and 154 Counting Assistants would be required. These many officials would have been already trained and given codes while issuing the duty orders. On the date of counting at 5 am, these 154 codes each of Counting Supervisors and Counting Assistants, written on individual slips, would be kept in two separate boxes. The senior most Observer, in the presence of District Election Officer and all other Observers would start the randomization process for a particular assembly constituency by randomly picking up one slip each from the two boxes. The Counting Supervisor and the Counting Assistant so picked up on the first set of draws would be assigned table no 1 in that Constituency. This would continue in a similar way till each of the 14 tables are assigned one Counting Supervisor and one Counting Assistant. The same process would then be repeated for other Assembly Constituencies in a similar manner. The officials who are left at the end of this exercise would be treated as part of the reserved pool.

16.2.9. Once the randomization process is over, the Constituency wise posting lists, duly signed by the District Election Officer and the Observers would be brought to the Counting Centre by the Observers and District Election Officer, in time, to be handed over to the respective Returning Officers and the control room staff by 6 a.m.

16.2.10. The counting officials on reaching the control room at the counting center would be provided the posting details and directed to reach the counting hall of the assigned Constituency at the respective table.

16.2.11. It must be ensured that the whole process of randomization is over by 6:00 am so that the counting officials are able to reach their assigned position conveniently before the scheduled start of the counting process.

16.3. RESERVE POOL

16.3.1. The officials who have not been assigned any Constituency/table would form a reserve pool.

16.3.2. There would be no deployment of officials in shifts as the counting process would normally not take more than 6 to 8 hours. However, the District Election Officers would have the liberty of replacing officials in case such an exigency arises, but this replacement would also be done randomly from the pool of officials in reserve after consulting the Observer of the constituency concerned.

16.4. CROSS CHECKING BY THE OBSERVER AT RANDOM

16.4.1. As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round.

16.4.2. A system is now being introduced through the present instructions by which there would be a random checking by the Observers, in the manner indicated below, of the table wise results provided by the counting officials.

16.4.3. During the course of counting (for a round) the observer shall keep oscillating between counting tables and closely observe the counting process.

16.4.4. At the closure of each round, the Observer would randomly select any two EVM Control Units from amongst the Control Units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through random selection to independently note down from the Control Units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details

provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise result.

16.4.5. The District Election Officer/Returning Officers would ensure that there is a separate and sufficient space earmarked in the same counting hall for this random cross-checking so that the normal counting of vote for subsequent round continues without any hindrance.

16.4.6. The staff to assist the Observer for this cross checking would be randomly selected from the reserved pool. If required, after a few rounds, fresh staff from the reserved pool should replace this staff.

16.4.7. Only after being satisfied that the result displayed by the Control Unit and that shown in the round wise result sheet and Form 17C match would the Observer countersign the result sheet of the round. The Observers would ensure that this exercise is carried out in each round and the selection of the two Control Units is absolutely random.

16.4.8. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer as mentioned above, then:

- The result of that round for each table shall be reverified from the EVMs.
- Such staff as is found to be wrongly noted the counting result would be taken off and replaced by another set of staff. Severe disciplinary action should then follow on the erring staff for their omissions and commissions.
- The result provided by such staff (and table) in the preceding rounds would be checked again in presence of observer and corrected sheets prepared wherever necessary.

16.4.9. The counting officials as well as candidates and their counting agents would be informed about this provision of random cross checking to be carried out by the Observers. It would also be informed that any discrepancy found during this randomized cross checking would be viewed seriously by the Commission and could result in serious disciplinary action and prosecution of the responsible officials.

16.4.10. The Observers would continuously maintain their presence in the counting hall and periodically inspect the counting tables to ensure that counting is going on according to the instructions of the Commission in a transparent and systematic way.

16.4.11. The Observers, in their final report after the counting would specifically mention that the randomization of personnel and the random checking of Control Unit details was carried out as per the instructions of the Commission.

16.4.12. Apart from one Counting Supervisor and one Counting Assistant for each counting Table, one additional staff would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./ Central Govt. PSU employee. This additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These additional counting staff would be provided with a pre-printed statement as given below on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.

**PROFORMA FOR RECORDING OF VOTES
BY ADDITIONAL COUNTING STAFF**

No and Name of AC:

Round No:

Table No:

CU Number:

Polling Station Number:

S. No.	Name of Candidate (pre-printed)	No. of votes recorded

Date:

Signature of additional counting staff (with full name)

*to be handed over to the Observer only

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

16.4.14. Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staffs from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting center as above. The additional staff also will be provided a ID Card by the District

Election Officer. The constituency- wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

16.5. ROLE OF OBSERVER

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

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

16.6. DATE, PLACE AND TIME OF COUNTING

16.6.1. The Returning Officer will give notice to the candidate or to his/her election agent, at least one week before the date or the first of the dates fixed for the poll, of the place, date and time fixed for the counting of the votes, in the forms prescribed by the Commission for the purpose, vide **Appendix 29 or Appendix 30** as may be applicable. For a General Election throughout the country, the date for the counting of votes will generally be the date following the last of the dates of poll in the election. When a General Election is held in a single State/Union Territory, the date for the counting of votes will generally be the date following the last date of poll in that State/Union Territory. For a bye-election, the date of counting of votes would normally be the day following the date or the last of the dates of poll or the second day in case where the constituency is far flung and it is physically impossible for the boxes or, as the case may be, the voting machines to reach the place fixed for counting by the day following the date of the poll.

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

another place for the counting of votes. The candidate or his/her election agent will be given notice of every such change in writing.

16.7. COMMENCEMENT OF COUNTING

16.7.1. According to the instructions of the Commission, the Returning Officer is required to send certain comprehensive reports on the poll, which are statutory, to the Commission. Based on these reports the Commission decides as to whether repoll at a particular polling station/constituency has to be taken or not. In case there is no order from the Commission for repoll, the Returning officer will commence the counting without waiting for any clearance from the Commission.

16.7.2. Under the newly inserted section 20B of the Representation of the People Act. 1951, the Observers appointed by the Election Commission to watch the conduct of elections shall have the powers to direct the Returning Officers to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or the ballot papers or the voting machines used at a polling station or place fixed for poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained. The election proceedings in such cases shall proceed further in accordance with such directions of the Commission as it may issue on the reports of the Observers and after taking all material circumstances into account.

16.8. COUNTING AT DIFFERENT PLACES

16.8.1. The counting for an entire Assembly Constituency will be done at one place and every effort will be made to complete the counting on the same day. For this purpose, the counting will commence early in the morning.

16.8.2. While the counting of votes for an Assembly Constituency will be done at one place, the counting of votes for election to the House of the People may be done in more than one place, i.e. in all the places fixed for the counting of votes of the Assembly Constituencies comprised within that Parliamentary Constituency.

16.8.3. If the votes for a Parliamentary Constituency are counted at more places than one, the Returning Officer will inform the candidate or his/her election agent sufficiently in advance so that the candidate may appoint a separate set of counting agents for each such place.

16.8.4. In the simultaneous elections to the Lok Sabha and the State Legislative Assembly, the counting of votes will be done simultaneously, assembly segment-wise. In such event, the candidates for parliamentary and the assembly elections will be permitted to appoint their counting agents separately.

16.9. PERSONS ALLOWED IN COUNTING HALLS

16.9.1. Only the following persons will be allowed inside the counting hall: -

- counting supervisors and counting assistants;
- persons authorized by the Election Commission;
- public servants on duty in connection with the election;
- the candidate, his/her election agent and counting agents.

N.B.

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

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

16.10. NUMBER OF COUNTING AGENTS THAT MAY BE APPOINTED

16.10.1. Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table. Under the instructions of the Election Commission, not more than fourteen tables in addition to one table for the Returning Officer can be provided for counting in one counting hall. The number of counting agents that may be appointed by a candidate may not ordinarily exceed fifteen, as the number of counting tables may also not ordinarily exceed fifteen, including the table of the Returning Officer.

16.10.2. The Commission may, however, by a general or special direction permit the Returning Officer to provide tables more than fifteen. In that event, the candidate will also be permitted to appoint counting agents more than fifteen and equal to the number of counting tables provided by the Returning Officer.

16.10.3. As mentioned above, the Returning Officer will intimate in writing to each candidate or his election agent, at least one week before the date fixed for the poll, the place or places where the counting of votes will be done and date and time at which the

counting will commence. He will also inform them sufficiently in advance about the number of counting tables that will be provided in the counting hall, so that they may appoint their counting agents accordingly.

16.10.4. The above-mentioned limit in regard to the maximum number of counting agents will apply separately in respect of each counting place when counting is done at more places than one.

16.11. QUALIFICATION OF COUNTING AGENTS

16.11.1. The law does not prescribe any specific qualifications for persons to be appointed as counting agents. However, the candidates are advised to appoint mature and major persons as their counting agents so that their interests are properly watched.

16.11.2. However, a Minister/M.P./MLA/MLC or any other person being covered by security cover, shall not be appointed as a counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the "Counting Campus" and within the Counting Hall. Also, any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

16.11.3. A Government servant also cannot act as counting agent of a candidate and if he so acts, he is punishable with imprisonment for a term, which may extend to 3 months or with five or with both.

16.12. APPOINTMENT OF COUNTING AGENTS

16.12.1. Appointment of a counting agent is to be made either by the candidate himself or by his election agent. Such appointment is made in Form 18 appended to the Conduct of Elections Rules, 1961 (**Appendix 31**). The name and address of the counting agent will be filled in that form and the candidate or his election agent will personally sign that form. The counting agent will also sign that form in token of his acceptance of the appointment. Two copies of such forms together with the photographs of the agents will be prepared and signed, in all cases. One copy of that form is to be forwarded by the candidate/election agent to the Returning Officer while the second copy is given to the counting agent for production before the Returning Officer.

16.12.2. A candidate may appoint all his counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.

16.12.3. The facsimile signature of a candidate in the form of appointment is also accepted if there is no doubt about the signatures.

16.13. TIME LIMIT FOR MAKING APPOINTMENT OF COUNTING AGENT

- 16.13.1. The Election Commission has directed that in all constituencies, irrespective of the number of contesting candidates, the contesting candidates should submit the lists of their counting agents with photographs of such agents to the Returning Officer, latest by 17:00 hours three days prior to the date fixed for counting of votes. The Returning Officer will prepare identity cards for each such agent and issue the same to the candidate.
- 16.13.2. The counting agents must produce those identity cards along with their letter of appointment when they come to attend the counting.
- 16.13.3. The letter of appointment along with the identity card of counting agent must be produced before the Returning Officer at least one hour before the time fixed for counting of votes. The Returning Officer will not accept any appointment letter which is received after the aforesaid time.

16.14. REVOCATION OF APPOINTMENT OF COUNTING AGENT

- 16.14.1. The candidate or his election agent is authorised to revoke the appointment of a counting agent.
- 16.14.2. Such revocation of appointment is made in Form 19 appended to the Conduct of Elections Rules, 1961 (**Appendix 32**) and becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorised 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.
- 16.14.3. Appointment of such fresh counting agent is to be made in the same manner as explained above.

16.15. ADMISSION OF COUNTING AGENTS TO THE COUNTING HALL

- 16.15.1. On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign the declaration contained in his letter of appointment regarding maintenance of secrecy of voting before the Returning Officer. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.

16.15.2. The Returning Officer is empowered to subject any counting agent to search his person before entry into the counting hall.

16.16. BADGES FOR COUNTING AGENTS

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

16.17. MAINTENANCE OF DISCIPLINE AND ORDER IN THE COUNTING HALL

16.17.1. Everyone will be required to fully cooperate with the Returning Officer in maintaining strict discipline and order inside the counting hall. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send any person who persists in disobeying his directions out of the counting hall.

16.17.2. Counting agent and other will not be allowed to go outside the counting hall during counting process. In other words, when once counting agents and others are inside the counting hall, they will ordinarily be allowed to go outside only after the declaration of result.

16.17.3. All reasonable facilities for drinking water, refreshment, toilet, etc. will be provided near the counting hall.

16.17.4. Counting Agents are not allowed to carry Mobile Phone in the Counting Centre. Commission's Observers will be allowed to carry the mobile phones but they will keep their mobile phones in silent mode.

16.18. SMOKING IN COUNTING CAMPUS AND COUNTING HALL IS PROHIBITED

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

16.19. SEATING ARRANGEMENT FOR COUNTING AGENTS

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

16.20. MANAGEMENT OF COUNTING HALLS AND SECURITY THEREOF

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

16.20.5. Each Hall, as defined earlier, will be used for counting for only one Assembly Segment at a given point of time. The counting of one assembly segment can be taken up in maximum of two Halls provided that in one hall the physical distribution of space does not allow placing of more than 8 tables (including the table of the RO/ARO). In cases where the size of the electorate in an Assembly segment is unusually large a maximum of 15 tables each can be put in two Halls for that Assembly segment. All such cases will be personally scrutinized by the DEO and the observers after taking into account all relevant factors such as number of candidates, number of counting agents etc.

BARRICADING OF COUNTING TABLES

16.20.6. In each counting hall, barricades will be provided for each counting table so that the voting machines are not handled by the counting agents. However, counting agents will be provided all reasonable facilities to see the whole counting process at the counting table. The Returning Officer will ensure that the barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the voting machines are not handled by unauthorized persons or tampered with in any manner in process of counting.

16.20.7. In cases where two Halls are being used to count an Assembly segment the Polling Station numbers will and pre-allotted to the two Halls (each room being one separate Hall) in advance.

16.20.8. Assembly Segments must be pre-allotted to Halls and this allotment made known to all concerned in advance.

16.20.9. If the total number of Halls is less than the total number of Assembly Segments for a Parliamentary Constituency, the sequence of counting will be as per the ascending AC numbers. Thus, if there are seven such AC segments in a PC and only three Halls, then segments with the three lowest serial numbers will be taken up for counting in the three Halls available. As soon as counting is completed in respect of one Assembly Segment in a particular Hall and after necessary clearance of the Hall, counting for the next AC pre-allotted to the Hall will be taken up therein.

16.20.10. Under no circumstances, more than one AC segment will be taken up for counting simultaneously, inside one Hall, and, under no circumstances, Electronic

Voting Machines (or Ballot Papers) of more than one AC segment will be physically available for counting purposes inside one Hall at any time.

- 16.20.11. The Commission has already prescribed limits for the number of counting tables, which can be placed inside a Hall. Important considerations for deciding on the number of counting tables would be the number of Polling Stations, size of the room, the number of counting agents, as per the number of candidates, and the total number of counting personnel proposed to be deployed and the security aspects.
- 16.20.12. The upper limit of 15 tables (including the Table of Returning Officer) in a counting HALL will not be increased under any circumstances. A lower actual limit may be fixed considering all relevant factors.
- 16.20.13. Observers of the Commission will undertake detailed inspection of counting centres during their visit and ensure that the counting Halls have been planned as per the above instructions and Assembly segments have been accordingly pre-allotted to each Hall. They should also obtain relevant drawings of each counting centres and keep it as a part of the record for their final report.
- 16.20.14. The Counting Halls, including partitions as planned, should be got ready at least three clear days, ahead of the date of counting. These rooms should be located in a manner that the smooth flow of polled EVMs and other papers to and from the strong room are not interrupted by the presence of non-officials and media persons.
- 16.20.15. Three tier cordoning system should be set up in all counting centres to prevent the entry of unauthorized persons inside the counting centres. No counting agent without proper identity card having the photograph, duly displayed on its person, shall be allowed to cross the first cordon of the counting centre. Similarly, the identity of all candidates, their election agents and of all the counting staff shall also be thoroughly verified with reference to their identity cards at the first cordon itself. A senior Magistrate shall be posted at the entrance to control crowd and regulate entry.
- 16.20.16. Before allowing the entry of the candidates, their agents and other officials whose identities have been established by means of identity card to the second cordon, proper frisking should be made by the security personnel. The frisking shall be done by State police force personnel only. Women shall be frisked only by women police personnel/women Home Guards. There should be no further frisking.
- 16.20.17. The holders of the authority letters, while covering the counting process, can and should be allowed to come out of the counting hall(s) if they so desire, during the counting. They should also be allowed to re-enter on the basis of the very same authority letters. All entry at all times however, is subject to the over- all requirement of

maintenance of law and order, proper decorum and the conduct of peaceful counting. Limited coverage of short duration by manageable audio/visual groups can be allowed and the groups, may be conducted by the official designated for this purpose by the officers in charge of counting.

16.20.18. No static (fixed) camera – still or video of the media is allowed inside any counting hall. No camera stand should thereof be allowed to be taken inside counting halls. Further, while taking audio visual coverage of the counting process with camera carried in hand or on shoulders, under no circumstances, the actual votes recorded on an individual ballot papers is to be photographed or covered by audio visual coverage. The exact location up to which the, still and video camera can move, should be indicated by the Returning Officer in advance marked by a line or a string for guidance of all concerned.

16.20.19. DEOs, and ROs will accordingly make detailed plans and ensure that the arrangements are in position well in time and at least 72 hours before start of counting. This will facilitate dry run of transmission of counting information and system checks by all concerned.

16.20.20. For ensuring accuracy of the result of counting, a round-wise statement shall be prepared by the Returning Officer in the prescribed proforma as given below. Both the Returning Officer and Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part II of Form 17 'C' (result of counting) pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed table -wise polling station-wise round -wise break-up of the votes as shown in the said proforma will be kept by the Observer in his folder.

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 is to be kept by observer in a separate folder for cross checking later.

In addition, a computer will be installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Table wise, Polling station wise and Round wise. Even though computer tabulation will not substitute the manual tabulation being done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totalling will be helpful as a double check on the accuracy of manual tabulation.

16.20.21. Next Round of counting should only start after repeat after all tables of previous round have finished counting and their result sheets are accepted by AROs.

16.20.22. The Observer/Returning Officer will ensure that the results of table-wise – round-wise counting of votes are immediately displayed prominently on a notice board inside the counting centre and announced through public address system. After the counting is completed and the Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise breakup kept by him in his folder and allow the result to be declared only when the figures tally with each other.

16.20.23. The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers.

16.20.24. As soon as the result is declared, the data as contained in Form 21, which is handed over to the winning candidate, will be handed over to the Observer as prescribed by the Commission for immediate communication to the Commission.

16.20.25. It is important that soon after the counting is finished, the fully reconciled counting data is tabulated and checked thoroughly before the result is formally declared.

16.20.26. The Observers will ensure that the Final Result Sheet in form 20A is filled by the RO before he declares the result in Form 21 C and sends it to appropriate quarters. One copy each of the Forms 20 A, 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.

16.20.27. Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Before the Returning Officer declares result of an election, he/she shall obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself/herself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he/she shall issue an authorization to the concerned Returning Officer in the following format for declaration of result: -

“ _____ Observer (Code _____), For _____ Assembly Constituency after having satisfied myself about the fairness of counting of votes and complete accuracy of compilation of result in Form-20 hereby authorize the Returning Officer for _____ Assembly Constituency to declare the result.”

Signature of the Observer _____

Name of the Observer _____

Code of the Observer _____

Assembly Constituency No. & Name _____

16.20.28. No Returning Officer shall declare the result without receiving the authorization in the format above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of results.

16.20.29. It shall be the personal responsibility of the concerned District Election Officer to ensure that all the above-mentioned instructions are strictly complied with and brought to the notice of all the Returning Officers, Observers, Candidates, Counting Agents etc sufficiently before the commencement of the Counting.

16.21. MAINTENANCE OF SECRECY

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

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

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

16.22. COUNTING TO BE CONTINUOUS

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

16.23. COUNTING OF POSTAL BALLOT PAPERS FIRST

On the counting day, the postal ballot counting will be taken up first and after a gap of 30 minutes, the EVM counting can also start. There should be a separate table and separate arrangement for the counting of postal ballots. For every 500 postal ballot papers, extra table should be used for counting. Returning Officer will be responsible for counting of postal ballot paper at his table. One Assistant Returning Officer shall be dedicated to handle the postal ballot counting. The Observer and Returning Officer should closely monitor the progress made in postal ballot counting as well as EVM counting simultaneously. The candidates/their election agents shall be advised to nominate a separate counting agent and he may remain present near the table where the postal ballot counting taking place.

(A) COUNTING OF ELECTRONICALLY TRANSMITTED POSTAL BALLOT PAPERS (ETPBs) FOR SERVICE VOTERS

16.23.1. Counting of ETPBs shall be done at Returning Officer's table as in the case of the other postal ballots. Only such Postal Ballots as are received before the hour fixed for commencement of counting shall be counted.

16.23.2. First Phase: Opening of Form 13-C (Outer Envelope): The covers in Form 13-C received in time should be verified and opened one after another. QR code on the Outer Envelope will be scanned using a computer software and QR code reader and necessary validity checks will be performed. After verification of the outer envelope, a unique serial number will be provided by the computer. This serial number will also be manually marked by RO on the envelope being verified. The computer software will check the entry in the QR code for any possible duplicates in the list of Postal Ballots received and flag a warning for such cases. The computer software will also provide the list of serial numbers which are all duplicate to the Postal Ballot being handled. The RO

will locate all such duplicate envelopes as indicated by the computer software and keep them together physically and invalidate all such duplicate/multiple votes. All such envelopes declared invalid shall not be opened for further processing and will be kept aside and preserved for future reference. Number of such duplicate Postal Ballots shall be marked in the register. On opening the cover "B" (Form 13C), two documents are required to be found inside. The first is the declaration by the voter in Form 13A and the second the inner cover i.e. Form 13B containing the Postal Ballot Paper. As each cover is opened, RO should take out the declaration in Form 13A and the cover in Form 13B, scan, verify and then scrutinize the declaration.

16.23.3. Before opening the cover in Form 13B containing the Postal Ballot Paper, the Returning Officer must check the declaration in Form 13A and all such forms 13A must be kept separately and sealed, before taking up Form 13B for opening and counting. Returning Officer will reject a Postal Ballot without opening its inner cover in Form 13B if:

- the declaration in Form 13A is not found in the cover, or
- the Electronic Postal Ballot Identification Number (e-PBID) in the declaration in Form 13A does not match the issued e-PBID, or
- the declaration has not been duly signed and, or not attested by an officer competent to do so, or the e-PBID of Postal Ballot appearing in the declaration is different from the e-PBID on the cover in Form 13B.

16.23.4. Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed back in the cover in Form 13C (Outer Envelope). All such covers in Form 13C 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. All the declarations in Form 13A, which have been found to be in order, should then be kept separately for counting.

16.23.5. For further counting, all instructions for counting of postal ballot paper shall apply.

16.23.6. Scanning of QR Codes SHOULD be done in the sequence without fail. Form 13C should be scanned first, followed by both the QR Code on Form 13A and then Form 13B. Sequence of QR code scanning should not be changed under any circumstances.

(B) COUNTING OF POSTAL BALLOT PAPERS

- 16.23.7. Each postal ballot paper received from a voter will be contained in an inner cover in Form 13B. This cover along with the declaration of the elector in Form 13A will be contained in a larger cover in Form 13C addressed to the Returning Officer.
- 16.23.8. The Returning Officer will not open any cover in Form 13C containing a postal ballot paper which he has received late, that is, after the time fixed for the commencement of counting. He will make a suitable endorsement for this purpose on the outside of the cover in Form 13C. The votes contained in these covers will not be counted. He will make a packet of all such covers and seal the packet.
- 16.23.9. All covers in Form 13C containing postal ballot papers which were received in time by the Returning Officer will be opened by him, one after another. The declaration by the voter in Form 13A will be found inside each cover in Form 13C. Before opening any of the inner covers in form 13B containing the postal ballot papers proper, the Returning Officer will check the declarations (From 13A). He will reject a ballot paper without opening its inner cover (Form 13B) in any of the following cases:
- a. If the declaration in Form 13A is not found in the cover in Form 13C;
 - b. If the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective; N.B.: It may be noted that it is not necessary under the rules that the officer attesting the declaration should affix his seal and the objection should not, therefore, be raised on this ground if the identity of the attesting officer is otherwise known from the particulars about his designation, address etc., furnished in the form.
 - c. if the serial number of the ballot paper appearing on the declaration is different from the serial number as endorsed on the inner cover in Form 13B.
- 16.23.10. All such rejected covers in Form 13B will be suitably endorsed by the Returning Officer, and will be replaced with the respective declarations in the larger covers in Form 13C. All such larger covers will be kept in a separate packet which will be sealed by the Returning Officer and full particulars, such as the name of the Constituency, the date of counting, and a brief description of the contents will be noted thereon for identifying the packet.
- 16.23.11. Thereafter, the Returning Officer will proceed to deal with the remaining covers in Form 13B, i.e., other than those rejected as aforesaid. In order that there may be no case of the secrecy of the postal votes being violated, all the declarations in Form 13A which are found by the Returning Officer on scrutiny to be in order will first be placed in a separate packet and sealed. Identifying particulars will be noted on the packet. It is necessary to put these declarations away in a sealed packet before any

ballot papers proper are brought out of their covers in Form 13B, as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

16.23.12. After the above procedure has been completed, the Returning Officer will proceed to open the covers in form 13B, one after another, and the postal ballot papers contained in them will be brought out. The Returning Officer will scrutinize every such ballot paper and decide its validity.

16.23.13. A postal ballot paper will be rejected –

- a. if no vote is recorded thereon; or
- b. if votes are given on it in favour of more than one candidate; or
- c. if it is a spurious ballot paper; or
- d. if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- e. if it is not returned in the cover sent along with it to the elector by the Returning Officer; or
- f. if the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or
- g. if it bears any marks or writing by which the voter can be identified.

16.23.14. There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Again, a vote recorded on a postal ballot paper will not be rejected merely on the ground that the mark indicating the vote is not distinct or made more than once for the same candidate, if the intention that the vote should be for a particular candidate clearly appears from the way the paper is marked.

16.23.15. The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate will then be counted, entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.

16.23.16. Thereafter, all the valid postal ballot papers and all the rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer, and the seals of such of the candidates, their election agents or

counting agents (not exceeding two in respect of any one candidate) as may desire to affix their seals thereon.

16.23.17. Under no circumstances, the results of all the rounds of the EVM counting should be announced before finalizing the postal ballot counting.

16.23.18. In case, the victory is being decided only on account of postal ballot counting there should be a mandatory re-verification. In the presence of Observer and Returning Officer, all the postal ballot papers rejected as invalid as well as the votes counted in favour of each and every candidate shall be once again be verified and tallied. The Observer and Returning Officer shall record the findings of the re-verification and satisfy themselves before finalizing the result.

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

16.24. COUNTING OF VOTES POLLED AT POLLING STATIONS

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

16.24.2. At the time of counting, only the Control Unit of the EVM used at a particular Polling Station is required for ascertaining the result of poll at that polling station. The Balloting Units have to be kept in strong room.

16.24.3. Along with the Control Unit, the relevant account of votes recorded in form 17C pertaining to that polling station will also be supplied to the counting table.

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

16.24.5. Apart from one Counting Supervisor and one Counting Assistant for each counting Table, one additional staff would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./ Central Govt. PSU employee. This additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These additional counting staff would be provided with a pre-printed statement on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates and panel for NOTA as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.

16.24.6. Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required

number of staffs from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting centre as above. The additional staff also will be provided an ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

16.25. OPENING OF CARRYING CASES OF CONTROL UNITS

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

16.26. CHECKING SEALS ON CONTROL UNITS

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

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

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

16.28. COMPARISON OF THE SERIAL NUMBER OF THE PAPER SEAL

16.28.1. On opening the outer cover of the Result Section, the inner cover sealed with the seal of the Presiding Officer will be seen. Even if this seal is also not intact, the Control Unit could not have been tampered with if the green paper seal is intact and has not been tampered with. In the inner cover of the Result Section, there will be a green paper seal (two green paper seals in the case of machines manufactured by Bharat Electronics Limited, Bangalore before 2006). The green paper seal will have been so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal will be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in item 9 of Part 1 of Form 17C. The counting agents present at the counting table will be allowed to compare such serial number of the paper seal and satisfy themselves that the paper seal is the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

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

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

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

16.30. ASCERTAINING THE RESULT

16.30.1. After satisfying that the paper seal is intact, that the Control Unit is the same as was supplied at the polling station and that it has not been tampered, the votes recorded therein shall be counted. For this purpose, the following procedure will be followed by the Counting Supervisor:

- i. Power switch provided in the rear compartment of the Control Unit will be put to 'ON' position. The 'ON' lamp in the display section of the Control Unit will then glow green.
- ii. The paper seal over the 'Result' Button provided beneath the upper aperture of the inner cover of result section will be pierced through.
- iii. The 'Result' Button will then be pressed.
- iv. At the 'Result' button being so pressed, the total number of votes recorded for each Candidate and NOTA at the polling station shall be displayed automatically in the Display Panels of the Control Unit.

CONNECT ANY SLVE UNIT
COMPUTING RESULT
POLL RESULT PDT 16 - 06 - 18
PST 08 - 30 - 10 PET 18 - 50 - 20
SL NUM BCUAA00001
CANDIDATES 10
TOTAL POLLED VOTES 1150
CANDIDATE - 01 VOTES 99
CANDIDATE - 02 VOTES 190

CANDIDATE - 10 VOTES 15
END

- v. The above result as displayed sequential candidate-wise shall be noted by the Counting Supervisor in 'Part II-Result of Counting' of Form 17C.

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

16.30.3. After the result has been noted, the cover of result section will be closed and the Control Unit switched off.

16.30.4. The Commission has further directed that during each round of counting, Counting Supervisors will ensure that at the time of pressing the result button on the Control Unit of the EVM, the counting agents of all candidates are shown the display panel of the Control Unit to their satisfaction so that they can note down the votes polled in favour of each candidate as displayed on the Control Unit display panel. For this purpose, the Control Unit may be kept lifted, if necessary, by one of the counting assistants in such manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistant and micro observer sitting on the counting table, and also to counting agents of candidates sitting across the wire-mesh/fence. In case, any counting agent desires to have the result displayed on EVM more than once, it shall be done by the Counting Supervisor to the satisfaction of the counting agents.

16.30.5. After announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the RO to count the printed VVPAT paper slips in any or all polling stations. If such application is made, the RO shall pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO shall give due consideration to the following:

1. Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate making the application.
2. Whether EVM had a problem and was replaced at that polling station during poll.
3. Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

16.30.6. If the RO decides to count the printed paper slips of any polling station(s) on an appeal for recounting of any polling station(s), the following procedures shall be strictly followed:

Step 1:

1. For keeping VVPAT Paper Slips taken out from the Drop Box of the VVPAT, a sufficiently sized container with lid, of dimensions 14-inch X 10-inch X 5 inch (length x breadth x height), to easily accommodate around 1400 Printed Paper

Slips, shall be kept on the table of VCB. This Container should be made of sturdy transparent material like plastic etc.

2. For keeping VVPAT paper slips of the respective candidates, a Pigeonhole Framework shall be prepared in advance according to the number of candidates including NOTA, with one additional pigeonhole for keeping self-test slips of the VVPAT and shall be kept on the table of VCB. The minimum number of Pigeonholes in the Framework must be equal to the number of candidates plus 2 (two). The size of each compartment (Pigeonhole) must be at least 6 inch X 4 inch X 4 inch. The pigeonhole structure should be made of sturdy transparent material like plastic etc., having a fixed base to prevent any VVPAT paper slip from slipping underneath. The symbol of each contesting candidate as per the Ballot Paper should be affixed on the wall of the pigeonhole allotted to the particular candidates. The symbol should be printed in black and white on a plain paper of minimum size 4inch X 3 inch.
3. At least 100 Rubber bands for making bundles of 25 VVPAT paper slips.

□ **Step 2:**

1. The VVPAT unit(s) of the respective polling station(s) should be brought to the VCB one by one, as the case may be.
2. In case a VVPAT unit was replaced during poll at that polling station, all the VVPAT units used at that polling station should be brought to the VCB.

□ **Step 3:**

1. The printed paper slips shall be taken out from all the VVPATs used at the polling station, before beginning the counting of VVPAT paper slips for that polling station.
2. Before taking out the VVPAT Paper Slips from the drop box, the address tag(s) of the drop box shall be crosschecked to ascertain that the VVPAT pertains to the respective polling station.
3. The VVPAT Paper Slips taken out from the Drop Box of the VVPAT shall be first kept in the container as per specification at step-1 (1).
4. After taking out the VVPAT paper slips from Drop Box, the Counting Supervisor shall ensure that no VVPAT paper slip is left inside the VVPAT drop box and show the empty drop box to the counting agents.
5. In case a VVPAT unit was replaced, it may so happen that an uncut fully or partially VVPAT paper slip is hanging and has not got cut and dropped in the drop box and still connected to the paper roll. This uncut VVPAT paper slip

should not be torn and should not be counted because the vote is not recorded electronically in the CU unless the VVPAT paper slip is cut. In such an event, the last voter whose VVPAT paper slip was not cut would have been given an opportunity to cast his vote after replacement of VVPAT and the VVPAT paper slip of the vote cast by him shall be in the next VVPAT used in that polling station.

6. The drop box of the VVPAT will also have VVPAT slips of self-test report. These are easily identified, as they do not have either the name or the symbol of any candidate. These self-test report slips are to be preserved along with the VVPAT paper slips as part of the record but they are not to be counted.

□ **Step 4:**

1. The VVPAT paper slips should be segregated one-by-one and put in respective pigeon holes after showing each slip to the Counting Agents. The paper slips bearing self-tests report shall also be segregated and put in a separate pigeonhole provided for the purpose.
2. Bundles of 25VVPAT paper slips of respective candidates shall be prepared for counting purpose.
3. VVPAT Paper Slips shall then be counted by the counting staff.
4. Result of the VVPAT paper slips count shall be prepared in the prescribed format and attached to Part-II of Form 17-C.
5. The result of the count of VVPAT paper slips shall be announced loudly in the counting hall and shown to the counting agents as per Rule 56D(b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count shall prevail. Hence, if there is discrepancy between the count of votes displayed on the Control Unit and the count of printed- paper slips in respect of that Polling Station, the result sheet will be amended as per the printed- paper slips count.

□ **Step 5:**

1. After completion of counting of VVPAT paper slips, the bundles of all the VVPAT Paper Slips shall be kept back in the Drop Box of the respective VVPAT and door of the Drop Box shall be sealed using address tags.
2. The candidate(s)/their agents may also be allowed to affix their signature with party abbreviation on the Address Tags.

