

**COMPENDIUM OF INSTRUCTIONS
ON
CONDUCT OF ELECTIONS**



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VOLUME – IV

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A – CONDUCT OF POLL

INSTRUCTION SI. No. 1

Election Commission's letter No. 576/3/98-JS-II dated 03.02.1998 addressed to Chief Secretaries of all States and UTs.

Subject: Possession of arms near the polling station - restriction

The Commission wishes to bring to the notice of all concerned the provisions of Section 134 B of the Representation of People Act, 1951, as inserted by the R.R (Amendment) Act, 1996, 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 (an areas within a radius of 100 meters from the polling booth), so that the conduct of elections can take place in a free and fair manner without any intimidation of voters, or threat perception to them or they being overawed by large posse of security personnel carrying arms.

2 To facilitate the understanding of the issue, Section 134B is reproduced below : "Prohibition of going armed to or near a polling station —

(1) No person other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the 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, 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his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.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".

3. It is seen from time to time that during the poll process, candidates and/or supporters of candidates, who are recipients of security extended to them by the State authorities, enter polling Stations or go within the neighbourhood thereof accompanied by their security personnel. This is in clear contravention of the Provisions laid down in 134B of the R.R Act, 1951.

The Election Commission, therefore, directs 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. Neighbourhood of a polling station should be construed to mean an area within a radius of 100 meters from the polling booth, on the analogy of Section 130 of the R.R Act, 1951. The security agencies in charge of extending security must therefore, recast security plans accordingly. It would be the duty of those in charge of the election to ensure that the provisions of the above quoted section 134B of the R.R Act, 1951 are strictly enforced and no security personnel attached to any person (i.e., any candidate, any of his agents, workers, supporters, or even any elector) enter into any polling station or are found in the neighbourhood of the polling station. The same restrictions should also apply in relation to entry into counting centers and in the neighbourhood of the counting centers. Candidates usually carry out most of their campaigning activities through their election agents, particularly, where the

candidates are important leaders of their party and have to campaign for their party elsewhere than in the State and constituencies, from where they themselves are contesting. Therefore, the candidates, in their own interest, would be well advised not to appoint any person as their election agent who is recipient of any form of security cover by the State which requires him to be accompanied by security personnel carrying arms. This would ensure all election agents to move about freely to look after interests of their candidates during the campaign period, the day of polling and the day of counting.

INSTRUCTION SI. No. 2

Election Commission letter No.576/12/99-JS-II, dated 18.08.1999 addressed to The Chief Electoral Officers of all States and Union Territories

Subject: Polling Agents not to be allowed to take away the copy of electoral roll outside the polling booth during the poll hours.

I am directed to state that in the Conference of the Chief Electoral Officers held at Nirvachan Sadan, New Delhi, on 22nd July, 1999, a proposal was mooted by CEO, Uttar Pradesh that Polling Agents should not be allowed to take away their copies of electoral roll outside the polling booth during polling hours.

2. It was pointed out that during the previous elections, there were instances when the polling agents took away their copies of electoral rolls, duly marked, outside the polling booths and sometimes the same was used to depute persons to impersonate electors who did not cast their votes.

3. The Commission has considered the above proposal and has directed that polling agents shall not be permitted to take their marked copy of electoral rolls outside the polling booth during polling hours, for any reason whatsoever, he should be permitted to leave the booth only after he hands over the list of the electoral roll to the Presiding Officer.

4. The above directions of the Commission should be brought to the notice of the R.Os./D.E.Os., Presiding Officers, Polling Officers, Polling Agents and other election related authorities for their information and strict compliance.

5. Receipt of this letter may kindly be acknowledged.

INSTRUCTION SI. No. 3

Election Commission's letter NO. 464/INST/2007/PLN-I Dated: 12th October, 2007 addressed to the Chief Secretaries and Chief Electoral Officers of all States and Union Territories

Subject: Scrutiny of Register of Voters (Form 17-A) – Regarding.

I am directed to state that in order to ensure that electoral abuses are effectively checked and not allowed to vitiate the poll process, the Commission directs that all District Election Officers–cum-District Magistrates be directed to set up a proper system for receiving the Presiding Officer's Diary, Visit Sheets, the Diaries maintained by Patrolling/Sector/Zonal Magistrates, record of images of voters captured by digital cameras (in respect of polling stations where cameras were deployed) and Complaint Registers of the District Control Room at the time of collection of polled material on poll day.

2. Effective and thorough scrutiny of these will be necessary to identify cases of poll vitiation at any polling station. This exercise shall **be carried out under close supervision of Observers, Returning Officers and District Election Officers.** The intention is to identify the polling stations where electoral abuse could have taken place in subtle and concealed manner.

3. Forms 17A (Register of Electors) reveal a lot regarding the manner in which polling has taken place on the poll day. It is, therefore, utmost important to see that the Register is filled up properly. On many occasions during the previous elections, it was found that the Presiding Officers and Polling Officers did not insist on production of identification documents at the time of voting. Not only should they check the identification documents but at the same time note down the kind of identification document produced and the number, if any given thereon, in remarks column of Form 17A.

4. In many cases, it has also been observed that the Polling Officers take impression of various fingers of illiterate electors on the Register of Electors instead of thumb impression as required under the rules. The Presiding Officers and the Polling Officers should be clearly instructed to ensure that the electors at the time of casting vote should put on the Register of Electors (Form 17A) either Left Thumb Impression or full signature. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).

5. In order to check bogus voting, the Commission has decided to keep a tab on the polling percentage. Reports on polling percentage of all polling stations will be collected by the Commission through the CEO/RO/Observer after the polling is over. Wherever it is found that the votes polled at a polling station is unusually high which can not 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.

6. In such cases, the Returning Officers and the concerned Observers shall scrutinize Forms 17A and such other documents, as mentioned in Para 1 above, in respect of all those polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll of each phase. The Returning Officers and Observers shall check Forms 17A for similarities of signatures/thumb impressions, the manner in which votes have been cast (continuous serial nos.), cross check the entries in Form 17A vis-à-vis Form 17C, the marked copy of the electoral roll and the remarks column in Form 17A.

7. All Observers and Returning Officer, while sending their report for repolls, shall specifically state the number of polling stations at which polling had been more than the percentage prescribed by the Commission and the result of such Form 17A scrutiny. The procedure for such scrutiny shall be as given in Annexure to this letter.

8. It is made clear that the above stated exercise of verifying Form 17A and other documents can be resorted to only after getting specific instructions in this regard from the Commission

9. Kindly communicate these instructions to all District Election Officer, Returning Officers immediately for strict compliance, during election.

PROCEDURE FOR RECEIPT, SCRUTINY, VERIFICATION AND STORAGE OF FORMS 17A AND 17C.

The Commission has directed for setting up of a proper mechanism for the scrutiny of Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Complaints Registers of the District Control Room, Statement of Images, Forms 17A and 17C etc. of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. It has been decided that the following procedure may be followed for receipt, scrutiny, verification and storage of Forms 17A and 17C.

Receipt and storage-

(i) The existing instructions stipulate that attested copies of Form 17C (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 alongwith the EVM and other copy is to be kept separately alongwith other election papers.

THESE INSTRUCTIONS REGARDING SUPPLYING COPIES TO POLLING AGENTS, SENDING TWO COPIES OF FORM 17C TO THE RETURNING OFFICER, AND KEEPING ONE COPY OF FORM 17C WITH THE EVM SHALL BE STRICTLY FOLLOWED. THESE INSTRUCTIONS SHALL ONCE AGAIN BE REITERATED TO ALL PRESIDING OFFICERS IN WRITING.

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

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

(iv) As per the existing practice, the other election papers received from the polling stations are to be kept in a separate strong room (other than the strong room in which the EVMs are kept). For the sake of convenience in taking out the Forms 17A and the other documents for scrutiny in respect of polling stations where polling has been more than the prescribed percentage, it will be ideal if a separate room can be identified for storing the election papers of such polling stations. If a separate suitable room is not available, these documents may be kept in the same room in which election papers in respect of other polling stations are kept. In such cases election papers relating to polling stations where polling percentage has been more than the

percentage prescribed by the Commission after the end of poll may be kept in a clearly demarcated place so that there is no confusion at the time of taking out the documents in respect of these polling stations for scrutiny.

Scrutiny

(v) Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up at 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 **to watch repeat only to watch the proceedings** of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations

where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by 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.

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

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

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

Post - scrutiny procedure

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

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

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

ANNEXURE XV
(CHAPTER IX, Para 10)

FORMAT FOR PRESIDING OFFICER'S ADDITIONAL REPORT TO BE SUBMITTED TO CONSTITUENCY OBSERVER/R.O

1	Polling booth No.
2	CPF deployed Y/N
3	Micro Observer deployed Y/N
4	Video Camera deployed
5	Total Voters
6	No. of Votes polled
7	% of votes polled
8	Total No. of candidates
9	No. of candidates represented by polling agents
10	No. of voters who voted using documents other than EPIC
11	Whether Mock poll done in the presence of agent? Y/N
12	Whether Mock Poll cleared? Y/N
13	Whether machines closed and sealed properly in the presence of agents?
14	Whether 17C given to polling agents after obtaining their signature?
15	No. of voters who have voted after 5 PM by receiving the token at the end of polling hours
16	Whether any significant incident took place during the poll? Y/N

INSTRUCTION SI. No. 4

Election Commission's letter No. 464/INST/2007-PLN-I Dated: 25th October, 2007 addressed to the Chief Electoral Officers of all States and Union Territories

Sub.: Recording of particulars of identity proof produced by the voters in the Remarks column of Register of Voters (Form 17A) by the Polling Officer – Regarding.

In continuation of Commission's letter of even No. dated 12 October 2007, on the subject cited, I am directed to state that during the poll day in some cases it has been observed that the movement of voter's queue is slow in case of some polling stations perhaps due to the time taken by the second polling officer in filling up the Register of Voters (Form-17A) as well as preparing the "voters slip". In order to mitigate any such situation in subsequent phases, you are directed to ensure following:-

- (i) Printed blank voters slips must be there with all the polling parties,
- (ii) Only the last four digits of the EPIC/Identity documents should be entered in the Register of Voters (Form 17-A),
- (iii) Wherever needed (if the voters are more than 1200) additional polling officers should be deputed with the polling party. While deploying additional polling officers, care should be taken to select them on random basis, and
- (iv) A reserve of polling officers should be kept ready to rush out to any polling station which requires such assistance during poll hours. The Sector Officer should be able to identify such requirement quickly on their visit to polling stations and seek the assistance of returning officer in getting the additional hand when needed, from the pool of such reserve polling officers.

2 The aforesaid directions/instructions shall be brought to the notice of the District Election Officers, Returning Officers, Assistant Returning Officers, Polling Personnel, Observers and all other election related officers **immediately** for their information and strict compliance.

INSTRUCTION SI. No. 5

Election Commission's letter No.437/6/2007(INST)-PLN-III Dated : 12th November, 2007 addressed to 1. The Chief Secretaries of all States and Union Territories 2. The Chief Electoral Officers of all States and Union Territories

Subject: Instruction on the operation of temporary campaign office by the candidates during election period of General / Bye-Elections to the Lok Sabha and State Legislative Assemblies – regarding.

I am directed to state that during the period of General / Bye-Elections to the Lok Sabha and State Legislative Assemblies, the candidates of various parties including independent candidates set up and operate temporary offices for the purpose of local campaign. A question has been raised regarding the conditionalities under which such temporary party offices can be allowed to set up and operate.

The Commission, after taking into consideration all relevant factors, has prescribed the following guidelines to be followed in this regard :-

- “ (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.

This may kindly be brought to the notice of all concerned for strict compliance.

Kindly acknowledge receipt.

INSTRUCTION SI. No. 6

Election Commission's letter No. 464/INST/2008/EPS Date: 16th December, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: - Arrangements at the Reception Centre on the poll day – provision for special counter for tracking information from specific polling stations – regarding.

I am directed to convey the Commission direction regarding arrangements to be made at the reception centre to handle the receipt of polled EVMs and other documents in an organized manner;-

1. The DEO and RO shall review the arrangements made at reception centre personally and ensure that a system is in place for ensuring a hassle free handling of EVMs and other documents.
 2. Counters for receiving EVMs shall be set-up in such a manner that there is no crowding at the reception centre when the presiding officers and polling personnels hand over the EVMs and other documents. This can be ensured by setting up separate counters for handling specific numbers of polling stations.
 3. A check list should be prepared and kept in the counters so that the receipt of documents and other polling materials is ensured as per the check list and in the relevant order. The officer who receives the EVM, documents should mark the polling station in the check list and sign it.
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1. A separate special counter should be set up for receiving EVMs and other documents from the specific polling stations about which complaints had been received from political parties/candidates during the course of polling; polling stations in which significant events such as violent incidents, heated arguments with the polling personnel, clash between polling agents, break-down of EVMs reported and where the EVM replacement had taken place etc. During the course of polling, the RO 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.

2. At the special counter, the RO himself or the ARO will supervise the receipt of EVMs and other documents. If the observer is available he will also make himself available at this counter. The EVMs and other documents shall be properly examined and the RO/Observer should discuss with the presiding officers about the events that took place at the polling station so that detailed inputs are received and this would facilitate the RO/Observer to get a clear picture about the events that took place at the polling station. This would be helpful in deciding about repoll, if any necessary. The presiding officer of these polling station can be relieved only after obtaining the EVMs and other documents after proper verification and discussion with RO/Observer.
3. Proper lighting arrangements shall be made at the reception centre so that no inconvenience is caused as the polling party may return late in the night. Provision for drinking water, first aid and other medical facilities shall also be ensured at the reception centre for the benefit of the polling staff.
4. Proper transport arrangements should be in place so that the polling staff are not held up at the reception centre after being relieved from their duty.

INSTRUCTION SI. No. 7

Election Commission's letter No. 464/INST/2008/EPS **Date:** 18th December, 2008
addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Tracking the presence of polling agents at the polling stations on the poll day and mandatory conduct of Mock Poll and certification therein.

The Commission attaches highest importance to the integrity of process and transparency in the election process. Instructions in the past have been issued about the conduct of mock poll. The Commission also considers that the presence of the agents appointed by the contesting candidates during their poll augurs well for transparency. On the other hand, presence of the agents of only one of the candidates in the absence of other agents may lead to complaints.

In this regard, the Commission has issued the following instructions:-

1. The recent instruction of the Commission that the polling agents appointed by the candidates shall be a voter in the same polling station shall be implemented strictly. Candidates may be advised by the R.O to ensure that the 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.
2. The Presiding Officers shall conduct mock poll, following the existing instructions, in the presence of the polling agents and prepare and sign the mock poll certificate in the prescribed format as in Annexure 1.
3. The Presiding officer shall mention the names of the agents and the candidates they represent and obtain their signatures for the purpose of record.
4. Mock poll shall be conducted normally at least 30 minutes before the commencement of actual poll. In case where even two agents of different candidates are not present, the P.O may choose to wait 10 more minutes and if the agents are not turning up even after that the Presiding Officer may conduct the mock poll for verifying the working condition of the EVM and mention about that in his certificate suitably.
5. The R.O 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 R.O shall make immediate intervention to sort out the problem.

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.
7. After the completion of poll on the basis of mock poll certifications received from the presiding officers the R.O 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.

This may be brought to the notice of all concerned.

Annexure 1

Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No of --- Assembly Constituency (or the ---Assembly segment under ----- Parliamentary Constituency) conducted the mock poll at ---- AM today, the poll day i.e ----- following the instructions issued by the Election Commission of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have carefully cleared the memory and the total votes polled showed '0' after clearing the memory.

- A. At the time of mock poll the following of polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.
- B. At the time of mock poll the agent of only one contesting candidate was present. After waiting for ten more minutes I conducted the mock poll along with other polling staff at ----- I have mentioned the name of the agent present at the time of mock poll including the name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned “ No Polling agent was present at the time of mock poll)

Name of the agent	Name of the Candidate	Signature of the agent
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Date:
Time:

Name & Signature
of the P.O

INSTRUCTION SI. No. 8

Election Commission's letter No. 464/INST/2008/EPS **Date:** 18th December, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

Sub: - General Election of the House of People 2009 – Providing of additional Polling Personnel for polling stations having more than 1200 electors – Regarding..

I am directed to state on the subject cited that for the polling stations where the number of electors is more than 1200, and extra polling officer would be provided who shall share the duty of Second Polling Officer and these two Polling Officers will be called Second Polling Officer (A) and Second Polling Officer (B). At such polling stations, Second Polling Officer (A) will be in charge of indelible ink and will inspect the elector's left forefinger to see that it does not bear any sign or trace of indelible ink and then put a mark with the indelible ink in the manner prescribed i.e. from the upper tip of the nail to bottom of the first joint of the forefinger of left hand in form of a lie.

2. Second Polling Officer (B) will be in-charge of the Register of Voters in Form-17A and will be responsible for maintaining that Register and making all relevant entries therein. He will also issue a voter's slip to each elector after he has entered elector's particulars in the Register of Voters in accordance with the prescribed procedure. However, before issuing the Voter's Slip to the elector he will ensure that a clear line of indelible ink is marked on the forefinger.

3. An additional person may also be provided in the polling parties who will verify whether the electors standing in the queue to cast vote are carrying proper identification documents. Only those electors should be allowed to stand in queue who are either carrying Electoral photo Identity Card (EPIC) or any one of the alternative documents, if permitted by the Commission.

INSTRUCTION SI. No. 9

Election Commission's letter No. 464/OBS/Misc/2008/PLN-I Date: 27th May, 2008 addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories

Subject: Payment of remuneration to the Micro observer – regarding.

The Commission decided to appoint-observers at the elections conducted by it from the panel of Gazetted officers/officials of the Government of India from different offices in the districts as per the Commission's letter no. 464/KT-LA/2008 dated 04.04.2008 (copy enclosed).

In this connection it may be stated that

1. TA/DA for the training Days should be paid by parent department as is the case with observer;
2. Micro observer shall be provided the facility of drop to and pick up from polling stations on poll day from the Returning Officer's Head Quarter (or any other central location to be decided by Observer & Returning Officer),
3. On poll day they will be provided food facility at par with the polling teams.
4. Besides the above, for poll duty, an appropriate honorarium, to be decided by the state government concerned, shall be paid to each Micro Observer/ the state of Gujarat has paid Rs. 700/- lump sum while Karnataka has paid Rs. 500/- lump sum to the Micro Observers appointed on duty on poll day.
5. This payment of honorarium should be made by the Returning Officer, to the extent possible, on completion of duty at the EVM receipt of Micro – Observer's report by the Observer.

INSTRUCTION SI. No. 10

Election Commission's letter No. 464/INST/2008-EPSS Date: 24th October, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Appointment of Micro Observers – Guidelines & Check List - Regarding.