16.30.7. The polling station(s) whose VVPAT paper slips have already been counted due to non-display of result from Control Unit (s) or under Rule 56(D) of the

Conduct of Elections Rules 1961 are also to be included for randomization or not. In this regard it is clarified that

1. In case counting of votes of VVPAT paper slips in respect of those polling stations where more than one VVPAT were used, is required to be done, in such case VVPAT paper slips of each VVPAT will be counted separately, one by one and result of each VVPAT will be entered separately in annexure attached to Form 17C. Thereafter, a Final Result sheet shall be prepared by combining all results of that particular polling station and the same shall also to be attached to Form 17C.
2. For mandatory verification of VVPAT Paper Slips of randomly selected one polling station of each Assembly Constituency/one polling station of each Assembly Segment of Parliamentary Constituency, the polling station(s) whose VVPAT paper slips have already been counted due to non-display of result from Control Unit (s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reasons, will not be included for randomization for that purpose.

16.31. COMPLETION OF “PART II – RESULT OF COUNTING” OF FORM 17C

- 16.31.1. As the votes secured by each candidate and NOTA are displayed on the Display Panels of the Control Unit, the counting supervisor should record the number of such votes separately in respect of each candidate in ‘Part II - Result of Counting’ of Form 17C. He should also note down in the said Part II of Form 17C whether the total number of votes as shown in that Part tallies with the total number of votes shown against Item 6 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.
- 16.31.2. Sufficient no. of Part – II of form 17C (Result of counting) with the names of all the contesting candidates and NOTA below the name of the last contesting candidate shall be pre-printed. The Commission has directed that the Part-II of Form 17C shall be prepared in duplicate using carbon paper. And both the copies should be got signed from the counting agents present. One copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes. The other copy of the Part-II will be collected from each table by an official specially designated by the RO. He will make photocopies for distribution among the counting agents present at respective

Counting Tables for their record and verification. The starting of the next round of counting need not wait till distribution of these copies is complete. This can go on simultaneously. Therefore, necessary arrangements for photocopying shall be made in each counting hall. The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope super scribed "Duplicate copy of result of counting in Form 17C-Part-II", mention the Table No., total number of rounds counted and the Name of the Counting Supervisor and handover the envelope personally to the R.O./A.R.O. after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.

16.31.3. The Commission has also directed that when tabulation sheet of each polling booth (Form 17C) is received at the Returning Officer's table, it will be the responsibility of the Returning Officer to show it to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. Returning Officer should countersign the Form after satisfying himself/herself 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.

16.31.4. Further, Returning Officer should either announce or cause the entries of votes polled by each candidate after each round 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 Returning Officer to proceed uninterruptedly with the counting of votes at other polling stations.

16.31.5. The Commission has directed that henceforth in case of non-display of result on the Display Panel of the Control Unit, the following action shall be taken:

1. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should be continue as usual.
2. Result from such Control Unit(s) will not be retrieved using Auxiliary Display Unit or Printer.
3. After completion of counting of votes from all the Control Units, the printed paper slips of the respective VVPAT shall be counted as per the counting produce prescribed by the Commission.

4. Thereafter, counting of printed paper slips of VVPAT(s) under Rule 56D of the Conduct of Election Rules, 1961 should be taken up, if any.

16.31.6. A report regarding counting of VVPAT paper slips is to be sent to the Commission in the prescribed format through Chief Electoral Officer.

16.32. PREPARATION OF FINAL RESULT SHEET

16.32.1. The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 (**Appendix 33**) shall 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 such votes separately in respect of NOTA also in Part II of form 17C. The number of test votes in VVPAT and tendered votes polled, if any, at a polling station shall also be noted in the appropriate column in Form 20 against the polling station concerned.

16.32.2. The entries so made in Form 20 in respect of each polling station shall be announced so that the candidates and their agents may take note of the result of counting in respect of each polling station. Alternatively, the Returning Officer may cause the entries made in Form 20 to be written on a blackboard. This will enable the counting agent to proceed uninterruptedly with the counting of votes at other polling stations.

16.33. MANDATORY VERIFICATION OF VVPAT PAPER SLIPS OF ONE POLLING STATION

16.33.1. Mandatory verification of VVPAT paper slips of randomly selected one polling station shall be conducted in addition to the provisions of Rule 56D of the conduct of Election Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs. In case of the General and Bye election to State Legislative Assemblies, verification of VVPAT paper slips of randomly selected one polling station in each Assembly Constituency. In case of General and Bye election to the House of the People, verification of VVPAT paper slips of randomly selected one polling station of each Assembly segment of the Parliamentary Constituency concerned or as directed by the Commission.

16.33.2. For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

1. The verification of VVPAT paper slips of randomly selected one polling station for each Assembly Constituency/Segment shall be taken up after the completion of the last round of the counting of the votes recorded in the EVMs.
 2. The randomly selection of one polling station per Assembly Constituency/Segment shall be done by the Draw of lots, by the Returning Officer concerned, in the presence of candidates /their agents and the General Observer appointed by the Commission for that Constituency.
 3. The draw of lots must be conducted immediately after the completion of the last round of counting of votes recorded in the EVMs (Control Units) in the designated Counting Hall for the particular Assembly Constituency/Assembly Segment.
 4. A written intimation regarding the conduct of the draw of lots for the random selection of one polling station for verification of VVPAT paper slips shall be given by the Returning Officer to the candidates/ their election agents well in advance.
 5. The following procedure shall be followed for the conduct of draw of lots:
 - a. white colour paper cards of postcard size shall be used for conducting the draw of lots.
 - b. the total number of such paper cards should be equal to total number of polling stations in the Assembly Constituency/Assembly Segment.
 - c. The paper cards shall have pre-printed Assembly Constituency/Assembly Segment number, Assembly Constituency/Assembly Segment name and date of polling on the top, and the polling station number in the centre. Each digit of the polling station number shall be at least 1" X 1" (one inch by one inch) size and printed in black.
 - d. the paper cards to be used for draw of lots should be four folded in such a way that polling station number is not visible.
 - e. Each paper card shall be shown to the candidates/their agents before folding and dropping in the container.
 - f. The paper cards shall be kept in the big container and must be shaken before picking up one slip by the Returning Officer.
- 16.33.3. The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth' specifically prepared for this purpose inside the Counting Hall. The booth shall be enclosed in a wire mesh just like a bank cashier's cabin so that no VVPAT paper slip can be accessed by any unauthorized person. One of the Counting table in the Counting hall can be converted into VVPAT counting booth and can be used for normal counting

of round-wise EVM votes before the count of VVPAT paper slips as per random selection after the completion of round-wise EVM votes counting.

16.33.4. The verification count of VVPAT paper slips of the randomly selected one polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.

16.33.5. The Returning Officer and Assistant Returning Officer, as the case may be, shall personally supervise the counting of VVPAT paper slips at this booth. The General Observer shall ensure close and careful observation of the entire exercise and ensure compliance of the Commission Instructions.

16.33.6. The above process shall be fully video-graphed.

16.33.7. After completion of the above process, the Returning Officer shall give certificate in the format given below:

Verification of paper slips of VVPAT of one randomly selected polling station

Name of State

No. and Name of Assembly/Parliamentary Constituency

No. and Name of Assembly Segment (in case of PC)

S. No. and Name of Polling Station

Unique ID of Control Unit

Unique ID of VVPAT

It is certified that pilot testing of counting of paper slips of VVPAT of one randomly selected polling station has been conducted as per the instructions of the Commission.

Name of Candidate	No. of Votes Cast		Discrepancy, if any
	As per EVM	As per Paper slips	
1.			
2.			
3.			
...			
...			
NOTA			
TOTAL VOTES			

Signature of Counting Agents

- 1.
- 2.
- 3.

Signature of Counting Supervisor

Signature of Returning Officer

Signature of General Observer

16.34. RECOUNT

- 16.34.1. Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. At the most, some candidates or their agents may not have noted down properly the result of voting at any particular polling station when the control unit displayed that information. If necessity arises for re-verification, the same can be done by pressing the 'Result' button whereupon the result of voting at that polling station will again be displayed in the Display Panels of that control unit.
- 16.34.2. Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 63 of the Conduct of Election Rules, 1961, still apply in relation to all constituencies.
- 16.34.3. Accordingly, after the entire counting is over, the Returning Officer will announce the result giving the total number of votes polled by each candidate as recorded in the Final Result Sheet (Form 20). After the announcement is made, the candidate or his/her election agent or any of his/her counting agents, may apply in writing for a recount of recorded at all or any of polling stations stating the grounds on which he/she demands such recount. For this purpose, the Returning Officer will announce the exact hour and minute, up to which he will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He may allow the application in whole or in part if it is reasonable or he may reject it in to if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the votes over again. The postal ballot papers may also be recounted if a request is made for their recount and such a request is allowed by the Returning Officer. After such recount has been completed, the result sheet will be amended to the extent necessary and the amendments so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.
- 16.34.4. It should be noted that the candidate or his/her election agent or any of his/her counting agents has no right to demand a recount after the Returning Officer

has completed and signed the result sheet. Any demand for a recount of votes made after the result sheet has been completed and signed will be rejected.

- 16.34.5. Where printer for paper trail is used, any candidate or in his absence his election agent or any of his counting agents may apply in writing to the RO to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations after the entries made in the result sheet is announced. If such an application is received, the returning officer shall, subject to such general or special guidelines as may be issued by the ECI, decide the matter and may allow in whole or in part or may reject in whole, if it appears to him as frivolous or unreasonable. Every decision of the RO shall be in writing and shall contain the reasons thereof. If the RO decides the counting of paper slips either wholly or in part or parts, he shall –
- a. do the counting in the manner as may be directed by the Commission,
 - b. amend the result sheet in form 20 as per the paper slips count if there is discrepancy between the votes displayed on the Control Unit and the counting of Paper Slips.
 - c. announce the amendment so made by him
 - d. complete and sign the result sheet.

- 16.34.6. If votes of a Parliamentary Constituency are counted at more places than one, then, according to rule 65 of the Conduct of Elections Rules, 1961, demand for recount of votes can be made only at the end of counting at the last place fixed for the purpose. Such last place would generally be the Headquarters of the Returning Officer where he would be collating and consolidating the results of the various Assembly segments comprised within that Parliamentary Constituency.

16.35. ADJOURNMENT OF COUNTING IN CASE OF FRESH POLL

- 16.35.1. The Returning Officer will wait for the direction of the Election Commission if he has made any report to it about any voting machine having been found tampered with. Where the Commission directs a fresh poll to be taken at the affected polling stations, the counting will be adjourned after the counting process in respect of all other polling stations has been completed. In such case, all the EVMs, VVPATs and also all other papers relating to elections will be sealed by the Returning Officer. Every candidate or his agent, if he desires to place his seal on every voting machine and packet etc., in which the election papers are kept, will be allowed to do so. The counting so adjourned shall be recommenced after the fresh poll has been held, on such date and hour as the Returning Officer may fix in this behalf and completed in accordance with the procedure prescribed above.

16.36. RESEALING OF VOTING MACHINES AFTER COUNTING

16.36.1. After the result of voting recorded in a Control Unit has been ascertained candidate-wise and entered in Part II - Result of Counting of Form 17C and in the Final Result Sheet in Form 20, the Control Unit shall be resealed with Returning Officer's seal, the secret seal of the Commission 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 cleared or obliterated and the unit retains the memory of such result.

16.37. EQUALITY OF VOTES

16.37.1. In case of tie, the result will be decided by lot. For example- If, in a constituency, A, B, C and D are the contesting candidates and the total number of votes they have secured are as follows- A - 12703, B - 17567, C - 17567, D - 16394. A lot will be draw between B and C, who have each polled the highest number of votes (which are equal) and the person whose name is drawn will be deemed to have polled one additional vote. The Returning Officer will then complete and sign the result sheet.

16.38. DECLARATION OF RESULT OF ELECTION

16.38.1. After the counting is complete in all respects and the Returning Officer has completed and signed the Final Result Sheet, he will proceed to formally declare the result of election, if there is no direction of the Commission to the contrary. He will make the declaration of result in Form 21C in the case of general election, and in Form 21D in the case of bye-election.

16.38.2. In case the Commission has issued any direction withholding the declaration of result in any Constituency until its further direction, any declaration of result by the Returning Officer in contravention of any such direction shall be null and void ab initio.

16.39. CERTIFICATE OF ELECTION

16.39.1. Soon after the declaration of result, the Returning Officer will grant to the returned (elected) candidate a certificate of election in Form 22 and obtain from him an acknowledgement of its receipt duly signed by him. In case he is not present at the time of declaration of result, he should immediately contact the Returning Officer and obtain the certificate of election. In this connection the Commission has decided that-

(1) the certificate of election, in respect of both Parliament and the State Legislatures, should be issued in English or in Hindi but it should be open to the elected candidate to sign the acknowledgement in any language he likes;

(2) where the elected candidate is not present at the counting nor visits the locality shortly thereafter, the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person. The acknowledgment shall be in the form shown below:

I acknowledge receipt of the certificate of election in Form 22 in respect of my election to from Constituency, declared on

Signature of the returned Candidate

Date:

Attested and forwarded to the Secretary

.....

Returning Officer

16.39.2. The acknowledgement is required by the authorities concerned for verifying the identity of the elected candidate at the time of his making and subscribing oath or affirmation before taking his seat in the House.

17. MULTIPLE ELECTIONS

17.1. ELECTION TO BOTH HOUSES OF PARLIAMENT

- 17.1.1. A candidate cannot be a member of both Houses of Parliament [Article 101(1) of the Constitution] (**Appendix 34**).
- 17.1.2. If the candidate is elected to both Houses of Parliament, but have not taken his/her seat in either House, he/she should by notice in writing signed by him/her and delivered to the Secretary to the Election Commission within ten days from the date or the later of the dates of such election intimate in which of the House he/she wish to serve. The candidate's seat in the other House will then become vacant.
- 17.1.3. If the candidate fails to send such intimation within that time-limit, his/her seat in the Council of States will become vacant automatically.
- 17.1.4. Any such intimation given by the candidate will be final and irrevocable. [Section 68 of the Representation of the People Act, 1951.] (**Appendix 35**)
- 17.1.5. For this purpose, the date of the candidate's election to either House of Parliament will be the date, on which he/she was declared elected by the Returning Officer.

17.2. MEMBER OF THE HOUSE OF THE PEOPLE ELECTED TO THE COUNCIL OF STATES

- 17.2.1. If the candidate is already a member of the House of the People and have taken his/her seat in that House, but are subsequently elected to the Council of States, his/her seat in the House of the People will become vacant on the date of his/her election to the Council of States, as defined in section 67-A of the Representation of the People Act, 1951. [Section 69(1) of the Representation of the People Act, 1951.]

17.3. MEMBER OF THE COUNCIL OF STATES ELECTED TO THE HOUSE OF THE PEOPLE

- 17.3.1. If the candidate is already a member of the Council of States and has taken his/her seat in that Council but are subsequently elected to the House of the People, his/her seat in the Council of States will become vacant of the date of his/her election to the House of the People as defined in section 67-A of the Representation of the People Act, 1951. [Section 69(2) of the Representation of the People Act, 1951.]

17.4. ELECTION TO MORE THAN ONE SEAT IN EITHER HOUSE OF PARLIAMENT OR EITHER HOUSE OF A STATE LEGISLATURE

17.4.1. The candidate may be elected to more than one seat in the House of the People or the Council of States or in the House or either House of the Legislature of a State. In such a case, he/she has to resign all but one of such seats within fourteen days from the date of such election or where the dates of his/her election are different in respect of different seats, fourteen days from the last of those dates. Such resignation is to be intimated by the candidate in writing and signed by him/her. The communication should be addressed to the Speaker or Chairman of the House concerned or if necessary, to the deputy Speaker or the Deputy Chairman of the House or failing that to the Election Commission. If the candidate fails to do so, all his/her seats will become vacant. [Section 70 of the Representation of the People Act, 1951 and rule 91 of the Conduct of Elections Rules, 1961] (**Appendix 36**).

17.5. ELECTION TO BOTH PARLIAMENT AND STATE LEGISLATURE

17.5.1. A candidate cannot be a member both of Parliament and of a House of the Legislature of a State. If the candidate has been elected both to Parliament and to the Legislature of a State, he/she should resign one of his/her seats within fourteen days from the date of publication in the Gazette of India or in the Official Gazette of the state, whichever is later, of the declaration that the candidate has been so elected. If the candidate fails to do so, his/her seat in Parliament will become vacant. [Article 101(2) of the Constitution and rule 2 of the prohibition of simultaneous Membership Rules 1950 (**Appendix 37**).

Rule 91 of the Conduct of Elections Rules, 1961

91. Resignation of seats in case of election to more seats than one in a House.

(1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of State to which he has been elected shall be--

(a) fourteen days from the date of his election under section 67-A; or

(b) where the dates of his election are different in respect of different seats fourteen days from the last of those dates.

(2) Such resignation shall be addressed -

(a) to the Speaker or the Chairman of the House concerned; or

(b) Where the office of the Speaker or Chairman is for the time being vacant or is or is deemed to be in abeyance to the Deputy Speaker or the Deputy Chairman of the House concerned; or

(c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is deemed to be in abeyance to the Election Commission.

(3) Where the resignation has been addressed to the Election Commission under sub-rule (2) the Election Commission shall, as soon as may be after the receipt of the resignation send a copy thereof to the Secretary of the House concerned.

Article 101 (2) of the constitution--

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State and if a person is chosen a member both of Parliament and of a House of the Legislature of a State then at the expiration of such period as may be specified in rules made by the President that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Legislature of the State.

17.6. ELECTION TO BOTH HOUSES OF A STATE LEGISLATURE

17.6.1. A candidate cannot be a member of both Houses of the Legislature of a State. If the candidate is elected to both the Houses, he/she should immediately consult the Secretaries of the Houses in order to ascertain how he/she should vacate his/her seat in one House or the other. The candidate will have to resign his/her seat in one of the Houses according to the provisions made in this behalf under Article 190(1) of the Constitution.

The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State, specified in the First Schedule to the Constitution of India (hereinafter referred to as "the Constitution") shall become vacant unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of Publication in the Gazette of India or in the official Gazette of the State whichever is later of the declaration that he has been so chosen.

Article 190 of the Constitution-- Vacation of Seats.

(1) No person shall be a member of both House of the Legislature of a State and provision shall be made by the Legislature of a State by law for the vacation by a person who is chosen a member of both houses of his seat in one House or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States then at the expiration of such period as may be specified in rules made by the President that person's seat in the Legislature of all such States shall become vacant unless he has previously resigned his seat in the Legislatures of all but one of the States. The Prohibition of Simultaneous Membership Rules, 1950 published vide M/Law Notification No. F46/50-C dated 26.1.1950.

This period shall be ten days from the later or as the case may be the latest of the dates of publication in the Official Gazettes of such States of the declarations that he has been so chosen.

18. MONITORING OF ELECTION EXPENDITURE AND ACCOUNTS OF CANDIDATES

18.1. LEGAL PROVISIONS

18.1.1. Under Section 77 of the Representation of the People Act, 1951, every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself 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. The total of the said expenditure shall not exceed such amount as may be prescribed under Section 77(3) of R.P. Act 1951. Rule 90 of the **Conduct of Election Rules**, 1961 prescribes varying limits of election expenditure for the Parliament and Assembly Constituencies of each of the States & UTs. The incurring or authorizing of expenditure in excess of the limits prescribed is a corrupt practice under Section 123 of the R.P. Act, 1951.

18.1.2. According to Section 78 of the said Act, every contesting candidate has to lodge true copy of the account of his election expenses with the District Election Officer within 30 days from the date of declaration of result of the election. Failure to lodge the account of election expenses within the time and in the manner required by law without good reason of justification may result in the disqualification of the candidate concerned by the Commission under Section 10A of R.P. Act, 1951.

18.1.3. In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses and filling of their returns of election expenses in the manner and within the time required by law, the Returning Officer 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 (**Appendix 42**), as soon as he files his nomination paper.

18.1.4. Each candidate has to file his/her accounts of election expenses in the prescribed format/Expenditure Register (**Appendix 41**). The account shall contain such particulars as prescribed under section 77 (2) of R. P. Act, 1951.

18.1.5. 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, the Abstract Statement have been given in Appendix 41. The candidates are advised to acknowledge the receipt of day to day Expenditure Register + Cash Register + Bank Register + Abstract Statement + Schedules 1 to 9 + Affidavit and to receive acknowledgement from the District Election Officer after lodging the account of election expenses with the District Election Officer in the format prescribed in **Appendix 41**.

18.1.6. The candidates, while maintaining their register of accounts of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign materials etc. which are actually used during the post nomination period in connection with the election.

18.2. ELECTION EXPENDITURE INCURRED ON STAR CAMPAIGNERS

18.2.1. As per the new explanations 1 and 2 inserted under Section 77(1), only the expenses on account of travel of star campaigners (leaders) of political parties covered under explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses incurred/authorized by the political parties, other associations, body of persons, individuals – are required to be included in the account of the candidate. Explanation 2 to Section 77(1) requires that the list of leaders of a political party (40 in the case of recognized parties and 20 in the case of registered unrecognized parties) is to be submitted by the political parties concerned within 7 days from the issue of notification to the Commission and to the Chief Electoral Officer of the State concerned for availing of the benefit of Clause (a) of Explanation. The Chief Electoral Officer and the Commission will communicate to the Returning Officer the names of such political leaders. Returning Officer shall not entertain any such list directly from any political party.

18.2.2. 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.

18.2.3. A political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1) of the RP Act, 1951. In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1) of that Act.

18.2.4. (a) If any attendant including security guard, medical attendant, or any other person including any member of the party, who is not a candidate in the constituency concerned, or any representative of the electronic or print media, travels with the leader (star-campaigner) of the political party in his vehicle/aircraft/helicopter etc., then the travel expenses of such leader shall be wholly booked to the account of political party, provided that such person(s) sharing the transport with the leader (star campaigner) does not play any role in election campaign for the candidate in any manner. However, if any such person(s) sharing the transport with the leader plays any role in election campaign for the candidate(s) in any manner then 50% of the travel expenditure of the leader shall be apportioned to such candidate(s).

(b) The names of leaders of the political party (star campaigners), as defined in Explanation 2 of section 77 (1) of the R. P. Act, 1951 are to be communicated to the Election Commission of India and the Chief Electoral Officer of the State by the political party, within a period of seven days from the date of notification for such election and such leaders are entitled to the benefits provided under section 77 of the R. P. Act, 1951, from the date on which the list including his name is received by the Election Commission of India and by the Chief Electoral Officer of the State concerned.

(c) If the leader (star campaigner) is a part of any rally, organized outside his constituency, he is entitled to the exemption provided under Explanation 1 of section 77(1) of the R. P. Act, 1951. However, if the leader (star campaigner) is also contesting election in any constituency, then he is not entitled to any benefit u/s 77 of the said Act, for the travel expenses incurred within his own constituency and the expenses on meeting or rally organized by him in his constituency including the travel expenses are to be added to his account of election expenditure.

(d) If the rally/meeting is organized in the constituency of the leader (star campaigner), where the leader shares the dais with other contesting candidates, then the meeting expense is to be apportioned to the election expenditure of the leader and all such candidates. However, if, he (star campaigner) is taking part in a rally/ meeting, along with other contesting candidates of his party outside his constituency, then the meeting expense shall be apportioned to the election expenditure of all such candidates, for whose election campaign, such rally/meeting is organized and no part of such rally/meeting expense, organized outside his constituency shall be added to the election expense of the leader (star campaigner).

(e) If a star campaigner of another political party /a party in alliance with the party of the candidate attends the rally and takes the name of the candidate or shares dais with

the candidate then the travel expense of that campaigner of allied party up to the constituency is not exempted and should be added to the candidate's expenses.

(f) All expenditure including lodging/boarding expenses of star campaigners in the constituency where they campaign for any candidate shall be included in the expenditure account of that particular candidate, provided that –

- a) the Star Campaigners/Campaigners have actually campaigned for the candidate, and
- b) the Star Campaigners/Campaigners have incurred such boarding and lodging expenditure while remaining in a commercial hotel or lodge for the purpose of election campaign of the candidate irrespective of the fact whether the payment is made by such candidate or not.

The market value of such commercial boarding and lodging is to be calculated towards the election expenditure of the candidate, even if the boarding and lodging is provided as complimentary. If the star campaigner while availing the boarding and lodging in one constituency, travels to another constituency to campaign for other candidates, then the lodging and boarding expense will be proportionately distributed as the expense of those candidates.

18.3. THE ROLE OF RETURNING OFFICER RELATED TO ELECTION EXPENDITURE

18.3.1. The Commission in its order dated 24th October, 2003 has directed that as soon as a candidate files his nomination paper, a day to day Expenditure Register + Cash Register + Bank Register + Abstract Statement + Schedules 1 to 9 + Affidavit in the standard proforma (Appendix 41) shall be issued with sample letter (Appendix 42) 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 all expenditure and Schedules 1 to 9 in the prescribed format.

18.3.2. The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma.

18.3.3. The candidate will be asked to acknowledge the receipt of the said letter and its enclosures including the abovementioned register then and there.

18.3.4. All the acknowledgements obtained from the candidates will be sent by the Returning Officer to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures. Only contesting candidates are required to lodge accounts.

18.4. ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS

18.4.1. Though under Section 77 of R.P. Act, 1951, every candidate is required to keep an account of his election expenses as aforesaid, under Section 78 of R.P. Act, 1951, it is only the contesting candidates who are required to lodge their accounts of election expenses.

18.5. ELECTION FROM MORE THAN ONE CONSTITUENCY

18.5.1. If a candidate contests election from more than one constituency, he has to keep and also lodge a separate return of election expenses for each election which he contests. The election for each constituency is a separate election.

18.6. AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED

18.6.1. In every State and Union Territory, the account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested election lies.

18.6.2. As some of the Assembly and Parliamentary Constituencies in some State extend over more than one district, the question may arise as to which District Election Officer should receive the accounts submitted by the candidates in such cases. It is clarified that the accounts of election expenses should be lodged with the District Election Officer of the District, who had provided the polling stations for the constituency. For the information of the candidates, the name and designation of the District Election Officer concerned should be published locally indicating the names of constituencies in respect of which he would receive the accounts.

18.6.3. For the convenience of the contesting candidates, the District Election Officer should also issue a letter to all contesting candidates in every constituency within three days of the date of election of the returned candidate intimating the name, designation and address of the District Election Officer with whom the account has to be lodged and also the last date before which the account should reach him.

18.7. MAINTENANCE OF ACCOUNTS BY THE CANDIDATE AND THE REGISTERS OF ELECTION EXPENDITURE

18.7.1. Each candidate is required to maintain a day to day account of his election expenditure in a register, given to him by the Returning Officer at the time of filing of nomination papers. This register consists of three parts:

- Register of day to day accounts in Part A, in white pages,
- Cash Register as Part B, in pink pages and
- Bank Register as Part C, in yellow pages

18.7.2. The candidate shall have to submit the above-mentioned registers for inspection by the Expenditure Observer at least three times during the campaign period. Every page of the register must be numbered and a certificate must be given by Returning Officer on the first and last page of the register about the total number of pages in the register. The register should have sufficient number of pages for the entire campaign period. However, if the register gets filled up earlier, the candidate can ask for a supplementary register and the Returning Officer shall issue a supplementary register to him in the same format. The candidate shall give an acknowledgement for having received these registers. Returning Officer will provide the District Election Officer with the receipts of the Registers of the Candidates.

18.7.3. MAINTENANCE OF THE DAY TO DAY ACCOUNT OF ELECTION EXPENDITURE

1. All cash, cheque, or draft or pay order received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.
2. If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses and an entry shall be made in the Bank Register. If the cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. After the cash is deposited in Bank, the Bank Register (Part C) will be updated.
3. If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said Bank account opened for election

expenditure. If, it is cheque from his own bank account, then in the Bank Register, "Candidate's own fund" is to be mentioned.

4. If any person party /body/association provides some goods or services in kind, for election campaigning of the candidate, then for these items, necessary entries shall be made in the Day to Day accounts register of the Candidate. Further, if the items in kind have been provided by the political party or any person/association, then the total value and name and address of the political party/person/association shall be mentioned in the register.
5. On the other hand, all election expenditure shall be entered in the Register of Day to Day Accounts. If the amount is paid by the candidate/ political party/person, then the amount and other details will be mentioned at appropriate columns in the Register with details of name and address of the payee. All the payments for expenses (except petty expenses up to **Rs.10,000/-** to a single party during the entire election process) are to be made only through A/c payee cheques. Payment of petty expenses may be made in cash only if the total amount paid to a person during whole period of campaigning does not exceed **Rs. 10,000/-**. After payment is made for the petty expense, such expenses shall be entered in the Register of the Day to Day Accounts.

18.7.4. RECEIPT OF DONATIONS ETC BY CANDIDATES FOR PURPOSE OF ELECTION CAMPAIGN

Donations/contributions in cash received by the candidates from a single entity/person in a single or multiple transaction shall not exceed to Rs. 10,000/-. However, in the case of political parties the receipt from donations/contributions shall continue to be governed by the existing provisions of Section 29C of the R. P. Act, 1951.

18.7.5. EXPENSES BY CANDIDATES IN CASH

1. All candidates, while maintaining their register of accounts of election expenditure, shall account for all expenditure incurred on the day of filing of nomination (i.e. from day 1) and also those incurred prior to the date of nomination like expenditure on campaign materials which are used during the post nomination period. All expenses relating to the rally or procession organized while filing nomination are included in the accounts of the candidates.

2. When members of public attend a public rally/procession/public meeting of candidate(s) by using their own personal vehicle, without receiving any payment or reimbursement from anybody, it shall not be included in the expenditure of the candidate. However, the personal vehicles used in the rally or public meeting for campaign purpose by putting flags or banners or poster for the benefit of any candidate(s) shall be included in the expenses of the candidate(s). If the commercial vehicles bearing commercial registration number are used for rally or public meeting of any candidate(s) the expenditure on such vehicles shall be included in the account of the candidate(s).
3. One personal vehicle owned and used by the candidate(s) for campaign purpose shall be treated as campaign vehicle and notional expenditure on fuel and driver salary as per the market rate shall be included in the accounts of the candidate(s). In case other vehicles, owned by the candidate(s), are used for campaign purpose, then the notional expenses as per the notified rate for hiring of such vehicles shall be calculated by the candidate(s).
4. The expense on the vehicle of the district level party office bearers/leaders (other than star campaigners) for the purpose of their visit to multiple ACs within the district for electioneering shall not be included in the accounts of candidate(s). If the district functionary himself is a candidate, contesting from the same district and such vehicle is used for his movement in the constituency from where he is contesting, or such vehicle is used for campaign for any particular candidate(s), then the hiring charges of the vehicle shall be included in the accounts of the candidate(s) using the vehicle for campaign purpose.
5. The expense on such items of flags, mufflers or caps with party symbol shall be accounted for by the party concerned as its election expense. If they bear the name(s) or photo(s) of candidate(s), it shall be added to the accounts of the candidate. However, supply and distribution of main apparels like saree, shirt, T-shirt, dhoti etc. by party/candidate is not permitted as it is bribery of voters.
6. If during inspection, the seized cash or other items are found to be linked with a candidate, then a complaint /FIR will be lodged by the R.O or any other officer authorized by him. He will send the copy of complaints/FIR to the Expenditure Observer/Assistant Expenditure Observer who shall mention it in Shadow Observation Register. However, the seized amount will not be treated as election expenditure of the candidate till the case filed in the court is decided finally and till

such time it shall not be entered in Shadow Observation Register. The Complaint/FIR copy shall be kept in the folder of evidence.

7. All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorized shall be obtained from day to day as the expenditure is incurred or authorized and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.
 - 1) the account of election expenses to be kept by a candidate or his election agent under Section 77 of the said Act shall contain the following particulars in respect of each item of expenditure from day to day, namely: -
 - a. the date on which the expenditure was incurred or authorized;
 - b. the nature of expenditure (as for example, travelling, postage or printing and the like);
 - c. the amount of expenditure- (a) the amount paid; (b) 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 **whom** the amount outstanding is payable.
 - 2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.
 - 3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).
 - 4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

18.8. ACCOUNT TO BE MADE AVAILABLE BY CANDIDATE FOR INSPECTION AND DISPLAY

- 18.8.1. The Commission has directed that the day-to-day account as maintained by a candidate in the aforesaid register together with the supporting documents shall be

made available by the candidate for inspection on three occasions at least during the process of election to the Returning Officer/ **Expenditure Observer** appointed by the Commission or any other official appointed for this purpose.

18.8.2. The RO shall prepare a schedule for inspection of Expenditure Register of each candidate, by the Expenditure Observer, or a senior officer designated by the R.O. in consultation with the Expenditure Observer for the purpose. The candidate is required to produce the register either in person or through his election agent or any other person duly authorized by him before the Expenditure Observer/designated officer for inspection at least three times during the campaign period.

18.8.3. The gap between two inspections should be at least three days. This schedule shall be given wide publicity through the press. For convenience, for each candidate the timing of inspection may be specified between 10 A.M to 5 P.M. Timings should be fixed in such a way that the work should be completed before 7 P.M. The inspection should be done either in Returning Officer's office room or any other conference room/office chamber. The last inspection should be fixed not before 3 days from the day of poll. After every inspection, during the election process, the day to day election account register of a candidate shall be scanned till the date of inspection and uploaded onto the DEO's portal with a link provided to the CEO's website besides displaying a photocopy on the notice board of the Returning Officer.

18.8.4. If a candidate or his agent does not produce his Election Expenditure Register for inspection on the day fixed for this purpose, a notice shall be issued to the candidate by the Returning Officer in writing, informing him that if he fails again to produce the Register for inspection on the day specified in the notice, it shall be presumed that he has failed to maintain a day to day account of election expenditure as required under Section 77 of RP Act 1951. This notice shall be given the widest possible publicity and a copy shall be displayed on Returning Officer's notice board. If, in spite of the notice, the candidate fails to produce the register of election expenditure for inspection, a complaint under Section 171-I of IPC shall be filed in the competent court. Besides this, the permission given to the candidate for use of vehicles during election should be withdrawn, if the candidate does not produce the register after three days of service of the notice. The withdrawal of permission for use of vehicles shall be intimated to all the Surveillance Teams and Flying Squads and displayed on Returning Officer's notice board.

18.8.5. While inspecting the accounts of the candidates as per the schedule of inspection fixed, Returning Officer will ensure that two photocopies of the relevant pages of the

register are retained by the inspecting officer. One copy of the relevant pages will be displayed on Returning Officer's notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with Returning Officer and furnished to the District Election Officer on conclusion of the poll process. In this exercise, Returning Officer must ensure that the inspection does not become a source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

18.8.6. Publicity should also be given that members of the public can be present during inspection of expenditure registers/ accounts and that anybody can obtain a copy of the expenditure register of any candidate, on payment of Re.1 per page, from the Returning Officer. The inspection of registers should be done, as far as possible, by the Expenditure Observers only. Where the inspection of register is carried out by a designated officer, other than the Expenditure Observer due to some unavoidable reasons, the Expenditure Observer shall be kept apprised of the outcome of each such inspection and the reasons for such inspection by any other officer.

18.8.7. The Election Commission of India hereby issued the following order for maintaining the purity of election process:

1. If the Returning Officer or any officer authorized, by the District Election Officer/Returning Officer, is in receipt of information during election process that any candidate has incurred or authorized certain expenditure and has not shown either a part or whole of it in his day to day account of election expenditure, maintained by him under section 77(1) of the Representation of the People Act, 1951, or has not produced the said accounts for inspection on the scheduled date before the authorized officer or Expenditure Observer, then the Returning Officer shall issue a notice along with the evidence thereof to the candidate preferably within 24 hours of the date of receipt of information or inspection of accounts mentioning the details of expenses, which are not shown truly or correctly in day-to-day account or informing him that he failed to produce his account , as the case may be. However, in case of suspected Paid News items, where notice is issued or is being issued by the Returning Officer as per the recommendation of the Media Certifying and Monitoring Committee (MCMC), such items shall not be covered in this notice.
2. Such candidate may reply to the notice within 48 hours, explaining the reasons for omission of default which is brought to his notice. In cases where the candidate

accepts the fact of suppressed expense mentioned in the notice, the same shall be added to his election expenses.

3. Where candidate fails to produce his day to day account for inspection and in spite of the notice, the failure continues, then FIR is to filed under section 171 (I) of Indian Penal Code, after 48 hours of service of such notice and the permission for use of vehicles etc. by the candidate for election campaign shall be withdrawn.
4. Where no reply is submitted by the candidate or his election agent within 48 hours of receipt of the notice, then the candidate shall be deemed to have accepted the suppressed amount mentioned in the notice and the same shall be added to the election expenses of such candidate.
5. If the candidate or his election agent disputes the suppressed expenditure, mentioned in the notice, he shall submit the reply mentioning the reasons for disagreement and the same shall be forwarded to the District Expenditure Monitoring Committee (DEMC) consisting of the following:
 - a. Expenditure Observer in charge of the Constituency
 - b. DEO
 - c. Dy. DEO/Officer in charge of Expenditure Monitoring of the District.
6. The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate thereto, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not to the election expenses account of the candidate.
7. The candidate shall be given another opportunity to reconcile the under stated account of the election expenditure, if any, in the Account Reconciliation meeting, to be conducted by the DEO, on the 26th day of the declaration of the result.

18.9. PREPARATION OF RATE CHARTS

18.9.1. The Commission has directed all District Election Officers to make available the rates of the under-mentioned items to all Election Observers immediately on their arrival in the constituency. The list of these items, not exhaustive but illustrative, are as follows: 1. Hiring charges of Loudspeaker with amplifier and microphone 2. Construction of podium / pandal (standard size to seat 4-5 persons) 3. Cloth Banner 4. Cloth Flags 5. Plastic Flags 6. Hand Bills (cost to be calculated and print order ascertained from printer – refer 127A of R.P. Act, 1951) 7. Posters 8. Hoardings 9. Cut outs (wooden) 10. Cut outs (Cloth/Plastic) 11. Video Cassettes 12. Audio Cassettes 13. Erection of gates 14. Erection of Arches 15. Daily hiring charges of vehicles: (i) Jeep /

Tempo / Trucker, etc.(ii) Sumo / Qualis (iii) Cars (iv) Three-Wheelers (v) Cycle-Rickshaw 16. Hiring charges of hotel rooms / guest houses 17. Charges of drivers' salary 18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures 19. Hiring charges of hoarding sites from municipal authorities 20. Other items commonly used in a District.

18.10. EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.

18.10.1. The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there is more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all, and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will also be intimated to the Returning Officer/District Election Officer of the Constituency/District to which the other candidates belong.

18.10.2. Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds, amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the "leader". These accounts will be duly verified by the **Expenditure Observer** or the Designated Officer appointed for scrutiny of the accounts.

18.10.3. The candidate/political party/organizer will deposit the estimated cost of barricades / rostrum in advance where the construction of the same are being done by the government agencies.

18.11. MANNER OF LODGING THE ACCOUNT

18.11.1. The Register supplied by the Returning Officer to each candidate in which the candidate has kept his account of election expenses shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law.

18.11.2. Further, the candidate is also required to furnish the abstract statement in Parts I to IV of the proforma given to him by the Returning Officer along with the said

Register(s). No column in the Register(s) or in the abstract statement of the proforma is to be left blank. If no expenditure has been incurred or authorized on any item listed therein, a 'Nil' entry should be made in the appropriate column.

18.11.3. Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma mentioned above.

18.11.4. The account filed should be a true and complete account kept by the candidate or his election agent and should be certified as such by the candidate himself. A certificate by the election agent of a candidate is not sufficient and even if hence election agent certifies the account, it should again be certified by the candidate himself.

18.12. VOUCHERS TO BE FILED WITH ACCOUNTS

18.12.1. Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such that it is not practicable to obtain voucher, e.g., postage, travel by railway and the likes. All vouchers should be serially numbered by the candidate or his election agent.

18.13. VOUCHERS TO BE SIGNED

18.13.1. Parts I-IV of the Abstract Statement and Affidavit should be signed by the candidate himself in full while the bills, vouchers, certified copies of the bank statement may be signed by candidate or his election agent in full.

18.14. LAST DATE FOR FILING ACCOUNTS

18.14.1. The account should be lodged by the candidate within 30 days from the date of election of the returned candidate vide Section 78 of the Representation of the People Act, 1951.

[**N.B.** (i) In computing the period of 30 days, the date on which Returning Officer declares the returned candidate elected should be excluded. (ii) If the 30th day so computed is a Sunday or other holiday and **DEO's office** is closed on that day, the account of election expenses may be lodged on the next day on which **DEO's office** functions. The account will be deemed to have been lodged in time in such a case.]

18.15. MEANING OF DATE OF ELECTION

18.15.1. The “date of election” of a returned candidate is the date on which Returning Officer declare him to have been elected whether it was a contested or an uncontested election.

18.16. ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT

18.16.1. As soon as the account of election expenses is filed by a candidate, District Election Officer should acknowledge its receipt in the prescribed proforma. If the account is received by DEO by post, he/she should send the acknowledgement forthwith by post. One copy of the acknowledgement should be kept by the DEO/Designated Official receiving the accounts.

18.17. NOTICE OF FILING ACCOUNTS

18.17.1. Within two days from the date on which the candidate lodges his account of election expenses, affix a notice on DEO's notice board specifying: -

- i. the date on which the account has been lodged;
- ii. the name of the candidate; and
- iii. the time and place at which the account can be inspected

18.18. INSPECTION AND COPIES

18.18.1. Any person can, on payment of a fee of rupee one, inspect the account lodged with Returning Officer by a candidate. According to Rule 88 of the Conduct of Election rules 1961, the Commission has fixed the fee of Re.1 per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

18.18.2. If inspection of an account of election expenses has been applied for at any time during the period that the account is with the Election Commission, the application should be kept pending until the account is received back from the Commission after which the inspection will be allowed to the applicant.

18.19. REPORT TO THE COMMISSION

18.19.1. DEO shall scrutinize the statement of accounts of election expenditure submitted by each candidate after the declaration of results with the help of the Expenditure Monitoring Cell and with the assistance and support of the Expenditure Observer and submit a report to the Commission through the CEO within 45 days of the

declaration of the results in the prescribed format along with the Summary Report. The comments of the Expenditure Observer should also be taken in the DEO's Report. The procedure to be adopted by DEO in preparation of Scrutiny report and Summary report in respect of accounts of election expenses of the candidates is explained in ECI No. 76/Instructions/2015/EEPS/Vol. XIV dated 2nd June, 2016.

18.19.2. DEO's Report may be prepared meticulously scanned copy of the Abstract Statement (Part-I to Part- IV) of all the candidates along with copy of all notices issued by the RO, if any, and replies thereto, during the election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.

18.19.3. The DEO's scrutiny report has to be entered in EEMS software, by the office of the DEO within 3 days after finalisation of the DEO's Scrutiny Report.

18.20. SEPARATE REPORT FOR EACH CONSTITUENCY

18.20.1. DEO has to 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.

18.21. ACCOUNTS FILED LATE

18.21.1. If a contesting candidate has lodged his account of election expenses after DEO has sent his/her report to the Commission, send a supplementary report in respect of him in the same Form.

18.22. NATURE OF EXAMINATION

18.22.1. Since the return of election expenditure filed by a candidate has to reflect the "correct" account of "all" election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report to the Commission as required under Rule 89 of the Conduct of Elections Rules, 1961, certify to the Commission with reference to the documents filed before him and as verified by him through an appropriate enquiry, that the statement of account is in the manner prescribed.

18.23. PUBLICATION OF REPORT

18.23.1. DEO shall publish a copy of every report sent to the Commission by affixing a copy thereof to his/her notice board.

18.24. COMMISSION'S DECISION ON REPORT

18.24.1. The Commission will consider the report and decide whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law. In such a case the Commission will call upon the candidate to show cause why he should not be disqualified.

18.25. DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES

18.25.1. In order to ensure that the notices issued by the Commission are served on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notices to the District Election Officer to cause the same to be delivered to the candidates concerned. Every effort should be made to effect the delivery of notice to the candidate concerned within three days of receipt of the same in DEO's office from the Commission.

18.25.2. The notice should be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same.

18.25.3. If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same may be pasted on the wall/door of the residence of the candidate in the presence of two witnesses preferably of the locality. A note to this effect must be recorded on the spot and the signatures of the witnesses along with their addresses obtained thereon.

18.26. REPRESENTATION BY DEFAULTING CANDIDATE

18.26.1. Any contesting candidate who has been called upon to show cause, may within twenty days of the receipt of such notice, represent in writing to the Election Commission, and shall, at the same time, send DEO a copy of his representation together with a complete account of his election expenses if he has not already furnished such an account.

18.27. SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER

18.27.1. The DEO should send his supplementary report along with the acknowledgement obtained from the candidate in token of his having received the notice to the Commission immediately, and in any case within one week, after the expiry of the period within which the candidate has been directed by the Commission to submit his representation with his account, if any.

18.27.2. The supplementary report should be sent even where the candidate has not filed any representation.

18.28. FINAL ORDER BY COMMISSION

18.28.1. If, after considering the representation submitted by the candidate and the comments made by the DEO and after such enquiry it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified under Section 10-A of the Representation of the People Act, 1951 for a period of three years from the date of the order and cause the order to be published in the official gazette.

18.29. REMOVAL OF DISQUALIFICATION

18.29.1. Under Section 11 of the Representation of the People Act, 1951, Election Commission may, for reasons to be recorded, remove any such disqualification or reduce the period thereof.

18.30. TIME LIMITS TO BE STRICTLY ADHERED

18.30.1. All such time limits as specified in the foregoing paragraphs for submission of reports to the Commission, response to the notice by the defaulting candidates, etc. should be strictly adhered to. The Commission takes serious exception to any lapse in this regard.

18.31. MAXIMUM ELECTION EXPENSES

18.31.1. The total of the expenditure of which account is to be kept under Section 77 of the R.P. Act, 1951 and which is incurred or authorized in connection with an election in a State or Union territory mentioned in column 1 of the Table below shall not exceed -

- a. In any one parliamentary constituency of that State or Union Territory, the amount specified in the corresponding column 2 of the said table; and
- b. In any one assembly constituency, if any, of the State or Union Territory, the amount specified in the corresponding column 3 of the said table.

S. No.	Name of State or Union Territory	Maximum limit (in Rs.) of election expenses in any one	
		Parliamentary Constituency	Assembly Constituency
	1	2	3
I. STATES			
1	Andhra Pradesh	70,00,000	28,00,000

2	Arunachal Pradesh	54,00,000	20,00,000
3	Assam	70,00,000	28,00,000
4	Bihar	70,00,000	28,00,000
5	Goa	54,00,000	20,00,000
6	Gujarat	70,00,000	28,00,000
7	Haryana	70,00,000	28,00,000
8	Himachal Pradesh	70,00,000	28,00,000
9	Jammu & Kashmir	70,00,000	-----
10	Karnataka	70,00,000	28,00,000
11	Kerala	70,00,000	28,00,000
12	Madhya Pradesh	70,00,000	28,00,000
13	Maharashtra	70,00,000	28,00,000
14	Manipur	70,00,000	20,00,000
15	Meghalaya	70,00,000	20,00,000
16	Mizoram	70,00,000	20,00,000
17	Nagaland	70,00,000	20,00,000
18	Orissa	70,00,000	28,00,000
19	Punjab	70,00,000	28,00,000
20	Rajasthan	70,00,000	28,00,000
21	Sikkim	54,00,000	20,00,000
22	Tamil Nadu	70,00,000	28,00,000
23	Tripura	70,00,000	20,00,000
24	Uttar Pradesh	70,00,000	28,00,000
25	West Bengal	70,00,000	28,00,000
26	Chhattisgarh	70,00,000	28,00,000
27	Uttarakhand	70,00,000	28,00,000
28	Jharkhand	70,00,000	28,00,000
29	Telangana	70,00,000	28,00,000
II. UNION TERRITORIES			
1	Andaman and Nicobar Island	54,00,000	-----
2	Chandigarh	54,00,000	-----
3	Dadra and Nagar Haveli	54,00,000	-----
4	Daman and Diu	54,00,000	-----
5	Delhi	70,00,000	28,00,000
6	Lakshadweep	54,00,000	-----
7	Puducherry	54,00,000	20,00,000

18.32. MEASURE TO CHECK CORRUPTING INFLUENCE OF MONEY POWER

18.32.1. The increasing role of money power in elections is too well known and is one of the maladies which sometimes reduces the process of election into a mere farce by placing some privileged candidates with financial resources in a distinctly

advantageous position as compared to other candidates. The result of such an election cannot reflect the true choice of the people. The system also sometimes deprives qualified and able persons of the prerogative to represent masses.

18.32.2. It is commonly perceived that the above-quoted provisions of law have become utterly inadequate to check the corrupting influence of money power.

18.32.3. It is relevant to cite from a recent judgement of the Supreme Court in this context (Gadakh Yashwantrao Kankarrao Vs. E.V. alias Balasaheb Vikhe Patil & Others- AIR 1994 SC 678):

“The existing law does not measure up to the existing realities. The ceiling on expenditure incurred or authorised by the candidate himself but the expenditure incurred by the party or anyone else in his election campaign is safely outside the net of legal function. The spirit of the provision suffers violation through the escape route. The prescription of ceiling on expenditure by a candidate is a mere eye-wash and no practical check on election expenses for which it was enacted to attain a meaningful democracy. This lacuna in the law is, however, for the Parliament to fill lest the impression is reinforced that its retention is deliberate for the convenience of everyone. If this be not feasible, it may be advisable to omit the provision to prevent the resort to indirect methods for its circumvention and subversion of the law, accepting without any qualm the role of money power in the elections. This provision has ceased to be even a fig leaf to hide the reality.”

18.32.4. The Hon’ble Court has further expressed the fond wish in the above quoted judgement that the “duty of the top echelons of leadership at the State and national level of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll.”

18.32.5. The Commission has recommended to the Government of India several amendments to the aforesaid provisions of law relating to election expenses to make them really effective and meaningful. The law has, however, not been amended on the lines recommended by the Commission so far.

18.32.6. In the meanwhile, the Commission has carefully considered ways and means to render the account of election expenditure submitted by the candidates as little incorrect and as close to the truth as possible, within the bounds of law as it stands at present.

18.33. APPOINTMENT OF ELECTION OBSERVERS

18.33.1. The Observers appointed by the Commission will closely watch whether the provisions of the model code of conduct are being followed and will also analyse the expenditure incurred by the individual candidate and report to the Commission instances of misuse of money power for manipulating the will of the electors. The Commission will also determine the magnitude of election expenditure in the light of the report of these observers.

18.34. NO EXEMPTION FROM FILING OF ACCOUNT FOR ANY CONTESTING CANDIDATE

18.34.1. The Observers appointed by the Commission will closely watch whether the provisions of the model code of conduct are being followed and will also analyze the expenditure incurred by the individual candidate and report to the Commission instances of misuse of money power for manipulating the will of the electors. The Commission will also determine the magnitude of election expenditure in the light of the report of these observers.

18.35. RELEVANT LEGAL PROVISIONS

18.35.1. For convenience of reference, relevant provisions relation to account of election expenses contained in Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961 are reproduced in **Appendix 38**.

19. MISCELLANEOUS

19.1. SIGNING BY ILLITERATE PERSONS

19.1.1. Sub-rule (2) (e) of Rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall be deemed to have signed on instrument or a paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission. The Commission has, accordingly, specified every officer belonging to an administrative service not below the rank of a Sub-Divisional Officer as an officer in whose presence such mark may be placed.

19.2. MANUSCRIPT, TYPEWRITTEN, PRIVATELY PRINTED FORMS

19.2.1. Rule 2(1) (g) of the above-mentioned Rules defines “form” as a form appended to the Conduct of Elections Rules, 1961, including a translation thereof in any of the languages used for official purposes of the State. When the candidate has to use a form, which has been prescribed under the rules, he/she must adopt that form. If the State Government has printed the forms, the candidate should get a copy of such printed form. If that is not available, the candidate may use a privately printed, cyclostyled, typed or even manuscript form. That will be accepted. The candidate should, however, be careful to ensure that the text of the prescribed form has been correctly copied and that there is no discrepancy whatsoever in the form used by him/her.

19.3. PRODUCTION AND INSPECTION OF ELECTION PAPERS

19.3.1. Rule 92 of the Conduct of Elections Rules, 1961 provides that it is the duty of the District Election Officer within whose jurisdiction the constituency falls (in the case of the Union Territory, the concerned Returning Officer) to keep in safe custody all papers relating to the election.

19.3.2. Under rule 93(1) of the said rules, the sealed voting machines, sealed packets of registers of voters, sealed packets of unused ballot papers with counterfoils attached thereto, used ballot papers (whether valid, tendered or rejected) the packets of counterfoils of used ballot papers, marked copies of the electoral roll, declarations made by the electors entitled to postal ballot and the attestations of their signature, shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the order of a competent Court.

19.3.3. The Commission has directed that the sealed packets of voters slips which will be issued to voters inside the polling station under the Commission's instructions shall

also likewise be not open to public inspection, except under the order or a competent Court.

19.3.4. All other election papers can be inspected, and certified copies obtained by any person applying for it and paying requisite fee.

19.4. PRODUCTION AND INSPECTION OF OTHER ELECTION PAPERS

19.4.1. Sub-rule (2) of Rule 93 of the Conduct of Elections Rules, 1961, provides that all papers relating to an election, other than those referred to in sub-rule (1) thereof, shall be open to public inspection subject to conditions and to the payment of such fee, if any, as the Election Commission may direct.

19.4.2. In pursuance of the said sub-rule read with Section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions:

1. Inspection:

- a. Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection required;
 - b. An inspection of the documents shall be allowed to any person applying for the same on payment of fee of Rs. 5 per hour of inspection or part thereof, unless inspection is required to be made urgently in which case the fee shall be Rs. 10 per hour or fraction thereof.
 - c. Inspection on an ordinary application shall be allowed on the day following the date on which the application is made or on a subsequent day and inspection on an urgent application, shall be allowed on the same day. Instructions for inspection of account of election expenses and supply of copies thereof are contained in previous chapter.
- 2. Certify Copy:** A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Officer. The procedure to be followed in respect of an application for it shall be the same as for a similar application made in respect of a case dealt with by a Revenue Officer.
- 3.** The application should establish the right of the applicant for inspection or for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.

4. No fee shall be charged when inspection or certified copy of a document is required for official purpose.

19.5. SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS

- 19.5.1. Copies of result sheet in Form 20 may be supplied, if asked for, on payment of fee as charged for supply of certified copies of other election records.
- 19.5.2. Copies of election return in Form 21-E may be supplied by the Returning Officer, District Election Officer, the Chief Electoral Officer, or the Election Commission on a payment of Rupees 2 for each copy under sub-rule (3) of Rule 93 of the Conduct of Election Rules, 1961.

19.6. FORM OF APPLICATION FOR REFUND

- 19.6.1. Forms of applications for refund of security deposits are given in **Appendix 39**. Every application for a refund should be made by the candidate or by the person who made the deposit on his/her behalf in the forms as may be appropriate. When a person other than the candidate has made the deposit, the candidate should verify the application. If the candidate has died, his legal representative may make the application for refund in the appropriate form.

19.7. WHEN TO RETURN THE DEPOSIT

- 19.7.1. If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit made by him will be returned as soon as practicable after the publication of the list of contesting candidates or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit will be returned as soon as practicable after the result of election is declared.

19.8. DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY

- 19.8.1. Note that if a candidate was a contesting candidate at a general election to the House of the People or State Legislative Assembly in more than one Parliamentary or Assembly Constituency, he cannot get a return of more than one deposit made by him or on his behalf. Other deposits made by him or on his behalf will be forfeited to Government.

19.8.2. A contesting candidate at an election to the House of the People and also at an election to the State Legislative Assembly when simultaneously held, is entitled to the return of deposits made in both the elections, if he is otherwise entitled to such return, as the two elections are different.

19.9. CONDITIONS FOR RETURN OF DEPOSIT

19.9.1. The deposit made by a candidate shall be returned if the following conditions are satisfied: -

- i. the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdraws his candidature; or
- ii. he dies before the commencement of the poll; or
- iii. he is elected; or
- iv. he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

N.B.

- i. If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded.
- ii. If the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

19.10. REFUND TO A CANDIDATE BELONGING TO THE SCHEDULED CASTE OR SCHEDULED TRIBE

19.10.1. Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe contests an election from a general constituency, he is required under Section 34 (1) to make a deposit of only Rupees 12,500 instead of Rupees 25,000 in the case of an election from a Parliamentary Constituency and Rupees 5,000 instead of Rupees 10,000 in the case of an election from an Assembly Constituency. If he deposits, by mistake or otherwise, the full amount of Rupees 25,000 or Rupees 10,000, as the case may be, instead of what he is required to deposit as mentioned above, he is always entitled to the refund of the excess amount actually deposited by him. Returning Officer will satisfy himself/herself of his being a member of a Scheduled Caste or a Scheduled Tribe before allowing such a refund.

19.11. BAR TO INTERFERENCE BY COURTS IN ELECTORAL MATTERS

19.11.1. For the candidate's convenience, relevant provisions relating to bar to interference by Courts in electoral matters contained in the Constitution of India are reproduced below:

“329. Bar to interference by Courts in electoral matters Notwithstanding anything in this Constitution,

- a. the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any Court;
- b. no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.”

19.11.2. The Supreme Court has held in a catena of decisions that the term ‘election’ used in the above quoted Article 329 (b) of the Constitution connotes the entire electoral process commencing with the issue of the notification calling the election and culminating in the declaration of result of election (See N.P. Ponnuswami Vs. Returning Officer, Namakkal and others (AIR 1952 SC 64), Mohinder Singh Gill Vs. Chief Election Commissioner and others (AIR 1978 SC 851), Lakshmi Charan Sen and others Vs. Union of India and others (AIR 1985 SC 1233), Election Commission Vs. Shivaji (AIR 1988 SC 61), etc. All Courts are peremptorily barred under Article 329 (b) of the Constitution to interfere with, or interdict, the electoral process at any intermediary stage.

19.11.3. All doubts and disputes relating to an election can be raised only in an election petition presented to the High Court of the State/Union Territory concerned after the election is over in accordance with the provisions of Part VI of the Representation of the People Act, 1951 and in no other manner.

19.12. CHILD LABOUR

19.12.1. The Commission has taken strong exception to use child labour in various election activities and has directed that violation of children's right for nay work connected with the election process will not be accepted by the Commission and that necessary action will be taken.

20. FREQUENTLY ASKED QUESTIONS

20.1. WHO CAN CONTEST ELECTIONS

Q 1. What is the minimum age for becoming a candidate for Lok Sabha (House of People) or Vidhan Sabha (Legislative Assembly) election?

Ans. Not less than Twenty-Five Years of age on the date of scrutiny of nomination papers. (Refer: Article 84 (b) of Constitution of India and Article 173 (b) of the Constitution read with Sec. 36 (2) of the Representation of People Act, 1951.)

Q 2. I am not registered as a voter in any constituency. Can I contest election?

Ans. No. The candidate has to be registered as a voter in the current electoral roll to contest election. (Refer: Sec. 4 (d) and Section 5 (c) of Representation of People Act, 1951)

Q 3. I am registered as a voter in a particular State. Can I contest election for Lok Sabha (House of the People) from outside that State?

Ans. Yes. The candidate can contest election from any constituency in the Country, except autonomous Districts of Assam, Lakshadweep and Sikkim. (Refer: Sec. 4 of the Representation of People Act, 1951)

Q 4. A person is a member of Schedule Caste in a particular State. Can he contest election from any other State for Lok Sabha (House of People) from a seat reserved for Scheduled Castes?

Ans. Yes. He can contest election from any other State from a seat reserved for Scheduled Castes. (Refer: Sec. 4 of the Representation of People Act, 1951)

Q 5. A person is a member of Schedule Tribe in a particular State. Can he contest election from any other State for Lok Sabha (House of People) from a seat reserved for Scheduled Tribes?

Ans. Yes. He can contest election from any other State from a seat reserved for Scheduled Tribes except Lakshadweep, other than those in autonomous Districts of Assam and excluding the tribal areas of Assam. (Refer: Sec. 4 of the Representation of People Act, 1951)

Q 6. A person is an elector in a particular State. Can he contest election for a seat in the Vidhan Sabha (Legislative Assembly) of any other State?

Ans. No. (Refer: Sec. 5 of the Representation of People Act, 1951)

Q.7 A person is registered as a voter in a particular State but he is a member of Schedule Caste of other State. Can he contest election from a seat reserved for Scheduled Castes for Vidhan Sabha (Legislative Assembly) in which he is a voter?

Ans. No. (Refer: Sec. 5 of the Representation of People Act, 1951)

Q 8. A person is registered as a voter in a particular State but he is a member of Schedule Tribes of other State. Can he contest election from a seat reserved for Scheduled Tribes for Vidhan Sabha (Legislative Assembly) in which he is a voter?

Ans. No. (Refer: Sec. 5 of the Representation of People Act, 1951)

Q 9 A person is a member of Scheduled Castes or Scheduled Tribes community. Can he contest an election from a general constituency?

Ans. Yes. (Refer: Sec. 4 & 5 of the Representation of People Act, 1951)

Q 10. A person is convicted for some offence and is sentenced to imprisonment for 2 years. Can he contest elections?

Ans. No. (Refer: Section 8 (3) of Representation of People Act, 1951)

Q 11 Supposing such person is on bail, pending disposal of his appeal, can he contest the election?

Ans. No. Even if a person is on bail, after the conviction and his appeal is pending for disposal, he is disqualified from contesting an election as per Supreme Court's decision. But if his conviction is also stayed, then he can contest.

Q.12 Can a person confined in Jail vote in an election?

Ans. No. Such person cannot vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police. (Refer: Section 62(5) of the Representation of the People Act, 1951)

Q.13 Is a person subjected to preventive detention under any law entitled to vote in an election?

Ans. Yes. He is entitled to vote by Postal Ballot paper. (Refer: Proviso to Section 62(5) of the Representation of the People Act, 1951 and Rule 18 (a) (iv) of Conduct of Elections Rules 1961).

Q.14 Can an overseas elector contest the election?

Ans. Yes. An overseas elector whose name has been enrolled in the electoral roll has the right to contest elections, subject to fulfilment of the other requirements of the law. One of the essential qualifications prescribed under the law is that the candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf.

20.2. SECURITY DEPOSIT

Q 1. Every candidate is required to make security deposit. How much is the security deposit for Lok Sabha (House of People) election?

Ans. Rupees Twenty-five Thousand. (Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

Q2. Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Lok Sabha (House of People) election?

Ans. Yes. It is Rupees Twelve thousand Five Hundred. (Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

Q 3. How much is the security deposit for a Vidhan Sabha (Legislative Assembly) election?

Ans. Rupees Ten Thousand. (Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Q4 Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Vidhan Sabha (Legislative Assembly) election?

Ans. Yes. It is Rs. Five Thousand. (Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Q.5 If a person, who is a member of Scheduled Castes or Scheduled Tribes contests election from general seat, how much security deposit he is required to make to contest election for Lok Sabha (House of the People) / Vidhan Sabha (Legislative Assembly)?

Ans. Rupees Twelve thousand Five Hundred for Lok Sabha / Rs. Five thousand for Vidhan Sabha. (Refer Section 34 (1) (a) (b) of Representation of People Act 1951)

Q 6. Which candidates lose the deposit?

Ans. A defeated candidate who fails to secure more than one-sixth of the valid votes polled in the constituency will lose his security deposit. (Refer: section 158(4) of Representation of People Act. 1951)

20.3. NOMINATIONS

Q.1 Suppose, I am a candidate of a recognised National or State party, how many proposers I require for my nomination?

Ans. Only one. (Refer: Sec. 33 (1) of Representation of People Act, 1951)

Q 2. If I am an independent candidate or a candidate of registered unrecognized Political Party, how many proposers I require for nomination?

Ans. Ten. (Refer: Proviso to Sec. 33(1) of Representation of People Act, 1951)

Q 3. Can a person contest election to Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly) from as many constituencies as he likes?

Ans. No. A person cannot contest from more than two constituencies at a general election for Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly). (Refer: Section 33 (7) of Representation of People Act, 1951)

Q.4 Whether same restriction applies in relation to bye-elections to any House held simultaneously?

Ans. Yes. A candidate cannot contest more than two bye-elections to the same House, if called simultaneously by the Election Commission. (Refer: Section 33 (7) of Representation of People Act, 1951)

Q.5 How many nomination papers can be filed for standing as a candidate in the same Constituency?

Ans. Four. (Refer: Proviso to section 33 (6) of Representation of People Act, 1951)

Q.6 Can I go to the Office of Returning Officer for filing a nomination with a procession?

Ans. No. The maximum number of vehicles that will be allowed to come within the periphery of 100 metres of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

Q.7 How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

Ans. The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer. (Refer: Sec. 36 (1) of Representation of People Act, 1951)

Q.8 If a candidate, to whose nomination paper an objection has been raised, applies for time to rebut such objection, can Returning Officer grant time for such candidate?

Ans. Yes. The Returning Officer may adjourn the hearing of the objection till the next day or the day after that but not beyond 11.00 a.m. on that day. The hearing in any case should be completed by Returning Officer well before 3.00 p.m. on the day fixed for withdrawal of candidatures.

20.4. OATH OR AFFIRMATION

Q.1 Is it necessary for a candidate to make and subscribe an oath or affirmation before an officer authorized by the Election Commission?

Ans. Yes. (Refer: Article 84 (a) or Article 173 (a) of the Constitution, Section 4(a) of Govt. of Union Territory Act, 1963 or section 4(a) Govt. of National Territory of Delhi Act, 1991)

Q.2 Who are authorized persons by the Election Commission before whom to make and subscribe an oath or affirmation?

Ans. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officer for the constituency. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. And in the case of a candidate confined to bed in a hospital or 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.

If a candidate is outside India, Indian Ambassador or High Commissioner or diplomatic consular authorized by him can also administer oath/affirmation.

Q.3 When the oath or affirmation by the candidate is required to be made?

Ans. The candidate, in person, is required to make the oath or affirmation immediately after presenting his nomination papers and in any case not later than the day previous to the date of the scrutiny.

20.5. ALLOTMENT OF ELECTION SYMBOLS

Q.1 Who allots the election symbols to contesting candidates?

Ans. Returning Officer. [Refer: The Election Symbols (Reservation and Allotment) Order, 1968]

Q.2 How reserved election symbol is allotted to candidate of a recognized National or State Party?

Ans. For allotment of reserve symbol, the candidate has to declare in his nomination form that he has been setup by the concerned recognized party and has to submit prescribed declaration in Form B from the authorized office bearer of the party to the effect that he has been setup by that party. The declaration in Form B should be duly signed by the office bearer of the Party whose specimen signatures have been communicated in Form A subject to condition that both the Forms have been delivered to Chief Electoral Officer of the State and Returning Officer before 3 P.M on the last date of making nominations. [Refer: Paras 8 and 13 the Election Symbols (Reservation and Allotment) Order, 1968]

Q.3 Can a candidate deliver the declaration in Form A and Form B with facsimile signature or signature by means of rubber stamp etc. of the office bearer of the political party?

Ans. No. Forms A and Form B must bear the signatures in ink of authorized office bearer of the political party. [Refer: Para 13 the Election Symbols (Reservation and Allotment) Order, 1968]

Q.4 Can a candidate sponsored by a registered unrecognized political party or a candidate contesting as independent choose any one of the free symbols specified in the list of free symbols?

Ans. Yes. For the purpose, such candidate may choose 3 free symbols from the list, in order of preference and mention the same in his nomination paper. [Refer: Para 12 of the Election Symbols (Reservation and Allotment) Order, 1968]

Q.5 Is it necessary for a candidate sponsored by registered unrecognized political party to submit the Forms A & Form B to the Chief Electoral Officer of the State and Returning Officer?

Ans. Yes. [Refer: Para 13 of the Election Symbols (Reservation and Allotment) Order, 1968]

20.6. ELECTION AGENT

Q.1 As a candidate, can I appoint an election agent?

Ans. Yes. (Refer: section 40 of representation of People Act, 1951)

Q.2 What are the functions of election agent?

Ans. An election agent may perform such functions in connection with the election as authorized by the candidate under the law. (Refer: section 45 of Representation of People Act, 1951)

Q.3 Is there any restriction on appointment of a Minister/M.P./M.L. A/M.L.C or any other person who is under security cover as an Election Agent/Polling Agent/Counting Agent?

Ans. Yes. A candidate cannot appoint a Minister/M.P./MLA/MLC or any other person who is under security cover, as an election/polling agent/counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the 100 meter perimeter of polling stations described as the "Polling Station Neighbourhood" and within the polling booth and campus of counting centre and within the counting centre. Also, any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

Q.4 As a candidate, can I appoint an additional election agent?

Ans. Yes, every candidate is permitted to appoint an additional election agent for assisting the candidate in various Expenditure related matters. The additional agent would

be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties, the election agent is authorized to perform on behalf of the candidate, can be performed only by the election agent.

20.7. POLLING AGENT

Q.1 As a candidate, can I appoint persons as polling agents from anywhere?