I am directed to state that the Commission has decided to deploy the Micro Observers in some constituencies in the State. For this purpose, it has framed Guidelines and Check-List for the Micro Observers. A copy of each of the guidelines and checklist is forwarded herewith as in Annexure-I & Annexure- II.

2. It will be ensured that copies of the same are provided to officials who are appointed as Micro Observers and also to all Observers of the Commission through the District Election Officers.

3. The receipt of this letter may please be acknowledged with the confirmation that the relevant instructions have been issued to all the concerned officers. A copy of instructions/directions so issued in this behalf may also be endorsed to the Commission for its information and record.

Guidelines for Micro-Observers

1. Observers have a very crucial role to play in the conduct of an independent, free and fair election. To strengthen the system of observation, the Commission has consciously decided to deploy micro-observers where necessary. These micro-observers would directly work under control and supervision of the general observer.
2. For deployment as micro-observer, the DEO will obtain the list of Gazetted Officers/officials of Government of India from different offices in the district. Such Gazetted officers/officials will be eligible to be deployed as micro observer. In case Gazetted officers are not sufficient in number, Group 'C' employees and above can also be utilized for this purpose.
3. The DEO will prepare a list of polling stations under the supervision of General observer where these micro-observers would be deployed. Such polling stations would be short listed on the basis of various factors which contribute to the vulnerability of the voters. Such factors, for example, domination of one social group over other, inaccessibility of the area, EPIC non availability, previous history of violence, etc. would have been taken into consideration while doing the vulnerability mapping in the district as per the extant instructions of the Commission on this issue. The list of such polling stations where micro-observers are to be deployed will be finally approved by the General observer and kept confidential in a sealed envelop till the last moment of deployment.
4. In multi-polling station buildings each location will have one microobserver instead of one micro-observer per polling station. The micro-observer can oscillate between and visit the polling stations within the same campus at frequent intervals.
5. There shall be a nodal officer identified by the DEO for micro-observers to handle logistics and deployment related tasks of micro-observers in each district. General Observers will be in close touch with them for their requirements of micro-observers relating to their constituencies.

6. Each micro-observer shall be given a photo-pass and identity card by the DEO to ensure his access to the polling stations.

7. Observers will arrange and train their micro-observers. The officer selected for the job of micro-observer may not be aware of different aspects of election process. Therefore, a basic training of election processes on the day of the poll shall have to be given to them. This should enable them to understand and observe the activities relating to election on the day of the poll. An illustrative training material for the micro-observer in Micro Soft Power Point is attached with this letter. Since the micro-observer shall be reporting to the observer alone, it will be the responsibility of the observers to ensure that they are trained properly on the relevant and crucial issues. The DEOs will organize the training of these micro-observers.

8. The required number of officers for deployment as micro-observer would be picked up randomly from the list of all eligible officers. Further the assigning of polling stations also will be done in random manner a day prior to the day of departure in presence of the general observer and duly approved by him. However, the exact polling station would be given to them on the day of departure.

9. The DEO should ensure that the micro-observers are separately dropped to their destinations. Micro-observer should be provided with an Identity card, entry pass to his/her polling stations, and such other requirements as may be necessary for discharge of duties as per the direction of the Commission.

10. On the day of poll the micro-observer should reach the polling station at least one hour before the commencement of the poll, i.e., at 7 O'clock in the morning. If for certain reason it is not possible to reach in the morning, he should reach in the evening of the previous day.

11. Having reached the polling station he should assess the preparedness for the poll. During the poll day he should regularly note down the important points on the pre printed Performa (a Performa for this is appended). It is made absolutely clear that in no case the micro observer will act as presiding officer or the polling officer.

His task is to observe that election process is being carried out in a free and fair manner and there is no vitiation of any kind.

12. In the process of observation on the day of the poll, the micro-observer should specially observe: -

- a. Mock Poll Procedures,
- b. Presence of Polling Agents and observance of ECI instructions with regard to them,
- c. The observance of entry pass system and access to Polling Station,
- d. Proper identification of electors in accordance with ECI guidelines,
- e. Identification and recording procedures for the **Absentee, Shifted and Duplicate voter's list (ASD list)**,
- f. Application of indelible ink,
- g. Noting down particulars of electors in register 17-A,
- h. Secrecy of voting,
- i. Conduct of polling agents, their complaints, if any, etc.

13. During the poll, if the micro-observer feels that the poll is being vitiated for any reason, he will immediately bring it to the notice of General observer through whatever means of communication is available, for example, phone or wireless or any other means.

14. After the poll process is over, the micro-observer will report to the Observer in the format as enclosed as Annexure II at the collection center and hand over his envelop containing the report for the day personally to the Observer and brief him/her on any thing of importance that had happened during the day.

15. Observers will go through the report and if any further clarification is required then he should arrange for the micro-observer to be called for ascertaining those further details. These reports along with the scrutiny of the Register 17-A will be taken into consideration for taking a decision on repoll or disciplinary action against any delinquent polling staff.

Checklist for Micro-Observers

1. Whether mock poll has been conducted in presence of micro Observer? - Y/N.
2. Whether data of mock poll from the ballot unit was cleared and the EVM count was set to zero after the mock poll and before the beginning of real poll? - Y/N.
3. How may polling agents and of which political party, were present during the mock poll?
4. Whether more than one polling agent from the same political party were present inside the polling station at any time?
5. Whether polling agents were allowed to note the serial numbers of balloting unit and control unit and green paper seal?
6. Whether the entry pass system was enforced properly? Whether any unauthorized person was inside the polling station at any point of time?
7. Whether marking of indelible ink on left forefinger was done properly?
8. Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17-A)?
9. Whether the list of votes issued with Postal Ballot was available with the Presiding Officer & Polling Agents? Did any person already issued Postal Ballot appeared to vote again in person?

10. Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?
11. Whether the Presiding Officer or Polling Officer was going towards voting compartment or giving any undue instructions to the voters?
12. Whether the scrutiny of voters in the Absentee, Shifted and Duplicate list was done meticulously by the Presiding Officers in accordance with ECI Guidelines?
13. Whether copies of accounts of votes recorded in Form-17C have been given to the polling agents?
14. Whether voting compartment was properly placed to ensure secrecy of voting?
15. Whether sealing of voting machine was done according to instructions?
16. Whether any complaint by polling agent, election agent or any political party was received? If yes it's substance.
17. Any other incident or issue that you would like to highlight.

Signature of Micro Observer :

Name (in full) :

Designation :

Phone No. :

Date & Time :

11/17/2008 DEC (JP) 1

Introduction

Introduction

Poll is conducted in designated **polling stations** specifically prepared for this purpose;

Poll is conducted by a team of officials identified randomly and trained. It comprises a **Presiding Officer** and 3 **polling officers**;

Representatives of the candidates (called **Polling Agents**) also sit inside the polling station and watch the poll proceedings;

Electronic Voting Machine (**EVM**) used for recording of votes has two units – **control unit** which is with 3rd Polling Officer and through which he allows a voter to vote and second, **ballot unit** which is in secluded corner with a voting compartment and in which a voter votes;

A Voter enters the polling station, **identifies** himself to the 1st Polling Officer and gets the **indelible ink** on his left fore finger, then goes to **2nd Polling Officer** and signs the **Register of Voters (Form 17-A)** and finally goes to the **3rd Polling Officer** who keeps his **Voter Slip**, **marks the electoral roll** and enables the control unit. Thereafter the Voter goes to '**voting compartment**' where the ballot unit is kept and presses his chosen button to record his vote.

Arrangements Outside The Polling Stations

Outside each polling station there shall be displayed prominently–

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

Copy of the list of the contesting candidates.

A card Board display of Ballot unit explaining a voter how to vote on an EVM

Enough space for the voters to wait outside the polling station;

Separate waiting space for men and women as far as practicable;

Law & Order Around Polling Station

No vehicles to be allowed inside the 100 meter perimeter of a PS

No canvassing of any kind allowed in this perimeter. Offence under S 130 of RoP Act 1951.

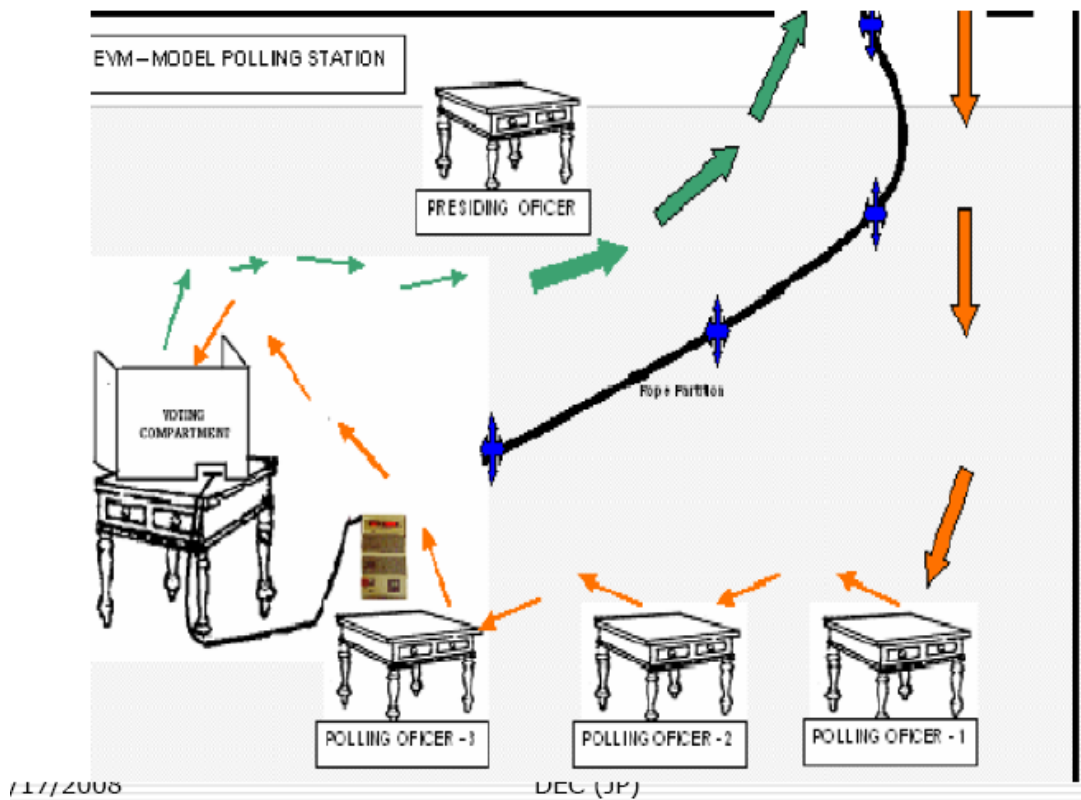
Candidate's booths to have 1 table and 2 chairs beyond the PS perimeter

Voter slips to be plain white slips without any party markings

No posters or banners

MODEL POLLING STATION FOR ELECTRONIC VOTING MACH

LAYOUT OF POLLING STATION FOR SINGLE ELECTION



Arrangements Inside a PS

Separate entrance and exit for voters;

Easy flow of voters from the time they enter the polling station to the time they leave it;

The polling agents to be seated in such a way that they can see the face of an elector as and when he enters the polling station and able to see the entire operation; BUT

Polling agent not to be in position to see voters actually casting their votes;

Video covered PS shall have Videography arrangements

Arrangement Inside a PS -Placement of Voting Compartment

The Voting Compartment has to be so placed that neither the Presiding Officer nor the agents or the polling officers should be able to see the actual voting;

For this reason, the voting compartment cannot be near to the Presiding Officer or even near any window where one can see from outside;

For this reason only, care has to be taken that the compartment/partition of the balloting unit is not transparent or semi-transparent;

Who all can come (or be) inside Polling Station?

Voters in manageable numbers

Candidate in that AC

Candidate's Election Agent in that AC

Polling Agents of Candidates in that PS – maximum of one for each candidate

Authorized Media Personnel

Election Officials

Micro-Observer's seating arrangements inside the PS when deployed

A child in arms accompanying an elector

A person accompanying a blind or an infirm voter who cannot move without help

In case of a elector/candidate having been provided Z+ security, one security personnel in civil clothes with concealed small arm can accompany the secured person inside the polling station

Every one must have a valid pass properly displayed

Seating of Polling Agents

Polling agents shall sit in following order

Agents of candidates of recognized parties

Of recognized state parties

Recognized parties of other states

Registered unrecognized parties

Independents

If less space then take turns or sit out

Polling Agents

Polling agents are appointed by the candidates.

They must be voters in that very polling station

Must have a valid photo-identity card.

Person provided with security can't be an Agent

The presiding officer shall, after due verification, give them entry passes for the Polling Station.

For every polling agent, there may be a maximum of two relief agents. But only one person can be inside the polling station at one point of time. Entry pass system ensures this.

Polling agents can not be relieved after 3 P.M.

Polling Agents can challenge bogus voters

Media Persons

Media persons are issued Passes by the ECI on the recommendation of DEO

Such media persons can enter the Polling Stations of the AC/District indicated in their Passes

They cannot take the photo or video of the balloting process in any manner that will reveal the secrecy of ballot;

Other media persons (not having valid ECI passes can not enter the polling stations.

However they can cover the outside of the polling station, voter's queue etc.

They cannot take the interview of audio-video bites of voters or any other personalities for direct relay – that amounts to canvassing on the poll day

Security of Polling Station

No armed personnel can enter a polling station. Only exception is a Z+ security covered person who is either a voter or candidate in that polling station. In that case, a security personnel in civil clothes and concealed small weapon can accompany such person inside the polling station; (Any security covered person cannot be election or polling agent)

Where CPF is deployed, a Jawan will stand outside at the door and can watch proceedings from there itself. He can not enter the polling station

Where non-CPF is deployed, the uniformed personnel will position himself away from the line of sight of the insides of the polling station and shall not stand at the door of the polling station;

Electronic Voting Machine

Voting machine consists of two units – (1) control Unit and (2) Balloting Unit interconnected by cable.

One balloting unit caters up to sixteen candidates and displays names of contesting candidates and the symbols .

There is a blue button on balloting unit by pressing which the voter can record his vote.



Control Unit

DEC (JP)



Balloting Unit

12

Activities inside Polling Station

Presiding Officer shall arrange for setting up of polling station, seating arrangements and EVM

He shall give entry pass to the polling agents after due verification

He shall demonstrate the voting machine before the commencement of poll, to the polling agents.

He shall also demonstrate the marked copy of the electoral roll and the Register of Voters (17-A) to candidates or their polling agents present and take their signature.

He will **conduct mock poll** by recording a few votes at random for each of the contesting candidates and tallying the result.

After the mock poll, the votes recorded at such mock poll shall be cleared from the control unit of the voting machine. A certificate shall be given to the Sector Officer (SO) in prescribed format.

The control unit of the voting machine has then to be sealed by fixing the green paper seal (s) and special tag.

Thereafter, electors shall be allowed to vote strictly in the order in which they have been entered in the register of voters.

Verification of Voters

Electors required to identify themselves – through EPIC or alternate document approved by ECI

Minor discrepancies in voter's EPIC can be overlooked

Voters without establishing their identity should not be allowed to vote

Duties of Polling Officers

The **identity of elector** should be verified by the 1st Polling Officer in following manner:

The Voter will give a slip (or announce) with his serial no. in **marked copy of roll**. The 1st Polling Officer will locate that serial no. in the roll and ask the voter to announce his name. The name announced should be same as the one in the roll. This is first check on a bogus voter.

Thereafter, the officer should ask for his identity document.

After an elector has been identified, the entry relating to the elector in the marked copy of the electoral roll should be underlined. A tick mark will also be put on the left side of entry in the case of a female elector

The voter should move to 2nd Polling Officer who will note the voter particulars in the **Register of Voters** (Form 17-A). The serial number (not the name) of the elector as given in the marked copy of the electoral roll should be noted.

The type of Identity document and the Sl. No. of the ID-Document should be noted in the "**REMARKS**" column of the 17-A.

Then the 2nd Polling Officer should apply **the indelible ink** on the left forefinger. If elector does not have left fore finger, ink should be applied to any other finger of left hand.

Duties of Polling Officers

If an elector refuses to put his signature or thumb impression on the Register of Voters, he shall not be permitted to vote and an entry 'Refused to vote' will be made in the 'Remarks' column of the Register of Voters.

If elector refuses to vote, the Presiding Officer shall record this in **Presiding Officer's Diary**.

Presiding Officer shall tally the vote counts every hour and keep an **account of hourly poll**

Duties of Polling Officers

First Polling Officer : will be in charge of the marked copy of Electoral Roll and also responsible for identification of electors.

Second Polling Officer: will be in charge of indelible ink and register of voters in form-17A.

Put a mark with the indelible ink above the root of the nail.

Take signature or thumb impression of each elector on register of 17A.

Issue a voter slip to each elector after he has entered his particulars in the register.

Third Polling Officer: will be in charge of the Control Unit of the voting machine. To keep watch on control unit and voting process. He will be seated on the same table where the Presiding Officer sits.

Challenged Vote

Polling Agents can challenge voter's identity by depositing Rs. 2/-

Presiding Officer holds summary inquiry

If challenge not established, voter proceeds to vote

If challenge established, person is not allowed to vote and handed over to police

Tendered Vote

Situation when a voter finds that his/her vote is already cast by someone else

Such voter can tender his vote if he/she can establish the credentials, by

tender ballot paper – but not through EVM

Tendered ballot shall be kept in separate cover

Voting by blind & infirm

Permitted a companion of 18+

Same person cannot be companion to more than one person

Companion will be required to declare that he will keep secret the vote recorded by him/her

None of the polling staff or agent shall act as companion

Presiding Officer's power to adjourn poll

S 57(1) of RoP Act 1951, PrO can adjourn poll due to:

Natural calamity like flood, storm, snowfall

Damage to poll materials including EVM

Disturbance of peace making it impossible to continue with poll

Non arrival of polling team due to serious difficulty

Stoppage of EVM etc

Any other unforeseen and sufficient cause

Supervisory Visits

Observers will visit

Sector Officers will visit frequently

Candidates may visit

Candidate's Election Agents may visit

All of them must record their visit and observations in the visit sheet

Closure time

Presiding Officer to check if electors are in queue

If they are, give numbered slips. Give slip no. 1 to the last person in queue.

This will ensure that no further person joins the queue thereafter

When all electors have voted, press the close button on ballot unit

Ballot unit will show the total votes polled – it should be noted in part - 1 of 17

C

Then switch off the power/battery button

Tally 17-A, 17C and EVM count

Seal the machine thoroughly

Presiding Officer must complete his diary

Presiding Officer must complete the additional report format

Micro-Observer to complete his report in the prescribed format

Annexure

PROCEDURE FOR RECEIPT, SCRUTINY, VERIFICATION AND STORAGE OF FORMS 17A AND 17C.