Ans. No. Such person who is appointed by you as a polling agent must be an ordinarily resident and elector of the concerned polling station area only and not from outside the concerned polling area. Such person must also have Elector's Photo Identity Card.

Q.2 Is it necessary for a candidate to appoint polling agents for each and every polling station?

Ans. The law allows a candidate to appoint three polling agents to act as his/her representatives at every polling station to watch his/her interest. But at any given point of time, only one such agent can remain inside the polling station. (Refer: Sec. 46 of Representation of People Act, 1951 and rule 13 of Conduct of Election Rules, 1961)

Q.3 What are the duties of polling agents?

Ans. The main duty of polling agents is to see that interests of the candidates, who have appointed them, are safeguarded at the polling stations by helping the Presiding Officer to detect and prevent impersonation of voters by challenging persons whose identity as real elector is doubtful and to see that EVM and VVPAT is properly secured/sealed before, during and after the close of poll and mock poll is conducted in their presence and poll proceedings conducted in accordance with the procedure laid down by the Election Commission.

Q.4 When normally polling agents are required to reach at the polling stations?

Ans. A candidate is advised to depute his/her polling agents at the polling stations at least one hour before the time fixed for commencement of poll so that they are present at the time of preparation of EVM and mock poll exercise etc. by the Presiding Officer.

Q.5 Is replacement of polling agent by his relieving agent allowed at polling station at any time?

Ans. Yes. But such replacement of polling agent is not allowed two hours before the close of the poll.

20.8. POLLING PERSONNEL

Q.1 How the polling personnel are selected for formation of polling parties?

Ans. A district database of all eligible Govt. officials (Central/State) is maintained in an electronic form by District Election Officer in the District and then it is randomized with the aid of computer and proper mix of officials drawn from different offices is made at the time of formation of polling parties. Normally, no person is assigned polling duties in an Assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.

Q.2 When the Polling parties are informed about the specific number and name of Polling Station which is assigned to them?

Ans. The number and name of actual polling station is disclosed to the polling parties when they leave the disbursal centre for duty.

Q.3 How can a person be identified that he has been appointed as Polling Personnel/Counting Personnel at a polling station?

Ans. The Govt. officials who are appointed as Polling Personnel can be easily identified as they are issued Photo Identity Cards by the District Election Officer/Returning Officer.

Q.4 Is there any concession for female polling personnel?

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

20.9. ELECTION CAMPAIGN

Q.1 Whether there is any restriction for plying of vehicles for electioneering purposes?

Ans. Yes. A candidate can ply any number of vehicles (all mechanized/motorized vehicles including 2 wheelers) for the purpose but he/she has to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The

permit must bear the number of the vehicle and name of the candidate in whose favour it is issued. The expenditure incurred on this will be booked against the candidate.

Q.2 Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?

Ans. No. Such vehicle shall be deemed to be unauthorized by campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise.

Q.3(a) Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?

Ans. A candidate may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local law and prohibitory orders in force.

Q.3(b) If local law/bye-laws permits wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?

Ans. Yes. The candidate is required to obtain prior written permission from the owner of the properties/premises and photocopy(s) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

Q.3(c) Is there any restriction for displaying/carrying poster/placard/banner/flag of the party concerned or of the candidate on the vehicle during the procession?

Ans. A candidate may display /carry one poster/placard/banner/flag of his/her party/or his/her own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.

Q.3(d) Whether there is any restriction for use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?

Ans. Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies are not allowed.

Q.4 Is external fitting/modification allowed in the Vehicles used for campaigning?

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

Q.5 Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Ans. Yes. Such offices cannot be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party-flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Q.6 What is the deadline after which no public meetings and processions can be taken out?

Ans. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, the candidate cannot hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 7th December 2018 (Friday) and hours of poll are from 8.00 A.M to 5.00 P.M., the public meetings and processions shall be closed at 5.00 P.M on the 5th December 2018 (Wednesday). (Refer: Sec. 126 of Representation of People Act, 1951)

Q.7 Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?

Ans. Yes. After the closure of campaign period (starting from 48 Hrs. before closure of poll), presence of political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over.

Q.8 Is such restriction applicable in the case of office bearer who is in-charge of election of a political party in the State?

Ans. Yes. However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in-charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable to all other functionaries in all elections.

Q.9 Are there any arrangements for videography of critical events during the election process?

Ans. Yes. Video Teams are formed in constituency to record and videotape critical events like meetings addressed/attended by Ministers, National/State level leaders of political parties, violent incidents, etc.

Q.10 Is wearing of special accessories like cap, mask, scarf etc. permitted during the campaigning?

Ans. Yes, provided they are accounted for in the election expenses of the candidate concerned. However, supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

Q.11 Is there any restriction on the printing of pamphlets, posters etc?

Ans Yes. A candidate shall not print or publish, or cause to be printed or published names of any election pamphlet or poster which does not bear on its face and addresses of the printer and the publisher thereof. (Refer: Section 127A of Representation of 1951)

Q.12 Is there any restriction on use of places of worship as forum for election propaganda?

Ans. Yes. The provisions of model code of conduct prohibit the use of places of worship as forum for election propaganda in any manner. The religious institutions (prevent of misuse) Act, 1988, prohibits use of religious institutions or funds of religious institutions for the promotion or propagation of any political ideas or political activity or for the benefit of any political party.

20.10. POLL DAY

Q.1 Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Ans. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants with one banner (3 X 4.5 feet) to display the name of the candidate/ party / election symbol at the booth. No crowd is allowed there.

Q.2 Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Ans. Yes. It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Q.3 If a political party cannot set up or not willing to setup a booth in an area, is there any facility provided to voters for locating their names in the electoral roll places?

Ans Yes. A "VOTER ASSISTANCE BOOTH" is set up in premises/building location where three or more polling stations are located with a proper signage manned by a team of officials who are provided with lists of electoral rolls in alphabetical order to assist the voters for locating their serial number in the roll and polling station. If political parties inform of their inability in advance, the District Election Officer may consider making such arrangement in other areas too.

Q.4 Is there any restriction of canvassing in or near polling station?

Ans. Yes. Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll. (Refer: Section 130 of Representation of 1951)

Q.5 Is there any restriction of going armed to or near polling station?

Ans. Yes. No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighbourhood of a polling station on the day of poll. (Refer: Section 134B of Representation of 1951)

Q.6 How many vehicles, a candidate is entitled for, on the day of poll?

Ans. (I) For an election to the House of the People, a candidate will be entitled to one vehicle for his/her own use in respect of the entire constituency and one vehicle for use of his/her election agent for entire constituency. In addition, one vehicle for use of his/her

workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

For an election to the State Legislative Assembly, a candidate will be entitled to one vehicle for his/her own use, one vehicle for use of his/her election agent. In addition, one vehicle for use of his/her workers or party workers.

Q.7 If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?

Ans. No. Vehicle allotted for candidate's use is not allowed to be used by any other person.

Q.8 Can any type of vehicle within the limit be used on the day of poll?

Ans. No. The candidate or his agent or party workers or workers will be allowed to use only four/three/two-wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers. In these vehicles, not more than five persons including drivers are allowed to move on the day of poll.

Q.9 Whether Videography or photography is done inside the polling stations to monitor the poll proceedings by the election authority?

Ans. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other), the photography by the Official Videographer has been allowed to be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting in certain identified polling stations assessed as critical on various factors.

Q.10 Can Presiding Officer or any other polling officer inspect the "Voting Compartment" at any time?

Ans. Yes. Presiding Officer and other polling officer can visit the voting compartment in order to ensure that no voter has committed any mischief by pasting any paper, tapes etc. on symbol/names/ballot button but he will do so in the immediate presence of polling agents.

Q.11 What are the colour of the ballot papers?

Ans. Unless otherwise directed by the Election Commission in any particular case, the ballot papers shall be printed for Parliamentary elections on white paper and for Assembly elections on pink paper.

Q.12 (a) Is there any option for an elector not to vote for any of the candidates (b) what is meant by NOTA?

Ans. Yes. The electors who do not wish to vote for any of the candidate, can exercise their right not to vote for any candidate without violation of the secrecy of their decision. A ballot panel with the words "None of the Above: NOTA" will be available after the panel containing the name and particulars of the last candidate on the ballot paper, for the benefit those electors who may wish to exercise the option of not voting for any of the candidate in the fray.

Q.10 Is there is any preference to women elector?

Ans. Normally, there will be separate queues for men and women voters. In view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for entry of one male voter.

Q.10 (a) Whether it is possible for an elector to know to which candidate he has cast his vote? (b) What is meant by VVPAT?

Ans. Yes. Election Commission has ordered that VVPAT is also to be attached to EVM for printing a paper trail of vote. By pressing the balloting button, the electors shall be able to view through the transparent window, the printed paper slip showing the serial number, name and symbol of the candidate for whom he cast his vote before such paper slip get cut and drop in the drop box.

20.11. MICRO OBSERVERS

Q.1 What is the concept of Micro Observer?

Ans. An officer/official of Central Govt./Public Sector undertakings of Central Govt. working in the district is deployed as a Micro Observer at a polling station or a group of polling stations located in a premises/building who works directly under the control and supervision of Observer of Election Commission of India.

Q.2 What is the criteria for deployment of Micro Observers?

Ans. Polling stations are short listed for the purpose on the basis of various factors which contribute to vulnerability of voters.

Q.3 What are the duties of Micro Observer on the poll day?

Ans. The duties of Micro Observer are mainly to watch the following aspects:

(i) Mock poll procedures, (ii) Presence of polling agents and observance of ECI instructions with regard to them, (iii) Observance of entry pass system and access to polling station, (iv) Proper identification of electors in accordance with ECI guidelines, (v) Identification and recording procedures for the absentee, shifted and duplicate voters list (ASD list), wherever made, (vi) Application of Indelible Ink, (vii) Noting down particulars of electors in the register in Form 17A, (viii) Maintenance of secrecy of voting, (ix) Conduct of polling agents, their complaints, if the Micro observer feels that the poll is, for any reason being vitiated, he will immediately bring it to the notice of the constituency Observer for taking remedial action.

20.12. COUNTING OF VOTES

Q.1 Who is responsible for the counting of votes and declaration of result of an election?

Ans. The Returning Officer. (Refer: Sections 64 and 66 of Representation of People Act, 1951)

Q.2 Is any other Senior Officer posted in the Counting Centre, apart from Returning Officer, to supervise/oversee the counting process?

Ans. Yes. The Election Commission of India deploys a Senior Officer as an Observer to oversee the counting process at the Counting Centre. A Central Govt. or Central Govt. PSU Official is also appointed at each counting table.

Q.3 What are the powers of ECI Observer on the counting day?

Ans. The Observer has to watch that the counting is done strictly in accordance with law and the instructions of the Commission. He has to ensure that the counting agents are given the opportunity to watch the whole process of counting from close quarters, results are announced round-wise and the totalling is made error free by doing it manually as well as through computer. The Observer has the power to withhold the declaration of result by the Returning Officer unless he is satisfied that the whole process of counting is free and fair as well as error free.

Q.4 Is there any system of “randomization” of counting staff before they are deployed at the counting centre.?

Ans. Yes. The posting of Counting Supervisors and Counting Assistants is done randomly in such a way that the counting officials come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Centre on the day of the counting.

Q.5 Whether Micro Observers for counting are also appointed as in the case of Poll?

Ans. Yes. Apart from one counting supervisor and one counting assistant for each counting table, one additional official of Central Govt./Central Govt. PSU is deployed in each counting table to note down details of votes exhibited by the EVMs counted in each round and handover the details to Commission’s Observer.

Q.6 Who are the persons allowed to enter in the counting hall?

Ans. Only counting supervisors/assistants/Micro Observers, Persons authorized by the Election Commission, Public Servant on duty in connection with election and candidate and his election agent/counting agents are allowed to enter the counting hall.

Q.7 Whether a candidate can enter the counting campus and counting hall with security personnel accompanying him?

Ans. No. If he happens to be a candidate, only SPG protectee with one PSO with concealed fire arms is allowed to accompany the protectee and position himself in such a manner as to be able to provide the requisite cover to the protectee should it become essential, without otherwise interfering with the proceedings.

Q.8 Whether there is any restriction for appointment of persons who have been provided with the security cover by the State as a counting agent?

Ans. Yes. No person having security cover is allowed to be appointed as counting agent as the security personnel accompanying him cannot be allowed to enter the campus of counting centre and such person is also not allowed to surrender the security cover to enable him to become a counting agent.

Q.9 How security of campus of counting centre is ensured?

Ans. A three-tier cordoning system is set up in the counting centre to prevent the entry of unauthorized persons inside the counting centre.

Q.10 How many counting agents can be appointed by a candidate?

Ans. Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch at the Returning Officer's table. (Refer: Section 47 of Representation of People Act, 1951)

Q.11 Is there any prescribed form for making appointment of counting agents?

Ans. Yes. The candidate or his election agent has to submit a list of counting agents in Form - 18 along with their photographs to the Returning Officer latest by 1700 Hrs on the day 3 days before the date of counting. The Returning Officer will prepare identity cards for such agents and issue the same to the candidate. (Refer: Rule 52 (2) of Conduct of Elections Rules 1961)

Q.12 How counting agents are deployed in the counting centre by Returning Officer?

Ans. Each counting agent is given a badge indicating whose agent he is and showing the Sl. No. of the table at which, he may watch the counting and is not allowed to move about all over the hall.

Q.13 Is there any upper limit prescribed for the number of counting tables which can be placed inside the counting Hall?

Ans. Normally, the upper limit is 15 tables including the table of Returning Officer.

Q.14 Whether counting agents are allowed to handle EVMs?

Ans. No. In each counting hall, barricades are made for each counting table so that EVM are not handled by the counting agents. The agents are provided all reasonable facilities to see the whole process at the counting tables.

Q.15 How it is ensured that Control Unit of EVM has not been tampered with?

Ans. Before votes recorded in the EVM are counted, the carrying case and Control Unit of EVM are placed on the counting table for the inspection and checking of seals thereon by the candidate or their agents present at the counting table. If Control Unit is found to have been tampered with, votes recorded in that machine are not counted and matter is reported to the Commission for further direction.

Q.16 At what stage, the postal ballot papers are counted?

Ans. The postal ballot papers are counted first at Returning Officer's Table. (Refer: Rule 54A of Conduct of Elections Rules, 1961)

Q.17 Can a candidate ask for a recount?

Ans. Yes. By a written application stating the grounds on which recount is asked for. Such application can be made to the Returning Officer, who prepares and signs Final Result Sheet (Form 20).

20.13. ELECTION EXPENDITURE

Q.1 Is a candidate free to spend as much as he likes on his election?

Ans. No. A candidate is not free to spend as much as he likes on his election. The law prescribes that the total election expenditure shall not exceed the prescribed maximum limit for the constituency concerned. (Refer: Rule 90 of the Conduct of Election Rules, 1961 and Section 123 (6) of Representation of People Act, 1951)

Q.2 What is the limit for election expenditure in a parliamentary constituency in bigger states, like, UP, Bihar, Andhra Pradesh, M.P?

Ans. The limit for election expenditure is revised from time to time. At present the limit of expenditure for a parliamentary constituency in bigger states like U. P, Bihar, Andhra Pradesh, Madhya Pradesh is Rs. 70 lakhs. (Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.3 What is the limit of such expenditure for an Assembly Constituency in these bigger States?

Ans. At present, the limit of election expenditure for an assembly constituency in the above bigger states is Rs. 28 lakhs. (Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.4 Are these limits uniform for all States? If not, can you tell the lowest limit for a Parliamentary Constituency at present?

Ans. No. The maximum limits of election expenditure vary from State to State. The lowest limit at present for a parliamentary constituency is Rs. 54 lakhs for the constituency of Dadra and Nagar Haveli, Daman and Diu and Lakshadweep. (Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.5 Are the candidates required to file any account of election expenses?

Ans. Yes. Every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or his election agent between the date on which he has been nominated and the date of declaration of result, both dates inclusive. Every contesting candidate has to lodge a true copy of the said account within 30 days of result of the election. (Refer: Sections 77 & 78 of the Representation of People Act, 1951)

Q.6 Who is the authority before whom such account is to be lodged?

Ans. The account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested lies. (Refer: Section 78 of the Representation of People Act, 1951)

Q.7 If a candidate is contesting from more than one constituency, is he required to file separate accounts or only one consolidated account?

Ans. If a candidate is contesting from more than one constituency, he has to lodge a separate return of election expenses for every election which he has contested. The election for each constituency is a separate election. (Refer: Section 77 of the Representation of People Act, 1951)

Q.8 What is the penalty if a candidate does not file his account of election expenses?

Ans. If the Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and in the manner required by or under the Representation of People Act, 1951 and he has no good reason or justification for the failure, it has the power to disqualify him for a period of 3 years for being chosen as, and for being, a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State. (Refer: Section 10A of the Representation of People Act, 1951)

Q.9 Whether expenditure on travel incurred by Star Campaigners (leaders) of political party for propagating programme of that party shall be treated as expenditure incurred/authorized by a candidate of that party? If so, what are the conditions?

Ans. Only in the case of expenditure on travel in respect of Star Campaigners (leaders) of the Political Party who have submitted the list of such leaders (40 in the case of National

and State parties and 20 in the case of registered unrecognized party) within 7 days from the date of issue of notification to the Election Commission and Chief Electoral Officer of the State concerned for availing benefit is exempted, failing which such expenditure shall be treated as an expenditure incurred/authorized by the concerned candidate of that party. (Refer: Clause (a) of Explanation 1 to Section 77 of the Representation of People Act, 1951)

Q.10 Whether a person who is not a member of the party can be nominated as a Star Campaigner (Leader) of the Party for the purpose?

Ans. No. (Refer: Section 77(1) of Representation of People Act, 1951)

Q.11 Can the name of a Star Campaigner(s) be allowed to be substituted from the list of Star Campaigners (leaders) after it is submitted to the Commission?

Ans. No. Substituting a name from the list is permitted under the law only where any of the persons mentioned in the list dies or ceases to be a member of the political party concerned and not otherwise. (Refer: Explanation 2 to Section 77(1) of Representation of People Act, 1951)

Q.12 Whether a candidate who has been declared as a Star Campaigner (leader) by a political party can be considered to be a Star Campaigner (leader) of his political party in his own constituency from where he is contesting election for the purpose of explanation to Section 77 (1) of Representation of People Act, 1951?

Ans. No. Such leader cannot be considered Star Campaigner (leader) of his political party in his own constituency. In his own constituency, he is a candidate first. The expenditure incurred by him within his constituency is to be booked against his election expenditure.

Q.13 Can a friend of a candidate incur expenditure for promoting his election without his approval?

Ans. Expenditure exceeding the amount of Rs.10/- incurred for promoting of election without approval of the candidate is punishable. (Refer: Section 171H of Indian Penal Code)

Q.14 Suppose an expenditure is incurred by a friend with the approval of candidate for promoting his election, is such expenditure to be booked against the accounts of candidate?

Ans. Yes. (Refer: Section 77 of Representation of People Act, 1951)

Q.15 If the candidates are travelling along with the star campaigner in the same vehicle whether the expenditure on the vehicle will be booked to the election expenditure account of the candidates?

Ans. If in the vehicle in which a leader of a political party (Star Campaigner) covered under Explanation-2 to Section 77 (1) of the Representation of the People Act, 1951, is travelling, the candidate or other workers of the party / candidate also travel, 50% of the expenditure on the vehicle will be booked to the election expenditure account of the candidate(s) concerned. [i.e. the candidate(s) for furthering the prospect of whose election the leader is travelling]. Note: vehicle includes aircraft / helicopter or any other means of transport used by the leader.

Q.16 Whether the expenditure incurred by district level office bearers / leaders for their visit within the district be booked in the election expenses of the party candidates?

Ans. No. If any political party applies for permission for vehicles to be used by their district level office bearers / leaders (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purpose, necessary permission should be given by the DEO of the district concerned. In such cases, the permit shall be in the name of the person while also mentioning the registration number of the vehicle. The expenditure on this vehicle shall be incurred by the political party and not by the candidates. This permit should not be used for travel in other districts. For a particular district, only one permit may be issued for a recognized party whether national or state and the permit should be issued indicating the name of the political leader, the No. of vehicle and also the period for which issued. The permit may be issued on a paper of colour different from those used for issuing permits to candidates and star campaigners, so that it can be easily recognized. An attested copy of the permit shall be prominently displayed on wind screen of the vehicle and original be kept by the person for checking by police or any other authorities.

Q.17 Whether the expenditure incurred for preparation of campaigning materials prior to the date of nomination be accounted for in the election expenditure?

Ans. Yes. The candidates, while maintaining their register of account of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign materials etc. which are actually used during the post nomination period / in connection with the election.

Q.18 Whether the expenditure incurred by a political party on advertisements be accounted for in the accounts of the candidates?

Ans. Yes. The expenditure incurred by a political party on advertisements, in connection with any election could be categorized into the following: (i) Expenditure on general propaganda seeking support for the party and its candidates in general, but, without any reference to any particular candidate or any particular class/group of candidates; (ii) Expenditure incurred by the party, in advertisements etc. directly seeking support and / or vote for any particular candidate or group of candidates; (iii) Expenditure incurred by the party which can be related to the expenditure for promoting the prospects of any particular candidate or group of candidates.

In case of any advertisement by political parties, whether in print or electronic or any other media, falling in the category (i) above, which is not relatable to the election of any particular candidate or a given group of candidates, the expenditure may be treated as expenditure of the political party on general party propaganda. In the case of expenditure falling in categories (ii) and (iii) above, i.e. cases where the expenditure is relatable to the election of a particular candidate or a group of candidates, the expenditure shall be treated as expenditure authorized by the candidates concerned and such expenditure shall be accounted for in the election expense accounts of the candidates concerned. In those cases where the expenditure is incurred by the party for the benefit of a given group of candidates, the expenditure is to be apportioned equally among the candidates.

Q.19 Whether the expenditure incurred by political parties for distribution of publicity materials accounted in the election expenses of candidates?

Ans. No. If any political party makes a request to the Chief Electoral Officer or grant of vehicle permission for distribution of their publicity material to their party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognised political party (whether national party or state party). The concerned political party (the applicant) will have to specify the names of the District, the route map and the dates of which the vehicle will be required for the above purpose. For such vehicles, the Chief Electoral Officer shall issue permission, but he will ensure that such vehicle will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle is to be incurred by the political party concerned and not by the candidates.

20.14. ELECTRONIC VOTING MACHINES

Q.1 What is an Electronic Voting Machine? In what way its functioning is different from the conventional system of voting?

Ans. An Electronic Voting Machine consists of two Units – a Control Unit and a Balloting Unit – joined by a five meter cable. The Control Unit is with the Presiding Officer or a Polling Officer and the Balloting Unit is placed inside the voting compartment. Instead of issuing a ballot paper, the Polling Officer in-charge of the Control Unit will press the Ballot Button. This will enable the voter to cast his vote by pressing the blue button on the Balloting Unit against the candidate and symbol of his choice.

Q.2 Who has devised the EVMs?

Ans. The EVMs have been devised and designed by Election Commission in collaboration with two Central Government Public Sector undertakings viz., Bharat Electronics Ltd., Bangalore and Electronics Corporation of India Ltd., Hyderabad after a series of meetings, test-checking of the prototypes and extensive field trials.

Q.3 Who manufacture & supply EVMs to Election Commission of India?

Ans. The two central govt. undertakings i.e. Bharat Electronics Limited, Bangalore and Electronics Corporation of India Limited, Hyderabad, are the only manufacturers from whom the EVMs are procured by the Election Commission of India.

Q.4 What are the unique features of EVMs?

Ans. It is a simple machine that can be operated easily by both the polling personnel and the voters. It is sturdy enough to withstand rough handling and variable climatic conditions. Being a stand-alone machine without any network connectivity, nobody can interfere with its programming and manipulate the result.

Q.5 What are the features of Control Unit?

Ans. The Control Unit is the main unit which stores all data and controls the functioning of EVM. The program which controls the functioning of the Control Unit is burnt into a microchip on a “one-time programmable basis”. Once burnt, it cannot be read, copied out or altered. The EVMs use dynamic coding to enhance security of data transmitted from Balloting Unit to Control Unit. The EVMs have real time clock and date-time stamping facility which enables them to record the exact time and date whenever a key is pressed.

After the voting is completed and the close button is pressed, the machine does not accept any data or record any vote. Through the press of “total” button, the Control Unit can display the number of votes recorded till that time which can be crosschecked with the register of voters in Form 17A. The display system of the Control Unit shows the total number of votes polled in a polling station and the candidate-wise votes polled in the machine when the ‘Result’ button is pressed by the counting staff in the presence of counting agents at the counting centre. The Control Unit can also detect any physical tampering made with the connecting cable and indicate the same in the display unit.

Q.6 What are the features of Balloting Unit?

Ans. It holds the ballot paper containing the names and symbols of candidates. When pressed, the candidate button on the Balloting Unit sends a signal to the Control Unit where this is recorded in a non-volatile memory which can store the poll data indefinitely even without a battery back-up.

Q.7 How do voters cast their vote using EVMs?

Ans. The balloting unit of the EVM will have a securely held ballot paper on it showing the names of the candidates along with their symbols. The Presiding/Polling Officer in charge of the Control Unit will press the ballot button before allowing the voter to enter the voting chamber. When the ballot button on the Control Unit is pressed, the balloting unit becomes ready for recording the vote which is indicated by the ready lamp on the balloting unit. Now the voter has to simply press the blue candidate button on the balloting unit against the name and symbol of the candidate of his choice.

Q.8 How can EVMs be used in areas where there is no electricity?

Ans. EVMs run on an ordinary battery. It does not depend on electricity.

Q.9 What is the maximum number of votes which can be cast in EVMs?

Ans. EVMs can record a maximum of 2000 votes. As normally the total number of electors in a polling station will not usually exceed 1400, the capacity of EVMs is more than sufficient.

Q.10 What is the maximum number of candidates which EVMs can cater to?

Ans. M2 EVMs can accommodate up to a maximum of 64 candidates (including NOTA) and M3 EVM can accommodate up to maximum of 384 candidates (including NOTA). There

is provision for 16 candidates in a Balloting Unit. If the total number of candidates exceeds 16, a second Balloting Unit can be linked parallel to the first Balloting Unit. Similarly, if the total number of candidates exceeds 32, a third Balloting Unit can be attached and if the total number of candidates exceeds 48, a fourth Balloting Unit can be attached to cater to 64 candidates (including NOTA). But only one Control Unit is needed even for four balloting units. In case of M3 EVM, 24 Balloting Units can be cascaded together to accommodate up to a maximum of 384 candidates (including NOTA).

Q.11 What will happen if the number of contesting candidates in a constituency goes beyond 384?

Ans. In case the number of contesting candidates goes beyond 384 (including NOTA) in any constituency, EVMs cannot be used in such a constituency. The conventional method of voting by means of ballot box and ballot papers will have to be adopted in such a constituency.

Q.12 How does a voter know whether his vote has been recorded in the EVM?

Ans. The voter will be asked to go the Balloting Unit kept in the voting compartment. A green light on the upper part of the voting machine will indicate that the machine is ready for voting. The voter has to identify his candidate on the Balloting Unit and press the blue button on the right side of the candidate's name and symbol. Once the blue button is pressed there will be a beep sound and the colour of the indicator next to the symbol of the candidate will turn red which means that the vote has been cast for the candidate concerned. In addition, a ballot slip is printed by the VVPAT printer containing the serial number, name and symbol of the candidate and remains exposed through a transparent window for seven seconds. Thereafter, this printer slip automatically gets cut and falls in the sealed drop box of the VVPAT.

Q.13 What will happen if the EVM in a particular polling station goes out of order?

Ans. An Officer is put on duty to cover a few polling stations on the day of poll. He will be carrying spare EVMs and the out-of-order EVM can be replaced with a new one. The votes recorded until the stage when the EVM went out of order will be safe in the memory of the Control Unit and it will be sufficient to proceed with the polling with the new EVM after the earlier EVM went out of order. It is not necessary to start the poll from the beginning.

Q.14 In our country, a sizeable section of the population being illiterate, will it not cause problems for the illiterate voters?

Ans. In fact, voting by EVMs is simpler compared to the conventional system, where one has to put the voting mark on or near the symbol of the candidate of his choice, fold it first vertically and then horizontally and thereafter put it into the ballot box. In EVMs, the voter has to simply press the blue button against the candidate's name, photograph and symbol of his choice and the vote is recorded. Rural and illiterate people had no difficulty in recording their votes and, in fact they have welcomed the use of EVMs.

Q.15 What are the steps taken by Election Commission of India to create awareness about EVM among the voters?

Ans. Awareness campaigns are made by the Election Commission through electronic and print media by way of advertisements, reading materials. Physical demonstration on EVMs are held by the election officials at various places for the benefit of workers of the political parties and the voters. Various NGOs were also roped in earlier by the Commission to launch awareness campaign for the voters.

Q.16 Can a voter ask for help from Presiding Officer as to how to cast vote in the EVM?

Ans. Yes. Presiding Officer can explain to the voter the voting process using the cardboard model (replica) of the Balloting Unit (which is provided at polling station) in such a manner that voter is able to understand but only in the presence of polling agents and not inside the voting compartment.

Q.17 Whether a candidate can print Dummy Ballot Papers using his own name and symbols and indicating the place where it would appear as a publicity material for educating the voters?

Ans. Yes. Such Dummy Ballot Papers can be printed on any colour but not in pink and white colour and not showing the names and symbols of other candidates.

Q.18 Can booth – capturing be prevented by the use of EVMs?

Ans. By booth-capturing, if one means, taking away or damaging of ballot boxes or ballot papers, this evil cannot be prevented by the use of EVMs, as EVMs can also be forcibly taken away or damaged by miscreants. But if one looks at booth capturing as a case of miscreants intimidating the polling personnel and stamping the ballot papers on the symbol and

escaping in a matter of minutes, this can be prevented by the use of EVMs. The EVMs are programmed in such a way that the machines will record only five votes in a minute. As recording of votes has necessarily to be through Control Unit and Balloting Unit, whatever be the number of miscreants they can record vote only at the rate of 5 per minute. In the case of ballot papers, the miscreants can distribute all the 1000 odd ballot papers assigned to a polling station, among themselves, stamp them, stuff them into the ballot boxes within a few minutes and run away before the police reinforcements reach. In EVMs, in half an hour, the miscreants can record only a maximum of 150 votes by which time, chances are the police reinforcement would have arrived. Further, the presiding Officer or one of the Polling Officers can always press the "Close" button as soon as they see some intruders inside the polling station. It will not be possible to record any vote once the 'Close' button is pressed and this will frustrate the efforts of the booth-capturers.

Q. 19 Is it possible to use EVMs for simultaneous elections for Parliament and State Legislative Assembly?

Ans. No. Two separate EVMs are required for conduct of simultaneous elections for Parliament and State Legislative Assembly.

Q.20 What are the advantages in using EVMs?

Ans. The most important advantage is that the printing of millions of ballot papers can be dispensed with, as only one ballot paper is required for fixing on the Balloting Unit at each polling station instead of one ballot paper for each individual elector. This results in huge savings by way of cost of paper, printing, transportation, storage and distribution. Secondly, counting is very quick and the result can be declared within 2 to 3 hours as compared to 30-40 hours, on an average, under the conventional system. Thirdly, there are no invalid votes under the system of voting under EVMs. The importance of this will be better appreciated, if it was remembered that in the past in several cases, the number of invalid votes is more than the winning margin between the winning candidate and the second candidate, in a number of constituencies. To this extent, the choice of the electorate will be more correctly reflected when EVMs are used.

Q. 21 Does the use of EVMs slow down the pace of poll?

Ans. No. In fact, the pace of poll is quickened by the use of EVMs as it is not necessary for the voter to first unfold the ballot paper, mark his preference, fold it again, go to the place where the ballot box is kept and drop it in the box. What he has to do under the system of

EVMs is simply to press the button near the candidate's name, photograph and symbol of his choice.

Q. 22 With ballot boxes counting is done after mixing the ballot papers. Is it possible to adopt this system when EVMs are used?

Ans. The normal rule is to count the votes polling station-wise and this is what is being done when EVM is used in each polling station. The mixing system of counting is done only in those constituencies which are specially notified by the Election Commission. On such cases, the EVMs used in a number of polling stations can be connected to the specially designed "Totalizer" and then the total result of an Assembly Constituency will be known and not the result in each individual polling station.

Q.23 How long the Control Unit stores the result in its memory?

Ans. The Control Unit can store the result in its memory for 10 years and even more.

Q. 24 Wherever an election petition is filed, the result of the election is subject to the final outcome of the petition. The courts, in appropriate cases, may order a recount of votes. Whether EVMs can be stored for such a long time and whether the result can be taken in the presence of the officers authorized by courts? Will not the battery leak or otherwise damage EVMs?

Ans. The battery is required only to activate the EVMs at the time of polling and counting. As soon as the polling is over, the battery can be switched off and this will be required to be switched on only at the time of counting. The battery can also be removed as soon as the result is taken and can be kept separately. Therefore, there is no question of battery leaking or otherwise damaging EVMs. Even when the battery is removed, the memory in the microchip remains intact. If the Court orders a recount, the Control Unit can be reactivated by fixing the battery and it will display the result stored in the memory.

Q.25 Is it possible to vote more than once by pressing the button again and again?

Ans. No. As soon as a particular candidates' button on the Balloting Unit is pressed, the vote is recorded for that particular candidate and the machine gets locked. Even if one presses that button further or any other button, no further vote will be recorded. This way the EVMs ensure the principle of "one man, one vote".

Q.26 Is it true that sometimes because of short-circuit or other reason, a voter is likely to get an electric shock while pressing the 'blue button'?

Ans. No. EVMs work on a battery and there is absolutely no chance of any voter getting an electric shock at the time of pressing the 'blue button' or at any time of handling the Balloting Unit.

Q.27 Is it possible to program the EVMs in such a way that initially, say up to 100 votes, votes will be recorded exactly in the same way as the 'blue buttons' are pressed, but thereafter, votes will be recorded only in favour of one particular candidate irrespective of whether the 'blue button' against that candidate or any other candidate is pressed?

Ans. The microchip used in EVMs is permanently sealed by robots at the time of manufacturing. It cannot be opened and no rewriting of program can be done by anyone without damaging the chip. There is, therefore, absolutely no chance of programming the EVMs in a particular way to select any particular candidate or political party.

Q.28 Will it not be difficult to transport the EVMs to the polling stations?

Ans. No. Rather it will be easier to transport the EVMs compared to ballot boxes as EVMs are lighter, portable and come with polypropylene carrying cases.