The Commission has directed for setting up of a proper mechanism for the scrutiny of Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Complaints Registers of the District Control Room, Statement of Images, Forms 17A and 17C etc. of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. It has been decided that the following procedure may be followed for receipt, scrutiny, verification and storage of Forms 17A and 17C.

Receipt and storage-

(i) The existing instructions stipulate that attested copies of Form 17C (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 alongwith the EVM and other copy is to be kept separately alongwith other election papers.

THESE INSTRUCTIONS REGARDING SUPPLYING COPIES TO POLLING AGENTS, SENDING TWO COPIES OF FORM 17C TO THE RETURNING OFFICER, AND KEEPING ONE COPY OF FORM 17C WITH THE EVM SHALL BE STRICTLY FOLLOWED. THESE INSTRUCTIONS SHALL ONCE AGAIN BE REITERATED TO ALL PRESIDING OFFICERS IN WRITING.

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

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

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

Scrutiny

(v) **Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up at 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 to **watch repeat only to watch the proceedings** of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by 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.

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

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

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

Post - scrutiny procedure

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

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

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

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INSTRUCTION SI. No. 11

Election Commission's letter No.464/INST/2007/PLN-I Dated: 12th January, 2007 addressed to the Chief Secretaries and Chief Electoral Officers of all States and Union Territories.

Sub: Preventive measures near polling booth on poll day-Setting up of Election Booths by Candidates/Political Parties.

The Commission has issued various instructions on Preventive measures near polling booths and setting up of election booths by the candidates/political parties from time to time. Important aspects of these instructions are reiterated below:

1. No booth shall be set up within a distance of 200 metres from the Polling Station. Even where more than one polling station has been set up in the same Polling Station Location or premises, there shall be only one booth of a candidate for such group of Polling Stations beyond a distance of 200 meters from such premises.
2. Only one table and two chairs shall be provided at each such booth with an umbrella or a piece of tarpaulin or cloth to protect the two occupants of those chairs at the booth from weather conditions. Such booth shall not be enclosed by Kanats or tentage, etc.
3. Each candidate wishing to set up such booths shall intimate, in writing, in advance, to the Returning Officer, the names and Sl. Nos. of the Polling Stations where such booths are proposed to be set up by him. He shall also obtain the written permission of the concerned Government authorities or local authorities like Corporations, Municipalities, Zilla Parishads, Town Area Committees, Panchayat Samitis etc., under the relevant local laws before setting up of such booths. Such a written permission must be available with the persons manning the booth for production before the police/election authorities concerned on demand.
4. Such booths shall be used only for the sole purpose of issuing unofficial identity slips to electors. These unofficial identity slips shall be printed strictly in accordance with the instructions of the Commission on the subject without the name or symbol of the candidate or the name of the political party.
5. Only one banner to display the name of the candidate, his party and the election symbol allotted to him shall be allowed at each such booth, provided that such banner shall not be more than 3 feet by 4½ feet in length and breadth. Any banner set up in violation of this restriction will be removed by authorities maintaining the law and order.
6. No crowds shall be allowed to collect at such booths in any circumstances, nor shall any person who has already cast his vote at the polling station be allowed to come to the booth. This would be evident from the indelible ink mark on his left forefinger or any other finger as specifically prescribed for that election for the constituency in which the polling station is located.

7. The persons manning the booths shall not cause any obstructions whatsoever in the way of electors proceeding to the polling stations or prevent them from going to the booths of other candidates or create any other sort of hurdles whatsoever in the right of voters to exercise their franchise according to their own free will. More specifically, no elector shall be influenced in any way whatsoever to either come and collect the unofficial identity slip from the particular booth or if he comes to such booth of his own accord to vote in favour of or against any party / candidate contesting the election.

8. The Commission hereby warns all concerned that any violation of the above directions will be viewed by the Commission with the utmost gravity and most stringent action possible under the law, including but not restricted to the removal of such booths forthwith will be taken against the candidates and / or their agents / workers responsible for any such violations.

9. If any officer is found to have failed to take prompt and expeditious action to ensure the strict compliance of the abovementioned directions, he will render himself liable to strict disciplinary action apart from any penal action as may be called for against him for failure to discharge the official duty. (Please refer to Commission's instruction No.464/INST/98/PLN-I dated 12.02.1998)

10. In order to prevent electioneering at the Polling Stations on the date of poll and to maintain law and order in the counting centers at the time of counting of votes, the Commission hereby directs that no person other than authorized election and police officials shall be allowed to either carry or use cellular phones, cordless phones, wireless sets, etc., in the 100 meter perimeter of the Polling Stations described as the "Polling Station Neighborhood" and within the polling booth.

11. These instructions shall be brought to the notice of the candidates, their election agents and all political parties for their information and strict compliance. A press note in this regard may also be issued for the information of the general public.

INSTRUCTION SI. No. 12

Election Commission's letter No.464/INST/2005/PLN-I, dated 28.01.2005 addressed to the Chief Electoral Officers of Bihar, Haryana and Jharkhand

Subject: State Assembly Elections, 2005 - Issue of Photograph/Identity Card to the Polling Agents

I am directed to invite your attention to the instructions contained in Para (b) of the Commission's letter No.464/INST/2005/PLN-I, dated 25.01.2004, which said:-

"The candidate shall appoint only those persons as their polling/counting agents who are registered electors and who have an Electoral Photo Identity Card (EPIC) or any other document issued by the government or any government agency which bears his/her photograph and establishes his/her identity. All polling/counting agents shall display the EPIC or said identification document prominently on person on the day of poll or counting for easy and quick identification."

Various representations have been received in the Commission from political parties/candidates saying that sometimes they find it difficult to get adequate number of suitable persons for appointment as polling agents. At times, the selected persons do not have Electoral Photo Identity Cards (EPIC) or any other document issued by the government agency which bears their photograph and establishes their identity. The political parties have, therefore, requested the Commission to make some other alternative arrangements for issuing some kind of photographed identity card to such persons and allow them to act as polling agents.

The Commission has considered the request and decided that in the circumstances described above, the candidates or their elections agents will make a formal request, in writing, to the Returning Officer/Assistant Returning Officer furnishing therewith two copies of passport sized photograph of the prospective polling agent at least two days before the date of the poll. The Returning Officer/Assistant Returning Officer will then issue a photographed identity card to the person to enable him to act as a polling agent. The polling agent will be required to produce this identity card alongwith his appointment letter in Form-10 before the Presiding Officer to enter the specific polling station and act as polling agent.

INSTRUCTION SI. No. 13

Election Commission's letter No. 464/UP-LA/2007 Date: 25.10.2007 addressed to the Chief Secretaries and Chief Electoral Officers of all States and Union Territories.

Subject: Role of CPF and State Police in conduct of polls – Regarding.

I am directed to state that during elections the Commission deploys significant number of Central Paramilitary Forces into the election going State(s) on the basis of its assessment of the ground realities. The Local State Police (including all its variants) and Central Paramilitary Forces at the time of elections stand deputed to the Election Commission of India and they come under its superintendence and control for all purposes. The Commission conducts election with the help of all these organs.

2. Wherever the CPF arrives in advance for area domination, it shall take out flag marches, point patrolling and other confidence building activities. On the poll-eve (day prior to the poll) the CPF shall take position in and control of the respective polling stations. On the day of the poll, the CPFs shall be primarily responsible for protecting the polling stations and regulating the entry inside the polling stations. One jawan of the CPF party shall be deployed at the door of the polling station (either in static or oscillating mode) in order to observe the proceedings that are going on inside the polling station, as per the directions of Hon'ble Supreme Court. Besides, the Coy. Commanders of CPFs will also move in their respective polling station areas as an area domination force and confidence building measure in the catchment area of polling stations. In case CPF has not reached the assigned polling station due to any reason, the poll shall not commence.

3. The Local State Police shall remain responsible for maintenance of the general law and order in the catchment area of the polling stations, as well as the inside and outside of the polling premises (as different from polling stations). Whenever, the Local State Police gets deployed inside the polling premises, they shall station themselves at a reasonable distance from the polling station and the queue of electors. It is advised that one or two unarmed Local State Police persons/Home Guards be posted at each polling premises so that in case required, reinforcement could be called for. In any case, Local State Police shall not replace the CPF at the polling stations and no senior officer of the local state police, with or without contingent shall position himself at the polling station and exercise any supervision and control over the CPF at the polling station. The Local State Police, however, in exceptional circumstances can get deployed at polling stations, only if enough CPF is not available, and that too under specific instructions of the Commission through its observer.

4. Responsibility of maintenance of law and order shall rest solely with the local State Police. The Commission has instructed that hamlets/habitations within a polling station area that are vulnerable to threat, intimidation and undue influence shall be identified and all necessary confidence building and preventive measures shall be taken in advance. The Local State Police shall attach utmost importance to this task

and shall also ensure that there is no hinderance to voters of such pockets in exercising their franchise on the day of poll.

5. After the poll is completed, the polled EVMs and the Presiding Officers shall be escorted by a contingent of CPF to the Reception Center. Details in this regard shall be worked out by the DEO and SP in consultation with Observer in advance.

6. The CPF shall also be responsible for guarding the Strong Room where the polled EVMs are stored and kept till the day of counting.

7. The Commission's instructions/directions as above shall be complied without any deviation. I am, therefore, to request that the aforesaid instructions/directions may be brought to the notice of all concerned including the observers immediately.

INSTRUCTION SI. No. 14

Election Commission's letter No.464/INST/2007/PLN-I Dated : 24th February, 2007 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Restrictions on persons having security cover to become Election/Polling/Counting Agent-regarding.

The Commission has, in the past, issued various instructions from time to time on the appointment of MPs, MLAs and other persons having security cover as election/polling/counting agents, during General Elections/Bye-elections. For convenience of all concerned, these instructions have now been consolidated which are as under:

1. Section 134(B) of the Representation of the People Act, 1951, provides as under:-

"Prohibition of going armed to or near a polling station –

(1) No person, other than the 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 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 neighborhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with an 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 the Act.

(4) An offence punishable under sub-section (2) shall be cognizable." Neighborhood of a polling station should be construed to mean an area within a radius of 100 meters from the polling booth on the analogy of Section 130 of the Representation of the People Act, 1951.

2. A tendency has been observed on the part of some candidates to appoint a sitting Minister/M.P/M.L.A as their Election/Polling/Counting Agents. These persons generally have security cover provided to them by the State/Security Agencies. In view of the embargo placed by Sections 130 and 134(B) of the Representation of the People Act, 1951, no security personnel deployed as security cover to the said persons can move around the polling stations which, in turn, restricts the movement of the Minister/MP/MLA or any other person being covered by them, defeating the very purpose for which an election /polling or counting agent is appointed.

3. On several occasions in the past, requests had been received by the Returning Officers from the above category of persons to allow them to relinquish the security cover provided to them in order to enable them to act as Election/Polling/Counting agents. The Commission cannot allow an MP/MLA/any other person to surrender his

security, which was provided to him by the State/Security Agency after duly assessing the needs of such security cover.

4. The aspect that a recipient of such security cannot be allowed to deliberately jeopardize his own security should be kept in view by all the Returning Officers/Presiding Officers at the time of approving of the appointments of Election/Polling/Counting Agents.

5. This may be brought to the notice of all Returning Officers, Assistant Returning Officers, Presiding Officers, Political Parties and the candidates.

6. The receipt of this letter may kindly be acknowledged.

INSTRUCTION SI. No. 15

Election Commission's letter No. 464/INST/2007-PLN-I Dated: 8th January, 2007 addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Sub: Restrictions on presence of political functionaries in a Constituency after the campaign period is over.

Under Section 126 of the Representation of the People Act, 1951, in the period of 48 hours ending with the hour fixed for the close of poll, the campaign will come to an end.

2. During the course of campaign in bye-election, the political parties mobilize their supporters, including from outside the constituency of poll, in order to bolster that campaign. In view of the fact that after the closure of campaign period no campaign can take place within the constituency, presence of political functionaries / party workers / procession functionaries / campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the constituency, should not continue to remain present in the constituency as their continued presence after campaign ends may undermine the atmosphere for free and fair poll.

3. Hence the Commission has directed 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. This shall be brought to the notice of all political parties, candidates and their agents in order to enable them to comply.

4. The Commission further directs that in order to ensure that the above instruction is carried out, the election administration / police administration may take all necessary measures which may include:

1. Checking of kalyan mandapams / community halls etc., where such people are kept housed and find out whether the outsiders have been accommodated in these premises.
2. Verification of lodges and guesthouses to keep a track of the list of occupants.
3. Set up check-posts in the constituency borders and track

the vehicular movement from outside the constituency.

4. Verify the identity of the people / group of people in order to find out whether they are voters or not and establish their identity.

5. This may be brought to the notice of all concerned and ensure strict compliance. Action taken in the matter may be informed to the Commission.

INSTRUCTION SI. No. 16

Election Commission's letter No.464/INST/2008/PLN-I Dated : 27th February, 2008 addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject: Restrictions on presence of political functionaries in a constituency after the campaign period is over – regarding.

I am directed to invite your attention to Para – 3 of Commission's letter No. 464/INST/2007/PLN-I dated 8th January, 2007 on the subject cited and to state that the Commission has further reviewed the instructions contained therein.

2. The Para – 3 of above referred letter has, accordingly, been modified, which shall be read as follows :-

“3. Hence the Commission has directed the after the campaign period is over, the district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. However, the said restriction may not be insisted upon during the General Elections to Lok Sabha/State Legislative Assembly in respect of the office bearer of Political party who is in-charge of the State. Such office bearer of the political party shall declare his place of stay in the State Headquarters and his movement during the period in question shall remaining confined normally between his party office and place of his stay. This shall be brought to the notice of all political parties, contesting candidates and their agents in order to enable them to comply.”

3. This may be brought to the notice of all the District Election Officers/Returning Officers/Assistant Returning Officers and all the election related officers immediately.

4. Action taken in the matter may be intimated to the Commission.

INSTRUCTION SI. No. 17

Election Commission's letter No. 464/Inst/2006-PLN-I Date: 7th April, 2006 addressed to the Chief Electoral Officers of Kerala, Pondicherry, Tamil Nadu and West Bengal

Sub.- Appointment of Polling Agents – Comprehensive directions.

I am directed to state that Section 46 of the Representation of the People Act, 1951, read with rule 13 of the Conduct of Elections Rules, 1961 provides that at every election each candidate or his election agent can appoint one polling agent and two relief polling agents at each polling station.

The Commission in the past had issued guidelines on various aspects of appointment of polling agents. However, the Commission has received inputs that show that there exists still a lack of clarity and scope for improvement so that the purpose of appointing the polling agents as an instrument for ensuring transparency in the conduct of free and fair poll is fully served.

In the matter of appointment and functioning of polling agents the following are the areas of concern.

- The presence of more than one polling agent of the same candidate at a time in a polling station.
- The identity of polling agents in a polling station not being verified and established properly.
- Threat and intimidation to the polling agent resulting in their inability to function as polling agent and protect the interest of the candidate whom they represent which has a serious bearing on the free and fair election.

The Commission having considered the above issues has directed the following instructions to be followed scrupulously;

1. In order to ensure that not more than one polling agent or relief agent remain present inside the polling station at any given point of time a system of "Entry Pass" needs to be introduced. As the number of contesting candidates is already known the presiding officer should be issued with that many number of entry passes. When the polling agents make over their appointment letters in Form 10 at the polling station (Refer Rule 13(2) of Conduct of Election Rules), the presiding officer shall issue the Entry Pass in favour of the polling agent of each of the candidates remain present after filling the details on the body of the entry pass. If any of the relief agents remain present than he should be sent out immediately. The presiding officer shall maintain a record of entry passes issued and submit the report in the prescribed format as enclosed in annexure 1 and shall deposit it in an envelope to be handed over at the time of depositing poll materials at the reception center. It is made clear that the agent or relief agent can enter and remain present inside the polling station only after showing his entry pass and displayed on his person. For this purpose, the additional polling officer who would verify as to whether electors

standing in queue to cast their vote are carrying proper identification documents or not, (refer: Letter No. 464/WB – La/2006/374 Dated 18.03.2006 addressed to CEO, WB) should be suitably briefed to ensure that no agent or relief agent enters the polling station with entry pass. The CPF jawan present at the entry point of the polling station with an instruction to keep watch over the proceedings inside the polling station shall keep a watch on this aspect also. The observers and sector magistrate shall verify the compliance of the above arrangement. Further, in order to ensure that system works as stipulated, the sector officers shall verify well in advance as to whether the presiding officers have received the required number of entry passes as per this guideline. This item of work should form part of their checklist. For the smooth implementation of this arrangement adequate number of entry passes shall be printed as per the format given in Annexure II in advance and kept in readiness. Adequate care should be taken at the time of issue of poll materials at the dispatch centers to ensure proper compliance to this order.

2. In order to ensure that only the authorized represent the candidate as polling agent/relief agent the instructions given in Letter No. 576/11/94/JS-II dated 16.12.1994 (copy enclosed for ready reference) should be followed strictly without deviation. It is relevant to note that the ECI guidelines cited above provides for obtaining the specimen signature of candidate/election agent and for supplying the specimen signatures to presiding officers and others. For this purpose a format had also been prescribed in the above instruction, which shall be followed, in this regard, the Commission has further decided that candidates should appoint only such persons as their polling agents who are registered electors and who have an EPIC or any other document issued by the Government or any other document issued by the Government or any Government polling agents shall display their EPIC or other identification document prominently on their persons on the day of poll for easy and quick identification.

3. The presence of the polling agents of the contesting candidates during the poll is a sure indicator of transparency in the process. It also reduces the scope for malpractices and thereby scope for complaints. Hence, it becomes imperative on the part of electoral machinery and observers to keep a vigil and observe whether the polling agents of the contesting candidates remain present during the poll or not. As per the instructions enumerated above there is no question of more than one agent of any candidate remaining present inside polling station at an given point of time. However, it would be the duty of the sector magistrates and the observers to keenly observe this aspect. Wherever they come across any thing anomalous with regard t presence or absence of the polling agents, they should further verify the situation from the point of view of possible threat of intimidation to the polling agents of any of the contesting candidates.

Copies of these instructions shall be forwarded to all the political parties in the State as well as the candidates and brought to the notice of the voters as well through a suitable press release.

This may also be brought to the notice of all Observers/DEOs/Ros without fail.

Receipt of this letter with its enclosures shall be acknowledge immediately.