Q.29 In many areas of the country, there is no electricity connection and even in those places where there is electricity connection, power supply is erratic. In this scenario will it not create problem in storing the machines without air conditioning?

Ans. There is no need to air condition the room/hall where EVMs are stored. What is required is only to keep the room/hall free from dust, dampness and rodents as in the case of ballot boxes.

Q.30 In the conventional system, it will be possible to know the total number of votes polled at any particular point of time. In EVMs 'result' portion is sealed and will be opened only at the time of counting. How can the total number of votes polled be known on the date of poll?

Ans. In addition to the 'Result' button, there is a 'total' button on EVMs. By pressing this button at any time, the total number of votes polled up to the time of pressing the button will be displayed without indicating the candidate-wise break-up.

Q.31 The balloting unit has provision for 16 candidates. In a constituency, there are only 10 candidates (including NOTA). The voter may press any of the buttons from 11 to 16. Will these votes not be wasted?

Ans. No. The panels for candidates Nos. 11 to 16 will be masked before use. Further, recording of votes for candidates 11 to 16 will also be blanked off electronically, as the candidates' switch is set on 10. Therefore, there is no question of any voter pressing any of the buttons for candidates 11 to 16 or the votes for these candidates being recorded in the EVMs.

Q.32 Is there any provision for issue of tendered ballot papers when EVMs are used?

Ans. Yes. There is provision for issue of tendered ballot papers under the system of EVMs also. But, when such a situation arises, the voter concerned will be issued an ordinary ballot paper. After marking the ballot paper with the arrow cross mark rubber stamp supplied, the tendered ballot paper will be put inside a cover specially provided for the purpose, sealed and kept by the Presiding Officer.

Q.33 In the conventional system, before the commencement of poll, the presiding officer shows to the polling agents present that the ballot box to be used in the polling station is empty. Is there any such provision to satisfy the polling agents that there are no hidden votes already recorded in the EVMs?

Ans. Yes. Before the commencement of poll, the Presiding Officer demonstrates to the polling agents present that there are no hidden votes already recorded in the machine by pressing the 'Result' button. Thereafter, he will conduct a mock poll by asking the polling agents to record their votes and will take the result to satisfy them that the result shown is strictly according to the choices recorded by them. Thereafter, the Presiding Officer will press the 'Clear' button to clear the result of the mock poll before commencing the actual poll. A mock poll certificate is furnished by the Presiding Officer, which is duly signed by polling agents present stating that mock poll has been conducted and cleared the memory and the total votes polled showed '0' after clearing the memory of EVM.

Q.34 How can one rule out the possibility of recording further votes at any time after close of the poll and before the commencement of counting by interested parties?

Ans. As soon as the last voter has voted, the Polling Officer in-charge of the Control Unit will press the 'Close' Button. Thereafter, the EVM will not accept any vote. Further, after the

close of poll, the Balloting Unit is disconnected from the Control Unit and kept separately. Votes can be recorded only through the Balloting Unit. Again, the Presiding officer, at the close of the poll, will hand over to each polling agent present an account of votes recorded. At the time of counting of votes, the total will be tallied with this account and if there is any discrepancy, this will be pointed out by the Counting Agents.

Q.35 Is there any system of “randomization” of EVMs before same are allotted to concerned Polling Stations?

Ans. Yes. The EVMs are thoroughly checked and randomized first at the level of District Election Officer in the presence of representatives of recognized political parties and thereafter randomized list of EVMs allotted to each Assembly Constituency is given to the representatives of such parties and if a representative of party is not available, still such list is sent to such party’s office. Second randomization of EVMs is done by Returning Officer in the presence of Observer and representatives of candidates for allotting to specific polling stations. A list of such EVMs indicating machine number allotted to each polling station is given to representatives of candidates.

Q.36 Is there any procedure to seal the EVM before it is used for polling?

Ans. Physical sealing of different segments of an EVM is done to prevent access to the buttons controlling various processes of the poll. This is done in several stages. Sealing of ballot screen of the Balloting Unit and the candidate set section of the Control Unit is done under the supervision of Returning Officer in the presence of the candidates or their agents to prevent tampering with the alignment of the ballot paper and making unwanted changes in the candidate buttons that are actually required for a particular poll. Similarly, the ‘Result section’ is sealed at any the polling station after the mock poll, so that no one can see the result of a particular polling station before it is taken up for counting at the counting centre on the specified date. The candidates or their agents are invited by the election authorities to put their signatures on the tags/paper seals along with the seals of the Returning/Presiding Officers.

Q.37 After poll, where the EVMs are kept till counting?

Ans. The polled EVMs are generally stored in a secure storage centre in the constituency or a nearby place on which the candidates or their representatives can keep a watch. Mostly it is the same place where the counting is made.

Q.38 At the time of counting suppose a display in EVM is not showing the result. In such case how the result can be verified?

Ans. The manufacturers of the EVMs have developed an “Auxiliary Display Unit. With the use of this ADU, results can be retrieved most of the times when there is a failure of the original display on the Control Unit.

Q.39 How the votes are counted in EVMs?

Ans. In the Counting Centre, the EVMs are kept on a number of counting tables whose number does not normally exceed 14. Seating arrangements are made for the counting agents in such a way that they can clearly watch the EVM and its display. When the ‘Result’ button on the Control Unit of an EVM is pressed, its display segment indicates the total number of votes polled in a particular polling station and then shows the votes polled by each candidate in serial order. Besides the counting staff, these are noted by the counting agents also. At the end of each round, the result of that round and the progressive total is announced. The result is compiled by summing up the round wise totals.

APPENDIX 1

(CHAPTER 1, PARA 1.18.1)

EXTRACT FROM CONSTITUTION OF INDIA

326 ELECTIONS TO THE HOUSE OF THE PEOPLE AND TO THE LEGISLATIVE ASSEMBLIES OF STATES TO BE ON THE BASIS OF ADULT SUFFRAGE

The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at any such election.

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

14. (a) "constituency" means an assembly constituency.

(b) "qualifying date", in relation to the preparation or revision of every electoral roll under this part, means (the 1st day of January) of the year in which it is so prepared or revised;)

(Provided that "qualifying date", in relation to the preparation or revision of every electoral roll under this part in the year 1989, shall be the 1st day of April,1989).

15. Electoral roll for every constituency

For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

16. DISQUALIFICATION FOR REGISTRATION IN AN ELECTORAL ROLL

(1) A person shall be disqualified for registration in an electoral roll if he -

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent Court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

Provided that the name of any person struck off the electoral roll of a constituency by reason of disqualification under clause (c) of sub section (1) shall forthwith be re-instated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

17. NO PERSON TO BE REGISTERED IN MORE THAN ONE CONSTITUENCY - No person shall be entitled to be registered in the electoral roll for more than one constituency.

18. NO PERSON TO BE REGISTERED MORE THAN ONCE IN ANY CONSTITUENCY

No person shall be entitled to be registered in the electoral roll for any constituency more than once.

19. CONDITIONS OF REGISTRATION

Subject to the foregoing provisions of this part, every person who -

- (a) is not less than eighteen years of age on the qualifying date; and
- (b) is ordinarily resident in a constituency;

shall be entitled to be registered in the electoral roll for that constituency.

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

11-A DISQUALIFICATION ARISING OUT OF CONVICTION AND CORRUPT PRACTICES

(1) If any person, after the commencement of this act, - is convicted of an offence punishable under section 171E or section 171F of the Indian Penal Code (45 of 1860), or under section 125 or section 135 or clause (a) of Sub-Section (2) of Section 136 of this Act, he shall, for a period of six years from the date of the conviction or from the date on which the order takes effects, be disqualified for voting at any election.

(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of subsection (1) of section 11A of this Act as is stood immediately before the commencement of the Election Laws (Amendment) Act, 1975, as if such decision were a decision in respect of the said disqualification for voting also.

62. RIGHT TO VOTE

(1) No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950 (43 of 1950)

(3) No person shall vote at a General Election in more than one constituency of the same class, and if a person votes in more than one such constituency, his votes in all such constituencies shall be void.

(4) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force:

Provided further that by the reason of the prohibition to vote under this sub-section, a person whose name has been entered in the electoral roll shall not cease to be an elector.

Nothing contained in sub-sections (3) and (4) shall apply to a person who has been authorised to vote as proxy for an elector under this Act in so far as he votes as a proxy for such elector.

APPENDIX 2

(CHAPTER 1, PARA 1.21.1)

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

22. CORRECTION OF ENTRIES IN ELECTORAL ROLLS

If the Electoral Registration Officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency -

- (a) is erroneous or defective in any particular,
- (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or
- (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll,

the Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry after proper verification of facts in such manner as may be prescribed:

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him after proper verification of facts in such manner as may be prescribed.

23. INCLUSION OF NAMES IN ELECTORAL ROLLS

- (1) Any person whose name is not included in the electoral roll of a constituency may apply to the elected registration officer for the inclusion of his name in that roll.
- (2) The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein after proper verification of the facts in such manner as may be prescribed:

Provided that if the applicant is registered in the electoral roll of any constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll after proper verification of facts in such manner as may be prescribed.

- (3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for, making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.

EXTRACTS FROM THE REGISTRATION OF THE ELECTORS RULES, 1960

26. Correction of entries and inclusion of names in electoral rolls - (1) Every application under section 22 or sub-section (1) of section 23 shall be made in duplicate in such one of the Forms 6, 6A, 7, 8, 8A and 8B as may be appropriate:

Provided that the statements in Forms 2, 2A and 3, from persons having service qualifications, received after the final publication of the electoral roll shall be deemed to be the applications under sections 22 and 23.

(1A) Every such application as is referred to in sub-rule (1) shall be presented to the Registration Officer in such manner as the Election Commission may direct.

(3) The Registration Officer shall, immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objections to such application within a period of seven days from the date of such posting.

(4) The Registration Officer shall, as soon as may be after the expiry of the period specified in sub-rule (3) consider the application and objections thereto, if any, received by him and shall, if satisfied, direct the inclusion, deletion, correction or transposition of entries in the roll, as may be necessary:

Provided that when an application is rejected by the Registration Officer, he shall record in writing a brief statement of his reasons for such rejections.

27. APPEALS UNDER SECTION 24 OF THE ACT -

(1) Every appeal under clause (a) of section 24 of the Act shall be: -

(a) in the form of a memorandum signed by the appellant;

(b) accompanied by a copy of the order appealed from; and

(c) presented to the district magistrate, or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank as may be notified in the Official Gazette by the Election Commission, within the period of fifteen days of the order appealed from or sent by registered post so as to reach him within that period:

Provided that such magistrate, collector or officer may condone the delay in presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the specified time.

(2) Every appeal under clause (b) of section 24 of the Act shall be -

(a) in the form a memorandum signed by the appellant;

(b) accompanied by a copy of the order appealed from; and

(c) presented to the Chief Electoral Officer within a period of thirty days from the date of the order appealed from or sent by registered post so as to reach him within that period:

Provided that the Chief Electoral Officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the specified time.

(3) For the purposes of sub-rule (1) and sub-rule (2), an appeal shall be deemed to have been presented when the memorandum of appeal is delivered by, or on behalf of, the appellant to the concerned magistrate, collector, officer or, as the case may be, the concerned chief electoral officer, or to any other officer appointed by him in this behalf.

APPENDIX 3
(CHAPTER 2, PARA 2.3.2)

EXTRACT FROM CONSTITUTION OF INDIA

84. QUALIFICATIONS FOR MEMBERSHIP OF PARLIAMENT

A Person shall not be qualified to be chosen to fill and seat in Parliament unless he: -

- (a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is, in the case of a seat in the Council of States not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

173. QUALIFICATIONS FOR MEMBERSHIP OF THE STATE LEGISLATURE

A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he: -

- (a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is in the case of a seat in the Legislative Assembly not less than twenty-five years of age and in the case of a seat in the Legislative Council, not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

APPENDIX 4
(CHAPTER 2, PARA 2.5.1)

FORM OF OATH OR AFFIRMATION

[ARTICLE 84(A) OF THE CONSTITUTION OF INDIA]

(To be made by a candidate for election to Parliament)

I..... having been nominated as a candidate to fill a seat in the Council of States (*House of the People) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by
Shri/Shrimatiat (Place)
at(hour) this the.....day of200 before me.

Signature of authorized person

Name and designation and Seal

(Certificate for Receipt of Oath)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Council of States (*or the House of the People) has made and subscribed the oath / affirmation as required by the Constitution of India before me at (hour) on (date).

Signature of authorized person

Name Designation and Seal

Date:

*Score out which is not applicable. N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

FORM OF OATH OR AFFIRMATION

[Article 173 (a) of the constitution of India]

(To be made by a candidate for election to the Legislature of a State)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly (*or Legislative Council) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimatiat (Place) at(hour) this the.....day of200 before me.

Signature of authorized person

Name and designation and Seal

(Certificate for Receipt of Oath)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the 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/Union Territory.

FORM OF OATH OR AFFIRMATION

SECTION 4 (A) OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT,
1991 (NO. 10F 1992)

(To be made by a candidate for election to the Legislative Assembly of the NCT of Delhi)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by
Shri/Shrimatiat (Place)
at(hour) this the.....day of200 before me.

Signature of authorized person

Name and designation and Seal

(Certificate for Receipt of Oath)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi has made and subscribed the oath / affirmation as required by the Government of National Capital Territory of Delhi Act, 1991 before me at my office at (hour) on (date).

Signature of authorized person

Name Designation and Seal

Date:

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the National Capital Territory of Delhi.

FORM OF OATH OR AFFIRMATION

SECTION 4 (A) OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963 (NO. 20 OF 1963)

(To be made by a candidate for election to the Legislative Assembly of the Union Territory of Puducherry)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly of Puducherry do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimatiat (Place) at(hour) this the.....day of200 before me.

Signature of authorized person

Name and designation and Seal

(Certificate for Receipt of Oath)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Legislative Assembly of Puducherry has made and subscribed the oath / affirmation as required by the Government of Union Territory Act, 1963 before me at my office at (hour) on (date).

Signature of authorized person

Name Designation and Seal

Date:

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the Union Territory.

EXTRACT FROM THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

4. QUALIFICATIONS FOR MEMBERSHIP OF LEGISLATIVE ASSEMBLY

A person shall not be qualified to be chosen to fill a seat in the Legislative assembly of a Union Territory unless he: -

- (a) is a citizen of India and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;
- (b) is not less than twenty-five years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law.

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION THE LEGISLATIVE ASSEMBLY

I. A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of..... do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

4. QUALIFICATIONS FOR MEMBERSHIP OF THE HOUSE OF THE PEOPLE

A person shall not be qualified to be chosen to fill a seat in the House of People unless -

- (a) In the case of a seat reserved for the Scheduled castes in any State, he is a member of any of the Scheduled Castes, whether of that State or of any other State, and is an elector for any Parliamentary constituency;
- (b) in the case of a seat reserved for the Scheduled Tribes in any State (other than those in the autonomous districts of Assam), he is a member of any of the Scheduled Tribes, whether of that State or of any other State (excluding the tribal areas of Assam), and is an elector for any Parliamentary constituency;
- (c) in the case of a seat reserved for the Scheduled Tribes in the autonomous district of Assam, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency in which such seat is reserved or for any other Parliamentary constituency comprising any such autonomous district;
- (cc) in the case of the seat reserved for the Scheduled Tribes in the Union Territory of Lakshadweep, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency of that Union Territory;
- (ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim; and
- (d) in the case of any other seat, he is an elector for any Parliamentary constituency.

5. QUALIFICATIONS FOR MEMBERSHIP OF A LEGISLATIVE ASSEMBLY

A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless: -

(a) in the case of seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes, or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State;

(b) in the case of a seat reserved for an autonomous district of Assam, he is a member of a Scheduled Tribes of any autonomous district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district; and

(c) in the case of any other seat, he is an elector for any Assembly constituency in that State:

Provided that for the period referred to in clause (2) of Article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.

7. DEFINITIONS - In this Chapter, -

(a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

(b) "disqualified" means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State under the provisions of this chapter and on no other ground.

8. DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES

(1) A person convicted of an offence punishable under -

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

(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

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

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

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

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

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

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

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

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

(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971); or

(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002),

shall be disqualified, where the convicted person is sentenced to –

(i) only fine, for a period of six years from the date of such conviction;

(ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(2) A person convicted for the contravention of –

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961),

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be

disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Explanation – In this section –

- (a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for—
 - (i) the regulation of production or manufacture of any essential commodity;
 - (ii) the control of price at which any essential commodity may be bought or sold;
 - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
 - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;
- (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);
- (c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);
- (d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

8A. DISQUALIFICATION ON GROUND OF CORRUPT PRACTICES -

(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be within a period of three months from the date such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under action 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

9. DISQUALIFICATION FOR DISMISSAL FOR CORRUPTION OR DISLOYALTY

(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty of the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

9A. DISQUALIFICATION FOR GOVERNMENT CONTRACTS, ETC. -

A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works, undertaken by that Government.

Explanation- For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. DISQUALIFICATION FOR OFFICE UNDER GOVERNMENT COMPANY -

A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five percent share.

10A. DISQUALIFICATION FOR FAILURE TO LODGE ACCOUNT OF ELECTION EXPENSES -

If the Election Commission is satisfied that a person-

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

EXTRACT FROM THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991 (NO. 1 OF 1991)

4. A person shall not be qualified to be chosen to fill a seat in the Legislative assembly unless he: -

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;

(b) is not less than twenty-five years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

15. (1) A person shall be disqualified for being chosen as, and for being, a member of, the Legislative Assembly: -

(a) If he holds any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the Capital or of any other Union Territory not to disqualify its holder; or

(b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of Sub-clause (b), sub-clause (c) or sub-clause (d) of Clause (1) of article 102 or of any law made in pursuance of that article.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union Territory by reason only that he is a Minister either for the Union or for such State or Union Territory.

(3) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provision of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

APPENDIX 5
(CHAPTER 2, PARA 2.5.1)

NOTIFICATIONS

Notification 1.: For 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.

Dated the 18th March 1968

NOTIFICATION

No 3/6/68 /(1) – In pursuance of clause (a) Article 84 and clause (a) of article 173 of the Constitution of India and in supersession of its notification No.3/3/66, dated the 25th April 1967, the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) All stipendiary presidency Magistrates of all first class, and all (iii) District judges and all persons belonging to the judicial service of a State other than District judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council shall make and subscribe the oath or affirmation in form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said Article 84 and clause (a) of the said Article 173, the Election Commission hereby also authorizes as the person before whom the candidate may make and subscribe the said or affirmation,

(a) Where the candidate is confined in a prison, the superintendent of the prison.

(b) Where the candidate is under preventive detention the commandant of the detention camp.

(c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.

(d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative.

(e) Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on application made to it in this behalf.

Explanation: - In this notification

- (1) The expression "The Returning Officer concerned" means -
- (a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a Parliamentary Constituency or a seat in the Legislative Assembly of a State from an Assembly Constituency or a seat in the Legislative Council of a State from a Council Constituency, the Returning Officer for that constituency;
- (b) where a person has been nominated as a candidate for election to fill a seat in the Council of States by the elected members of the Legislative Assembly of a State the Returning Officer for that election.
- (c) where a person has nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of State the Returning Officer for that election.
- (1-A) the expression "district judge" and "judicial service" shall have the meanings respectively assigned to them in Article 236 of the Constitution of India.
- (2) the expressions "Parliamentary Constituency" "Assembly Constituency" "and Council Constituency" shall have the meanings respectively assigned to them in the Representation of the People Act, 1950(43 of 1950).

By order Secretary to the Election Commission of India

Notification 2. For Legislative Assembly of a Union Territory

Dated the 18th March 1968

NOTIFICATION

No.3/6/68(2). In pursuance of clause (a) of section 4 of the Government of Union Territories Act, 1963 (20 of 1963) and in supersession of its notification No.3/3/66, dated the 2nd May 1967, the Election Commission hereby authorizes (i) the Returning officer concerned and all the Assistant Returning Officers subordinate to him, (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly of a Union Territory shall make and subscribe the oath or affirmation in the form set for the purpose in the First Schedule to said act.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said section 4 the Election commission hereby also authorizes as the person before whom the candidate may make and subscribe the said oath or affirmation.

- (a) Where the candidate is confined in a prison, the Superintendent of the prison.
- (b) Where the candidate is under preventive detention, the commandant of the detention camp.

(c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.

(d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative.

(e) Where the candidate is for any reason unable to appear or prevented from appearing before the Returning Officer concerned or any other Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation - In this notification -

(1) the expression "the Returning Officer concerned" means and Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly.

(1-A) the expressions "district judge" and "judicial service" shall have the meanings respectively assigned to them in, Article 236 of the Constitution of India and

(2) the expression "Assembly Constituency" shall have the meaning assigned to it in clause (c) of sub section (1) of section 2 of the Government of Union Territory Act 1963, (20 of 1963)

By order Secretary to the Election Commission of India

Notification 3: For Legislative Assembly of the National Capital Territory of Delhi

Dated the 18th March 1968

NOTIFICATION

No .3/6/68 (3) - In pursuance of clause (a) section 4* of the Govt. of National *Capital Territory of Delhi Act 1991 (1of 1992) and in supersession of its notification No. 3/3/66(1), dated 2nd May, 1967 the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him, (ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the First class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the * Legislative Assembly of the National Capital Territory of Delhi shall make and subscribe an oath or affirmation in the form set out for the purpose in the Schedule to the said Act.

2. Notwithstanding anything contained in paragraph 1. in pursuance of clause (a) of the said section 4, the Election Commission here by also authorizes as the person before whom the candidate may make and subscribe the said oath or affirmation-

- (a) Where the candidate is confined in a prison, the Superintendent of the prison,
- (b) Where the candidate is under preventive detention, the Commandant of the detention camp,
- (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical Superintendent in charge of the hospital or the medical Practitioner attending on him,
- (d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative,
- (e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation – In this notification–

(1) The expression “the Returning Officer concerned” means the Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in the *Legislative Assembly of National Capital Territory of Delhi.

(1-A) the expression “district judge” and “judicial service” shall have the meaning respectively assigned to them in Article 236 of the Constitution of India; and

(2) The expression “Assembly Constituency” shall have the meaning assigned to it in clause (b) of section 2 of the Govt. of National Capital Territory of Delhi Act., 1991.

By order Secretary to the Election Commission of India

Notification 4: For Legislative Assembly or Council of the State of Jammu and Kashmir

Dated the 18th March 1968

NOTIFICATION

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 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 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

APPENDIX 6
(CHAPTER 3, PARA 3.3.1)

FORM 2A

(See rule 4)

NOMINATION PAPER

Election to the House of the People

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be attached.
--

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the House of the People from the.....Parliamentary constituency.

Candidate's name..... Father's/mother's/husband's name.....His postal addressHis name is entered at S. No.....in Part No..... of the electoral roll for.....*(Assembly constituency comprised within) Parliamentary Constituency.

My name is..... and it is entered at S. No.....in Part No.....of the electoral roll for*(Assembly constituency comprised within)Parliamentary constituency.

Date

.....
Signature of Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the House of the People from the..... Parliamentary Constituency.

Candidate's name.....Father's/mother's/husband's name.....His postal address.....

His name is entered at S. No.....in Part No.....of the electoral roll for.....+(Assembly constituency comprised within)Parliamentary constituency.

We declare that we are electors of the above Parliamentary Constituency and our names are entered in the electoral roll for that Parliamentary Constituency as indicated below and we append our signatures below in token of subscribing to this nomination: -

Particulars of the proposers and their signatures

S. No.	Name of component Assembly constituency	Elector roll no. of Proposer		Full Name	Signature	Date
		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 that -

(a) I am a citizen of India and have not acquired the citizenship of any foreign State or country.

(b) I have completed.....years of age;

[STRIKE OUT c(i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(c) (i) that I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(c) (ii) I am set up at this election by theparty, which is a registered-unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are: -

(i).....(ii).....(iii).....

(d) my name and my Father's/Mother's/Husband's name have been correctly spelt out above in..... (name of the language);

(e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

*I further declare that I am a member of the.....**Caste/tribe which is a scheduled **caste/tribe of the State of.....in relation to.....(area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date.....

Signature of Candidate

+Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

N.B.—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IIIA

(To be filled by the candidate)

Whether the candidate—

- (i) has been convicted—
(a) of any offence(s) under sub-section (1); or
(b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more. Yes/No

If the answer is "Yes", the candidate shall furnish the following information:

- (i) Case/first information report No./Nos.
(ii) Police station(s)..... District(s) State(s)
(iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted.....
(iv) Date(s) of conviction(s)
(v) Court(s) which convicted the candidate.....
(vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]
(vii) Date(s) of release from prison.....
(viii) Was/were any appeal(s)/revision(s) filed against above conviction(s).....
Yes/No
(ix) Date and particulars of appeal(s)/application(s) for revision filed.....

- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
 - (a) Date(s) of disposal.....
 - (b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government?..... (Yes/No)
 - If Yes, details of the office held.....
- (3) Whether the candidate has been declared insolvent by any Court?..... (Yes/No)
 - If Yes, has he been discharged from insolvency.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)
 - If Yes, give details.....
- (5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?..... (Yes/No)
 - If Yes, the period for which disqualified.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?(Yes/No)
 - If Yes, the date of such dismissal.....
- (7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?..... (Yes/No)
 - If Yes, with which Government and details of subsisting contract(s).....
- (8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share?..... (Yes/no)
 - If Yes, with which Government and the details thereof
- (9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act..... (Yes/No)
 - If yes, the date of disqualification.....

Place

Date

Signature of Candidate

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at.....(hour)
 on.....(date) by the *candidate/proposer. (name of
 proposer.....)

Date.....

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951(43 of 1951) and decide as follows:—

.....
.....
.....

Date.....

Returning Officer

.....(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the..... Parliamentary constituency was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....(Place).

Date.....

Returning Officer

*Score out the word not applicable.

APPENDIX 7
(CHAPTER 3, PARA 3.3.1)

FORM 2B
(See rule 4)
NOMINATION PAPER

Election to the Legislative Assembly of (State)

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly from
the..... Assembly constituency.

Candidate's name..... Father's/Mother's/Husband's
name.....His postal addressHis name
is entered at Sl. No.in Part No. of the electoral roll
for.....Assembly constituency.

My name is..... and it is entered at Sl. No.....in Part
No.of the electoral roll forAssembly constituency.
Date

Signature of the Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the Legislative Assembly from
the..... Assembly Constituency.

Candidate's name.....Father's/Mother's/Husband's
name.....His postal address.....His name is
entered at Sl. No.in Part No.of the electoral roll
for.....Assembly constituency.

We declare that we are electors of the above Assembly Constituency and our names
are entered in the electoral roll for that Assembly Constituency as indicated below and we
append our signatures below in token of subscribing to this nomination: -

Particulars of the proposers and their signatures

S. No.	Elector 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 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 am a citizen of India and have not acquired the citizenship of any foreign State/country.

(b) that I have completed.....years of age;

[STRIKE OUT c (i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(c) (i) that I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(c) (ii) that I am set up at this election by theparty, which is a registered unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are: —

(i).....(ii).....(iii).....

(d) that my name and my Father's/Mother's/Husband's name have been correctly spelt out above in..... (name of the language); and

(e) 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 Assemblyof (State) from more than two Assembly Constituencies.

Date.....

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

N.B.—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IIIA

(To be filled by the candidate)

Whether the candidate

- (i) has been convicted
 - (a) of any offence(s) under sub-section (1); or
 - (b) for contravention of any law specified in sub-section (2), Yes/No of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

- (i) Case/first information report No./Nos.....
- (ii) Police station(s).....District(s)..... State(s).....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted.....
- (iv) Date(s) of conviction(s)
- (v) Court(s) which convicted the candidate.....
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s).....
Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
 - (a) Date(s) of disposal.....
 - (b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government?..... (Yes/No)
-If Yes, details of the office held.....
- (3) Whether the candidate has been declared insolvent by any Court?..... (Yes/No)
-If Yes, has he been discharged from insolvency.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

- If Yes, give details.....
- (5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?..... (Yes/No)
- If Yes, the period for which disqualified.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?(Yes/No)
- If Yes, the date of such dismissal.....
- (7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?..... (Yes/No)
- If Yes, with which Government and details of subsisting contract(s).....
- (8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share?..... (Yes/no)
- If Yes, with which Government and the details thereof
- (9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act..... (Yes/No)
- If yes, the date of disqualification.....

Place

Date

Signature of Candidate

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer. (Name of proposer.....)

Date.....

Returning Officer

*Strike out the word not applicable.

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 (43 of 1951) and decide as follows: —

.....

Date.....

Returning Officer

.....(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the..... Assembly constituency was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....(Place).
Date.....

Returning Officer

*Score out the word not applicable.

APPENDIX 8
(CHAPTER 3, PARA 3.8.1)

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 FOE 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 Noin Part No.....

(3) My contact telephone number(s) is/are and my email id (if any) is and my social media account(s) (if any) is /are

- (i)
- (ii)
- (iii)

(4) Details of Permanent Account Number (PAN)* and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-Tax return (in Rupees) for the last five Financial Years completed (as on 31 st March)	
1.	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	Dependent-1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent-2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
5.	Dependent-3			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

- (i) I declare that there is no pending criminal case against me.
(Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

- (ii) The following criminal cases are pending against me:
(If there are pending criminal cases against the candidate, the tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table Below)

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved <i>(give no. of the Section, e.g. Section of IPC, etc.)</i>			
(d)	Brief description of offence			

(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal / Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

(i) I declare that I have not been convicted or any criminal offence.

(Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(if the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			

(c)	Section(s) of Acts/Codes involved (<i>give no. of the Section, e.g. Section of IPC, etc.</i>)			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (<i>Mention YES or NO</i>)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOTAPPLICATION IN VIEW OF ENTRIES IN 5(i) and 6 (i), above]

Note:

1. Details should be entered clearly and legibly in **BOLD** letters.
2. Details to be given separately for each case under different columns against each item.

3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.
4. Additional sheet may be added if required.
5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W.P. (C) No.536 of 2011.

(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' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to be candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment.

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation - For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

Sl. No.	Description	Self	Spouse	HUF	Dependent -1	Dependent -2	Dependent -3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, debentures/ shares and units in companies/Mutual funds and others and the						

	amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/ advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount						
(vi)	Motor Vehicles/ Aircrafts/Yachts/Ships (Details of Make. registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims / interest						
(ix)	Gross Total Value						

B. Details of Immovable Assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note: 2. Each land or building or apartment should be mentioned separately in this format.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land Location(s) Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						

	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(ii)	Non-Agricultural Land: Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	Commercial Buildings (including apartments) -Location(s) -Survey number(s)						

	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iv)	Residential Buildings (including apartments) -Location(s) -Survey number(s)						
	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property						

	(in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government: -

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial institution, Amount outstanding, Nature of Loan						
	Loan or dues to any Other individuals/entity other than mentioned above Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

(ii)	Government dues: Dues to departments dealing with government accommodation	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely: -</p> <p>(i) The address of the Government accommodation:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on _____</p> <p>(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note -- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>					YES/NO (Pl. tick the appropriate alternative)
(iii)	Dues to department dealing with government transport (including aircrafts and helicopters)						
		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income tax dues						
(v)	GST Dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

- (a) Self
- (b) Spouse

(9A) Details of source(s) of income:

- (a) Self
- (b) Spouse
- (c) **Sources of income, if any, of dependents,**

(9B) Contracts with appropriate Government and any public company or companies

- (a) details of contracts entered by the candidate**
- (b) details of contracts entered into by spouse**
- (c) details of contracts entered into by dependents**
- (d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest**
- (e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners**
- (f) details of contracts entered into by private companies in which candidate or spouse or dependents have share**

(10) My educational qualification is as under: -

.....

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:

1.	Name of the Candidates		Sh./ Smt./Kum.				
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total number of cases in which convicted						
7.		PAN of	Year for which last income Tax return filed		Total income shown		
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependents						
8.	Details of Assets and Liabilities (including offshore assets) in Rupees						
	Description	Self	Spouse	HUF	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
	I.	Purchase Price of self-acquired immovable property					
	II.	Development/ construction cost of immovable property after purchase (if applicable)					
	III.	Approximate Current market price - a) self-acquired assets (Total Value) b) inherited assets (Total Value)					
9.	Liabilities						

	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.	Liabilities that are under dispute							
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.	Highest educational qualification: (Give details of highest School/ University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)							

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified atthis theday of

DEPONENT

- Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.
 Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
 Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.
 Note: 4. The Affidavit should be either typed or written legibly and neatly.
 Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

APPENDIX 9

(Chapter 5, Para 5.7.5)

STATES AND LANGUAGES IN AC

As per direction No. 3/4/2018/SDR dated 31st October 2018 and direction No. 3/4/2008/JS.II, dated 16th September, 2008 and in pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules 1961, the Election Commission directed that the list of contesting candidates in Form 7A, at an election to the Legislative Assembly of the State/UT mentioned in column (1) of the Table below, from the Assembly Constituencies mentioned under column (2) of the Table shall be prepared in the language or languages specified against that constituency in column (3) of the said table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in column (3) :-

When any such list is forwarded to the Election Commission, it shall, if not in English, be accompanied by a translation in English.