Account of entry passes issued to polling agents

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

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

6. **Unused entry passes**

**Signature and seal of
Presiding Officer**

Specimen of entry pass
To be issued by Presiding Officer on poll day

Sl. No. _____
<i><u>ENTRY PASS</u></i>
AC No. & Name: _____
Polling Station No. & Name: _____
Name of Candidate: _____
Name of Polling Agent: _____
Name of Relief Agents, if any: _____
Signature of Presiding Officer

INSTRUCTION SI. No. 18

Election Commission's letter No. 464/INST/2008-EPS Dated: 24th October, 2008 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Restrictions on Presiding (and other) officer to go near the voting compartment.

It has come to the notice of the Commission that some polling officers and polling staff frequently go to the ballot compartment at the time of polling to explain to the illiterate voters about how to use EVM. This gives scope for the polling agents of the candidates and political parties to make allegations about the neutrality of the polling staff. In order to ensure that the conduct of the presiding officer and other polling staff in no way gives scope for any complaint the Commission has issued the following instruction for the strict adherence:-

1. The D.E.O shall supply a printed sample of EVM ballot unit pasted on a cardboard (real size) to all the presiding officers along with other polling materials at the time of dispatch. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in color so that 'blue button' 'green light' and 'red light' etc are clearly represented.
2. 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.
3. The Presiding Officer or other polling staff shall not visit frequently the voting compartment as that may give scope for complaints.
4. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents.
5. Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and properly enquired. The observers are being instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission. These instructions shall be brought to the notice of all presiding officers during their training. Besides, a copy of these instructions shall also be put in the kit handed over to the presiding officers along with other documents handed over at the time of dispatch. All political parties and candidates may also be informed about this new instruction.

INSTRUCTION SI. No. 19

Election Commission's letter No. 78/2004/PLN-I, dated 07.04.2004 addressed to the Chief Secretaries, the Chief Electoral Officers of all States and Union Territories and the Secretary to the Govt. of India. M/o P.P. & P, Department of Personnel & Training

Subject: - Grant of paid holiday to employees on the day of poll - regarding.

I am directed to invite your attention to Commission's letters No."8 99-PI.N-I dated, 06.04.1999 and to state that The Goa MRF Employees Union (Trade Union) had filed a writ Petition in the High Court of Bombay at Panaji (Goa) challenging the legality of contents of para 4 of above said letter and the Hon'ble High Court has struck down para 4 of the above said letter and directed concerned authorities to take appropriate action regarding declaration of holiday(s) on the poll day(s) by the Central/State Governments in connection with General Elections and Bye-elections to the House of the People and State Legislative Assemblies.

2. The Representation of the People Act. 1951 amended in August, 1996 added a new Section 135B to the Act. The Section 135B is reproduced below:-

"135B. Grant of paid holiday to employees on the day of poll.

- (1) 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 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 he would have drawn had not a holiday been granted to him on that day.
- (3) If an employer contravenes the provisions 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."

3. The above provisions require that all establishment and shops shall be closed on the day of poll in the Constituency where a General/bye-election is to be held. However,

there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving/employed in an industrial undertaking or an establishment located outside the Constituency having a general/bye-election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under the Section 135B(1) of R.P. Act, 1951.

4. The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of R.P. Act, 1951.

5. The Commission desired that suitable instructions should be issued to all concerns and a copy thereof be endorsed to the Commission for its information and record.

6. The receipt of this letter may please be acknowledged.

INSTRUCTION SI. No. 20

Election Commission's letter No. 4/2004/JS-II/Vol-II, dated 29.09.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: - Provision of Rule 49(O) of the Conduct of Elections Rules 1961, regarding electors deciding not to vote.

I am directed to state that the Commission received a number of complaints from the members of public during the last elections held in April – May, 2004, that the polling officers could not provide assistance/guidance to those electors who expressed their intention at the polling stations not to record their votes in favour of any candidate. In this context, your attention is invited to Rule 49(O) of the Conduct of Elections Rules 1961 which provides that 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. The procedure to be followed in such cases is explained in Chapter XX of Handbook for Presiding Officers (2004).

The abovementioned provision of law may be brought to the notice of all District Election Officers, Returning Officers and the Presiding and Polling Officers so that there is no confusion at the time of poll. At the training classes, the Presiding Officers and Polling Officers may be briefed about this provision of Rules and the instructions in the Handbook for Presiding Officers referred to above.

It may be noted that the preliminary formalities of identification, marking of indelible ink etc. are also required to be followed before an elector chooses to exercise the option of not voting under rule 49(O).

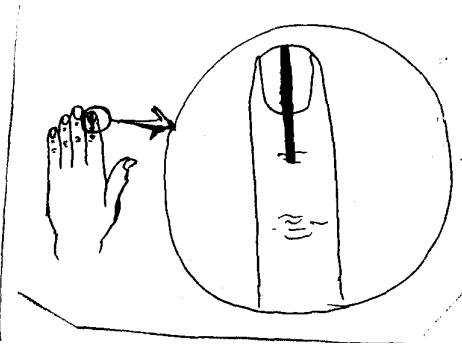
Kindly acknowledge receipt.

INSTRUCTION SI. No. 21

Election Commission's letter No. 54/2/2005/PLN-IV, dated: 09.01.2006 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Application of indelible ink on electors finger - regarding.

I am directed to state that the Election Commission has decided that in all elections to be conducted after 1.2.2006, the indelible ink will be applied on voter's finger as a line from the top end of the nail to the bottom of the first joint of the left fore finger as shown in the diagram below.



2. M/s Mysore Paints and Varnish Limited, the manufacturer of indelible ink, has intimated that approximate quantity of indelible ink for each booth covering 1400 voters would be 10ml x 2 bottles. A copy of the letter from M/s Mysore Paints and Varnish Limited in this regard is also enclosed herewith.

3. Therefore, requirement of indelible ink may be assessed and procured accordingly for future elections.

4. A copy of these instructions may be sent to all District Election Officers, Returning Officers and Assistant Returning Officers. These instructions may be brought to the notice of all Presiding Officers and Polling Officers at the time of elections.

INSTRUCTION SI. No. 22

Election Commission's letter No. 464/INST/2008/EPS Dated: 16th January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: General Elections to the Lok Sabha, 2009 – Manning of booth office - Regarding.

It has been brought to the notice of the Commission that some anti-social and Goonda elements are being used by political parties/candidates to man the booth office (beyond 200 meters, one table and two chairs as prescribed by Commission vide its letter no. 464/INST/2008/EPS, dated 12.01.2007). It is observed that such elements presence in the vicinity of the polling station is intimidating and vitiating the atmosphere for a free and fair poll. Having considered this, the Commission has issued the following directions: -

- (i) The persons who are nominated by the political parties/candidates to man such booths shall be a voter in the same polling station area. He shall also have an EPIC and whenever any Sector Magistrate/Observer ask the person to disclose his identity, he will show the EPIC.
- (ii) The political parties/candidates shall take care to ensure that they do not put any person with criminal antecedents on the job to man such booths.

2. In case this instruction is not followed by any political party/candidate, immediate action shall be taken by the Returning Officer. Besides, the local police shall keep a close watch over the movement of such persons so that they do not create any disturbance in the polling area or in the vicinity.

3. This may be brought to the notice of all concerned.

INSTRUCTION SI. No. 23

Letter No.464/INST/2006/PLN-I Dated: 20th April, 2006 addressed to the Chief Electoral Officers, Kreaala, Tamil Nadu, West Bengal and Pondicherry.

Subject : General Elections to State Legislative Assemblies 2006 – Prevention of electioneering within the prohibited area around polling stations – Instructions regarding use of Cellular Phones.

It has come to the notice of the Commission through media reports that election authorities in some of the states are not aware of its instruction No. 464/INST/98/PLN-I, dated 14.02.1998 regarding prevention of electioneering within the prohibited area around the polling stations on the date of poll and to maintain law and order in the counting centers at the time of counting of votes mentioned in Compendium of Instructions on Conduct of Election 2004 at item No. 167. It is once again reiterated that the instructions contained in the above referred order may be scrupulously followed and no cellular phones, cordless phones, wireless sets etc. in any case, be allowed in side the polling stations and counting centres during the General Elections to State Legislative Assemblies, 2006.

These restrictions, however, will not apply to the officers in charge of law and order and security personnel put on duty as well as observer appointed by the Commission and the officers in charge of counting centre.

The implementation of the above instructions shall be ensured by the `Returning Officers and it shall be their personal responsibility that there is no deviation from the Commission's instructions.

INSTRUCTION SI. No. 24

Election Commission's letter No. 464/INST/2008/EPS Dated: 21st January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: General Election to the Lok Sabha, 2009 – Carrying of copy of electoral rolls inside the polling station by polling agents – Regarding.

It has been brought to the notice of the Commission that in some polling station the Presiding Officer did not allow the polling agents to carry the copy of electoral roll supplied to them through the candidate/political parties and make tick marks whenever voters cast their votes. A clarification has been sought by some of the Observers as to whether polling agents can be allowed to make tick marks in the copies available with them or not. In this regard, the Commission clarifies that the polling agents may be allowed to carry their copy of electoral rolls inside the polling station and make tick marks whenever voters cast their vote.

However, it is clarified that under no circumstances, the polling agents can be allowed to carry the electoral roll copy available with him outside the polling station during the course of the polling and till the polling is closed either by himself or through the relieving agent. It is also clarified that, under no circumstances, the agents can be allowed to send slips outside indicating the Serial Numbers of the voters who have voted or not voted.

This may be brought to the notice of all concerned.

INSTRUCTION SI. No. 25

Election Commission's letter No. 464/INST/2008/EPS Dated: 21st January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: January 11, 2005 of the Hon'ble Supreme Court in Civil Appeal No.9228 of 2003 - (Janak Singh Vs. Ram Das Rai and others) - reg.

I am directed to say that the Hon'ble Supreme Court in its Judgement cited above has given certain suggestions/directions in the matter of conduct of free and fair election.

The Commission has considered the matter and has directed that the following measures shall be taken at the current general election in your State:-

1. **CPF personnel to keep a watch on the proceedings in the polling stations**

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

2. **Videography at the polling station**

The Commission has already issued instructions for videography of critical events of the election process and also at hypersensitive and sensitive polling stations to the extent possible. However, videography of proceedings inside the polling stations was not permitted as per the earlier instructions. In deference to the suggestion of the Hon'ble Supreme Court, the Commission directs that videography of the poll proceedings may be carried out inside the polling stations also. However, considering the practical difficulties in covering all polling stations, the Commission has decided that such videography may be done in only those polling stations where the observer considers it necessary. However, proper care shall be taken to ensure that while doing the videography, the same does not violate the secrecy of vote. No photography/videography shall, however, be allowed by the media persons or by any other unauthorized persons inside the polling station, to maintain general order and secrecy of vote. The videography of all other critical events of electoral process shall continue to be done.

3. **Utilization of Election Funds**

The Chief Electoral Officers should keep a strict and close watch over the election expenditure by their office and by the District Election Officers/Returning Officers and other authorities concerned, to ensure that election funds are not utilized for purposes other than for the conduct of elections.

4. **Conduct of Observers**

The Commission has already instructed the Observers at the time of briefing, not to accept lavish hospitality offered by the State Administration. The Hon'ble Supreme Court has now also directed that the Observers should not accept undue hospitality of the State. This may be brought to the notice of all authorities concerned and all Observers in the State for strict compliance.

Kindly acknowledge receipt and intimate action being taken.

INSTRUCTION SI. No. 26

Election Commission's letter No. 464/INST/2009/EPS Dated: 21st January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories

Subject : Instructions to be followed by Presiding Officers at the polling station at the end of poll

I am directed to state that the Commission has received complaints in the past that some of the Presiding Officers do not close the EVM by pressing the 'CLOSE BUTTON' after the end of poll for subsequent manipulation.

The Commission has been issuing various instructions in the interest of free and fair poll from time to time.

The Commission desires that following instructions may be brought to the notice of all District Election Officers, Returning Officers, Presiding Officers, Observers and political parties immediately: -

- (i) All Presiding Officers shall close the EVM by pressing 'CLOSE BUTTON' at the end of poll in presence of polling agents, as may be present.
- (iii) All Presiding Officers shall draw a line at the end of poll after the last entry in Form 17A and shall record the signed statement thereafter "The serial number of last entry in Form 17A is _____" and obtain the signatures of all polling agents, as may be present, below this statement.
- (iii) All Presiding Officers shall give one attested copy of Form 17C (Account of Votes Recorded) at the end of poll to all polling agents, as may be present, irrespective of their asking.

INSTRUCTION SI. No. 27

Election Commission's letter No.576/3/2008/SDR Dated : 11th November, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Instructions regarding underlining of entries in the marked copy of the electoral roll in respect of those electors who cast their vote-Revised procedure in the case of photo electoral roll constituencies- regarding.

There are instructions in the Handbook for Returning Officers and the Handbook for Presiding Officers that when an elector has been allowed to vote, the entries relating to his name should be underlined in the marked copy of the electoral roll to ensure that such voter does not vote again should he/she come again for voting. These instructions were framed in the context of the non-photo electoral roll where each page of the electoral roll contains only one column of names of electors and the other columns in the page relate to other particulars of the elector.

In the case of the photo electoral rolls (PER) , each page of the electoral roll contains 3 or 4 columns of boxes, each box containing details relating to individual electors. Underlining the entries is not considered convenient in the case of PER constituencies. Therefore, the Commission has directed that in the case of PER constituencies, when an elector is allowed to cast vote at the polling station, a line will be drawn, in red ink, diagonally across the box containing the particulars pertaining to that elector in the marked copy of the PER. Further, for easy verification and calculation of number of male and female voters, the serial number of the voter will be rounded off in the case of female voters. A sample page is enclosed for reference.

These instructions may be brought to the notice of all election authorities concerned. The polling personnel should be briefed about this procedure at the having clauses conducted for them.

INSTRUCTION SI. No. 28

Election Commission's letter No. 464/INST/2009/EPS Dated: 21st January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories

Subject : Ordering of adjourned poll due to delay in polling

The Commission has been issuing instructions from time to time in the interest of free and fair elections.

It has come to the notice of the Commission that sometimes polling at some of the polling stations gets delayed for unduly long hours due to various reasons and due to this delay, some of the bonafide voters leave the place and fail to exercise their franchise.

The Commission after considering this issue feels that an adjourned poll should be held at all those polling stations where polling fails to start for two hours. These instructions may be brought to the notice of all District Election Officers, Returning Officers and Observers for strict compliance while making recommendations for repoll/adjourned poll.

INSTRUCTION SI. No. 29

Election Commission's letter No. 576/3/2004/JS-II, dated 11.05.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: - General Election to the House of the People, 2004 — violation of the provisions for maintenance of secrecy of voting -Instructions - Regarding.

I am directed to forward herewith a copy of the Commission's Order dated 11th May, 2004 on the subject cited. The Commission's directions therein may be brought to the notice of all Returning Officers and other election related authorities for necessary action.

Kindly acknowledge receipt.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 576/3/2004/J.S.II

Dated 11th May, 2004.

ORDER

Sub-rule (1) of Rule 49M of the Conduct of Elections Rules, 1961, provides that every elector who has been permitted to vote under rule 49L of the said Rules, shall maintain secrecy of vote within the polling station. As per sub-rule (6) of the said rule 49M, if an elector who has been permitted to vote, refuses after warning given by the Presiding Officer, to observe the procedure laid down in sub-rule (3) of the said rule, such elector shall not be allowed to vote.

Certain instances of violation of the provisions of the aforesaid rule 49M, and recording of votes by the voters in Electronic Voting Machines in violation of the said provisions, have been brought to the notice of the Commission in the States of Bihar, Uttar Pradesh and Jammu & Kashmir at the poll taken for the current general election to the House of the People.

The Commission has considered the matter. The Commission has noted that while the above-referred sub-rule (6) of rule 49M provides for disallowing an elector to cast vote if he violates the provisions for maintenance of secrecy of voting as laid down in the said rule, the rules are silent on the action to be taken in the case of vote recorded in the EVM in violation of the provisions of rule 49M. The Commission is of the view that this is a vacuous area in the Rules which needs to be covered by supplementary instructions of the Commission. Accordingly, the Commission has directed that if votes are recorded by electors in violation of the provisions for maintenance of secrecy of voting as laid down in rule 49M of the Conduct of Elections Rules, 1961, such votes should be invalidated, by reducing the vote, at the time of counting of the votes, from the tally of the candidate in whose favour such vote has been cast. Such a provision would be consistent and with the provisions of sub-rule (6) of rule 49M which deals with the procedure to be followed in case of violation of the prescribed provisions prior to casting of vote.

INSTRUCTION SI. No. 30

Letter No.464/INST/2006/PLN-I Dated: 20th April, 2006 addressed to the Chief Electoral Officers, Kerala, Tamil Nadu, West Bengal and Pondicherry.

Subject : General Elections to State Legislative Assemblies 2006 – Prevention of electioneering within the prohibited area around polling stations – Instructions regarding use of Cellular Phones.

It has come to the notice of the Commission through media reports that election authorities in some of the states are not aware of its instruction No. 464/INST/98/PLN-I, dated 14.02.1998 regarding prevention of electioneering within the prohibited area around the polling stations on the date of poll and to maintain law and order in the counting centers at the time of counting of votes mentioned in Compendium of Instructions on Conduct of Election 2004 at item No. 167. It is once again reiterated that the instructions contained in the above referred order may be scrupulously followed and no cellular phones, cordless phones, wireless sets etc. in any case, be allowed in side the polling stations and counting centres during the General Elections to State Legislative Assemblies, 2006.

These restrictions, however, will not apply to the officers in charge of law and order and security personnel put on duty as well as observer appointed by the Commission and the officers in charge of counting centre.

The implementation of the above instructions shall be ensured by the Returning Officers and it shall be their personal responsibility that there is no deviation from the Commission's instructions.

INSTRUCTION SI. No. 31

Election Commission's letter No.PS/AK/2005, dated 10.09.2005 addressed to the Chief Electoral Officers of Bihar, West Bengal, Uttaranchal and Haryana [*Further modification in these instructions have been issued vide Commission's letter No. PS/AK/2005, dated 13.10.2005 (Item No.182)*].

Subject : Movement of Patrolling Magistrates/Sector Magistrates between various polling stations on the day of poll and making an entry in the 'Visit Sheet'

The Commission has desired that various Patrolling Magistrates Sector Magistrates will keep oscillating between various polling stations allotted to them on the day of poll to supervise the conduct of poll and make an entry in the 'Visit Sheet' (as enclosed with this letter) to be kept with the Presiding Officer on the day of poll.

Similarly, Zonal Magistrates, DEOs, ROs, AROs and Observers whenever they visit any polling station, shall also make entry in the aforesaid Visit Sheet. This Visit Sheet shall be sealed by the Presiding Officer in a separate cover and deposited as non-statutory cover after the end of the poll. The cover should superscribe 'Visit Sheet' on the day of poll dated _____. All DEOs shall make necessary arrangements to supply the Visit Sheets & covers to polling parties along with other material. All DEOs, ROs shall also cover these instructions at the time of training of Presiding Officers.

This may kindly be communicated to all DEOs, ROs, Presiding Officers and Observers immediately.

VISIT SHEET

Day of Poll: _____

Name and Number of Assembly : _____

Name and Number of Polling Station : _____

Number of Electors : _____

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

Signatures of Presiding Officers
(with date)

A2 – ARRANGEMENTS FOR ELECTORS ON THE DAY OF POLL

INSTRUCTION SI. No. 32

Election Commission's Order No. 576/11/ESO24/94-J.S.II dated 21.10.1994

Subject: General elections to State Legislative Assemblies -1994 Special facilities in polling stations for women electors

ORDER

Article 326 of the Constitution provides that the elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of universal adult suffrage. The said Article provides as follows:-

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."

2. It is further provided in Article 325 of the Constitution that:-

325. "No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex. - There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them."

3. Thus, the female electors in the country have the same electoral rights in the matter of elections to the House of the People and the State Legislative Assemblies as are granted to male electors.

4. But it has been observed that in certain States or in certain areas of the States the participation of female electors at the said elections has been comparatively low in comparison to male electors.

5. There can be several reasons for such low percentage of participation of women electors in elections. Some of these reasons may be attributed to social and religious taboos, particularly among the 'purdahnasheen' women in a particular community or women of certain other communities observing purdah system in the presence of family and village elders, or to sentimental reasons in some tribal areas, especially in the North-Eastern region.

6. The Commission is anxiously concerned about such low participation of women electors in elections. The Commission would like all such steps to be taken as would enable as large a number of women electors as possible to fully participate in the electoral process without reservations so that elections become more meaningful and democratic. In particular, the Commission would like to ensure that no woman elector is deprived of, or feels inhibited in the exercise of her right of franchise on account of any lack of facility in the polling station particularly in the matter of identification or application of indelible ink with full regard to privacy, dignity and decency of women electors.

7. Rule 34 of the 'Conduct of Elections, Rules, 1961 specifically provides that-

(1) Where a polling stations - 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 searching any woman elector in case it becomes necessary.

8. In order to ensure that the women electors fully participate in elections and the turnout of women electors is improved, the Commission has issued several instructions from time to time. The Commission has already issued directions in Chapter II of "Handbook for Returning Officers," that in places where two polling stations are set up in the same building or compound, there is no objection to

allotting one of them for men and the other for women. The Commission has further clarified that even in the common polling stations, separate queues for men and women should be formed. The Commission has also directed that when separate polling stations are provided for men and women voters of a particular polling area, these should, as far as possible, be located in the same building.

9. Attention in this regard is also drawn to Chapter VIII of the "Handbook for Returning Officers, where it has been clarified that where there are a large number of women electors, especially 'purdahnasheen' women, women Polling Officers should be appointed to carry out the duty of identifying the electors.

10. In order that no sections of women for reasons of social or religious customs are prevented from exercising franchise only because of lack of privacy and other required facilities in polling stations, the Commission, in elaboration of its instructions contained in the Handbook, hereby directs that-

(i) it shall be the responsibility of the Chief Electoral Officer, District Election Officer, Returning Officer, Assistant Returning Officer and Presiding Officer to ensure that special arrangements, whenever required, are made for women electors to exercise their franchise in the presence of Lady staff;

(ii) such areas and polling stations should be identified forthwith:

(iii) in such identified areas/polling stations, lady staff must be necessarily included in the team of polling parties for such polling stations;

11. The Commission also directs that:-

(i) to protect the sensitivity regarding privacy of women voters, separate enclosures for identification of 'purdahnasheen' women should be provided in the polling station with locally available but absolutely inexpensive devices and using local ingenuity, such as use of charpoys or cloth such as bed spreads.

(ii) Where the number of female electors is significant (say 50% or above) and in areas where the system of Burqa or purdah is observed as a social custom, in each of these polling stations at least one Polling Officer must be a lady Polling Officer.

(iii) In polling stations exclusively meant for women electors, the polling personnel should have as many lady officer as available, consistent with overall security requirements.

(iv) In other polling stations also to the extent possible and available, at least one lady polling officer shall be appointed for identifying and assisting the women electors. In the matter of identification of women electors, the services of lady village level workers, Gram Sevikas, and lady school teachers, etc., can be made use of for this purpose.

12. If women officials are not available for such a duty in required number, the Returning Officer or the Presiding Officer has in terms of rule 34(2) of the Conduct of Elections Rules, 1961 the authority and the responsibility to exercise his power to appoint 'any' woman to serve as an attendant at the polling station to assist women electors and also to assist Presiding Officer in respect of women electors. The Commission has directed that the RO/Presiding Officer should make use of this provision to ensure that the privacy and sensitivity of the women electors are protected. While choosing such a person who could be any woman of the locality, special care should be taken to ensure that such persons as are appointed for this purpose do not have any known leanings for or allegiance to any political party or candidate.

13. The Commission further directs that widest possible publicity should be given to the special arrangements made for enabling women electors to exercise their franchise in the presence of women polling officers. This should also be highlighted in the training classes for Presiding Officers/Assistant Returning Officers/Sector Magistrate and other Supervisory Officers who will be responsible for implementing the Commission's directions.

The receipt of this order should be knowledge immediately.

INSTRUCTION SI. No. 33

Election Commission's letter No. 458/4/98/PLN-IV dated 01.06.1998 addressed to CEOs of 1. Andhra Pradesh, 2. Assam, 3. Bihar, 4. Haryana 5. Himachal Pradesh, 6. Jammu & Kashmir, 7. Karnataka 8. Kerala, 9. Maharashtra, 10. Orissa, 11. Punjab 12. Uttar Pradesh, and 13. Tripura.

Subject: Bye-elections in June, 1998 - Facilities at Polling Stations during the hot weather conditions

I am directed to state that the Commission, after taking into account the extreme heat and weather conditions prevailing in most of the States during the first week of June, 1998, hereby directs that for the elections being held on 3rd June, 1998 as the date of poll, as far as possible, the following precautions be taken and provisions be made:

- (I) Provide covered shelter for the electors at every polling station and if necessary have the extra rooms available in the building opened for electors to take rest.
- (ii) Make adequate arrangements at every polling station for storage of drinking water in earthen pots and one employee or a daily wage earner shall be deployed at every polling station to continuously refill the water pots.
- (iii) Every polling party shall be supplied with oral dehydration medicines for their own use as well as for use in case of any voter needing the same due to heat stroke.
- (IV) Every polling party shall be supplied with sugar and salt for oral dehydration therapy purposes.
- (v) Have one page hand bills prepared by the Chief Medical Officers on "Dos and Don'ts" of heat stroke first aid and supply the hand bills to each of the polling parties.
- (vi) The DEO of each district where the constituencies that are going to poll are located shall requisition the services of para medical staff from the offices of the Chief District Medical Officers and one such Para Medical Staff member shall accompany every mobile Patrol Unit and Sector Officer in their vehicles along with essential heat-stroke medicines. Such mobile patrol units shall touch every polling station once in every hour so that instant medical assistance would be available to any voter needing such help besides the first aid facilities given to the polling parties.
- (vii) Also appeal to the electors to carry wet towels to protect themselves against dehydration and also advise women electors to avoid bringing children along with them to polling stations due to hot weather conditions.

Kindly acknowledge receipt and confirm action taken.

INSTRUCTION SI. No. 34

Election Commission's letter No. 23/LOCATOR//2007-ERS Dated : 5th November, 2007 address to the Chief Electoral Officers of all the States and Union Territories.

Sub.: Preparation of electoral roll in alphabetical order – Regarding.

You are aware, at present, the electoral rolls are prepared according to house numbers of electors under rule 6 of Registration of Electors Rules, 1960. Under the said rule, the Commission can also give special instructions to prepare electoral roll of any part in alphabetical order, if it feels that the same is more convenient.

2. The Commission has been receiving reports from various sources that some times at the time of polling, electors/polling personnel find difficulties in locating the names of electors in the electoral rolls.

3. After considering various aspect, the Commission has issued the following directions -

- (i) for each premises/building location where three or more polling stations are located, a team of officials will be appointed for each such premises/building with the objective of facilitating the voter to locate his/her particular polling station number and the serial number of that voter in that electoral roll in the concerned polling station;
- (ii) necessary arrangement for sitting of the teams with a proper sized signage indicating, “VOTER ASSISTANCE BOOTH” in every location of premise/building where three or more polling stations have been set up, shall be provided;

- (iii) the “VOTER ASSISTANCE BOOTH” shall be set up in such a manner that the same is conspicuous to voters as they approach the premise/building;
- (iv) part-wise electoral roll in alphabetical order for each assembly constituency shall be generated in the same format as that of electoral roll i.e. in same 8 columns and kept at “Voter Assistance Booth”.;
- (v) the alphabetical arrangement of names within a part need not be further divided section wise. Partwise arrangement of e-detail (elector detail) sorted by name in alphabetical order should be sufficient to locate a voter’s name quickly.
- (v) The alphabetical list should preferably be printed in English. Wherever the roll is printed in other vernacular language the same can be transliterated in English if the database is in UNICODE. In case of problem, the alphabetical arrangement of names can be made in the same language in which the roll is printed.
- (vi) The names appearing in the Supplements as Addition List can be separately sorted in alphabetical order. The components of deletions and corrections need not be printed in the Locator. However, it should be ensured that only the modified database i.e. with “strike off” of the entries deleted in the supplement and carrying out corrections as per the supplement, is used for preparing and printing of the alphabetical list.
- (vii) the team of officials manning “VOTER ASSISTANCE BOOTH” shall be provided copies of the alphabetical list of electoral roll alongwith complete sets of electoral roll to be used in the polling stations located in that particular premise/building;

- (viii) The voter assistance team will locate the Booth No. and Serial No. of every voter seeking such information from them and inform the voter. (The voter may be advised to note the information properly.)
 - (ix) The voter will be able to vote on fulfillment of all relevant condition (like production of EPIC etc.) and on the Presiding Officer's reasonable satisfaction based on independent verification.
 - (x) In single / double Polling Station buildings, no separate team or Voter Assistance Booth would be required. Instead, in such cases, the list of alphabetical electoral roll shall be provided to Presiding Officer of each polling station for easy identification of electors inside the polling station. This will be in addition to the working copies (of which one is used as Marked Copy) supplied to each polling party.
4. A sample of electoral roll generated in alphabetical order is enclosed.
 5. The receipt of this letter may please be acknowledged with confirmation that relevant instructions have been issued to concerned District Election Officer/Returning Officer and other connected officers for future compliance. A copy of instructions so issued in this behalf may also be endorsed to the Commission for its information and record.

ELECTORAL ROLL - 2007
State - GOA

No., Name and Reservation Status of Assembly Constituency : 1-Mandrem (General)		Part No. : 1		
No., Name and Reservation Status of Parliamentary Constituency in which the Assembly Constituency is located : 1-Panaji (General)				
1. DETAILS OF REVISION				
Year Of Revision : 2007	Roll Identification :			
Qualifying Date : 01/01/2007	Basic Roll of Intensive Revision, 2006 Integrated with all Supplements preceeding Summary Revision 2007			
Type Of Revision : Summary				
Date Of Publication : 06/11/2006				
2. DETAILS OF PART & POLLING AREA				
No. & Name of the sections in the part :				
1.Near Church, Tiracol				
2.Near Hill Rock Restaurant, Tiracol				
		Main Village : Tiracol Police Station: Pernem Police Station Pernem-Goa Tehsil : Pernem District : North Goa PIN Code : 403524		
3. POLLING STATION DETAILS				
No. and Name of Polling Station :		Type of Polling Station (Male/ Female/ General)		
1, Tiracol		General		
Address of Polling Station :		Number of Auxillary Polling Station in this part		
Government Primary School, Tiracol		0		
4. NUMBER OF ELECTORS :				
Starting Sl. No.	End Sl. No.	Total Number Of Electors		
		Male	Female	Total
1	165	85	80	165

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
68	68	Asade Hanumant	F	Asade Bhagoji	M	40	GA/01/001/000062
142	108	Dias Aien Caridade	F	Dias Caridade	F	24	CDM3600251
# 144	108/A	Dias Alex	F	Dias Sebastiao	M	51	CDM0128645
# 138	107	Dias Antonio Sebastiao	F	Dias Sebastiao	M	48	CDM0124479
140	108	Dias Caridade	F	Dias Sebastiao	M	50	GA/01/001/000009
141	108	Dias Elizabate	H	Dias Caridade	F	46	GA/01/001/000046
137	107	Dias Estelina S	H	Dias Sebastiao	F	66	GA/01/001/000013
139	107	Dias Olga Antonio	H	Dias Antonio	F	36	GA/01/001/000012
# 143	108	Dias Savio Caridade	F	Dias Caridade	M	21	CDM0124529
136	107	Dias Sebastiao G.	F	Dias Gregory	M	78	GA/01/001/000003
24	18/A	D'Mello Johny Ubal	F	D'Mello Ubal	M	46	GA/01/001/000051
25	18/A	D'Mello Natalina Johny	H	D'Mello Johny	F	43	CDM5405923
26	20	D'Souza Alex Xavier	F	D'Souza Xavier	M	63	GA/01/001/000120
9	6	D'Souza Ana Mari	H	D'Souza Methew	F	76	
6	4	D'Souza Anaruzaria Andre	H	D'Souza Andre	F	66	GA/01/001/000056
5	4	D'Souza Andre Joaquim	F	D'Souza Joaquim	M	75	GA/01/001/000001
34	24	D'Souza Angelina	H	D'Souza Gabriel	F	84	
60	40/1	D'Souza Benedit	F	D'Souza Lourensa	M	40	GA/01/001/000008
58	40	D'Souza Camilo Lourensa	F	D'Souza Lourensa	M	46	GA/01/001/000026
10	6	D'Souza Caridada	F	D'Souza Methew	M	41	
44	29	D'Souza Cecilia Joaquim	H	D'Souza Joaquim	F	66	GA/01/001/000035
32	21	D'Souza Constancio Cyril	F	D'Souza Cyril	M	32	GA/01/001/000043
30	21	D'Souza Cyril Mingel	F	D'Souza Mingel	M	55	GA/01/001/000024
62	40/2	D'Souza Damiao	F	D'Souza Lourence	M	52	GA/01/001/000083
69	69	D'Souza Diogo Constancio	F	D'Souza Xavier	M	66	GA/01/001/000081
7	4	D'Souza Eojena Andre	F	D'Souza Andre	F	39	GA/01/001/000110
70	69	D'Souza Eugenia	H	D'Souza Diogo Constancio	F	56	GA/01/001/000061
28	20	D'Souza Eulogius Charles	F	D'Souza Alex	M	30	CDM5405931
40	27	D'Souza Fatima	F	D'Souza Sabestiao	F	27	
59	40	D'Souza Feria Camilo	H	D'Souza Camilo	F	39	GA/01/001/000059
8	4	D'Souza Fermio Andre	F	D'Souza Andre	M	34	GA/01/001/000030
46	29	D'Souza Francis Joaquim	F	D'Souza Joaquim	M	36	GA/01/001/000129
31	21	D'Souza Gracy Cyril	H	D'Souza Cyril	F	53	GA/01/001/000039
71	69	D'Souza Gregorio	F	D'Souza Diago Constancio	M	31	
37	27	D'Souza Jasmine	F	D'Souza Sabestiao	F	34	GA/01/001/000037
51	34/A	D'Souza Jokina L.	H	D'Souza Sabestiao	F	76	
48	30	D'Souza Joseph	F	D'Souza Custan	M	81	GA/01/001/000067
61	40/1	D'Souza Lucy	H	D'Souza Benedit	F	38	GA/01/001/000057
50	30/A	D'Souza Marajal	H	D'Souza Louis	F	73	CDM0126565
45	29	D'Souza Matilda Joaquim	F	D'Souza Joaquim	F	38	GA/01/001/000028
39	27	D'Souza Michael	F	D'Souza Sabestiao	M	30	GA/01/001/000022
63	40/2	D'Souza Miliagnin	H	D'Souza Damiao	F	41	GA/01/001/000058
41	27	D'Souza Monica	F	D'Souza Sabestiao	F	25	
49	30	D'Souza Piadad	H	D'Souza Joseph	F	76	
27	20	D'Souza Quitar Alex	H	D'Souza Alex	F	54	GA/01/001/000016
38	27	D'Souza Robert	F	Dsouza Sabestiao	M	32	GA/01/001/000128
47	29	D'Souza Rosy	F	D'Souza Joaquim	F	30	
36	27	D'Souza Sabestian	H	D'Souza Sabestiao	F	58	GA/01/001/000038
35	27	D'Souza Sabestiao	F	D'Souza Gabriel	M	65	GA/01/001/000025
33	21	D'Souza Sabina Cyril	F	D'Souza Cyril	F	25	CDM5405956
72	69	D'Souza Sarto Antonio	F	D'Souza Diogo Constancio	M	29	
11	6	D'Souza Wilma	H	D'Souza Caridada	F	33	CDM5406228

Column 4 : Relation F- Father, M- Mother, H- Husband, O- Other
Column 6: Sex M - Male, F - Female