S. No.	State/Union Territory	No. and Name of Assembly	State/Union Territory
	1	2	3
1	Andhra Pradesh	All Assembly Constituencies	Telugu
2	Arunachal Pradesh	All Assembly Constituencies	English
3	Assam	1-Ratabari (SC) 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	Bengali

		15-Katigora	
		16-Haflong (ST)	English
		All other assembly constituencies	Assamese
4	Bihar	All assembly constituencies	Hindi
5	Chhattisgarh	All assembly constituencies	Hindi
6	Goa	All assembly constituencies	English and Konkani/Marathi in Devanagari script
7	Gujarat	All assembly constituencies	Gujarati
8	Haryana	All assembly constituencies	Hindi
9	Himachal Pradesh	All assembly constituencies	Hindi
10	Jharkhand	All assembly constituencies	Hindi
11	Karnataka	1-Nippani	Kannada and Marathi
		2-Chikkodi - Sadalga	
		11-Belgaum Uttar	
		12- Belgaum Dakshin	
		13- Belgaum Rural	
		14-Khanapur	
		47-Basavakalyan	
		51-Bhalki	
		52-Aurad (SC)	
		76-Karwar	
		44- Gulbarga Dakshin	Kannada and Urdu
		45- Gulbarga Uttar	
		146- Kolar Gold Fields (SC)	Kannada and English
		154- Rajarajeshwarinagar	
156- Mahalakshmi			

		Layout	
		157-Malleshwaram	
		159-Pulakeshinagar (SC)	
		160-Sarvagnanagar	
		161- C. V. Raman Nagar (SC)	
		162-Shivajinagar	
		163-Shanti Nagar	
		164-Gandhi Nagar	
		165-Rajaji Nagar	
		166-Govindaraj Nagar	
		167-Vijay Nagar	
		168-Chamrajpet	
		169-Chickpet	
		170-Basavanagudi	
		173-Jayanagar	
		All other assembly languages	Kannada
12	Kerala	1-Manjeswar	Malayalam and Kannada
		2-Kasaragod	
		88-Devikulam (SC)	Malayalam and Tamil
		All other assembly constituencies	Malayalam
13	Madhya Pradesh	150-Bhopal Uttar	Hindi and Urdu
		151-Narela	
		152-Bhopal Dakshin-Paschim	
		153-Bhopal Madhya	
		180-Burhanpur	
		All other assembly constituencies	Hindi
14	Maharashtra	52-Nagpur South West	Marathi and English
		53-Nagpur South	
		54-Nagpur East,	
		55-Nagpur Central	
		56-Nagpur West	
		57-Nagpur North (SC)	
		146-Ovala Majiwada	
		147-Kopri Pachpakhadi	

	148-Thane	
	149-Mumbra Kalwa	
	150-Airoli	
	151-Belapur	
	152-Borivali	
	153-Dahisar	
	154-Magathane	
	155-Mulund	
	156-Vikhroli	
	157-Bhandup West	
	158-Jogeshwari East	
	159-Dindoshi	
	160-Kandivali East	
	161-Charkip	
	162-Malad West	
	163-Goregaon	
	164-Versova,	
	165-Andheri West	
	166-Andheri East	
	167-Vile Parle	
	168-Chandvali	
	169-Ghatkopar West	
	170-Ghatkopar East	
	171-Nankhurd Shivaji Nagar	
	172-Anushakti Nagar	
	173-Chembur	
	176-Vandre East	
	177-Vandre West	
	178-Dharavi (SC)	
	179-Sion Koliwada	
	180-Wadala	
	182-Worli	
	183-Shivadi	
	185-Malabar Hill	
	187-Colaba	
	205-Chinchwad	
	206-Pimpri (SC)	
	207-Bhosari	
	208-Vadgaon Sheri	
	209-Shivajinagar	
	210-Kothrud	
	211-Khadakwasala	
	212-Parvati	

		213-Hadapsar		
		214-Pune Cantonment (SC)		
		215-Kasba Peth		
		86-Nanded North	Marathi and Urdu	
		87-Nanded South		
		106-Phulambri		
		107-Aurangabad Central		
		108-Aurangabad West (SC)		
		109-Aurangabad East		
		114-Malegaon Central		
		115-Malegaon Outer		
		136-Bhiwandi West		
		137-Bhiwandi East		
		174-Krula (SC)		Marathi, English and Urdu
		175-Kalina		
		181-Mahim		
		184-Byculla		
		186-Mumbadevi		
		250-Akkalkot	Marathi and Kannada	
		251-Solapur South		
		271-Chandgad		
		280-Shirol		
		288-Jat		
		All other assembly constituencies	Marathi	
15	Manipur	41-Chandel (ST)	English	
		42-Tengnoupal (ST)		
		43-Phunyar (ST)		
		44-Ukhrul (ST)		
		45-Chingai (ST)		
		46-Saikul (ST)		
		47-Karong (ST)		
		48-Mao (ST)		
		49-Tadubi (ST)		
		50-Kanpokpi		
		51-Saitu		
		52-Tamei (ST)		
		53-Temenglong (ST)		
		54-Nungba (ST)		
		55-Tipaimukh (ST)		

		56-Thanolon (ST)	
		57-Henglep (ST)	
		58-Churachandpur (ST)	
		59-Saikot (ST)	
		60-Singhat (ST)	
		All other assembly constituencies	Manipuri
16	Meghalaya	All assembly constituencies	English
17	Mizoram	All assembly constituencies	English
18	Nagaland	All assembly constituencies	English
19	Orissa	127-Chhatrapur (SC)	Oriya and Telugu
		133-Berhampur	
		137-Paralakhemundi	
		138-Gunupur (ST)	
		140-Rayagada (ST)	
		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	3-Tiruttani	Tamil and Telugu
		11-Dr. Radhakrishnan Nagar	Tamil and English
		12-Perambur	
		13-Kolathur	
		14-Villivakkam	
		15-Thiru-Vi-ka-Nagar (SC)	
		16-Egmore (SC)	
		17-Royapuram	

		18-Harbour	
		19-Chepauk	
		Thiruvallikeni	
		20-Thousand Lights	
		21-Anna Nagar	
		22-Virugampakkam	
		23-Saidapet	
		24-Thiyagarayanagar	
		25-Mylapore	
		26-Velachery	
		54-Veppanahalli	Tamil, Telugu and
		55-Hosur	Kannada
		56-Thalli	
		109-Gudalur (SC)	Tamil and
		232-Padmanabhapuram	Malayalam
		233-Vilavancode	
		234-Killiyoor	
		All other assembly constituencies	Tamil
24	Telangana	8-Boath (ST)	Telugu and Marathi
		10-Mudhole	
		13-Jukkal (SC)	
		17- Nizamabad (urban)	Telugu and Urdu
		57- Musheerabad	Telugu, English and
		58-Malakpet	Urdu
		59-Amberpet	
		60-Khairatabad	
		61-Jubilee Hills	
		62-Sanathnagar	
		63-Nampally	
		64-Karwan	
		65-Goshamahal	
		66-Charminar	
		67-Chandrayangutta	
		68-Yakutpura	
		69-Bahadurpura	
		70-Secunderabad	
		71-Secunderabad Cantt. (SC)	
		All other assembly constituencies	Telugu
25	Tripura	All assembly	Bengali

		constituencies	
26	Uttar Pradesh	3-Saharanpur Nagar	Hindi and Urdu
		4-Saharanpur	
		7-Gangoh	
		8-Kairana	
		14-Muzaffar Nagar	
		17-Najibabad	
		18-Nagina (SC)	
		19-Barhapur	
		20-Dhampur	
		21-Nehtaur (SC)	
		22-Bijnor	
		23-Chandpur	
		24-Noorpur	
		26-Thakurdwara	
		27-Moradabad Rural	
		28-Moradabad Nagar	
		29-Kundarki	
		30-Bilari	
		31-Chandausi (SC)	
		32-Asmoli	
		33-Sambhal	
		34-Suar	
		35-Chamraua	
		37-Rampur	
		40-Naugawan Sadat	
		41-Amroha	
		47-Meerut Cantt.	
		48-Meerut	
		49-Meerut South	
		60-Garhmukteshwar	
		75-Koil	
		76-Aligarh	
		97-Firozabad	
		115-Badaun	
		124-Bareilly	
		125-Bareilly Cantt	
		127-Pilibhit	
		135-Shahjahanpur	
		171-Lucknow West	
		174-Lucknow Central	
		213-Sishamau	
		214-Arya Nagar	

		278-Tanda	
		286-Bahraich	
		313-Khalilabad	
		356-Mau	
		All other assembly constituencies	Hindi
27	Uttarakhand	All assembly constituencies	Hindi
28	West Bengal	22-Kalimpong	Bengali and Nepali
		23-Darjeeling	
		24-Kurseong	
		25-Matigara Naxalbari (SC)	
		26-Siliguri	
		27-Phansidewa (ST)	
		29-Islampur	Bengali and Hindi
		30-Goalpokhar	
		31-Chakulia	
		115-Rajarhat New Town	English
		116-Bidhannagar	
		149-Kasba	
		153-Behala Purba	
		154-Behala Paschim	
		157-Metiaburaz	
		158-Kolkata Port	
		159-Bhabanipur	
		160-Rashbehari	
		161-Ballygunge	
		162-Chowrangee	
		163-Entally	
		164-Belegkata	
		165-Jorasanko	
		166-Shyampukur	
		167-Maniktala	
		168-Kashipur Belgachhia	
		224-Kharagpur Sadar	Bengali and English
		All other assembly constituencies	Bengali
29	NCT of Delhi	20-Chandni Chowk	Hindi, Urdu and English
		21-Matia Mahal	English

		22-Ballimaran	
		54-Okhla	
		63-Seemapuri (SC)	
		65-Seelampur	
		69-Mustafabad	
		All other assembly constituencies	Hindi and English
30	Puducherry	29-Mahe	Malayalam
		30-Yanam	Telugu
		All other assembly constituencies	Tamil

APPENDIX 9A

(Chapter 5, Para 5.7.5)

STATES AND LANGUAGES IN PC

As per direction No. 3/4/2018/SDR dated 31st October 2018 and direction No. 3/4/2008/JS.II, dated 06th February, 2009, and in pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules, 1961, the Election Commission of India directed that at an election in a Parliamentary Constituency specified in column 2 of the Table below, the list of contesting candidates shall be prepared in Form 7A in the languages specified against that constituency in column 3 of the said Table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in the said column.

When any such list is forwarded to the Election commission it shall, if not in English, be accompanied by a translation in English.

S. No.	State / UT	Parliamentary Constituency	Language / Languages
1	Andhra Pradesh	All Parliamentary Constituencies	Telugu
2	Arunachal Pradesh	All Parliamentary Constituencies	English
3	Assam	1-Karimganj (SC)	Bengali
		2-Silchar	
		3-Autonomous District (ST)	Assamese and English
		All other Parliamentary Constituencies	Assamese
4	Bihar	All Parliamentary Constituencies	Hindi
5	Chhattisgarh	All Parliamentary Constituencies	Hindi
6	Goa	All Parliamentary Constituencies	Konkani in Devanagari script, Marathi and

			English
7	Gujarat	All Parliamentary Constituencies	Gujarati
8	Haryana	All Parliamentary Constituencies	Hindi
9	Himachal Pradesh	All Parliamentary Constituencies	Hindi
10	Jammu and Kashmir	5-Udhampur	Urdu and Hindi
		6-Jammu	
		All other Parliamentary Constituencies	Urdu
11	Jharkhand	All Parliamentary Constituencies	Hindi
12	Karnataka	1-Chikkodi	Kannada and Marathi
		2-Belgaum	
		7-Bidar	
		12-Uttara Kannada	Kannada and English
		23-Bangalore (Rural)	
		24-Bangalore North	
		25-Bangalore Central	
		26-Bangalore South	
		28-Kolar (SC)	Kannada
All other Parliamentary Constituencies			
13	Kerala	1-Kasaragod	Malayalam and Kannada
		14-Idukki	Malayalam and Tamil
		All other Parliamentary Constituencies	Malayalam
14	Madhya Pradesh	19-Bhopal	Hindi and Urdu
		All other	Hindi

		Parliamentary Constituencies	
15	Maharashtra	10-Nagpur 25-Thane 26-Mumbai North 27-Mumbai North-West 28-Mumbai North-East 29-Mumbai North-Central 30-Mumbai South-Central 31-Mumbai South 34-Pune	Marathi and English
		All other Parliamentary Constituencies	Marathi
16	Manipur	1-Inner Manipur 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	1-Gurudaspur 2-Amritsar 4-Jalandhar 6-Hoshiarpur 8-Patiala 9-Ludhiana 13-Firozpur	Punjabi and Hindi
		All other	Punjabi

		Parliamentary Constituencies	
22	Rajasthan	All Parliamentary Constituencies	Hindi
23	Sikkim	Entire Parliamentary Constituency	English
24	Tamil Nadu	2-Chennai North	Tamil and English
		3-Chennai South	
		4-Chennai Central	
		7-Arakkonam	Tamil and Telugu
		9-Krishnagiri	Tamil, Telugu and Kannada
		19-The Nilgiris (SC)	Tamil and Malayalam
		39-Kanniyakumari	
		All other Parliamentary Constituencies	Tamil
25	Telangana	1-Adilabad (ST)	Telugu and Marathi
		5-Zahirabad	
		4-Nizamabad	Telugu, English and Urdu
		7-Malkajgiri	
		8-Secunderabad	
		9-Hyderabad	
		All other Parliamentary constituencies	Telugu
26	Tripura	All Parliamentary Constituencies	English
27	Uttar Pradesh	1-Saharanpur	Hindi and Urdu
		4-Bijnor	
		5-Nagina (SC)	
		6-Moradabad	
		7-Rampur	
		8-Sambhal	
		9-Amroha	
		10-Meerut	
		All other Parliamentary	Hindi

		Constituencies	
28	Uttarakhand	All Parliamentary Constituencies	Hindi
29	West Bengal	4-Darjeeling	Bengali and Nepali
		5-Raiganj	Bengali and Hindi
		17-Barasat	Bengali and English
		21-Diamond	
		34-Medinipur	
		23-Kolkata Dakshin	English
		24-Kolkata Uttar	
		All other Parliamentary Constituencies	Bengali
30	Andaman and Nicobar Island	Entire Parliamentary Constituency	Hindi and English
31	Chandigarh	Entire Parliamentary Constituency	Hindi and Punjabi
32	Dadra and Nagar Haveli	Entire Parliamentary Constituency	Gujarati, Marathi and English
33	Daman and Diu	Entire Parliamentary Constituency	Gujarati
34	NCT of Delhi	All Parliamentary Constituencies	Hindi and English
35	Lakshadweep	Entire Parliamentary Constituency	Malayalam
36	Puducherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam

APPENDIX 10

FORM A

Communication with regard to Authorized Persons to intimate names of the candidates set up by recognized National or State political party or Registered un-recognized political party.

To

1. The Chief Electoral Officer,
..... (State/Union Territory).
2. The Returning Officer for the
.....Constituency.

Subject: General Elections to from (State/Union Territory) – Allotment of Symbols – Authorization of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorized by the party, which is National Party/State Party in the State of /Registered Un-recognized Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorized to send notice	Name of office held in the party	District(s)/area (s) constituency/constituencies in respect of which he has been authorized.
1	2	3
1.		
2.		
3.		
4.		

2. The specimen signatures of the abovementioned person (s) so authorized are given below:

1. Specimen signatures of Shri (i)
(ii) (iii)
2. Specimen signatures of Shri (i)
(ii) (iii)

3. Specimen signatures of Shri (i)
(ii) (iii)

Yours faithfully,

Place:

Date:

President/Secretary

Name of the Party

(Seal of the Party)

NB.

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

PART III
FORM B

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY
(see paragraphs 13(b), (c) and (e) and 13A of the Election symbols (Reservation and Allotment) Order 1968)

To
The Returning Officer for the
.....Constituency.

Subject: General/bye Election to from (Name of the Constituency)
in.....(State/Union Territory) – setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of _____ (party)

(i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named, and

(ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye election from this constituency:

Name of the Constituency	Name of the approved candidate	Father's/ Mother's/ Husband's name of approved candidate	Postal address of approved candidate	Name of the Substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's name of substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

*2. The notice in Form 'B' given earlier in favour of Shri/Smt./ Sushri.....as party's approved candidate/Shri/Smt./ Sushri as Party's substitute candidate is hereby rescinded.

3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

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.

APPENDIX 11

(CHAPTER 4, PARA 4.10.1)

DO'S AND DON'TS FOR GUIDANCE OF CANDIDATES

Do's

1. Do familiarize yourself with the constitutional and legal provisions relating to elections.
2. Do check up with the latest Delimitation Order relating to your constituency.
3. Do make it a point to go through the electoral roll of your constituency and have it checked up.
4. Do check up your name and the particulars in the current electoral roll well before deciding to stand for election.
5. Do check-up that you are qualified to stand for election.
6. Do check-up that you are not disqualified from standing for election.
7. Do check-up the nomination form to ensure that it is in the prescribed form (Forms 2-A or 2-B).
8. Do present the nomination form personally or send it through your proposer.
9. Do check-up that the proposer(s) is a voter in the constituency from which you are seeking election.
10. Do fill the nomination paper without leaving out any particulars. Sign in the relevant places.
11. Do collect the receipt for the nomination paper.
12. Do make it a point to attend the scrutiny of nominations personally.
13. Do check-up that your name appears in the list of valid nominations, if your nomination has been accepted.
14. Do check-up that your name is correctly entered in the list of validly nominated candidates.
15. Do check-up that your name and other particulars in the list of contesting candidates, if you have not withdrawn your candidature. Make sure that the photograph is correctly affixed.
16. Do find out the hours of poll as notified.

17. Do appoint the election agent in proper form and well in time.
18. Check that your election agent is not disqualified for voting at elections or for being a Member of Parliament or any State Legislature.
19. Do get a copy of the list of polling stations and check it up.
20. Do appoint polling agents in proper form for each and every polling station well in time.
21. Do provide copies of electoral roll to your polling agents.
22. Do appoint counting agents in proper form for each and every counting table and one extra agent well in time.
23. Do make it a point to attend counting personally.
24. Do report immediately to above authorities or the Returning Officer the instances which have come to your knowledge about the publication of election pamphlets or posters in contravention of the above requirements of law.
25. Do attend the meetings of the Constituency Committee constituted by the Returning Officer for ensuring the observance of Model Code of Conduct for guidance of political parties and candidates as devised by the Election Commission.
26. Do report the instances of violation of the above said Model Code of Conduct that have come to your notice for necessary remedial or punitive action.
27. Do maintain proper and correct accounts about election expenses from the date of your nomination as a candidate to the date of election in the Register specifically provided to you by the Returning officer for the purpose.
28. Do attend with your agents the training rehearsals arranged by the Returning Officer.
29. Be present either in person or through authorised representative at the time of commissioning of EVMs by RO.

DON'TS

1. Don't present the nomination paper through any person other than yourself or any one of your proposers.
2. Don't present nomination paper on a public holiday.
3. Don't present the nomination paper before or after the specified hours fixed for the purpose.
4. Don't present more than four nomination papers.

5. Don't present the nomination paper to any person other than the Returning Officer or the Assistant Returning Officer (so authorised in this behalf).
6. Don't forget to make the required deposit in cash in the Reserve Bank of India or in a Government Treasury or with the Returning Officer.
7. Don't forget to make and subscribe the oath or affirmation by the last date for the receipt of nominations and get a receipt in token of having made and subscribed the oath or affirmation.
8. Do not issue identity slips bearing your name or your symbol or the name of your party or containing any exhortation to voters to vote for you or your party.
9. Don't make any gift or offer or promise of gratification to any person to induce another to stand or not to stand as a candidate or to withdraw or not to withdraw his candidature or to vote or refrain from voting at the election or for having so stood or not having stood or for having withdrawn or for not having withdrawn his candidature or for having votes or refrained from voting.
10. Don't interfere directly or indirectly or attempt to interfere with the free exercise of the electoral right of any person.
11. Don't appeal to voters to vote or refrain from voting on grounds of religion, race, caste or community or language.
12. Don't make use of, or appeal to, religious symbols or National symbols.
13. Don't promote or attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language.
14. Don't publish false statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate.
15. Don't hire or procure vehicles for the conveyance of voters to and from the polling stations.
16. Don't incur or authorise expenditure in connection with elections beyond the maximum prescribed for your election.
17. Don't procure the support of Government servants.
18. Don't indulge in misconduct at polling stations.
19. Don't induce disorderly conduct in or near the polling stations.
20. Don't hold public meetings, processions etc in the polling area any time during 48 hours before the time fixed for the conclusion of the poll. Also, don't publish any election matter in electronic media during the last 48 hours referred to in section 126 of RP Act 1951.

21. Don't create disturbances at election meetings.
22. Don't canvass in or near polling stations on the date or dates of poll.
23. Don't print or publish election pamphlets or poster without giving on their face details of the printer and publisher and without declaring the identity of the printer and publisher and sending copies of the declaration to the Chief Electoral Officer if printing is in the capital of the State, and to the District Magistrate in case the printing is elsewhere.
24. Don't destroy fraudulently any nomination paper or any list, notice or documents affixed by or under the authority of the Returning Officer.
25. Don't destroy any ballot paper or any official remark on the ballot paper or any declaration of identity; don't put into the ballot box anything other than your ballot paper.
26. Don't do any activity amounting to interfere with EVMs or Ballot paper.
27. Don't publish any statement or have it published with your consent or the consent of your election agent which is false or which you believe to be false or do not believe to be true in relation to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospect of that candidate in the election.
28. Don't threaten any candidate or any elector or any person with any kind of act including social ostracism and ex-communication or expulsion from any caste or community.
29. Don't induce or attempt to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or spiritual censure.
30. Don't abet the offence of personation at an election.
31. Don't forget to lodge the election account with the District Election Officer within 30 days of the election, regardless of the fact whether you are elected or not or you contested the election seriously or not.
32. Don't indulge in defacement of property or any campaign activity in violation of the provisions of law and the directions of the Commission.
33. Don't publish any political advertisement in TV channel, Cable TV or Radio without pre-certification by the Committee appointed by the Commission. In the Print media, such advertisements during the last 48 hours should have the Certification by the Committee.

APPENDIX 12

(CHAPTER 4, PARA 4.11.1)

CODE OF CONDUCT- DO'S AND DON'TS FOR GUIDANCE OF CANDIDATES AND POLITICAL PARTIES

(TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN ELECTION AND UNTILL THE
COMPLETION OF THE PROCESS OF ELECTION)

On Welfare schemes and governmental works:

1. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.
2. These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.
3. It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.
4. No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary-oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare schemes

and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.

5. No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.

6. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials. 7. Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other parties.

On Transfers and posting of officials: The Commission directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- (i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- (ii) Divisional Commissioners;
- (iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
- (iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-divisional level Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;

(v) Other officers drafted for election works like sector and zonal officers, Transport cell, EVM cell, Poll material procurement & distribution cell, Training cell, Printing Cell etc. Senior officers, who have a role in the management of election in the State, are also covered by this direction.

(vi) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission.

(vii) This ban shall be effective till the completion of the election process.

(viii) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Commission for prior clearance.

(ix) No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.

On Misuse of Official Machinery:

1. Official vehicles cannot be used for electioneering work. 'Official Vehicles' include all vehicles belonging to the – Central Government, State Government, Public Undertakings of the Central and State Government, Joint Sector Undertakings of Central and State Government, Local Bodies, Municipal Corporations, Municipalities, Marketing Boards (by whatever name known), Cooperative Societies, Autonomous District Councils, or Any other body in which public funds, howsoever small a portion of the total, are invested, and also Vehicles belonging to the Ministry of Defence and the Central Police Organizations under the Ministry of Home Affairs and State Governments.

2. It is open for a minister of the Union or State to make private visits using his or her private vehicle(s). For such private visits, the official personal staff of the ministers shall not accompany them. However, if a Minister is traveling in some emergent situation, out of his HQ on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department to the Chief Secretary of the state where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. However, immediately preceding or during or in continuation of such an official tour, no

minister can carry out or combine any election campaign or political activity. The Commission will keep watch on such arrangements in due consultation with its Chief Electoral Officer.

3. No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections commencing with the announcement of the elections. Only exception will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

4. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

5. Ministers, whether of the Union or State, shall not combine in any manner their official tours with election work.

6. Whether on a private or official visit, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This is applicable whether the vehicle is government owned or private owned.

7. Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.

OTHER 'DOS AND DON'TS' FOR THE GUIDANCE OF THE CANDIDATES AND POLITICAL PARTIES TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN ELECTION AND UNTIL THE COMPLETION OF THE PROCESS OF ELECTION.

The Commission has drawn up a list of 'dos' and 'don'ts' to be followed by candidates and political parties after the announcement of elections and till the completion of the process

of elections. The Commission has directed that this be given the widest possible publicity and its contents brought to the knowledge of all candidates and political parties including in the official language of the State. It must be clearly brought to the notice of candidates and political parties that the list of Dos' and Don'ts' is only illustrative and not exhaustive and is not intended to substitute or modify other detailed directions/instructions on the above subjects, which must be strictly observed and followed.

DO'S'

- (1) Ongoing programmes, which actually started in the field before the announcement of elections may continue.
- (2) Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (3) Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.
- (4) Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. So also use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.
- (5) Criticism of other political parties and candidates should relate to their policies, programme, past record and work.
- (6) The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
- (7) The local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.
- (8) If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (9) Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.
- (10) The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.

(11) The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.

(12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.

(13) The passage of the procession must be without hindrance to traffic.

(14) Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.

(15) All Workers must display badges or identity cards.

(16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.

(17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.

(18) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc) is exempt from this condition.

(19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.

(20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.

(21) Do leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

DON'Ts

(1) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.

- (2) No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (3) Official work should not at all be mixed with campaigning/electioneering.
- (4) No inducement, financial or otherwise, shall be offered to the voter.
- (5) Caste/communal feelings of the electors shall not be appealed to.
- (6) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (7) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (8) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (9) Temples, mosques, churches, gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music etc., on electioneering.
- (10) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.
- (11) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (12) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer).
- (13) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.

(14) Processions along places at which another party is holding meetings shall not be undertaken.

(15) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.

(16) Posters issued by other parties and candidates shall not be removed or defaced.

(17) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.

(18) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10a.m. and without the prior written permission of the authorities concerned.

(19) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.

(20) No liquor should be distributed during elections.

(21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his / her movement - accompanied by security personnel, to voting only.

(22) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

NOTE: The above list of Do's' and Don'ts' is only illustrative and not exhaustive and is not intended to substitute any other detailed orders, directions/instructions on the above subjects, which must be strictly observed and followed.

APPENDIX 13

(CHAPTER 5, PARA 5.2.1)

FORM 5 - NOTICE OF WITHDRAWAL

[See Rule 9(1)]

Notice of withdrawal of Candidature

Election to the*

The Returning Officer,

I,, a 1[candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Date

Signature of 1[validly nominated candidate]

This notice was delivered to me at my office at.....(hour) on.....(date) by (name), the *

Date:

Place:

Returning Officer

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by, a 1[validly nominated candidate] at the election to the* was delivered to me by the+ at my office at.....(hour) on (date).

Returning Officer

* Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the constituency.
- (2) Legislative Assembly from theconstituency.
- (3) Council States by the elected members of the Legislative Assembly of..... (State).
- (4) Council of States by the members of the electoral college of (Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

+Here insert one of the following alternatives as may be appropriate:

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

APPENDIX 14

(CHAPTER 6, PARA 6.1.1)

FORM 8 - APPOINTMENT OF ELECTION AGENT

FORM 8

Appointment of Election agent

[See Rule 12 (1)]

Election to the

To

The Returning Officer,

I, of.....a candidate at the above election do hereby appoint.....of.....as my election agent from this day at the above election.

Place.....

Date.....

Signature of Candidate

I accept the above appointment

Place.....

Date.....

Signature of Election Agent

Approved

Signature and Seal of the Returning Officer

*Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of(State).
- (4) Council of States by the members of the electoral college of(Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

APPENDIX 15

(CHAPTER 6, PARA 6.1.4)

FORM 9 - REVOCATION OF APPOINTMENT OF ELECTION AGENT

FORM 9

Revocation of Appointment of Election Agent

[See Rule 12(2)]

Election to the

To

The Returning Officer,

I, a candidate at the above election, hereby revoke the appointment of.....my election agent.

Place.....

Date.....

Signature of Candidate

* Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of(State).
- (4) Council of States by the members of the electoral college of(Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

APPENDIX 16

(CHAPTER 7, PARA 7.2.1)

(EXTRACT FROM REPRESENTATION OF THE PEOPLE ACT, 1951)

Part VII

[Corrupt Practices and electoral Offences]

[Chapter I.-Corrupt Practices]

123. CORRUPT PRACTICES

The following shall be deemed to be corrupt practices for the purposes of this Act: -

[(1) "Bribery", that is to say-

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing-

(a) a person to stand or not to stand as, or [to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to-

(i) a person for having so stood or not stood, or for [having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward -

(a) by a person for standing or not standing as, or for [withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate [to withdraw or not to withdraw] his candidature.

[Explanation - for the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person [with the consent of the candidate or his election agent], with the free exercise of any electoral right:

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(3B) The propagation of the practice or the commission of *sati* or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation. - For the purposes of this clause, "*sati*" and "glorification" in relation to *sati* shall have the meanings respectively assigned to them in the commission of Sati (Prevention) Act, 1987 (3 of 1988).

(4) The publication by a candidate or his agent or by any other person [with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false, or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person, [with the consent of a candidate or his election agent], [or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station of place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation. - In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorising of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person [with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person whether or not in the service of the Government and belonging to any of the following classes, namely: -

(a) gazetted officers;

(b) stipendiary judges and magistrate;

(c) members of the armed forces of the Union;

(d) members of the police forces;

(e) excise officers;

(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, desh mukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and

(g) such other class of persons in the service of the Government as may be prescribed:

Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge of purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections.

(8) Booth capturing by a candidate or his agent or other person.

Explanation- (1) In this section the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof -

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.

(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135 A.

CHAPTER III - ELECTORAL OFFENCES

125. PROMOTING ENMITY BETWEEN CLASSES IN CONNECTION WITH ELECTION

Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

125A. PENALTY FOR FILING FALSE AFFIDAVIT, ETC.

A candidate who himself or through his proposer, with intent to be elected in an election, -

- (i) fails to furnish information relating to sub-section (1) of section 33A; or
- (ii) gives false information which he knows or has reason to believe to be false; or
- (iii) conceals any information,

in his nomination paper delivered under sub-section 1 of section 33 or in his affidavit which is required to be delivered under sub-section 2 of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

126. PROHIBITION OF PUBLIC MEETINGS DURING PERIOD OF FORTY-EIGHT HOURS ENDING WITH HOUR FIXED FOR CONCLUSION OF THE POLL

(1) No person shall-

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.

126A. RESTRICTION ON PUBLICATION AND DISSEMINATION OF RESULT OF EXIT POLLS, ETC.

(1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1) the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely: -

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union Territories;

(b) in case of a by-election or a number of by-elections held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that in case of a number of by-elections held together on different days, the period may commence from the beginning of hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

Explanation - For the purposes of this section, -

(a) "exit poll" means any opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) "electronic media" includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) "print media" includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;

(d) "dissemination" includes publication in any "print media" or broadcast or display on any electronic media.

126B. Offences by companies -

(1) Where an offence under sub-section (2) of section 126A has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section, -

(a) "company" means anybody corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

127. DISTURBANCES AT ELECTION MEETINGS

(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, [shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing any offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS, POSTERS, ETC

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and the addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster: -

(a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) Unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document, -

(i) where it is printed in the capital of the State, to the Chief Electoral officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section, -

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

128. MAINTENANCE OF SECRECY OF VOTING

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy:

Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill seat or seats in the Council of States.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

129. OFFICERS, ETC., AT ELECTIONS NOT TO ACT FOR CANDIDATES OR TO INFLUENCE VOTING

(1) No person who is a district election officer or a returning officer, or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer for the presiding officer to perform any duty in

connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour -

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

130. PROHIBITION OF CANVASSING IN OR NEAR POLLING STATIONS

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of (one hundred meters) of the polling station, namely: -

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

131. PENALTY FOR DISORDERLY CONDUCT IN OR NEAR POLLING STATIONS

(1) No person shall, on the date or dates on which a poll is taken at any polling station, -

- (a) Use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhoods thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and there upon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

132. PENALTY FOR MISCONDUCT AT THE POLLING STATION

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

132A. PENALTY FOR FAILURE TO OBSERVE PROCEDURE FOR VOTING

If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

133. PENALTY FOR ILLEGAL HIRING OR PROCURING OF CONVEYANCES AT ELECTIONS

If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

134. BREACHES OF OFFICIAL DUTY IN CONNECTION WITH ELECTIONS

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the [district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

134A. PENALTY FOR GOVERNMENT SERVANTS FOR ACTING AS ELECTION AGENT, POLLING AGENT OR COUNTING AGENT

If any person in the service of the government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

134B. PROHIBITION OF GOING ARMED TO OR NEAR A POLLING STATION

(1) No person, other than returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under Section 17 of that Act.

4. An offence punishable under sub-section (2) shall be cognizable.

135. REMOVAL OF BALLOT PAPERS FROM POLLING STATION TO BE AN OFFENCE

(1) Any person who at any election unauthorizably takes, or attempts to take, a ballot paper out of a polling station or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

135A. OFFENCE OF BOOTH CAPTURING

1. Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation-for the purposes of this sub-section and section 20B," booth capturing" includes, among other things, all or any of the following activities, namely: -

(a) seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of election;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) Coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub section (1) shall be cognizable.

135(B) GRANT OF PAID HOLIDAY TO EMPLOYEES ON THE DAY OF POLL

(1) Every person employed in any business, trade, industrial undertaking or any of the establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State Shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provision of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

135C. LIQUOR NOT TO BE SOLD, GIVEN OR DISTRIBUTED ON POLLING DAY

(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

136. OTHER OFFENCES AND PENALTIES THEREFOR

(1) A person shall be guilty of an electoral offence if at any election he-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any Ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or

(d) without due authority supplies any Ballot paper to any person [or receives any ballot paper from any person or is in possession of any ballot paper]; or

(e) fraudulently puts into any Ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall, -

(a) if he is returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

ACTS OF PARLIAMENT
EXTRACTS FROM THE INDIAN PENAL CODE
(Act 45 of 1860)

153A. PROMOTING ENMITY BETWEEN DIFFERENT GROUPS ON GROUNDS OF RELIGION RACE, PLACE OF BIRTH, RESIDENCE, LANGUAGE, ETC., AND DOING ACTS PREJUDICIAL TO MAINTENANCE OF HARMONY

(1) whoever-

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth residence language, caste or community or all any other ground whatsoever, disharmony or feelings of enmity, hatred or will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquillity, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to be use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use criminal force or violence against any religious, racial , language or regional groups or caste or community and such activity for any reason whatever causes for is likely to cause fear or alarm or a feelings of insecurity amongst members of such religious, racial language or regional group or caste or community, shall be punished with imprisonment which may extend to three years , or with fine, or with both.

OFFENCE COMMITTED IN PLACE OF WORSHIP, ETC.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

153B IMPUTATIONS, ASSERTIONS PREJUDICIAL NATIONAL INTEGRATION

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise -

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language of regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law establish or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste of community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste of community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons.

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

OFFENCE RELATING TO ELECTIONS

171A. "CANDIDATE", "ELECTORAL RIGHT" DEFINED

For the purpose of this chapter-

- (a) "candidate" means a person who has been nominated as a candidate at any election;
- (b) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election.

171B. BRIBERY

(1) Whoever-

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercise any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give gratification.

(3) A person who obtains or agrees to accepts or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171C. UNDUE INFLUENCE AT ELECTIONS

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of under influence at an election.

(2) Without prejudice to the generally of the provisions of sub-sections (1) whoever-

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object or Divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1)

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. PERSONATION AT ELECTIONS

whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171E. PUNISHMENT FOR BRIBERY

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; Provided that bribery by treating shall be punished with fine only.