Column 7 : Age as on 01/01/2007
Column 8 : EPIC- Elector Photo Identity Card

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)	
29	20	D'Souza Xavier	F	D'Souza Alex	M	23		
56	54	Fernandes Abelina	F	Fernandes Alex	F	32	CDM5427810	
1	3	Fernandes Anaroza Xavier	H	Fernandes Xavier	F	86	GA/01/001/000055	
54	54	Fernandes Annie	H	Fernandes Alex	F	63	GA/01/001/000095	
42	28	Fernandes Basteao Manuel	F	Fernandes Manuel	M	51	GA/01/001/000021	
4	3	Fernandes Brian Sebastiao	F	Fernandes Sebastiao	M	22	CDM3600244	
135	105	Fernandes Ceastod	F	Fernandes Cosma	M	40	GA/01/001/000073	
126	103	Fernandes Ermelina	H	Fernandes Rosinol	F	67	GA/01/001/000045	
57	54	Fernandes Ignatius	F	Fernandes Alex	M	31	CDM5427547	
3	3	Fernandes Julie Sebastiao	H	Fernandes Sebastiao	F	49	GA/01/001/000056	
53	37	Fernandes Maria Magdalena	H	Fernandes Titus	F	33	GA/01/001/000127	
43	28	Fernandes Pascoal Basteao	H	Fernandes Basteao	F	47	GA/01/001/000031	
55	54	Fernandes Rose	F	Fernandes Alex	F	38	GA/01/001/000122	
2	3	Fernandes Sebastiao Xavier	F	Fernandes Xavier	M	59	GA/01/001/000071	
75	69	Fernandes Sharmina Inacio	F	Fernandes Inacio	F	22	CDM5400536	
73	69	Fernandes Sharon	F	Fernandes Inacio	F	25	CDM0125021	
74	69	Fernandes Sweta Inacio	F	Fernandes Inacio	F	22	CDM0000281	
52	37	Fernandes Titus Stephen	F	Fernandes Stephen	M	41	CDM0124842	
66	59B	Godinho Agnel Alex	F	Godinho Alex	M	41	CDM5409818	
102	84	Godinho Anthony Giermin	F	Godinho Salvador	M	35	CDM5409610	
101	84	Godinho Carmelina Salvador	H	Godinho Salvador	F	56	CDM5409651	
104	84	Godinho Helen Anthony	H	Godinho Anthony	F	32	CDM5409479	
106	84	Godinho Hillary Salvador	F	Godinho Salvador	M	22	CDM5409677	
103	84	Godinho Juzepaulo Salvador	F	Godinho Salvador	M	33	CDM5427430	
105	84	Godinho Martin Victorin	F	Godinho Salvador	M	31	CDM5427646	
#	67	59B	Gudinho Serefin Agnel	H	Gudinho Agnel	F	36	CDM0124552
165	243	Joshilkar Ashok	F	Joshilkar Apa	M	39	CDM3600319	
162	124	Joshilkar Kshna	F	Joshilkar Apa	M	54	CDM3600277	
163	124	Joshilkar Rekha	H	Joshilkar Krishna	F	40	CDM3600293	
164	124	Joshilkar Satyavan	F	Joshilkar Krishna	M	25	CDM3600285	
153	117	Lobo Agustinho	F	Lobo Joquin	M	76		
#	152	116	Lobo Derryk Domic	F	Lobo Domic	M	28	CDM0128710
151	116	Lobo Domic Santan	F	Lobo Santan	M	54	GA/01/001/000126	
154	117	Lobo Eugenia Alex	H	Lobo Alex	F	69	GA/01/001/000102	
155	117	Lobo Francis Xavier	F	Lobo Alex	M	40	GA/01/001/000132	
158	118	Lobo Izabela Xavier	H	Lobo Xavier	F	48	GA/01/001/000060	
161	118	Lobo Jonita Xavier	F	Lobo Xavier	F	20	CDM3600301	
159	118	Lobo Lorna Xavier	F	Lobo Xavier	F	23	CDM5406350	
160	118	Lobo Maria Xavier	F	Lobo Xavier	F	22		
156	117	Lobo Natalina Francis	H	Lobo Francis	F	36	GA/01/001/000098	
157	118	Lobo Xavier Jose	F	Lobo Jose	M	70	GA/01/001/000104	
20	8	Mendes Anapaulina Simao	H	Mendes Simao	F	29	CDM5400494	
#	21	8	Mendes Anthony	F	Mendes Santan	M	28	CDM0125294
12	8	Mendes Cicile Santanjocky	H	Mendes Santanjocky	F	70	GA/01/001/000050	
23	10	Mendes Claudin Gabriel	H	Mendes Diago	F	36	CDM0120014	
19	8	Mendes Emilia Francis	H	Mendes Francis	F	29	CDM5405907	
17	8	Mendes Francis Santanjocky	F	Mendes Santanjocky	M	34	CDM5409321	
#	22	10	Mendes Gabriel Diago	F	Mendes Diago	M	41	CDM0124008
14	8	Mendes Girgol Santanjocky	F	Mendes Santanjocky	M	38	CDM5406293	
13	8	Mendes Jeron Santanjocky	F	Mendes Santanjocky	M	42	CDM5406418	
16	8	Mendes Josephina Jeron	H	Mendes Jeron	F	35	GA/01/001/000108	
18	8	Mendes Liberata Girgol	H	Mendes Girgol	F	33	CDM5405915	

Column 4 : Relation F - Father, M - Mother, H - Husband, O - Other
 Column 6 : Sex M - Male, F - Female

Column 7 : Age as on 01/01/2007
 Column 8 : EPIC- Elector Photo Identity Card

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)	
15	8	Mendes Simao Santanjocky	F	Mendes Santanjocky	M	36	CDM5406236	
65	54	Mendonsa Filomena J.	H	Mendonsa Josevictor	F	66	GA/01/001/000093	
64	54	Mendonsa Jose Victor J.	F	Mendonsa Joaquim	M	72	GA/01/001/000088	
114	91/2	Pereira Anarosa Anton	H	Pereira Anton	F	45	GA/01/001/000089	
111	91	Pereira Annie Tina	F	Pereira Domingos	F	26		
113	91/2	Pereira Anton	F	Pereira John	M	50	GA/01/001/000134	
110	91	Pereira Daniel Agnelo	F	Pereira Domingos	M	30	CDM0136176	
109	91	Pereira Elvis Pascoal	F	Pereira Domingos	M	32	GA/01/001/000125	
117	92	Pereira Magdalena	H	Pereira Santanmanuel	F	56	GA/01/001/000034	
108	91	Pereira Maria Victoria	H	Pereira Domingos	F	54	CDM0129056	
107	91	Pereira Minguel Domingos	F	Pereira John	M	61	GA/01/001/000103	
119	92	Pereira Raina Roselina	F	Pereira Santanmanuel	F	24	CDM5406376	
116	92	Pereira Santan Manuel	F	Pereira Simocaitan	M	65	GA/01/001/000068	
115	91/2	Pereira Sienadefni	F	Pereira Anton	F	23	CDM5405964	
112	91	Pereira Twinkle D.	F	Pereira Domingos	F	21	CDM3600228	
118	92	Pereira Wilfred Alben	F	Pereira Santanmanuel	M	30	CDM5427414	
79	70	Rodrigues Agnelo	F	Rodrigues Jose	M	41	GA/01/001/000118	
93	73	Rodrigues Alfredo	F	Rodrigues Domic	M	27		
149	113	Rodrigues Anselm	F	Rodrigues Gabriel	M	28		
85	73	Rodrigues Anthony	F	Rodrigues Cristod	M	51	GA/01/001/000082	
89	73	Rodrigues Anymartta Joquim	H	Rodrigues Joquim	F	36	CDM5400502	
83	73	Rodrigues Augustin	F	Rodrigues Cristod	M	54	GA/01/001/000011	
82	73	Rodrigues Baltazar	F	Rodrigues Cristod	M	56	GA/01/001/000053	
77	70	Rodrigues Catarina	H	Rodrigues Jose	F	69	GA/01/001/000097	
123	100	Rodrigues Cedric A.	F	Rodrigues Manuel	M	27	CDM5406384	
146	113	Rodrigues Conscesao	H	Rodrigues Gabriel	F	53	GA/01/001/000040	
148	113	Rodrigues Costudio Minguel	F	Rodrigues Gabriel	M	30		
98	79	Rodrigues Cristalina Salvador	H	Rodrigues Salvador	F	54	GA/01/001/000014	
88	73	Rodrigues Deodita A.	H	Rodrigues Augustin	F	41	CDM0128488	
133	105	Rodrigues Diogo Francis	F	Rodrigues Manuel	M	58	GA/01/001/000106	
#	128	104	Rodrigues Domasin	F	Rodrigues Francis	M	40	CDM0124586
#	99	79	Rodrigues Fatichit Juao	F	Rodrigues Saivador	M	30	CDM0128728
80	70	Rodrigues Filomena Honarata	H	Rodrigues Honarata	F	38	CDM5406186	
87	73	Rodrigues Francis	F	Rodrigues Cristod	M	41	GA/01/001/000019	
#	129	104	Rodrigues Gregory	F	Rodrigues Francis	M	39	CDM0125435
78	70	Rodrigues Honarata Jose	F	Rodrigues Jose	M	46	CDM5406442	
86	73	Rodrigues Joaquim	F	Rodrigues Cristod	M	47	GA/01/001/000100	
#	150	113	Rodrigues Joaquina Joanita	H	Rodrigues Costudio	F	27	
76	70	Rodrigues Jose	F	Rodrigues Anton	M	76	GA/01/001/000080	
121	100	Rodrigues Julia Escolastica	H	Rodrigues Manuel J.p	F	53	GA/01/001/000032	
#	132	104	Rodrigues Julie	H	Rodrigues Zeferin	F	26	CDM0125617
120	100	Rodrigues Manuel J.p	F	Rodrigues Caridade	M	57	GA/01/001/000027	
124	100	Rodrigues Mathew	F	Rodrigues Manuel	M	27		
122	100	Rodrigues Melwyn A.	F	Rodrigues Manuel	M	28	CDM5427448	
81	70	Rodrigues Mercy Agnelo	H	Rodrigues Agnelo	F	36	CDM5406178	
94	73	Rodrigues Monty	F	Rodrigues Domic	M	25		
84	73	Rodrigues Natalina	H	Rodrigues Domic	F	53	GA/01/001/000048	
100	79	Rodrigues Olinda Ernestina	F	Rodrigues Salvador	F	24	CDM3600269	
#	95	73	Rodrigues Reagan	F	Rodrigues Domic	M	23	CDM0125377
#	131	104	Rodrigues Rita	H	Rodrigues Gregory	F	34	CDM0125302
147	113	Rodrigues Rosalina	H	Rodrigues Xavier	F	46	GA/01/001/000023	
91	73	Rodrigues Rosario	F	Rodrigues Domic	M	31	GA/01/001/000007	

Column 4 : Relation F- Father, M- Mother, H- Husband, O- Other
 Column 6 : Sex M - Male, F - Female

Column 7 : Age as on 01/01/2007
 Column 8 : EPIC- Elector Photo Identity Card

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
# 97	79	Rodrigues Salvador Domiao	F	Rodrigues Domiao	M	59	CDM0128678
90	73	Rodrigues Santan	F	Rodrigues Dornic	M	33	GA/01/001/000042
127	104	Rodrigues Sebestiana	H	Rodrigues Francis	F	65	GA/01/001/000047
92	73	Rodrigues Sebestiao	F	Rodrigues Dornic	M	29	GA/01/001/000132
134	105	Rodrigues Succorine B.	H	Rodrigues Diogo Francis	F	48	GA/01/001/000101
125	100	Rodrigues Sweeta	F	Rodrigues Manuel	F	22	CDM3600210
96	73	Rodrigues Virginia Ana	F	Rodrigues Dornic	F	21	CDM3600236
# 145	113	Rodrigues Xavier	F	Rodrigues Mingel	M	64	CDM0128646
# 130	104	Rodrigues Zeferin	F	Rodrigues Francis	M	36	CDM0125625

Place : Pernem
Date : 06/11/2006

Electoral Registration Officer
1-Mandrem Assembly Constituency

Column 4 : Relation F- Father, M- Mother, H- Husband, O- Other
Column 6 : Sex M - Male, F - Female

5

Column 7 : Age as on 01/01/2007
Column 8 : EPIC- Elector Photo Identity Card

Supplement Details

Revision ID : Summary Revision, 2007		Supplement No. : 1
		Qualifying Date : 01/01/2007
Mother Roll	: Basic Roll of Intensive Revision, 2006 Integrated with all Supplements preceeding Summary Revision 2007	
Supplement Process & Year	: Summary Revision, 2007	
Supplement Type	: List of additions, Deletions and Corrections	
Date Of Publication	: 22/02/2007	

Component List I : ADDITIONS LIST

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
166	33	D'Souza Serafina	F	D'Souza Manuel Francisco	F	60	

Number Of Additions	Male	Female	Total
	0	1	1

Column 4 : Relation F- Father, M- Mother, H- Husband, O- Other
 Column 6 : Sex M - Male, F - Female

6

Column 7 : Age as on 01/01/2007
 Column 8 : EPIC- Elector Photo Identity Card

B – COUNTING OF VOTES

INSTRUCTION SI. No. 35

Election Commission's letter NO. 470/2007/PLN-I DATED:11th January, 2007 addressed to the Chief Electoral Officers of all States and Union Territories.

Sub: Counting Centers - Arrangements there at – including security arrangements.

INSTRUCTIONS FOR FACILITIES AT COUNTING CENTRES AND MANAGEMENT OF THE COUNTING PROCESS

1. The Commission has decided to use Electronic Voting Machine in all polling stations for recording of votes. The counting of votes will be done polling station wise.
2. A counting Centre means a place where counting of votes will be done and may have one or more Counting Halls.
3. A counting Hall means a separate room walled on all sides and preferably with separate exit and entry facilities.
4. 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.
5. Each counting center will have a distinct number and within each Counting Centre each Hall will have a distinct number.
6. 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.
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.
 8. Assembly Segments must be pre-allotted to Halls and this allotment made known to all concerned in advance.
 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.
 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.
 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.
 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 taking into account all relevant factors.

13. The Commission has prescribed a format for essential information on counting centers and personal inspection by the Returning Officers. Observers of the Commission will undertake detailed inspection of counting centers during their visit and ensure that the counting Halls have been planned as per the above instructions and Assembly segments have been accordingly pre-allotted to each Hall. They will send a specific report on this to the Commission. They should also obtain relevant drawings of each counting centres and keep it as a part of the record for their final report.
14. The Counting Halls, including partitions as planned, should be got ready at least three clear days, ahead of the date of counting and a report sent by each RO to the CEO, and by the Observers to the Commission. CEOs shall send a consolidated report to the Commission. 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.
15. Three tier cordoning system should be set up in all counting centers to prevent the entry of unauthorized persons inside the counting centers. No counting agent without proper identity card having the photograph, duly displayed on its person, shall be allowed to cross the first cordon of the counting centre. Similarly, the identity of all candidates, their election agents and of all the counting staff shall also be thoroughly verified with reference to their identity cards at the first cordon itself. A senior Magistrate shall be posted at the entrance to control crowd and regulate entry.
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

17. CEOs, during their tours, will specifically review arrangements proposed and inspect as many counting centers as possible.
18. At each counting center the Observer or group of Observers will be provided a separate room or cubicle with table/chairs, a telephone with STD and a fax attached to it. This will be reserved for the exclusive use of the Observers for their communication with the Commission, in strict confidentiality.
19. The number of this telephone will be obtained from the Telephone authorities at least 15 days ahead of the counting and made known to the Commission.
20. The RO shall provide a hotline, wherever possible, with CEO and one or more separate telephone line(s) with STD facilities to keep in touch with the CEO and the Commission. A fax machine should invariably be available for use of the RO/ARO at each counting centers.
21. Media centers have to be set up at each Counting Centre. As far as possible, a separate room of adequate size should be set apart for these centers and reasonable facilities like telephone, fax, data communication network etc have to be provided. Each returning Officer is required to exclusively deploy one senior officer to be in charge of the Media Centre. Such an officer should be an Assistant Returning Officer or an officer drawn from the Public Relations Department or any other officer capable of managing this function on behalf of the Returning Officer. 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. It is important that adequate number of officers/officials are available to assist the officer in charge of the Media Centre at each counting centre so that they can escort the media groups in small manageable numbers to visit counting halls from time to time. Such visits are to be of short duration only. All such visits will be escorted visits conducted by officers identified and earmarked for this purpose in advance. For further detail on media

- management, Commission's letter No. 491/CNTG/MCS/99, dated 20th September, 1999 may please be referred.
22. The media room should be set up at some distance away from the main Counting Hall. In case of any Parliamentary or Assembly constituencies being counted in one Counting Centre with multiple Counting Halls, the media passes will be issued "Counting Centre-Wise" and not "Counting Hall-wise".
 23. 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.
 24. The arrangements for dissemination of counting trends and results to public and for media is to be made in advance so that there is absolute clarity in the matter. These are expected to provide the counting trends and results information in an organized and systematic manner in good time. These should be made known to all concerned in advance.
 25. It may also be noted that 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.
 26. 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.

27. For ensuring accuracy of the result of counting, a round-wise statement shall be prepared by the Returning Officer in the proforma annexed hereto **(Annexure for tabulating round-wise figures)**. 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 Annexure will be kept by the Observer in his folder.

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/totaling will be helpful as a double check on the accuracy of manual tabulation.

28. 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.
29. The Observer/Returning Officer will ensure that the results of **table-wise – round-wise** counting of votes are immediately displayed prominently on a notice board inside the counting center and announced through public address system. After the counting is completed and the Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise breakup kept by him in his folder and allow the result to be declared only when the figures tally with each other.
30. The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by

all Returning Officers.

31. The RO will fax round-wise data to the CEO. Wherever hot lines are available with the CEO, these will be utilized to orally confirm the contents of the fax message. CEOs would set up adequate number of fax lines with hunting line facility to receive the faxes. For this purpose, they can hire faxes or temporarily borrow fax machines from various government departments and corporations. The total number of such fax machines required, including a few in reserve, should be decided in advance and these should be positioned and tested at least 72 hours before the start of counting. The CEOs should have blank forms to note down the round wise data, if received orally on phone or hotline.
32. 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.
33. As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the PC by combining the position of the rounds of different ACs available from time to time should also be announced over the public address system,, preferably from a centralized location where the public announcement booth is located. The public announcements could be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.
34. 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.
35. 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.
36. 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_____”

37. No Returning Officer shall declare the result without receiving the authorization in the format as detailed in Para 36 above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of results.
38. The Observers can make out a joint report at the end of counting. On the day immediately following the counting, they will put together their reports, along with copies of Forms 20A, 21C and 21E and send them to the Commission. This should be done before the Observers leave the Constituency on completion of their duty. They will also ensure that the original Forms in two sets are dispatched by the RO through special messenger to the CEO, in turn, will send one set for all constituencies in his state, through a special messenger by flight, to the Commission.
39. The CEOs will keep in touch with the Zonal Secretaries on the progress of counting and the collection and dispatch of data in statutory forms as

mentioned earlier.

40. It shall be the personal responsibility of the concerned District Election Officer to ensure that all the abovementioned 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.

INSTRUCTION SI. No. 36

Election Commission's letter NO. 470/2007/PLN-I DATED: 29th August, 2007 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting of votes for General/Bye-elections to the House of People/State Legislative Assembly-ensuring transparency – regarding

The Commission has issued detailed instructions regarding the arrangements for counting centers and management of counting process including the security arrangements vide its order number 470/2007/PLN-I dated 11th January 2007.

In order to ensure a higher level of transparency in the counting process, the following arrangements would also be put in place by all District Election Officers and Returning Officers. A copy of these instructions should be given to all the Observers immediately on their arrival so that they have time to familiarize themselves with this and to take action accordingly.