Explanation- 'Treating' means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. PUNISHMENT FOR UNDUE INFLUENCE OR PERSONATION AT AN ELECTION

Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

171G. FALSE STATEMENT IN CONNECTION WITH AN ELECTION

Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171H. ILLEGAL PAYMENTS, IN CONNECTION WITH AN ELECTION

Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meetings, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees;

Provide that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171-I. FAILURE TO KEEP ELECTION ACCOUNTS

Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

505. Statements conducing to public mischief -

1) Whoever makes, publishes or circulates any statement, rumour or report -

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air force of India to mutiny or (1) otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the state or against the tranquillity; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Statements creating or promoting enmity hatred or ill-will between classes.-
Whoever makes, publishes or circulates any statement or report containing rumour of alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine or with both.

(3) Offence under sub-section (2) committed in place of worship, etc.-

Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine. Exception. - It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

APPENDIX 17

(CHAPTER 7, PARA 7.3.2)

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

I. GENERAL CONDUCT

(1) No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or on distortion shall be avoided.

(3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, churches, Temples or other places of worship shall not be used as forum for election propaganda.

(4) All parties and candidates, shall avoid scrupulously all activities which are "corrupt practices and offences under the election law, such as the bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.

(5) The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organising demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

(6) No political party or candidate shall permit his followers to make use of any individual's land, building, compound wall etc. Without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.

(7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by the other parties. Workers or sympathisers of one political party shall not create disturbance at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are held by another party. Posters issued by one party shall not be removed by workers of another party.

II. MEETINGS

(1) The party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

(2) A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting, if such order exist, they shall be followed strictly. If any exception is required from such orders, it shall be applied for and obtained well in time.

(3) If permission of licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or licence.

(4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create a disorder. Organisers themselves shall not take action against such persons.

III. PROCESSION

(1) A party or candidate organising a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.

(2) The organisers shall give advance intimation to the local police authorities of the programmers so as to enable the latter to make necessary arrangement.

(3) The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.

(4) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.

(5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.

(6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organisers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.

(7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying article which may be put to misuse by undesirable elements, especially in moments of excitement.

(8) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

IV. POLLING DAY

All political parties and candidates shall-

(i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;

(ii) supply to their authorised workers suitable badges or identity cards;

(iii) agree that the identity slips supplied by them to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate or the name of the party;

(iv) refrain from serving or distributing liquor on polling day and during the twenty-four hours proceeding it;

(v) not allow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidate;

(vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flag, symbols or any other propaganda material. No eatables shall be served or crowd allowed at the camps; and

(vii) co-operate with authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

V. POLLING BOOTH

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booths.

VI. OBSERVERS

The Election Commission is appointing Observers. If the candidate or their agents have any specific complaint or problem regarding the conduct of the elections, they may bring the same to the notice of the Observer.

VII. PARTY IN POWER

The party in power whether at Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-

(i)(a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;

(b) Government transport including official aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, dak bungalows or other Government accommodation shall not be monopolised by party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.

(v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and

(vi) From the time the elections are announced by the Commission, Ministers and other authorities shall not-

(a) announce any financial grants in any form or promises thereof; or

(b) (except civil servants) lay-foundation stones etc., of projects or schemes of any kind;

or

(c) make any promise of construction of roads, provision of drinking water facilities etc.; or

(d) make any ad-hoc appointments in Government, public undertakings etc., which may have the effect of influencing the voters in favour of the party in power.

Note: The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

(vii) Ministers of Central or State Govt. shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.

APPENDIX 18

(CHAPTER 7, PARA 7.11.1)

ORDER FOR RESTRICTION ON THE PRINTING OF POSTERS ETC

No. 3/9(ES008)/94-J.S. II Dated: 2nd September, 1994

Subject: RESTRICTIONS ON THE PRINTING OF PAMPHLETS POSTERS, ETC.

The printing and publication of election pamphlets, posters etc., is governed by the provisions of Section 127A of the Representation of People Act, 1951.

2. The above restrictions on the printing of election pamphlets, poster, etc, have been imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of any opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also subserve the purpose of placing a check on the incurring of unauthorised election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

3. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc., are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above-mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127A (2). Many a time, the election pamphlets, posters, etc, do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A (1).

4. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in *Rahim Khan Vs. Khurshed Ahmed and others* (AIR 1975 SC 290):

"Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which take prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a sudden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation."

5. In order that in future there is strict observance of, and compliance with, the requirements of the above-mentioned provisions of law on the subject, the Commission, in exercise of its power under Article 324 of the Constitution and all other powers enabling it in this behalf, and in supersession of all its previous instructions on the subject, hereby directs as follows: -

(1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.

(a) pointing out to them the requirements of abovementioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters or such other material printed by them;

(b) asking the printing presses to send the copies of the printed material (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 licence of the printing press under the relevant laws of the State, would be taken.

(2) The Chief Electoral Officer shall do likewise in respect of the printing presses located at the State capitals.

(3) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Annexure-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.

(4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Along with such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Annexure-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

(5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.

(6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-para (5) above in respect of the pamphlets, posters, etc., received by them.

(7) The Chief Electoral Officers and the District Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters etc. in violation of the above-mentioned provisions of said Section 127A and/or the Commission's above directions either comes, or is brought, to their notice. In all such cases prosecutions

should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.

6. The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.

7. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

By order of Secretary to the Election Commission of India

ANNEXURE-A

[SEE CHAPTER 11, PARA 11.13]

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 ofresident of
..... (village/town) districtState,
hereby declare that I am the publisher of (give brief particulars of
election posters, pamphlets etc) being printed by (name of
printing press)

Place

Date

(Signature of Publisher)

Full address

Attested by (person personally known to publisher)

1. Signature, name and address
2. Signature, name and address

Countersigned by

Signature, name and address of publisher

ANNEXURE-B

[SEE CHAPTER VII, PARA 11.2 (b)]

PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF ELECTION POSTER, PAMPHLETS, ETC.

1. Name and address of printer
2. Name and address of publisher.....
3. Date of the printing order of the publisher
4. Date of the declaration of the publisher
5. Brief particulars of election poster, pamphlet, etc
6. Number of copies of the above document printed
7. Date of printing
8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document

Place

Date

(Signature of Printer)

Seal of the Printer

APPENDIX 19

(CHAPTER 9, PARA 9.1.3)

CONDUCT OF ELECTION RULES 1992

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(LEGISLATIVE DEPARTMENT)

NOTIFICATION

NEW DELHI, THE 24TH MARCH, 1992

S.O. 230(E). — In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely: -

1. (i) These rules may be called the Conduct of Election (Amendment) Rules, 1992.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961 (hereinafter referred to as the principal rules).
 - (a) after the heading to Part IV, the following shall be inserted, namely: -

"CHAPTER 1 VOTING BY BALLOT"
 - (b) in rule 28, for the words "In this Part", the words "In this Chapter and Chapter II" shall be substituted;
 - (c) after rule 49, the following shall be inserted namely: -

CHAPTER II

VOTING BY ELECTRONIC VOTING MACHINES

49A. DESIGN OF ELECTRONIC VOTING MACHINES

Every electronic voting machine (hereinafter referred to as the voting machine) shall have a Control Unit and a Balloting Unit and shall be of such designs as may be approved by the Election Commission.

49B. PREPARATION OF VOTING MACHINE BY THE RETURNING OFFICER

- (1) The Balloting Unit of the voting machine shall contain such particulars and, in such language, or languages as the Election Commission may specify.
- (2) The names of the candidates shall be arranged on the Balloting Unit in the same order in which they appear in the list of the contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
- (4) Subject to the foregoing provisions of this rule, the returning officer shall,
 - (a) Fix the Label containing the names and symbol of the contesting candidates in the Balloting Unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
 - (b) set the number of contesting candidates and close the candidate set section in the Control Unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

49C. ARRANGEMENTS AT THE POLLING STATIONS

- (1) Outside each polling station there shall be displayed prominently -

(a) notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and

(b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set one or more voting compartments in which the electors can record their votes free from observation.

(3) The returning officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

(4) Without prejudice to the provisions of sub-rule (3), the returning officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

49D. ADMISSION TO POLLING STATIONS

The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude there from all persons other than -

(a) polling officers;

(b) public servants on duty in connection with the election;

(c) persons authorised by the Election Commission;

(d) candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;

(e) a child in arms accompanying as elector;

(f) a person accompanying a blind or infirm elector who cannot move without help; and

(g) such other persons as the returning officer or the Presiding Officer may employ under sub-rule (2) of rule 49-G or sub-rule (1) of rule 49-H.

49E. PREPARATION OF VOTING MACHINE FOR POLL

(1) The Control Unit and Balloting Unit of every voting machine used at polling station and the printer for paper trail where used, shall bear a label marked with -

(a) the serial number, if any, and the name of the constituency;

(b) the serial number and name of the polling station or stations, as the case may be;

(c) the serial number of the unit; and

(d) the date of poll.

(2) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty.

(3) A paper seal shall be used for securing the Control Unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the Control Unit of the voting machine and shall secure and seal the same.

(5) The seal used for securing the Control Unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "Result" button without breaking the seal.

(6) The Control Unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the Balloting Unit placed in the voting compartment.

49F. MARKED COPY OF ELECTORAL ROLL

Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the Polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain -

- (a) any entry other than that made in pursuance of clause (b) of sub-rule (2) of rule 20; and
- (b) any mark other than the mark made in pursuance of clause (b) of sub-rule (2) of rule 23.

49G. FACILITIES FOR WOMEN ELECTORS

(1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and, in particular, to help in frisking any woman elector in case it becomes necessary.

49H. IDENTIFICATION OF ELECTORS

(1) The presiding officer may employ at the polling stations such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a constituency elector of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

(4) In deciding the right of a person to cast his vote, the presiding officer or the polling officer, as the case may be, shall over-look the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

49I. FACILITIES FOR PUBLIC SERVANTS ON ELECTION DUTY

(1) The provisions of rule 49H shall not apply to any person who produces at the polling station an election duty certificate in Form 12B and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) On production of such certificate, the Presiding Officer shall -

- (a) obtain thereon, the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

49J. CHALLENGING OF IDENTITY

(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall -

- (a) warn the person challenged of the penalty for personation;

- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 14; and
- (d) require him to affix his signature in the said list.
- (3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose -
 - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence of proof of his identity;
 - (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
 - (c) administer an oath to the person challenged and any other person offering to give evidence.
- (4) If, after the inquiry, the presiding officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, returned to the challenger at the conclusion of the inquiry.

49K. SAFEGUARDS AGAINST PERSONATION

- (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.
- (2) If any elector -
 - (a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
 - (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 49H he shall not be allowed to vote.
- (3) Where a poll is taken simultaneously in a Parliamentary constituency and an assembly constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election, shall notwithstanding anything contained in sub-rules (1) and (2) be permitted to cast his vote for the other election.
- (4) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing be construed as a reference to such of extremity of his left or right arm as he possesses.

49L. PROCEDURE FOR VOTING BY VOTING MACHINES

- (1) Before permitting an elector to vote, the polling officer shall -
 - (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 17A;
 - (b) obtain the signature or the thumb impression of the elector on the said register of voters; and

(c) mark the name of elector in the marked copy of the electoral roll to indicate that he has been allowed to vote;

(d) give details of the document produced by the elector in proof of his/her identification:

Provided that no elector shall be allowed to vote unless he has put his signature or thumb impression on the register of voters.

(2) Notwithstanding anything contained in sub-rule (2) of rule 2, it shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

49M. MAINTENANCE OF SECRECY OF VOTING BY ELECTORS WITHIN THE POLLING STATION AND VOTING PROCEDURES

(1) Every elector who has been permitted to vote under rule 49L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer in-charge of the Control Unit of the voting machine who shall, by pressing the appropriate button on the Control Unit, activate the Balloting Unit; for recording of elector's vote.

(3) The elector shall thereafter forthwith -

(a) proceed to the voting compartment;

(b) record his vote by pressing the button on the Balloting Unit against the name and symbol of the candidate for whom he intends to vote; and

(c) come out of the voting compartment and leave the polling station:

Provided that where printer for paper trail is used, upon the casting the vote by pressing the Button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept along with the Balloting Unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 49L, or rule 49P refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 17A by the presiding officer under his signature.

49MA. PROCEDURE IN CASE OF COMPLAINT ABOUT PARTICULARS PRINTED ON PAPER SLIP

(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the Presiding Officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the Presiding Officer shall make a second entry related to that elector in Form 17A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the Presiding Officer shall-

(i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;

(ii) obtain the signature or thumb impression of that elector against such remarks; and

(iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.

49N. RECORDING OF VOTES OF BLIND OR INFIRM ELECTORS

(1) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognise the symbol on the Balloting Unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

(2) The presiding officer shall keep a record in Form 14A of all cases under this rule.

49O. ELECTOR DECIDING NOT TO VOTE

If an elector, after his electoral roll number has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 49L, decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.

49P. TENDERED VOTES

(1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be instead of being allowed to vote through the Balloting Unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the Election Commission may specify.

(2) Every such elector shall, before being supplied with a tendered ballot paper, write his name against the entry relating to him in Form-17B.

(3) On receiving the ballot paper, he shall forthwith -

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) show to the presiding officer, if required, the distinguishing mark on the ballot paper;
- (e) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and
- (f) leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance; the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 49N for recording the vote in accordance with his wishes.

49Q. PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT DURING POLL

(1) The presiding officer may whenever he considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the Balloting Unit is not tampered or interfered with in any way.

(2) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the Balloting Unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps, as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

49R. CLOSING OF POLL

(1) The presiding officer shall close a polling station at the hour fixed in that behalf under section 56 and shall not thereafter admit any elector into the polling station: Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.

49S. ACCOUNT OF VOTES RECORDED

(1) The presiding officer shall at the close of the poll prepare an account of votes recorded in Form 17C and enclose it in a separate cover with the words 'Account of Votes Recorded' super-scribed thereon.

(2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 17C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

49T. SEALING OF VOTING MACHINE AFTER POLL

(1) As soon as practicable after the closing of the poll, the presiding officer shall close the Control Unit to ensure that no further votes can be recorded and shall detach the Balloting Unit from the Control Unit and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact.

(2) The Control Unit, the Balloting Unit and the printer, where it is used, shall thereafter be sealed, and secured separately in such manner as the Election Commission may direct

and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

49U. SEALING OF OTHER PACKETS

(1) The presiding officer shall then make into separate packets—

- (a) the marked copy of the electoral roll;
- (b) the register of voters in Form 17A;
- (c) the cover containing the tendered ballot papers and the list in Form 17B;
- (d) the list of challenged votes; and
- (e) any other papers directed by the Election Commission to be kept in a sealed packet.

(2) Each packet shall be sealed with the seal of the presiding officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

49V. TRANSMISSION OF VOTING MACHINES, ETC., TO THE RETURNING OFFICER

(1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct, -

- (a) the voting machine;
- (b) the account of votes recorded in Form 17C;
- (c) the sealed packets referred to in rule 49 U; and
- (d) all other papers used at the poll.

(2) The returning officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

49W. PROCEDURE ON ADJOURNMENT OF POLL

(1) If the poll at any polling station is adjourned under sub-section (1) of section 57, the provision of rules 49S to 49V shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 56.

(2) When an adjourned poll is recommenced under sub-section (2) of section 57, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17A and a new voting machine.

(4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(5) The provisions of rule 28 and rules 49A to 49V shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

49X. CLOSING OF VOTING MACHINE IN CASE OF BOOTH CAPTURING

Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the Control Unit of the voting machine to ensure that no further votes can be recorded and shall detach the Balloting Unit from the Control Unit.

(d) after rule 66, the following shall be inserted, namely –

66A. Counting of votes where electronic voting machines have been used. - In relation to the counting of votes cast at a polling station, where voting machine has been used, -

(i) the provisions of rules 50 to 54 and in lieu of rules 55, 56 and 57, the following rules shall respectively apply, namely: -

"55C. SCRUTINY AND INSPECTION OF VOTING MACHINES:

(1) The returning officer may have the Control Units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any Control Unit of voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) the returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the returning officer is satisfied that any voting machines has in fact been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 58, or section 58A or section 64A, as may be applicable in respect of the polling station or stations where that machine was used.

56C. COUNTING OF VOTES

(1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the Control Unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the Control Unit, the returning officer shall have, -

(a) the number of such votes recorded separately in respect of each candidate in Part-II of Form 17C:

Provided that the test vote recorded, if any, for a candidate, as per item 5 in Part 1 of Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the Control Unit.

(b) Part-II of Form 17C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(c) corresponding entries made in a result sheet in Form 20 and the particulars so entered in the result sheet announced.

56D. SCRUTINY OF PAPER TRAIL

(1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the Returning Officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

- (4) If the Returning Officer decides under sub-rule (2) to allow counting of paper slips either wholly or in parts or parts, he shall –
- (a) do the counting in the manner as may be directed by the Election Commission;
 - (b) if there is discrepancy between the votes displayed on the Control Unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count;
 - (c) announce the amendments so made by him; and
 - (d) complete and sign the result sheet.

57C. SEALING OF VOTING MACHINES

(1) After the result of voting recorded in a Control Unit has been ascertained candidate-wise and entered in Part-II of Form 17C and Form 20 under rule 56C, the returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result and where printer for paper trail is used, the Returning Officer shall seal the paper slips in such manner, as may be directed by the Election Commission.

(2) The Control Unit and the paper slips so sealed shall be kept in specially prepared boxes on which the returning officer shall record the following particulars, namely: -

- (a) the name of the constituency;
 - (b) the particulars of polling station or stations where the Control Unit has been used;
 - (c) serial number of the Control Unit and printer wherever used;
 - (d) date of poll; and
 - (e) date of counting.”
- (ii) the provisions of rules 60 to 66 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to, -
- (a) ballot paper shall be construed as including a reference to such voting machine;
 - (b) any rule shall be construed as a reference to the corresponding rule in Chapter II of Part IV or, as the case may be, to rule 55C or 56C or 57C.

(e) in rule 92 of the principal rules, -

(i) after sub-rule (1), the following sub-rule shall be inserted, namely: -

"(1A) All voting machines used at an election shall be kept in the custody of the concerned district election officer";

(ii) in sub-rule (2), after clause (d), the following clause shall be inserted, namely: -

"(dd) the packets containing registers of voters in Form 17A;

(f) in rule 93 of the principal rule, -

(i) in sub-rule (1), after clause (d), the following clause shall be inserted, namely: -

"(dd) the packets containing registers of voters in Form 17A".

APPENDIX 20

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
.....

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

Signature of the Presiding Officer

APPENDIX 21

FORM 17B

(See Rule 49P)

LIST OF TENDERED VOTES

Election to the house of the People / Legislative Assembly of the State / Union Territory

..... from

Constituency No. and Name of Polling Station

Part No. of Electoral Roll

S. No.	Name of elector	S. No. of elector in the electoral roll	S. No. in Register of Voters (Form 17A) of the person who has already voted in place of elector	Signature / Thumb impression of elector
1	2	3	4	5

Date

Signature of the Presiding Officer

APPENDIX 22

FORM 17C

[See Rule 49S and 56C (2)]

PART I – ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union Territory
..... from..... constituency.

Number and Name of Polling Station:

Identification Number of voting Machine used at the Polling Station:

Control Unit.....

Balloting Unit.....

VVPAT Unit

1. Total number of electors assigned to the Polling Station
 2. Total number of voters as entered in the Register for Voters (Form 17A)
 3. Number of voters deciding not to record votes under rule 49-0
 4. Number of voters not allowed to vote under rule 49M
 5. Test votes recorded under rule 49MA (d) required to be deducted-
- (a) total number of test votes to be deducted:
- | Total No. | Sl. No.(s) of elector(s) in Form 17A |
|-----------|--------------------------------------|
| | |

(b) Candidate(s) for whom test vote(s) cast:

Sl. No.	Name of candidate	No. of votes
.....
.....

6. Total number of votes recorded as per voting machine:

7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4(i.e. 2-3-4) or any discrepancy noticed:

8. Number of voters to whom tendered Ballot papers were issued under rule 49P:
.....

9. Number of tendered Ballot papers:

	Sl. No.	Total	From	To
(a) received for use
(b) issued to electors
(c) not used and returned

10. Account of papers seals

1. Paper seals supplied for use: Total No.....

Sl. No. from..... To

2. Paper seals used: Total No.....

Sl. No. from..... To

3. Unused paper seals returned to Returning Officer: Total No.....

Sl. No. from..... To

4. Damaged paper seal, if any: Total No.....

Sl. No. from..... To

Signature of polling agents

1.
2.
3.
4.
5.
6.

Date

Place

Signature of Presiding Officer
Polling Station No.....

PART II

RESULT OF COUNTING

Sl. No. of candidate	Name of candidate	Number of votes as displayed on Control Unit	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes.
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
N.	NOTA			
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....

Date.....

Signature of Counting Supervisor

Name of candidate/election agent/counting agent

Full signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Place.....

Date.....

Signature of Returning Officer

APPENDIX 23

(CHAPTER 15, PARA 15.11.2)

FORM 10

[See rule 13(2)]

*APPOINTMENT OF POLLING AGENT

Election to the **.....

I, † a candidate/the election agent of who is a candidate at the above election do hereby appoint of who is a candidate at the above election do hereby appoint (Name and address) as a polling agent to attend polling station No..... at/place fixed for the poll..... at.....

Place:

Date:

Signature of † candidate/ election agent

I agree to act as such polling agent.

Place:

Date:

Signature of polling agent.

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at the above election. I will not do anything forbidden by section 128# of the Representation of the People Act, 1951, which I have read/has been read over to me.

Date:

Signature of Polling Agent

Signed before me.

Date:

Presiding Officer

*To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

**Here insert one of the following alternatives as may be appropriate:

(1) House of the People from the constituency.

(2) Legislative Assembly from the constituency.

(3) Council of States by the elected members of the Legislative Assembly of (State).

(4) Council of States by the members of the electoral college of.....(Union territory)

(5) Legislative Council by the members of the Assembly.

(6) Legislative Council from the constituency.

†Strike off the inappropriate alternative.

#Section 128 of the Representation of the People Act, 1951:

128. Maintenance of secrecy of voting. -(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

APPENDIX 24
(CHAPTER 15, PARA 15.11.4)

FORM 11
[See rule 14(1)]
REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to the*

To
The Presiding Officer,

I,(the election agent of)
a candidate at the above election, hereby revoke the appointment of my/his polling agent.

Place:.....

Date:

Signature of person revoking

*Here insert one of the following alternatives as may be appropriate: -

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of(State).
- (4) Council of States by the members of the electoral college of(Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

N.B.-Omit the words marked () as necessary.

APPENDIX 25

(CHAPTER 15, PARA 15.11.3)

FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND THEIR ELECTION AGENTS

*General/Biennial/Bye-election.....(Month/Year)

No. & Name of *Assembly

Lok Sabha Constituency

(*Delete whatever is not applicable)

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll:

Name of the Contesting candidate	Specimen Signature	Name of his/her election agent	Specimen Signature
1. Shri/Smt./Ms		Shri/Smt./Ms	
2. Shri/Smt./Ms		Shri/Smt./Ms	
3. Shri/Smt./Ms		Shri/Smt./Ms	
4. Shri/Smt./Ms		Shri/Smt./Ms	

Place:

Date:

SIGNATURE

(SEAL)

RETURNING OFFICER

APPENDIX 26

(CHAPTER 15, PARA 15.34.1)

DECLARATION BY THE PRESIDING OFFICER

PART-I

Declaration by the Presiding Officer before the commencement of the poll
Election from..... Parliamentary/Assembly Constituency

Serial No. and name of polling station.....

Date of Poll.....

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present –
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....
Presiding Officer

Signature of polling agents:

- | | |
|---------------------------|-----------------------------|
| 1.....(of candidate.....) | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4..... (of candidate.....) |
| 5.....(of candidate.....) | 6. (of candidate.....) |
| 7.....(of candidate | 8. (of candidate.....) |
| 9.....(of candidate.....) | |

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- | | |
|---------------------------|---------------------------|
| 1.....(of candidate | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4.....(of candidate.....) |

Signature.....
Presiding Officer

Date.....

PART II

DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT VOTING MACHINE, IF ANY,

ElectionParliamentary/Assembly Constituency

Serial No. and Name of Polling Station.....

Date of poll.....

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present –
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the backside of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the 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.....) |
| 5.....(of candidate.....) | 6..... (of candidate.....) |
| 7.....(of candidate | 8..... (of candidate.....) |
| 9.....(of candidate.....) | |

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- | | |
|---------------------------|---------------------------|
| 1.....(of candidate | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4.....(of candidate.....) |

Signature.....
Presiding Officer

Date.....

PART III
DECLARATION AT THE END OF POLL

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part-I- Account of Votes Recorded' of Form 17C as required under rule 49-S (2) of the Conduct of Elections Rules, 1961.

Signature.....
Presiding Officer

Date.....

Time.....

Received an attested copy of the entries in the accounts of votes recorded (Part I of Form 17C)

Signature of polling agents :

- | | |
|-----------------------------|----------------------------|
| 1. (of candidate.....) | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4.....(of candidate.....) |
| 5.....(of candidate.....) | 6..... (of candidate |
| 7. (of candidate.....) | 8.....(of candidate.....) |
| 9..... (of candidate.....) | |

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 17C and to give a receipt therefor and so an attested copy of that Form was not supplied to them.

- | | |
|---------------------------|----------------------------|
| 1.....(of candidate.....) | 2.....(of candidate |
| 3.....(of candidate | 4..... (of candidate.....) |
| 5.....(of candidate | 6.....(of candidate.....) |
| 7.....(of candidate | 8.....(of candidate |
| 9.....(of candidate.....) | |

Signature.....
Presiding Officer

Date.....

Time.....

PART IV

DECLARATION AFTER THE SEALING OF THE VOTING MACHINE

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the Control Unit and balloting units of the voting machine.

Signature.....
of Presiding Officer

Date.....

Time.....

The following polling agents have affixed their seals. Signature of polling agents:

- | | |
|----------------------------|---------------------------|
| 1..... (of candidate.....) | 4.....(of candidate.....) |
| 2..... (of candidate.....) | 5.....(of candidate.....) |
| 3.....(of candidate.....) | 6.....(of candidate.....) |

The following polling agents refused or did not want to affix their seals.

- | | |
|----------------------------|---------------------------|
| 1.....(of candidate.....) | 3.....(of candidate.....) |
| 2..... (of candidate | 4.....(of candidate.....) |

Signature.....
Presiding Officer

Date.....

APPENDIX 27
 (CHAPTER 15, PARA 15.44.1)
LIST OF CHALLENGED VOTES
 [See rule 36(2)(c)]

Election to the * from the
 constituency

No. and Name of Polling Station

S. No.	Name of Elector	Part of roll	Electors name in that part	Signature or thumb impression of the person challenged	Signature of the person challenged	Address of identifier, if any	Name of challenger	Name of Presiding Officer	Signature of Challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9	10

Date:

Signature of Presiding Officer

*appropriate particular of the election to be inserted here.

APPENDIX 28

MOCK POLL CERTIFICATE

This is certified that I Presiding Officer at the Polling Station Noof Assembly Constituency (or theAssembly segment underParliamentary Constituency) conducted the mock poll atAM today, the poll day i.e.(date), following scrupulously all the instructions issued by the Election Commission of India, using –

CU of Serial No. (as printed on back-side of CU)

BU of Serial No. (as printed on back-side of BU)

VVPAT of Serial No. (as printed on VVPAT)

1. A total of votes were cast for each candidate and also for NOTA.
2. It was verified that the LED light was getting lit up against the correct candidate/NOTA button, when the button was pressed and beep sound was properly heard.
3. The candidate-wise detail of votes polled during mock poll and result displayed, is as under:

S. No.	Name of the Candidate	Number of votes cast during mock poll	Number of votes displayed in CU on checking the result	Number of Printed Paper slips, as per counting on checking mock poll result	Votes cast and Result displayed & Printed Paper Slips (if VVPAT used) count tallied with each other (YES/NO)
	NOTA				
	TOTAL				

4. I have cleared the memory of the EVM and also removed the printed paper slips of VVPAT after mock poll and verified that the memory has been cleared, by pressing the Total button and seeing the Total as shown as '0'.

5. At the time of mock poll, the following polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.

6. Poll Start Date and Time seen on the display of CU at the start of actual poll

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

--	--	--	--	--

OR

At the time scheduled for the mock poll, no polling agent was present/the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff at AM.

Signature of Micro-Observer (if posted at the polling station)

Date:

Time:

Name and signature of the Presiding Officer

Polling Station No.....

Polling Station Name

APPENDIX 29

(CHAPTER 16, PARA 16.6.1)

**NOTICE TO CANDIDATES OR THEIR ELECTION AGENTS
REGARDING THE DATE, TIME AND PLACE OF COUNTING**

Election to Lok Sabha.....

Legislative Assembly Constituency

(When Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in accordance with the said rule, fixed the.....day of (month).....20.....a.m./p.m. as the date and time for the counting of votes in the Constituency and (Place) in.....as the place for such counting.

Place

Date

Signature of Returning Officer

To,

All candidates or their election agents

APPENDIX 30

(CHAPTER 16, PARA 16.6.1)

**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING
THE DATE, TIME AND PLACE OF COUNTING**

Election to Lok Sabha.....Legislative Assembly Constituency
(When Counting takes place at more than one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below:

Name of the Assembly Constituency	Date and Time	Place of Counting

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....(Place) on.....(date) at.....(time).

Place

Date

Signature of Returning Officer

To

All candidates or their election agents

APPENDIX 31
(CHAPTER 16, PARA 16.12.1)
FORM 18 - APPOINTMENT OF COUNTING AGENT

Election to thefrom the constituency.

To

The Returning Officer,

I,*a candidate/the election agent ofwho is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at

Name of the counting agent	Address of the counting agent
1.	
2.	
3.	
etc.	

We agree to act as such counting agents

Signature of *Candidate/Election agent

1.
2.
3.
etc.

Signature of counting agents

Place

Date

DECLARATION OF COUNTING AGENTS
(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by section 128** of the Representation of the People Act, 1951, which *we have read/has been read over to us.

1.
2.
3.
Etc

Signature of counting agents

Place

Signed before me

Returning Officer

*Strike off the inappropriate alternative.

**Section 128 of the Representation of the People Act, 1951:

128. Maintenance of secrecy of voting.

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording of counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not except for some purpose authorised by or under any law communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

APPENDIX 32

(CHAPTER 16, PARA 16.14.2)

FORM 19 - REVOCATION OF APPOINTMENT OF COUNTING AGENT

Election to the *.....

To

The Returning Officer,

Ithe election agent ofa candidate at the above election hereby revoke the appointment ofmy/his counting agent.

Place

Date.....

Signature of person revoking

* Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the Constituency.
- (2) Legislative Assembly from the Constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the elected members of the electoral college of
(Union Territory).
- (5) Legislative Council by the members of the Legislative Assembly.....
- (6) Legislative Council from the constituency.

N.B: Omit the words () as necessary.

APPENDIX 33

(CHAPTER 16, PARA 16.32.1)

FORM 20 - FINAL RESULT SHEET

FORM 20

FINAL RESULT SHEET

[SEE RULE 56C(2)(C)]

ELECTION TO THE HOUSE OF THE PEOPLE FROM THE 56 PARLIAMENTARY CONSTITUENCY PART I

(To be used both for Parliamentary and Assembly Election)

Total No. of Electors in Assembly Constituency/Segment87,725

Name of the Assembly/Segment... 275AB..... (in the case of election from a Parliamentary Constituency)

Serial No. Of Polling Station	No. of valid votes cast in favour of				D	Total of valid votes	No. of rejecte d votes	NOTA	Total	No. of tendered votes
	A	B	C							
1	2	3	4	5	6	7		8	9	
1. 1	135	205	403	5	748	N		748	1	
2. 6	170	145	340	118	765	N		765	—	
3. 6A	405	70	105	230	810	N		810	—	
4. 7	240	120	215	362	937	N		937	2	
5. 8	72	269	142	319	802	N		802	—	
6. 9	72	142	347	92	653	N		653	—	
7. 10	240	267	142	115	764	N		764	—	

.....And so on.....

.....

(LAST PAGE)

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of Rejected votes	NOTA	Total	No. of Tended votes
	A	B	C	D					
1	2	3	4	5	6	7		8	9
.....									
.....									
78	93	127	347	349	916	N i		916	—
79	368	40	197	215	820	N i		820	—
Total No. of votes recorded	21,059	19,178	12,358	18,753	71,340	N i		71,340	3

at Polling Stations

No. of votes recorded on postal ballot papers Not applicable

(To be filled in the case of election from an assembly Constituency)

Total votes polled	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3
--------------------	--------	--------	--------	--------	--------	-----	--------	---

Place : Sub-Division Office AB

Assistant Returning Officer

Date : 27th July, 1992

PART II

(To be used for Parliamentary Election only)

Name of Assembly Segment	No. of valid votes cast in favour of				Total of valid votes	No. rejecte votes	NOT A	Total	No. of tendered votes
	A	B	C	D					
	2	3	4	5					
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

APPENDIX 34

(CHAPTER 17, PARA 17.1.1)

EXTRACT FROM THE CONSTITUTION OF INDIA

ARTICLE 101(1) OF THE CONSTITUTION

VACATION OF SEATS

(1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

ARTICLE 101(2) OF THE CONSTITUTION

(2) No person shall be member both of Parliament and of a House of the Legislature of a State, and if a person is chosen a member both of Parliament and of a House of the Legislature of a State, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

ARTICLE 190 OF THE CONSTITUTION-

VACATION OF SEATS

(1) No person shall be a member of both Houses of the Legislature of a State, and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First schedule and if a person is chosen a member of the Legislature of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

APPENDIX 35

(CHAPTER 17, PARA 17.1.4)

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

67A. DATE OF ELECTION OF CANDIDATE

For the purposes of this Act, the date on which a candidate is declared by the returning officer under the provisions of section 53, or section 66, to be elected to a House of Parliament or of the Legislature of a State shall be the date of election of that candidate.

CHAPTER VI. - MULTIPLE ELECTIONS

68. VACATION OF SEATS WHEN ELECTED TO BOTH HOUSES OF PARLIAMENT

(1) Any person who is chosen a member of both the House of the People and the Council of States and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date, or the later of the dates, on which he is so chosen, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council of States shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (i) shall be final and irrevocable.

(4) For the purposes of this section and of section 69, the date on which a person is chosen to be member of either House of Parliament shall be in the case of an elected member, the date of his election and in the case of a nominated member, the date of first publication in the Gazette of India of his nomination.

69. VACATION OF SEATS BY PERSONS ALREADY MEMBERS OF ONE HOUSE ON ELECTION TO OTHER HOUSE OF PARLIAMENT

(1) If a person who is already a member of the House of the People and has taken his seat in such House is chosen a member of the Council of States, his seat in the House of the People shall, on the date on which he is so chosen, become vacant

(2) If a person who is already a member of the Council of States and has taken his seat in such council is chosen a member of the House of the People, his seat in the Council of States shall, on the date on which he is so chosen, become vacant.

70. ELECTION TO MORE THAN ONE SEAT IN EITHER HOUSE OF PARLIAMENT OR IN THE HOUSE OR EITHER HOUSE OF THE LEGISLATURE OF A STATE

If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed, all the seats shall become vacant.

APPENDIX 36

(CHAPTER 17, PARA 17.4.1)

EXTRACTS FROM THE CONDUCT OF ELECTION RULES, 1961

91. RESIGNATION OF SEATS IN CASE OF ELECTION TO MORE SEATS THAN ONE IN A HOUSE

(1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of State, to which he has been elected shall be -

(a) fourteen days from the date of his election under section 67A; or

(b) where the dates of his election are different in respect of different seats, fourteen days from the last of those dates.

(2) Such resignation shall be addressed -

(a) to the Speaker or the Chairman of the House concerned; or

(b) whether the office of the Speaker or Chairman is for the time being vacant or is, or deemed to be, in abeyance, to the Deputy Speaker or the Deputy Chairman of the House concerned; or

(c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, deemed to be, in abeyance, to the Election Commission.

(3) Where the resignation has been addressed to the Election Commission under sub-rule (2) the Election Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the Secretary of the House concerned.

APPENDIX 37

(CHAPTER 17, PARA 17.5.1)

EXTRACTS FROM THE PROHIBITION OF SIMULTANEOUS MEMBERSHIP RULES, 1950

RULE 2 OF THE PROHIBITION OF SIMULTANEOUS MEMBERSHIP RULES, 1950

The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State specified in the First Schedule to the Constitution of India (hereinafter referred to as "the Constitution") shall; become vacant unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of publication in the Gazette of India or in the official Gazette of the State, whichever is later, of the declaration that he has been so chosen.

APPENDIX 38

(CHAPTER 18, PARA 18.35.1)

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

PART V

CHAPTER VIII

ELECTION EXPENSES

76. APPLICATION OF CHAPTER

This chapter shall apply only to election to the House of the People and to the Legislative Assembly of a State.

77. ACCOUNTS OF ELECTIONS EXPENSES AND MAXIMUM THEREOF

(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Explanation 1 – For the removal of doubts, it is hereby declared that -

(a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party or his election agent for the purposes of this sub-section;

(b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2 – For the purpose of clause (a) of Explanation 1, the expression “leaders of a political party”, in respect of any election, means, -

(i) where such political party is a recognized political party, such persons not exceeding forty in number, and

(ii) where such political party is other than a recognized political party, such persons not exceeding twenty in number,

whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under the Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the election Commission and the Chief Electoral Officer of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for

such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

78. LODGING OF ACCOUNT WITH THE DISTRICT ELECTION OFFICER

(1) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agents under section 77.

THE CONDUCT OF ELECTIONS RULES, 1961
PART VIII
ELECTIONS EXPENSES

86. PARTICULARS OF ACCOUNT OF ELECTION EXPENSES

(1) The amount of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day-to-day, namely: -

- (a) the date on which the expenditure was incurred or authorised;
- (b) the nature of the expenditure (as for example, travelling, postage or printing and the like)
- (c) the amount of the expenditure -
 - (i) the amount paid;
 - (ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in the case of amount paid;
- (g) the serial number of bills if any, in case of amount outstanding;
- (h) the name and address of the persons to whom the amount outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under them (f) of the sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

87. NOTICE BY DISTRICT ELECTION OFFICER FOR INSPECTION OF ACCOUNTS

The District Election Officer shall, within two days from the date on which the account of election expenses has been lodged by a candidate under section 78, cause a notice to be affixed to his notice board, specifying -

- (a) the date on which the account has been lodged;
- (b) the name of the candidate; and
- (c) the time and place at which such account can be inspected.

88. INSPECTION OF ACCOUNT AND THE OBTAINING OF COPIES THEREOF

Any person shall on payment of a fee of one rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf be entitled to obtain attested copies of such a count or of any part thereof.

89. REPORT BY THE DISTRICT ELECTION OFFICER AS TO THE LODGING OF THE ACCOUNT OF ELECTION EXPENSES AND THE DECISION OF THE ELECTION COMMISSION THEREON

(1) As soon as may be after the expiration of the time specified in section 78 for the lodging of the account of election expenses at any election, the District Election Officer shall report to the Election Commission -

- (a) the name of each contesting candidate;

(b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and

(c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

(2) Where the District Election Officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Act and these rules, he shall with every such report forward to the Election Commission the account of election expenses of that candidate and the voucher lodged along with it.

(3) Immediately after submission of the report referred to in sub-rule (1) the District Election Officer shall publish a copy thereof by affixing the same to his notice board.

(4) As soon as may be after the receipt of the report referred to in sub rule (1) the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by the Act and these rules, it shall be notice in writing call upon the candidate to show cause why he should not be disqualified under section 10A for the failure.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may within twenty days of the receipt of such notice submit in respect of the matter a representation in writing to the Election Commission, and shall at the same time send to the District Election Officer a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

(7) The District Election Officer shall, within five days of the receipt thereof, forward to the Election commission the copy of the representation and the account (if any) with such comments as he wishes to make there on.

(8) If, after considering the representation submitted by the candidate and the comments made by the District Election Officer and after such inquiry as it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified under section 10A for a period of three years from the date of the order, and cause the order to be published in the Official Gazette.

APPENDIX 39

(CHAPTER 19, PARA 19.6.1)

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,

I was a candidate for election to the.....from the Constituency.

2. I made a deposit of Rs.....for that election in the.....Treasury under receipt No..... on

3. My nomination paper was *accepted / rejected by the Returning Officer.

4. I *withdrew/ did not withdraw my candidature in time.

5. I *was / was not elected and *secured / did not secure more than one-sixth of the total number of valid votes polled in the election.

6.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.

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,

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 abovementioned candidate at the election to the..... from theConstituency hereby certify that the statements contained in paragraphs 2 to 6 of this application are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Candidate)

*Strike off the words not applicable in your case.

Omit the portions within [], as necessary.

**APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE
REPRESENTATION OF THE PEOPLE ACT, 1951**

(BY THE LEGAL REPRESENTATIVE OF THE CANDIDATE)

From,

Name

Address.....

To

The Returning Officer..... Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951.

Sir,

The late Shri was a candidate for election to 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.

APPENDIX 40

(CHAPTER 11, PARA 11.1.1)

EXTRACT FROM CONDUCT OF ELECTION RULES, 1961

Postal ballot

17. Definitions. In this Part, -

(a) "service voter" means any person specified in clause (a) or clause (b) of section 60, but does not include "classified service voter" defined in rule 27M;

(b) "special voter" means any person holding an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (43 of 1950) are declared to apply or the wife of such person, if he or she has been registered as an elector by virtue of a statement made under sub-section (5) of the said section;

(c) "voter on election duty" means any polling agent, any polling officer, presiding officer or other public servant, who is an elector in the constituency and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote.

18. Persons entitled to vote by post.

The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely: -

(a) at an election in a parliamentary or assembly constituency -

- i) special voters;
- ii) service voters;
- iii) voters on election duty; and
- iv) electors subjected to preventive detention;

(b) at an election in a council constituency -

- (i) voters on election duty;
- (ii) electors subjected to preventive detention; and
- (iii) electors in the whole or any specified parts, of the constituency if directed by the Election Commission in this behalf under clause (b) of rule 68;

(c) at an election by an assembly member -

- (i) electors subjected to preventive detention; and
- (ii) all electors if directed by the Election Commission in this behalf under clause (a) of rule 68.

19. Intimation by special voters -

A special voter who wishes to vote by post at an election shall send an intimation in Form 12 to the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer shall issue a postal ballot paper to him.

20. Intimation by voters on election duty –

(1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) Where such voter, being a polling officer, presiding officer or other public servant on election duty in the constituency of which he is an elector, wishes to vote in person at an election (in a parliamentary or assembly constituency) and not by post, he shall send an application in Form 12A to the returning officer so as to reach him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the returning officer is satisfied that the applicant is such public servant and voter on election duty in the constituency, he shall -

(a) issue to the applicant an election duty certificate in Form 12B,

(b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and

(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

21. Electors under preventive detention. –

(1) The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to the returning officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention may, within fifteen days of the calling of an election, send an intimation to the returning officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

(3) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

22. Form of ballot paper. -

(1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) The names of the candidates shall be arranged on the postal ballot paper in the order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

23. Issue of ballot paper. -

(1) A postal ballot paper shall be sent by post under certificate of posting to the elector together with -

- (a) a declaration in Form 13A;
- (b) a cover in Form 13B;
- (c) a large cover addressed to the returning officer in Form 13C; and
- (d) instructions for the guidance of the elector in Form 13D:

Provided that the returning officer may, in the case of a special voter or a voter on election duty, deliver the ballot paper and Forms, or cause them to be delivered, to such voter personally:

Provided further that the postal ballot paper may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission for the persons specified in sub-clause (ii) of clause (a) of rule 18;

(1A) Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24 and 27 shall, *mutatis mutandis*, apply;

(2) The returning officer shall at the same time -

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that that elector is not allowed to vote at a polling station.

(3) Before any ballot paper is issued to an elector at an election in a local authorities' constituency or by assembly members, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.

(4) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(5) After ballot papers have been issued to all the electors entitled to vote by post, the returning officer shall -

(a) at an election in a parliamentary or assembly constituency, subject to the provisions of rule 27P, seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant parts of the marked copy to the several presiding officers or marking the names of electors to whom ballot papers are issued at the polling stations without however recording therein the serial numbers of the ballot papers issued to the electors; and

(b) at any other election, seal up in a packet the marked copy of the electoral roll and record on the packet a brief description of its contents and the date on which it was sealed.

(6) The returning officer shall also seal up in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

24. Recording of Vote -

(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 13D and then enclose it in the cover in Form 13B.

(2) The elector shall sign the declaration in Form 13A in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified -

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of a special voter, an officer not below the rank of a Deputy Secretary to Government;

(c) in the case of a voter on election duty, any gazetted officer or the presiding officer of the polling station at which he is on election duty;

(d) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and

(e) in any other case, such officer as may be notified in this behalf by the Election Commission.

25. Assistance to illiterate or infirm voters -

(1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 24 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13A.

26. Re-issue of ballot paper -

(1) When a postal ballot paper and other papers sent under rule 23 are for any reason returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 23 in such a manner that they cannot conveniently be used, a

second set of the papers shall be issued to him after he has returned the spoiled papers and satisfied the returning officer of the inadvertence.

(3) The returning officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

27. Return of ballot paper -

(1) After an elector has recorded his vote and made his declaration under rule 24 or rule 25, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Part II of Form 13D so as to reach the returning officer before the hour fixed for the commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the returning officer after the expiry of the time fixed in sub- rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The returning officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

APPENDIX 41

(CHAPTER 18, PARA 18.1.4)

(Part A)

REGISTER FOR MAINTENANCE OF DAY TO DAY ACCOUNTS OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

Total expenditure incurred / authorized:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Date of expenditure / event	Nature of Expenditure			Total amount in Rupees (paid + 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)	Remark, if any
1	2			3	4	5	6	7	8	9
	description	Quantity	Rate per unit							

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the candidate

Note:

1. This register must be maintained on a daily basis and shall be subject to inspection at any time by the Observer appointed by the Election Commission, the District Election Officer/Returning Officer or by any other officer authorized in this behalf.
2. The register must be lodged in original with the District Election Officer as the return of Election Expenditure under Section 78 of the Representation of the People Act, 1951. It must be accompanied by an abstract statement (Part I to IV and schedules 1 to 9) of election expenses and supporting affidavit in the prescribed formats. No return of expenditure will be accepted as complete without the abstract statement of election expenses and the affidavit.
3. Vouchers may not be attached only in respect of those items which are listed in Rule 86(2) of the Conduct of Election Rules, 1961, like postage, travel by air. For any voucher

not attached vide this rule, an explanation to the 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 with his consent are also required to be included in the account. The only exception is the expenses incurred on travel of specified leaders of the political party on account of their travel for propagating the programme of the party. (See Explanation 1 and 2 of Section 77(1) of the Representation of the People Act, 1951).

6. If the expenditure on any item shown above in columns 2 and 3 above is incurred/authorized by any political party/association/body of persons/any individual (other than the candidate or his election agent), its / his name and complete address must be shown in columns 7 and 8.

7. The total expenditure referred in columns 2 and 3 of the above table should include all expenditure in cash and the value of all goods and services received in kind by the candidate or his election agent from any source.

8. This register should include Day to Day Account Register as is Part A in White Pages, Cash Register as mentioned in Part-B in Pink pages and Bank Register as mentioned in Part-C in Yellow pages, as per the formats prescribed.

(Part B)
Cash Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				Payment				Balance amount	Remarks, if any
Date	Name and address of person / party / association / body / any other from whom the amount received	Receipt No.	Amount	Bill No. / Voucher No. and Date	Name of payee and address	Nature of Expenditure	Amount	Places at which or persons whom the balance is kept (if cash is kept at more than one place / person, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of the table of Part A should be clarified here.
1	2	3	4	5	6	7	8	9	10

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the Candidate

(Part C)

Bank Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent: Name of the Bank:

Branch Address:

Account No.:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				Payment				Balance	Remarks, if any
Date	Name and address of person / party / association / body / any other from whom the amount received / deposited in Bank	Cash / cheque No., Bank name and Branch	Amount	Cheque No.	Name of payee	Nature of Expenditure	Amount		Any expense mentioned in column 7 of this table and not mentioned in column 2 of the table of Part A should be clarified here.
1	2	3	4	5	6	7	8	9	10

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the Candidate

Guidelines for Maintenance of the Day-to-Day Accounts of Election Expenditure:

All cash, cheque, or draft or pay order received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.

1. For Cash received

1.1 For candidate's own cash to be used for election expenditure: - If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses. Then entry has to be made in Bank Register (Part C of day to day account register) by writing "Candidate's own Fund" in column 2, "Cash" in Column-3 and the amount in Column 4.

1.2 Cash received by candidate from any other person/party/association/ body :- If cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side by writing date in Column-1, name and address of the person/party etc. from whom cash received in Column-2, receipt No. (if any) in Column-3 and amount of cash in Column-4. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. Once the amount is deposited in bank accounts, entries for the same have to be made in the cash register on payment side by writing date in Column-5, Account Number of bank A/c where cash deposited in Column-6, and "deposit" in Column-7 and amount in Column-8.

1.3 After the cash is deposited in Bank, the Bank Register (Part C) has to be updated, by writing date in Column-1, "Candidate's own cash" in Column-2, Cash in Column-3, amount in Column-4. This has to be done so that the bank balance can be drawn, to tally with the bank passbook.

2. For Cheques/Drafts/Pay-orders received

2.1 Cheques/Draft/Pay order received from any person/party/association etc. or from candidate's own bank account: If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said Fs opened for election expenditure. He shall make entry on the deposit side of bank register by mentioning date in Column-1, name and address of the person/party from whom the cheque received in Column-2, Cheque /Draft/Pay order No. and Bank name/branch in Column-3 and amount of cheque/draft/pay order in Column-4. If, it is cheque from his own bank account, then in Column-2 of Bank Register, "Candidate's own fund" is to be mentioned.

3. For Goods or Services received in kind

3.1 If some goods or services are received in kind like vehicles, posters, pamphlets, media advertisement, helicopters, aircrafts etc. from party or any person/body/association: If any person party /body/association provides some goods or services in kind, for election campaigning etc., of the candidate, then for these items, necessary entries are to be made in Part A of Day to Day accounts register by mentioning date in Column-1, description, quantity, rate per unit in Column-2, nature of expenditure and total value (Notional value

of the items) in Column-3 of the said Register. Further, if the items in kind have been provided by the political party, then the total value and name of political party for that should be written in Column-7 and if such items have been given by any other person/association etc. then that amount and name, address of such persons/associations etc. shall be mentioned in Column-8 of this register.

4. For all Election Expenses

4.1 All election expenditure shall be entered in Register of Day to Day Accounts (Part-A). Whenever any expense is incurred, say, a taxi is requisitioned, then entry has to be made in Register of Day to Day accounts (Part A) as under: Date in Column-1, nature of expenditure like "taxi" No. ___" under description total hours/days for which requisitioned and rate per hour/day in Column-2 and total amount in Column-3, name and address of the taxi provider in Column-4, bill/voucher No. in Column-5. If the amount is paid by the candidate, then the amount is mentioned in Column-6. If the amount is paid by political party directly to the taxi provider then name of party and amount is to be written in Column-7. If it is paid by any other person, amount and name and address of such person shall be written in Column-8.

4.2 For Payment for expenses made through cheques: All the payments for expenses (except petty expenses up to Rs.10,000/- to a single party during the entire election process) are to be made only through A/c payee cheques. For, making payment in cheques, the following entry has to be made in Bank Register (Part C): Cheque No. in Column-5, name of the payee to whom cheque issued in Column 6, nature of expenditure in Column-7 and amount in Column-8 is to be written.

4.3 For Payments of petty expenses made in cash: if any payment of petty expenses are to be made in cash (that too if total amount paid to a person during whole period of campaigning shall not exceed Rupees 10,000/-) then cash is to be withdrawn from the said bank account opened for election expense. For this, entries are to be made in Bank Register (Part C) mentioning cheque No. for withdrawal in Column-5, "self" column-6 nature of expenditure "withdrawal for petty expenses" in Column-7 and the amount in Column-8 of the Bank Register. After the withdrawal, this cash is to be introduced in cash Register (Part B) by making entry in the receipt side. For this, date is to be mentioned in Column-1, "self" in Column-2 withdrawal from Bank in Column-3 and amount in Column-4. If such petty cash is given to different branch offices or agents to incur petty expense, then the amount and names of persons/places are to be entered in Column-9. After payment is made for the petty expense, such expenses are also to be entered in Day to Day Accounts (Part A) as follows: date in Column-1, Nature of payment in Column-2, Total amount in Column-3, Name and Address of Payee in Column-4, Bill/voucher No. in Column-5 and "self" in Column-6.

(ECI No. 76/Instructions/2014/EEPS/Vol. I dated 23.01.2014)

ABSTRACT STATEMENT OF ELECTION EXPENSES		
PART - I		
I	Name of the Candidate	Sh. / Smt. /Kum.
II	Number and name of Constituency	
III	Name of State / Union Territory	
IV	Nature of Election (Please mention whether General Election to State Assembly / Lok Sabha / Bye-election)	
V	Date of declaration of result	
VI	Name and address of the Election Agent	
VII	If candidate is set up by a political party, please mention the name of the political party	
VIII	Whether the party is a recognised political party	Yes/ No

Date:

Place:

Signature of the Candidate

Name

PART II: ABSTRACT OF STATEMENT OF ELECTION EXPENDITURE OF CANDIDATE					
S. No.	Particulars	Amount incurred / authorized by Candidate / Election agent (in Rupees)	Amount incurred / authorized by political party (in Rupees)	Amount incurred / authorized by others (in Rupees)	Total Election expenditure (3)+(4)+(5)
1	2	3	4	5	6
I	Expenses in public meeting, rally, procession etc: I. a: Expenses in public meeting, rally, procession etc. (other than the ones with Star Campaigners of the Political party) (Enclose as per Schedule- 1)				
	I. b: Expenditure in public meeting, rally, procession etc. with Star Campaigner(s) (i.e. other than those for general party propaganda) (Enclose as per Schedule-2)				
II	Campaign materials other than those used in the public meeting, rally, procession etc. mentioned in S. No. 1 above (Enclose as per Schedule-3)				
III	Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media (Enclose as per Schedule-4)				
IV	Expenditure on campaign vehicle(s), used by candidate (Enclose as per Schedule-5)				
V	Expenses of Campaign workers / agents (Enclose as per Schedule-6)				

VI	Any other campaign expenditure				
	Grand Total				

PART III: ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE		
S. No.	Particulars	Amount (in Rupees)
1	2	3
I	Amount of own fund used for the election campaign (Enclose as per Schedule -7)	
II	Lump sum amount received from the party(ies) in cash or cheque etc. (Enclose as per Schedule-9)	
III	Lump sum amount received from any person /company / firm / associations / body (Enclose as per Schedule-9)	
	Total	

PART- IV

FORM OF AFFIDAVIT

Before the District Election Officer(District, State/Union Territory)

Affidavit of Shri/Smt./Ms. (S/o, W/o, D/o)
..... I son/wife/daughter of
..... aged years, r/odo 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 fromParliamentary/ Assembly constituency, the result of which was declared on

(2) That I/my election agent kept a separate and correct account of all expenditure incurred / authorised by me / my election agent in connection with the above election between (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.

(3) That the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.

(4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election, and nothing has been concealed or withheld/suppressed therefrom (other than the expense on travel of leaders' covered by Explanations 1 and 2 under section 77 (1) of the Representation of the People Act, 1951).

(5) That the Abstract Statement of Election Expenses annexed as Annexure II to the said account also includes all expenditure incurred or authorised by me, my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election.

(6) That the statements in the foregoing paragraphs (1) to (5) are true to the best of my knowledge and belief, that nothing is false and nothing material has been concealed.

Deponent

Solemnly affirmed/sworn by at this day of 201 before me.

(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath Commission or Notary Public)

ACKNOWLEDGEMENT FORM

To

THE RETURNING OFFICER,

Sir,

I acknowledge receipt of your letter No dated along with its enclosures containing, among other documents, a Register bearing serial No..... for maintaining of my accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of election expenses and lodging of true copy of that account with the District Election Officer / Returning Officer.

Yours faithfully,

(Signature of Candidate with date)

* Strike off whichever is inapplicable.

ACKNOWLEDGEMENT (To be filled up by Office)

The account of the election expenses in respect of (Constituency) result of which was declared on (Date) has been filed by him /on his behalf on (Date) and has been received by me today the (Date) of (Month).....(Year).

District_____

District Election Officer
Office Seal

Schedule 1 to 9: Details of Election Funds and Expenditure of Candidate

Schedule- 1					
Expenses in public meeting, rally, procession etc. (i.e.: other than those with Star Campaigners of the Political party)					
S. No	Nature of Expenditure	Total Amount in Rupees	Source of Expenditure		
			Amt. incurred / Auth. by Candidate / agent	Amt. incurred / by Pol. Party with name	Amt. incurred by others
1	2	3	4	5	6
1	Vehicles for transporting visitors				
2	Erecting Stage, Pandal & Furniture, Fixtures, poles etc.				
3	Arches & Barricades etc.				
4	Flowers/ garlands				
5	Hiring Loud speakers, Microphone, amplifiers, comparers etc.				
6	Posters, hand bills, pamphlets, Banners, Cut-outs, hoardings				
7	Beverages like tea, Water, cold drink, juice etc.				
8	Digital TV –boards display, Projector display, tickers boards, 3D display				
9	Expenses on celebrities, payment to musicians, other artists remuneration etc.				
10	Illumination items like serial lights, boards etc.				
11	Expenses on transport, Helicopter/ aircraft / vehicles/ boats etc. charges (for self, celebrity or any other campaigner other than Star Campaigner)				
12	Power consumption/ generator charges				
13	Rent for venue				
14	Guards & security charges				
15	Boarding & lodging expenses of self, celebrity, party functionary or any other campaigner including Star Campaigner				
16	Others expenses				
	Total				

Schedule- 2

Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) as apportioned to candidate (i.e.: other than those for general party propaganda)

S. No	Date and Venue	Name of the Star Campaigner(s) & Name of Party	Amount of Expenditure on public meeting rally, procession etc. with the Star Campaigner(s) apportioned to the candidate (As other than for general party propaganda) in Rupees			Remarks, if any
1	2	3	4			5
			Source of Income			
			Amount by candidate / Agent	Amount by Political Party	Amount by Others	
1						
2						
3						
4						
Total						

Schedule-3

Details of expenditure on campaign materials, like handbills, pamphlets, posters, hoardings, banners, cut-outs, gates & arches, video and audio cassettes, CDs/ DVDs, Loud speakers, amplifiers, digital TV/ board display, 3D display etc. for candidate's election campaign (i.e.: other than those covered in Schedule- 1 & 2)

S. No.	Nature of Expenses	Total Amount in Rupees	Sources of Expenditure			Remarks, if any
			Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others	
1	2	3	4	5	6	7
1						
2						
3						
4						
Total						

Schedule- 4

Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media, new items / TV / Radio channels etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news appearing in privately owned newspapers / TV / radio channels etc.

S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid / payable, if any	Total Amount in Rupees Col. (3) + (4)	Sources of Expenditure		
					Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others

1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Schedule -4A

Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media, new items / TV / Radio channels etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news appearing in newspapers / TV / radio channels etc. owned by the candidate or by the political party sponsoring the candidate.

S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid / payable, if any	Total Amount in Rupees Col. (3) + (4)	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Schedule -5

Details of expenditure on campaign vehicle (s) and poll expenditure on vehicle(s) for candidate's election campaign

S. No	Registration. No. of Vehicle & Type of Vehicle	Hiring Charges of vehicle			No. of Days for which used	Total amt. incurred/ auth. in Rupees	Source of Expenditure		
		Rate for Hiring of vehicle / maintenance	Fuel charges (If not covered under hiring)	Driver's charges (If not covered under hiring)			Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	4	5	6	7	8

1									
2									
3									
4									
Total									

Schedule- 6

Details of expenditure on Campaign workers / agents and on candidates' booths (kiosks) outside polling stations for distribution of voter's slips

S. No	Date and Venue	Expenses on Campaign workers			Total amt. incurred/ auth. In Rupees	Sources of Expenditure		
		Nature of Expenses	Qty.	No. Of workers / agents / No. of Kiosks		Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	6	7	8	9
1		Candidates' booths (kiosks) set up for distribution of voter's slips						
2		Campaign workers honorarium/ salary etc.						
3		Boarding						
4		Lodging						
5		Others						
Total								

Schedule- 7

Details of Amount of own fund used for the election campaign

S. No.	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rupees	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
Total					

Schedule- 8

Details of Lump sum amount received from the party (ies) in cash or cheque or DD or by Account Transfer

S.	Name of the Political	Date	Cash	DD/ Cheque no. etc.	Total Amount	Remarks,
----	-----------------------	------	------	---------------------	--------------	----------

No.	Party			with details of drawee bank	in Rupees	if any
1	2	3	4	5	6	7
1						
2						
3						
4						
	Total					

Schedule- 9

Details of Lump sum amount received from any person/company/firm/associations/body of persons etc. as loan, gift or donation etc.

S. No.	Name and address	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Mention whether loan, gift or donation etc.	Total Amount in Rs.	Remarks
1	2	3	4	5	6	7	8
1							
2							
3							
4							
	Total						

Note:

1. In Schedule 5: -

(a) copy of the order containing list of all vehicles for which permit issued by the Returning Officer to be enclosed.

(b) If the vehicle is owned by the candidate/his relative/agent are used for election purpose, notional cost of hire of all such vehicles, except one vehicle if owned and used by the candidate, notional cost of fuel and driver's salary for such vehicle, shall be included in total amount of expenditure in the above table.

2. In all schedules if any expenditure on goods and services, provided by the Political Party; or provided by any person/ company/ firm /associations/ body of persons etc. on behalf of the candidate, then the notional market value of such goods or services are to be indicated, in respective columns.

3. In Part -III, the Lump-sum amount of fund received from the political party or others or the candidate's own funds, should be mentioned date wise. In all such cases such amounts are required to be first deposited in the bank account of the candidate, opened for election expenses.

4. Each page of the Abstract Statement should be signed by the candidate.

APPENDIX 42
(CHAPTER 18, PARA 18.1.3)

No.

Dated:

To

(Name)

And 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/herself or by his/her election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he/she has been nominated and the date of declaration of the result thereof, both the dates inclusive.

2. Your invitation is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him/her or by his/her election agent under Section 77 of R.P Act 1951.

3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit, etc., he/she is required by law to lodge his/her account of election expenses.

4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951 for a period of three year.

5. The amount of election expenses to be kept by a candidate or his/her election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred / authorized from day to day, as prescribed under rule 86 of the Conduct of Election Rules, 1961.

6. An Expenditure Register having day to day account Register, Cash Register, Bank Register, Form of Affidavit, Abstract Statement (Part I to IV) and acknowledgement form is being furnished to you herewith. You are requested to maintain your day to day account of election expenses in this very Register and in no other document. All supporting voucher, bills etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election in Part I to IV 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.

ANNEXURE 43
(CHAPTER 3, PARA 3.8)
FORMATS C-1 TO C-3

FORMAT C-1
(for candidate to publish in Newspapers, TV)

Declaration about Criminal Cases

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate:

Name of political party:

(Independent candidates should write "Independent" here)

Name of Election:

*Name of Constituency:

I (name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

Sl. No.	Pending criminal cases			Details about cases on conviction for criminal offences	
	Name of Court	Case No. and status of case	Section(s) of Acts concerned and brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note: (i) Details should be given separately for each case in separate rows.

(ii) The matter in newspapers should be in font size of at least 12.

FORMAT C-2

(For political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgement dated 25th September, 2018 of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.)

Name of Political Party:

*Name of Election:

Name of State/ UT:

1	2	3	4		5	
Sl. No.	Name of candidate	Name of constituency	Pending criminal cases		Details about cases of conviction for criminal offences	
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note: (i) The above information shall be published State wise for each State/UT.

(ii) The matter in newspapers should be published in font size of at least 12.

FORMAT C-3
Officer of Returning Officer

Name of Constituency:

Name of State:

Name of Election:

It is informed that as per the Judgement dated 25th September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr., and the directions in the Commission's letter No. 3/ER/2018/SDR dated 10.10.2018, all candidates with criminal cases – either pending cases or case of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the period from the day following the last date for withdrawal of candidature and two days before the date of poll. Publishing declaration in TV channels should be completed before the period of 48 hours ending the hour fixed or conclusion of poll.

Since you, Sh/Smt./Ms. (mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form 26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on atleast three occasions each as mentioned above. The Format for publishing the information is enclosed herewith. It is also informed that copies of the newspapers publishing the information about criminal cases should be submitted to the District Election Officer along with the account of election expenses under Section 78 of Representation of the People Act, 1951.

Date:

Signature

Name of the RO/ARO

Signature of Candidate

Note: One copy of this should be given to candidate and one copy retained with RO.

FORMAT C-4

Report by candidate about publishing of declaration regarding criminal cases

Name and address of candidate:

Name of political party:

(Independent candidates should write 'Independent' here)

Name of Election:

*Name of Constituency:

I (name of candidate), a candidate for the abovementioned election, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Newspaper			Television			Mode of Payment (electronic/ cheque/ DD/ Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (In Rs.)	Name of Channel	Date & time of insertion/ telecast	Expenses that may have been incurred in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date: -

Name & Signature of Candidate

Note: - (i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.

(ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

FORMAT C-5

Report by Political Party about publishing of declaration regarding criminal cases

Name of Political Party:

Name of Election:

It is certified that (name of political party) has published the declaration about the candidate with criminal antecedents on the website of the party, in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Website	Newspaper			Television			Mode of Payment (electronic / cheque/ DD/ Cash) (Pl. specify)
		Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of Channel	Date(s) & time of insertion / telecast	Expenses incurred (in Rs.)	
	Period during which displayed							

Copies of newspapers in which declaration was published are enclosed.

Date: -

Signature of office bearer

Name & designation

Note: -This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

FAQs: Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court judgement dated 25.09.2018 in WP (Civil) No. 536 of 2011.

Q.1 Which newspapers are to be chosen for publicity by such candidates?

Ans. As per direction in the judgement of the Hon'ble Supreme Court, the declaration is required to be published in newspapers with wide circulation in the area concerned. The CEO may get an indicate list of various newspapers which have wide circulations in the various districts/different constituency areas in the state prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.

Q.2 When has it to be publicised?

Ans. It has already been clearly mentioned in the Commission's letter dated 10.10.2018 that the publishing has to be during the period starting from the day following the last date for withdrawal of candidature and up to two days before the date of poll.

Q.3 There is no column of signature. Who will authenticate it?

Ans. The format contains column for mentioning the name and address of the candidate and the name of the political party on the top portion of the format. Thus, the name of the publisher will be clear from the declaration. There is no need for publishing the information with the signature of the publisher.

Q.4 What if someone publishes false information about criminal cases of another candidate?

Ans. There are already provisions to deal with any case of publication of false statement in relation to a candidate [Section 123(4) of the RP Act, 1951 and Section 171G of IPC].

Q.5 Which TV channel the declaration has to be publicised?

Ans. Please refer to the answer against Q.1 above. It has to be done in TV channels which are available/popular in the areas concerned.

Q.6 What will be the font size and duration of publicity in TV?

Ans. Font size should be the standard size used for displaying printed material on TV. Its duration may not be less than 7 seconds.

Q.7 If a candidate does not have any criminal record, whether he/she is required to be publicise?

Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to be publish the declaration.

Q.8 Whether FIR cases have to be published by the concerned candidates and political parties?

Ans. Yes. Under the heading 'Case No. and status of case', details regarding FIRs, mentioned in Item-5 of Form-26, are required to be mentioned.

Q.9 If after filing nomination, status of criminal case changes, whether candidate can revise the details?

Ans. It will be open to the candidate concerned to notify the revised status to the Returning Officer and to publish the revised status only. If it is NIL, the candidate is not required to publish it.

Q.10 Who will bear the expenses for publishing?

Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.

Q.11 Whether expenditure on this account will be accounted for?

Ans. Yes. This being an expenditure in connection with the election, if **expense is incurred in this regard**, the same will be counted for the purposes of election.

Q.12 Can RO act on any discrepancy in such details if pointed out?

Ans. No. RO is not supposed to inquire into correctness of declarations published by candidates/political parties.

Q.13 In what manner, such candidates will submit the information about publicity of cases to be DEO?

Ans. Separate formats have been specified by the Commission for the candidates and the political parties to submit report about publishing of the declaration. These are Format C-4 for candidates and Format C-5 for political parties.

Q.14 What happens if such candidates or such political parties do not publicise in the manner prescribed?

Ans. Such failure may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.



भारत निर्वाचन आयोग ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

www.eci.gov.in <https://www.facebook.com/ECI/>

<http://www.youtube.com/c/ECIVoterEducation>

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