Randomization of counting officials

1. The posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Center on the day of the counting.
2. 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.
3. The District Election Officer must keep a pool of well trained officials (including the reserved pool) available for counting purposes. The counting officials be directed to reach the counting center at 6 am on the date of counting. As already mentioned in Para 1 above, these officials would not be allotted the Assembly Constituency or the Table number in advance.
4. The Observers and the District Election Officer would assemble at one place for carrying out the randomization at 5 am on the day of the counting. This place may be the NIC center, Counting Center or any other office where the process can be conveniently carried out. The list of trained officials would be provided by the District Election officer to the Observers. There would be two lists, one of Counting Supervisors and another of Counting Assistants and each counting official would be

assigned a unique serial or code number which would be so labeled as to indicate clearly the category to which he belongs i.e. whether he is a Counting Supervisor or a Counting Assistant.

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.
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.
7. The District Election Officers would ensure that Videography of the process of randomization is carried out for record.
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.
9. Once the randomization process is over, the Constituency wise posting lists, duly signed by the District Election Officer and the Observers would be brought to the Counting Center by the Observers and District Election Officer, in time, to be handed over to the respective Returning Officers and the control room staff by 6 a.m.

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.
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.

Reserved Pool

12. The officials who have not been assigned any Constituency/table would form a reserved pool.
13. There would be no deployment of officials in shifts as the counting process would normally not take more than 6 to 8 hours. However, the District Election Officers would have the liberty of replacing officials in case such an exigency arises, but this replacement would also be done randomly from the pool of officials in reserve after consulting the Observer of the constituency concerned

Cross checking by the Observers at random

14. As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round.
15. A system is now being introduced through the present instructions by which there would be a random checking by the Observers, in the manner indicated below, of the table wise results provided by the counting officials.
16. During the course of counting (for a round) the observer shall keep oscillating between counting tables and closely observe the counting process.
17. At the closure of each round, the Observer would randomly select any two EVM control units from amongst the Control units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through **random selection** to independently note down from the Control units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise

result.

18. The District Election Officer/Returning Officers would ensure that there is a separate and sufficient space earmarked in the same counting hall for this random cross-checking so that the normal counting of vote for subsequent round continues without any hindrance.
19. The staff to assist the Observer for this cross checking would be randomly selected from the reserved pool. If required, after a few rounds, fresh staff from the reserved pool should replace this staff.
20. Only after being satisfied that the result displayed by the Control Unit and that shown in the round wise result sheet and Form 17C match would the Observer countersign the result sheet of the round. The Observers would ensure that this exercise is carried out in each round and the selection of the two control units is absolutely random.
21. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer as mentioned above, then:
 - (i) The result of that round for each table shall be reverified from the EVMs.
 - (ii) Such staff as is found to be wrongly noted the counting result would be taken off and replaced by another set of staff. Severe disciplinary action should then follow on the erring staff for their omissions and commissions.
 - (iii) The result provided by such staff (and table) in the preceding rounds would be checked again in presence of observer and corrected sheets prepared wherever necessary.
22. The counting officials as well as candidates and their counting agents would be informed about this provision of random cross checking to be carried out by the Observers. It would also be informed that any discrepancy found during this randomized cross checking would be viewed seriously by the Commission and could result in serious disciplinary action and prosecution of the responsible officials.
23. The Observers would continuously maintain their presence in the counting hall and periodically inspect the counting tables to ensure that counting is going on according to the instructions of the Commission in a transparent and systematic way.
24. The Observers, in their final report after the counting would specifically mention that the randomization of personnel and the random checking of Control Unit details was carried out as per the instructions of the Commission
25. All District Election Officers and Returning Officers would ensure that these instructions are strictly followed and would make all necessary

arrangements for the same.

26. 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 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.
27. 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.
28. Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staff from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting center as above. The additional staff also will be provided a ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.
29. All District Election Officers would ensure that these instructions are given wide publicity amongst the general public, the political parties, candidates, counting officials and other election related officials. It is repeated that a copy of these instructions would be provided to each election Observers immediately upon their arrival in the district.

All concerned will also strictly follow the other existing instructions of the ECI regarding the counting process. A confirmation report shall be submitted by all District Election Officers through Chief Electoral Officers by 5 p.m. of the date, one day prior to the date of counting that all necessary steps have been taken for strict implementation of the above instructions.

PROFORMA FOR RECORDING OF VOTES BY ADDITIONAL COUNTING STAFF

No. and Name of A.C. –

Round No.-

Table No.-

C U Number:

Polling Station Number:

Sl. No.	Name of Candidate (Pre-Printed)	No. of votes recorded

Date:

Signature of Addl. Counting staff (With full name)

* To be handed over to the Observer only.

INSTRUCTION SI. No. 37

Election Commission's letter No. 470/2008/EPS Dated: 19th January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting of vote for General/Bye-election to the House of People/State Legislative Assembly-ensuring transparency – regarding.

I am directed to refer to the Commission's instruction issued vide letters no. 470/2007/PLN-I dated: 11.01.2007 and 29.08.2007 on the above subject. In para 18 of the Commission's said letter dated: 11.01.2007, it is mentioned that at each counting center the Observer or group of Observers will be provided a separate room or cubicle with table/chairs, a telephone with STD and a fax attached to it. This will be reserved for the exclusive use of the Observers for their communication with the Commission, in strict confidentiality. With the introduction of new Counting System the Commission has decided that all the observers will keep a close watch on the process of counting of votes and compilation of result. The Returning officer before declaring the result of an election shall obtain an authorization for the declaration of result of an election from the observer concerned.

The observers is also required to satisfy himself about the fairness of counting of votes and the total accuracy of compilation of result. For this purpose he has to supervise the round wise counting of votes. The observer also has to choose 2 EVMs at random at the end of each round of counting for parallel verification as stipulated by the Commission. Besides, the Observer's presence is also required during counting of postal ballot. Therefore, it is evident that the role of observer in the present context of counting is very crucial and requires constant vigilance and full time involvement during counting process.

In the light of above, and in order to ensure proper watch over the counting process, the Commission has decided that in future, the Observers shall be provided a table and a chair next to the table of the Returning Officer

instead of providing a separate room for them. The seating arrangements of counting supervisors, counting assistants and micro-observers should be made in a sequence. They should not be allowed unnecessarily to roam here and there in the counting hall. Arrangements should be made for getting the information from them and providing material to them.

INSTRUCTION SI. No. 38

Election Commission's letter No. 470/2008/EPS Dated: 19th January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting of vote for General/Bye-election to the House of People/State Legislative Assembly-ensuring transparency – regarding.

I am directed to refer to the Commission's earlier instruction issued vide letters no. 470/2007/PLN-I dated: 11.01.2007 and 29.08.2007 on the above subject.

In para 17 of the Commission's aforesaid letter dated 29.08.2007, it is mentioned that –

“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”.

Further, in para 26 of the Commission's aforesaid letter dated 29.08.2007, it is mentioned that the additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table in a pre-printed statement on which there will be space for noting down the details. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.

The Commission desires that random checking of 2 EVM (control units) after each round of counting should be done seriously by the Observer as per the instructions issued by the Commission. The outcome of said random checking should be confirmed by the observer in the enclosed proforma.(ANNEXURE-I). The Commission further desires that after completion of counting, the observer should send a final report in the prescribed checklist. A copy is enclosed herewith.(ANNEXURE-II).

Kindly acknowledge receipt of the letter.

(ANNEXURE-I).

1. No. and Name of Assembly Constituency-

2. Polling Station No. -

Sl. No	Round No.	Control Unit No.		Table No.	Whether candidate wise votes counted by the counting supervisors/ Assistants and additional staff tally with the votes counted at random checking by the staff drawn from reserved pool by the observer Yes/No	Remarks
		I	II			

(ANNEXURE-II).

Check list of final Report of the observer to be sent to the Commission after counting.

1. Whether arrangements for counting has been done as per the instruction of the Commission's letters No. 470/2007/PLN-I dated. 11.1.2007 and 29.08.2007? (yes/No)
2. If No, what are the discrepancies ?
3. Whether randomization of counting staff was done as per the instruction of the Commission in the morning? (yes/No)
4. Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission? (yes/No)
5. Whether Micro-Observer was present? (yes/No)
6. Whether postal ballot papers were counted before the counting of votes in EVM*? (Yes/No)
7. Whether after each round or counting, random checking of 2(two) EVMs was done by the observer? (Yes/No)
8. Whether the figures at random checking done by staff drawn from reserve pool tally with the figures of round wise counting provided by the counting supervisor/counting assistant? (Yes/No)
9. Whether the signature of the counting agents taken in part –II of form 17 C? (yes/No)
10. Whether the total votes shown in part-II of form 17 C tally with the votes counted in EVM? (Yes/No)
11. Whether the counting agents of the candidates were present at the time of counting? (Yes/No)
12. Whether the seating arrangements of the counting agents were done as per the Commission's instruction? (Yes/No)
13. Whether Videography of counting was done ? (yes/No)
14. Whether there was any demand for recounting or re-totaling? (Yes/No)
15. Whether any significant incident occurred during counting of votes? If yes, give details

16. Whether candidates/ counting agents were present at the time of declaration of result? (yes/No)

17. Whether the counting was started in time? If not, give remarks.

18. Total No. of rounds counted in each assembly constituency.

*

No. of postal ballot	No. of postal ballot found invalid for counting

INSTRUCTION SI. No. 39

Election Commission's letter No. 576/3/2004/JS-II, dated 20.08.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject:- General Elections to Lok Sabha and certain Legislative Assemblies, 2004- supply of results sheet to public.

I am directed to state that sub-rule(2) of Rule 93 of the Conduct of Elections Rules, 1961, provides that the copies of papers relating to an election other than those mentioned in sub-rule (1) of that rule may be supplied on payment of fee for the purpose. It has been brought to the notice of the Commission that some of the Returning Officers/District Election Officers have refused to supply copies of result sheets in connection with the recent general elections.

In this connection, your attention is invited to para 9 of Chapter-XVIII of the Handbook for Returning Officers, 2004. The Commission has instructed therein that the result sheets in Form 20 may be supplied, if asked for by interested persons, on payment of fee as charged for supply of certified copies of other election records.

This may be brought to the notice of all the Returning Officers, District Election Officers etc. for their information and compliance.

Kindly acknowledge receipt.

INSTRUCTION SI. No. 40

Election Commission's letter No.470/GJ-LA/2007 Dated : 21st December, 2007 addressed to the Chief Electoral Officer, Gujarat, Gandhinagar

Subject: General Election to Gujarat Legislative Assembly 2007 – counting of votes on 23.12.07 – Fool-Proof Security arrangements in the Campus of Counting Center - regarding.

I am directed to invite your attention to the Commission's standing instructions on security arrangements and management of counting process at Counting Centers as contained in its letter No. 470/2007/PLN-I, dated 11th January, 2007. The Commission has further directed that fool-proof security arrangement shall be made inside the Counting Campus. Following should be specially attended to :-

- (i) The Campus of Counting Centers shall be thoroughly sanitized by deploying adequate security forces. No unauthorized person should be allowed in the Counting Campus,
- (ii) Strict discipline should be maintained inside the Counting Campus and no loitering should be allowed inside the Campus,
- (iii) Due care shall be taken to keep a close watch on the counting agents, election agents as well as the candidates,
- (iv) Proper attention shall be paid to the security of the Candidates, Media and other official inside the Counting Campus and
- (v) Appropriate security arrangement shall also be made to maintain law and order immediately after the declaration of counting of votes.

2. The above instruction may be brought to the notice of all the District Election Officers, Returning Officer, Observers and all other election related officers immediately for strict compliance.

INSTRUCTION SI. No. 41

Election Commission's letter No. 464/UP-LA/2007 Dated : 8.05.2007 addressed to the Chief Electoral Officer, Uttar Pradesh, Lucknow.

Sub: General Election to the Uttar Pradesh Legislative Assembly, 2007- Video coverage during counting process – Regarding.

I am directed to reiterate Commission's existing instructions regarding the procedures to be followed on the counting day and to further say that video coverage shall be ensured at every stage of the counting on 11.05.07. The Video coverage shall include the randomization process, the process of opening of strong room, transfer of EVMs from strong room to counting hall, counting hall arrangements, process of counting in general in the counting hall and process of tabulation in general at the Returning Officer's table, the process of counter checking of two EVMs as per the recent instructions of the Commission and security arrangements in and outside the counting hall/center, presence of candidates and their agents in the counting centers and the process of declaration of result, handing over of certificate of return and any other significant events that take place at any point of time during the counting process. The videography should indicate the date and time and the video cassette should be sealed after the counting process is over for future reference. Accordingly, adequate number of video teams may be deployed on the counting day.

2. This shall be brought to the notice of all concerned for compliance without any deviation.

INSTRUCTION SI. No. 42

Election Commission letter No. 470/2009/EPS Dated: 21st January, 2009
addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Counting of Votes – regarding.

In supersession of the Commission's letter No. 470/2003/JS-II dated 25.11.2003, I am directed to state that recent election demonstrated that the victory margin could be as thin as one vote. Therefore, the postal ballot could be the deciding factor at times. When the victory is determined on the basis of the margin earned in postal ballot, there is a scope for controversy as the losing candidate is expected to ask for re-verification of postal ballot.

In view of this, the Commission has directed to adopt the following instructions:-

1. On the counting day, the postal ballot counting will be taken up first and after a gap of 30 minutes, the EVM counting can also start.
2. There should be a separate table and separate arrangement for the counting of postal ballots. The candidate/their election agent shall be advised to nominate a separate counting agent and he may remain present near the table where the postal ballot counting taking place.
3. 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.
4. Before finalizing the tally of postal ballot counting, the Returning Officer should personally verify whether the postal ballots considered invalid and rejected have been verified properly before being rejected and should satisfy himself about such rejection. He should also personally verify the candidate-wise tally. Objection, if any, raised by an agent of any candidate should be properly looked into then and there so that there is no further scope for any complaint.
5. Under no circumstances, the results of all the rounds of the EVM counting should be announced before finalizing the postal ballot counting.
6. 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 and the result.
7. Whenever such re-verification/recounting is done the entire proceeding should be video-graphed without compromising the secrecy of ballot and the video-cassette/CD should be sealed in a separate envelope for future reference.

The above instructions shall be observed scrupulously.

Kindly acknowledge the receipt of this letter.

INSTRUCTION SI. No. 43

Election Commission letter No. : 470/2009/EPS Dated : 22nd January, 2009
ddressed to the Chief Electoral Officers of all States and Union Territories

**Sub.: General Election to Lok Sabha-2009 – Setting up of counting centres
– Seeking written approval of the Commission -Regarding.**

I am directed to invite your attention to Commission's letter No. 470/2007/PLN-I, dated 11th January, 2007, on the subject cited and to state that in view of the forthcoming general election to the Lok Sabha, an exercise of inspection/verification for setting up of counting centres may be carried out immediately. The Returning Officer should personally inspect the site(s) alongwith the senior police officers of the district. While selecting the sites for setting up of counting centre(s), the Returning Officer may assess the suitability with regard to infrastructure available in the town area, maintenance of law & order aspects etc.

2. After inspection and selection of the site(s), the proposals of setting up of counting centres should be sent to the Commission for its approval immediately after withdrawal of the candidatures.

3. The proposal for setting up of counting centres should be furnished alongwith the following information/particulars –

- i) List of counting centres in the enclosed Annexure-I,
- ii) Information Sheet on Counting Centres in the enclosed Annexure - II,
- iii) Map of each Counting Centre, and
- iv) Map (*indicating the location of counting centres*) of Parliamentary Constituency(s) with assembly segments falling within it and the district or districts in which it is spread over.

2. This may be brought to the notice of all the District Election Officers/Returning Officers and other election related officers for necessary action and strict compliance.

D	Verification Report of R.O.	(a)	Date of Verification:
	(b) Remarks/Recommendations (covering the aspect of law and order, security, public address system, media and place for crowds etc.):		
	Place :		Signature:
	Date :		Name of Returning Officer : (with stamp)
E.	For use by CEO		
	Remarks		
	Place :		Signature :
	Date :		Name of Chief Electoral Officer : State/ UT :

INSTRUCTION SI. No. 44

Election Commission's letter No. : 470/2009/EPS Dated : 22nd January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Sub.: General Election to Lok Sabha-2009-Counting of Votes – Role of Commission's Observers – Regarding.

I am directed to invite your attention to secti 64 of the Representation of the People Act, 1951 which provides that at every election where a poll is taken, votes shall be counted by, or under the supervision and direction of, the returning officer. Each contesting candidate, his election agent and his counting agent shall have a right to be present at the time of counting. Similarly, section 20-B of the RP Act, 1951 (*ibid*) provides the following:-

(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 result 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.

2. The Observers nominated by the Election Commission and deployed in the concerned constituencies during the election process, have been provided special responsibility to oversee and supervise the counting process under the

statutory provisions as referred to above. They have also been empowered to stop the counting process at any time before the declaration of result or may direct the Returning Officer/Assistant Returning Officer not to declare the result under difference circumstances as envisaged in the law.

3. I am, therefore, directed to state that in cases where the Observer orders to stop the process of counting, a detailed report in the matter shall be furnished forthwith to the Commission by the Observer and Returning Officer concerned either jointly or seperately for seeking appropriate orders of the Commission.

4. This may be brought to the notice of all the Returning Officers and all other election related officers for their information and compliance.

C1 – ELECTION EXPENDITURE

INSTRUCTION SI. No. 45

Election Commission's direction No. 76/81, dated 18.09.1981

Subject: Lodging of accounts of election expenses

DIRECTION

Under the powers vested in the Election Commission under Article 324 and in pursuance of rule 89 of the Conduct of Elections Rules, 1971, and all other powers enabling it in that behalf and in order to ensure that the work pertaining to the accounts of election expenses of the contesting candidates at a general election or a bye-election is complete expeditiously, the Commission directs that

(i) Each of the supporting vouchers lodged with account of election expenses shall bear the signature in full of the contesting candidate or his election agent, if any:

(ii) When a contesting candidate lodges his account of election expenses before the District Election Officer, the District Election Officer shall issue an acknowledgement immediately. The acknowledgment shall be issued to the person concerned if account is presented in person or sent by post if received through post. The acknowledgement shall be as in the proforma for the maintenance of account of election expenses.

(iii) The District Election Officer shall send his report to the Election Commission as contemplated in rule 89 of the Conduct of Election Rules, 1961 within ten days from the expiration of the 30 days within which the account of election expenses in respect of a constituency is required to be lodged;

(iv) Under sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961 only one show-cause notice shall be sent by Registered A.D. Post to a candidate, who fails to lodge his account of election expenses within the time and in the manner required by law;

(v) When a notice is issued by Registered A.D. Post, unless the communication is received undelivered within a reasonable period, say a month, it shall be presumed that the notice has been served on the candidate. On the expiry of one month after the date of issue of the notice, the case shall be disposed of.

(vi) All correspondence with a candidate shall be sent to him at the address as furnished in the contesting candidate list. A candidate shall intimate in writing the District Election Officer concerned about the change in his address, if any for future correspondence. The District election Officer shall intimate to the Election Commission forthwith the change.

INSTRUCTION SI. No. 46

Election Commission's order No. 76/95/J.S.II dated 10.04.1995

ORDER

Subject: Language in which the accounts of election expenses may be filed by the contesting candidates.

1. The question of language in which a contesting candidate can file the return of account of election expenses under section 78 of the Representation of the People Act, 1951 has been examined by the Commission.
2. All statutory documents and forms under the election law are printed and made available in the local approved languages. Candidates and others are permitted to file miscellaneous petitions and representations in local languages. These documents are not rejected on grounds of their not being in English or Hindi.
3. It would be unjust to reject an election expenses return lodged by a candidate on the ground of its not being in English or Hindi in view of the fact that the candidates who are not well versed in these languages will feel deprived. If mistakes are found in returns of election expenses the same may be ascribed to lack of knowledge of English or Hindi.
4. Apart from the mandatory provision that all statutory documents and forms shall be prepared in local approved languages, the Commission also directs the Chief Electoral Officers in its various important orders and directions to get them translated into local languages if those orders or directions are meant for wide publicity and circulation among the political parties, candidates and public in the State.
5. Thus, in fairness to the contesting candidates at elections to the House of the People and the State Legislative Assemblies from different States and Union Territories, they will be permitted to file returns of election expenses in English, Hindi or the local language(s) in which the electoral rolls are printed.
6. It shall be responsibility of the Chief Electoral Officers, District Election Officers and Returning Officers to ensure that all the contesting candidates get the forms/registers/extracts of rules relating to lodging of returns of accounts of election expenses in the approved regional language for electoral rolls so that no candidate may complain that he is not aware of the statutory requirements relating to filing the returns of election expenses and he is able to maintain his account from day to day properly and accordingly.

INSTRUCTION SI. No. 47

Election Commission's Letter No. 76/98/J.S. II dated 30.10.1998 addressed to CEOs of all States and UTs.

Subject: Daily accounts of election expenditure to be maintained by contesting candidates in prescribed Register - submission to the officers/Expenditure Observers for scrutiny -compliance - regarding

I am directed to state that as a measure to curb and keep a check on the tendency towards excessive expenditure in electioneering, the Commission has devised a Register containing a detailed proforma that is to be filled up and maintained on a continuous day-to-day basis by all contesting candidates on their electioneering campaigns. Vide Commission's letter No.76/98/JS-II dated 19.1.1998 it has been directed that the District Election Officer should nominate/designate officers located within the district, before whom a contesting candidate should produce periodically the Register of his day-to-day election expenses account, for the purposes of inspection and scrutiny. Reacting to the views expressed by some political parties, the Commission had further issued instructions vide the above letter that though the accounts of election expenses are to be maintained on daily basis, the same need be submitted to the designated officer for the purpose of inspection and scrutiny only once in three days.

2. It has come to the notice of the Commission that in some instances certain candidates have not cared to show the Registers of their daily election expenses to the designated officers, or even the Observers appointed by the Commission despite the same having been asked from them.

3. Obviously it raises a reasonable presumption that the accounts of expenses are not being maintained on a daily basis as required under the law, in these cases, but are being prepared after the election process is over in a manner which does not give a true account of the expenses that were indeed incurred by the candidate. The Commission, therefore, directs that where a candidate does not produce the Register containing his daily account of election expenses, before the designated officer/ Observer, despite notice, the District Election Officer shall cause a complaint to be lodged under Section 171 -I of Indian Penal Code against the errant candidates.

4. In addition to this, the fact whether a candidate has submitted the Register showing his daily account of expenditure to the designated officer/Expenditure Observer, for his scrutiny on timely basis and whether any action has been taken against any candidate for non-compliance in this respect should be explicitly mentioned in the remarks column of the report that the District Election Officer furnishes to the Commission under Rule 89 (1) of the Conduct of Election Rules, 1961 (Annexure XLIX to Returning Officers

Handbook) to the effect whether the candidates have filed their returns of expenditure on elections or not.

This may be brought to the notice of all concerned, particularly the contesting candidates so that they are well aware of the penal consequences that they may have to suffer if they do not furnish the Registers showing their election expenses to the designated officer/Observers at the appropriate time.

INSTRUCTION SI. No. 48

Election Commission's letter No. 76/2004/J.S.II, dated 12.03.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: - Instructions for guidance of contesting candidates for lodging their accounts of election expenses - Inspection of accounts of election expenditure as an additional measure - regarding.

I am directed to invite your attention to the Commission's circular dated 29-10-2003, on the subject cited. The Commission had directed (in paragraph 5) that the day to day accounts maintained by the contesting candidates in the prescribed register together with the supporting documents shall be made available by them for inspection to the District Election Officer/Returning Officer/Election Observer or officer specifically designated for the purpose, once in every three days during the process of election.

At the meeting with the representatives of the recognised political parties, many of the parties requested for review of these instructions as visiting the office of the Returning Officer on every third day was inconvenient to the candidate in many cases. The Commission has considered this matter and has reviewed its directions in this regard and has now directed that the scrutiny of the accounts need be done only on three occasions during the entire election period. Accordingly, the candidate shall make available the documents pertaining to their accounts of expenditure for inspection to the District Election Officer/Returning Officer/Election Observer at least thrice during the process of election. However, it shall be ensured that there is a gap of about 4 (four) days in between each inspection and the first inspection may be on or after the third day from the last date for withdrawal of candidatures.

The Commission's directions contained in its letter dated 29th October, 2003 stand modified only in respect of the inspection schedule mentioned above. All other instructions contained therein remain applicable and in force. These, alongwith the present modified inspection schedule shall be conveyed to all the contesting candidates and the Election Observers appointed by the Commission in connection with General Election to the Lok Sabha, 2004.

INSTRUCTION SI. No. 49

Election Commission's letter No.76/2003/JS.II dated 24.10.2003 addressed to the Chief Electoral Officers of all States/UTs.

Subject: Revised Format for Maintaining Account of Election by Candidates under Sections 77 and 78 of the Representation of the People Act, 1951

I am directed to say that the Commission has revised the format in which the candidates contesting elections to the House of the People and Legislative Assemblies are required to maintain the account of their election expenses under section 77 of the Representation of the People Act, 1951. A copy of the revised format is enclosed.

Some minor changes have been made in the format of the Register in which the candidates are to keep the day-to-day account of their election expenses (Appendix - 1 of the format). The format in which the abstract statement of the expenses giving detailed information about the expenses have undergone comprehensive changes (Appendix - 2). The format of the affidavit to be submitted by the candidates (Appendix-3) and the format of the letter to be handed over to the candidates by the Returning Officers inviting their attention to the requirements of law regarding filing of account of election expenses (Appendix - 4) have also been modified.

If in the States where elections have been announced by the Commission, the registers for maintaining the day to day account of expenses have already been printed in the earlier format, the same may be used for the current elections. However, for the abstract statement and the affidavit to be submitted by the candidates at the time of lodging the account of election expenses the revised format alone should be handed over to the candidates.

It may be noted that as per new Explanations 1 and 2 inserted under Section 77(1) [vide the 'Election And other Related Laws (Amendment) Act, 2003', already sent to you] only the expenses on account of travel of 'leaders' of the political 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. This change in the law should be specifically brought to the notice of the District Election Officers, Returning Officers, etc.

The formats for maintaining account of election expenses, affidavit of candidates and the letter to be addressed to the candidates by Returning Officers as given in Annexure-XVI of Handbook for Returning Officers (EVM) and

the corresponding part in the Handbook for Candidates may be treated as amended/substituted by the formats enclosed herewith.

Appendix-1

Register for Maintenance of day to day Accounts of Election Expenditure by Contesting Candidates

Name of the Candidate :
 Name of the Political Party, if any :
 Constituency from which contested :
 Date of declaration of result :
 Name and Address of the Election Agent :
 Total expenditure incurred / authorised :
 (from the date of nomination to date of declaration of result of election, both date inclusive)

Date of Expenditure	Nature of Expenditure	Name of Person/Political Party/Association/Body who incurred/authorised		Amount of Expenditure		Date of Payment	Name and Address of Payee	S.No. of Voucher case of an amount paid	S.No. of in case of an amount outstanding	Name & Address of person to whom the amount outstanding is payable	Remarks
		Expenditure Candidate/ his Election Agent	Political Party/ Associations/ Body/Any other individual	Paid	Out-standing						
1	2	3	4	5	6	7	8	9	10	11	

Certified that this is a true account kept by me/my election agent under section 77 of the Representation of the People Act, 1951
(Certificate to be furnished after the date of declaration of the result)

- N.B. 1. This Register must be maintained on daily basis and shall be subject to inspection at any time by the observers appointed by the Election Commission, the District Election Officer, Returning Officer or by any other officer authorized in this behalf.
2. This Register must be lodged in original with the District Election Officer as the return of election expenditure under section 78 of the Representation of the People Act, 1951. It must be accompanied by an Abstract Statement of election expenses and an affidavit, in the prescribed formats. No return of expenditure will be accepted as complete without the Abstract Statement of election expenses and the affidavit.
3. Vouchers may not be attached only in respect of those items which are listed in Rule 86 (2) of the Conduct of Elections Rules, 1961 like postage, travel by rail. For any voucher not attached vide this rule, an explanation to the effect that it was not practicable to obtain the required vouchers must be given in the prescribed Register.
4. The candidate shall countersign the account if it is lodged by his election agent and should be certified by the candidate himself to be correct copy of the account kept.
5. Apart from the expenses incurred or authorized by the candidate/election agent directly, all expenditure incurred or authorized by the political party, other associations, bodies of persons, individuals, in connection with the election of the candidate are also required to be included in the account. The only exception is the expenses incurred on travel of 'leaders' of the political party on account of their travel for propagating the programme of the party [See Explanations 1 and 2 of Section 77(1)].

If the expenditure on any item shown above in column 2 is incurred / authorized by any political party / association / body of persons / any individual (other than the candidate or his election agent), its / his name and complete address must be shown in column 4.

APPENDIX - 2
Abstract Statement of
Election Expenses Part-I

Name of Candidate :
Number and name of Constituency :
Name of State / Union Territory :
Nature of Election : By-Election/General
Election
Date of declaration of result :
Name and Address of the Election Agent :

Part-II

- I. Were you a candidate set up by a Political Party ? : Yes/No
- II. If yes, name of the party. :
- III. Is the Party a recognised Political Party ? : Yes/No
- IV. If recognised political party, whether National / State Party :
Nation/State Party
- V. Has your party incurred/authorised expenses in your election ? :
Yes/No
- VI. Has any other association/ body of persons /
individual
incurred/authorised expenses in your election ? : Yes/No
- VII. If yes, give its/his/their name(s) and complete address : (1).....
(2).....
(3).....

Part III

Abstract Statement of Expenditure on Election by the
Candidate/his Election Agent

Item of Expenditure	Expenditure Incurred/authorised			Total Expenses incurred/ Authorised (Total of Columns 2,3 & 4)
	Candidate/ his Election Agent	Political Party which set him up	Any other Association/ Body of Persons/ Individual	
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.

- i. Public meetings, processions, etc.
- ii. Campaign materials, like, handbills, posters, video and audio cassettes, loudspeakers etc.
- iii. Campaign through electronic / print media (including cable network)
- iv. Vehicles used and POL expenditure on such vehicles.
- v. Erection of gates, arches, cutouts, banners, etc.
- vi. Visits of 'leaders' to the constituency {ther than the expenditure on the travel of leaders' as defined in Explanation 2 under Section 77 (1) for propagating programme of the party}
- vii. Visit of other party functionaries
- viii. Other misc. Expenses

Grand Total

Lump-sum grant received, if any, from -

- (i) Political party
- (ii) Any other association / body (with its name and address)
- (iii) Any individual (with name and address)

Part IV

Details of Expenditure on Vehicles Used

Details of all expenditure on all vehicles used in connection with the election including the vehicles supplied to candidate by his Political Party or any other association/organization/body or by any other individual are required to be shown (the only exception is the expense incurred in connection with travel of 'leaders' of political party for propagating programme of political party covered by Explanations 1 and 2 under Section 77(1)).

Regn. of	Type of	No. of Days	Expenditure incurred on POL,		
			Amount spent by the Candidate/ Election Agent	Amount spent by the Political Party	Amount spent by any other association/ body of persons/ individual
1	2	3	4	5	6

Grand total (Col. 4 + 5 + 6)
Rs. _____

Part V
 Details of
 Expenditure on
 Public Meetings

Public meetings held by the candidate/his election agent/his political party/any other association/ organization/body any other individual (other than the candidate/his election agent)

Date of Meeting	Venue of Meeting	Name of Authority from whom permission obtained	Cost of erecting Pandal and Hiring of Furniture and Fixtures	Cost of Hiring Loud- opGclKGrS and Micro- phones	Other Misc- ellaneous Expenses	Total	Out of the amount shown in Col. 7, the Component of Expenditure incurred by		
							Candidate/ Election Agent	The Political Party	Any other Association/ Body/ Individual
1	2	3	4	5	6	7	8	9	10

Grand total (Col. 8 + 9+10) Rs. _____

Part-VI

DETAILS OF EXPENDITURE ON TRAVEL OF LEADER(S) OF THE PARTY
NOMINATED IN TERMS OF 'EXPLANATION (2)' UNDER SECTION 77(1) OF
THE REPRESENTATION OF THE PEOPLE ACT, 1951

S.No.	Name of Leader	Date of Arrival in Constitu- ncy	ARRIVAL DETAILS		DETAILS OF STAY			DEPARTURE DETAILS			
			Mode of Travel	Expendit ure on Fare paid (if known)	Duration of Halt in Constituen cy	Expenditu re on Local Journeys	Date of Departure from Constituen cy	Mode of Travel	Expenditu re on Fare Paid (if known)	Whether Expenditu re on item (5), (7) and (10) incurred by Candidate , Political Party or others specify	Expen diture if any on Item (5), (7) and (10) by Candi date
1	2	3	4	5	6	7	8	9	10	11	12
1											
2											
3											
E											
t											
c											

Total Expenditure:

PLACE:

SIGNATURE OF CONTESTING

CANDIDATE

DATE:
CANDIDATE

NAME OF CONTESTING

APPENDIX - 3

Form of Affidavit

Before the District Election Officer(District, State/Union Territory)

Affidavit of Shri..... (S/o).....

I son/wife/daughter of , aged years, r/o..... do hereby solemnly and sincerely state and declare as under :-

(1) That I was a contesting candidate at the general election/bye election to the House of the People/ Legislative Assembly of..... from Parliamentary/Assembly constituency, the result of which was declared on.....

(2) That I/my election agent kept a separate and correct account of all expenditure incurred / 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 byatthis day of 200
.....Before me.

**(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class
or Oath Commission or Notary Public)**

APPENDIX - 4

[Please see instructions in Para
31 of Chapter V of Handbook for
Returning Officers (EVM)]

No.....

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 or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him or by his election agent under Section 77.

3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit, etc., he is required by law to lodge his account of election expenses.

4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A or the Representation of the People Act, 1951 for a period of three years.

5. The account of election expenses to be kept by a candidate or his election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred/ authorised from day to day, as prescribed under rule 86 of the Conduct of Elections Rules, 1961.

6. A Register is being furnished to you herewith. You are required to maintain your day to day account of election expenses in this very Register and in no other document. All supporting vouchers, bills, etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract

statement of expenditure is also to be prepared by you after the declaration of result of election in Parts - I to VI of the format enclosed herewith.

7. All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure incurred or authorised shall be obtained on day-to-day basis and shall be maintained in the correct chronological order alongwith the Register showing the day-to-day account.

8. You should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the District Election Officer, Returning Officer, Election Observer appointed by the Election Commission or any other such authority nominated by the Commission in this behalf. Failure to produce this register when demanded will be considered as a major default on your part in maintaining your day to day account and you may render yourself liable to penal action under Section 171-1 of the Indian Penal Code.

9. This very Register in which you are to maintain your day to day account of election expenses should itself be filed by you as your account of election expenses after the election as required under section 78 of the Representation of the People Act 1951 mentioned-above. You should keep a copy of the account as maintained in that Register for your record and reference. Alongwith the Register, you must file the abovementioned abstract statement containing details of expenditure, and the same must be supported by an affidavit in the format enclosed. The affidavit should be sworn before a Magistrate of the First Class or an Oath Commissioner or a Notary Public.

10. It may be noted that Section 77(1) has been amended vide Election and Other Related Laws (Amendment) Act, 2003. As per the amended provisions of "Explanation (1)" of this Section, all expenditure incurred or authorised in connection with the election of the candidate by the political party which has set him up, any other association/body of persons or any other individual shall also be required to be included in the account of election expenses of the candidate under the said Section 77. The only exception is the expenses incurred on the travel of 'leaders' of the political party for propagating the programme of the political party, who are covered under 'Explanations 1 and 2 of Section 77(1).

11. If you contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.

12. Kindly acknowledge receipt of the letter alongwith its enclosures immediately in the enclosed acknowledgment form.

Yours faithfully,

RETURN

NG OFFICER FOR
.....Parliamentary/Assem
bly Constituency

** Strike off whichever is inapplicable*

Enclosures :

1. Register bearing serial no containing pages..... for maintenance of election expenses,
along with (i) the format for maintaining the abstract statement of accounts and
(ii) the format of affidavit.
2. Extracts of Section 77, 78 and 10A of the Representation of the People Act, 1951, and rule 86 of the Conduct of Elections Rules, 1961.
3. Form of Acknowledgment receipt.

ACKNOWLEDGEMENT FORM

To
The Returning Officer for

Sir,

I acknowledge receipt of your letter No dated
..... alongwith its enclosures
containing, among other documents, a Register bearing serial No for
maintaining of my accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of
election expenses and lodging of true copy of that account with the District
Election Officer/Returning Officer.

Yours faithfully,

Signature of the Candidate with date.

**Strike Off, whichever is inapplicable.*

ACKNOWLEDGEMENT

The account of the election expenses in respect of
..... (Constit
uency) result of which was declared on..... (Date)
has been filed by him on his behalf on..... (Date)
has
been received by me today the.....(Date) of.....(Month)..... (Year).

District Election Officer
District _____

INSTRUCTION SI. No. 50

Election Commission's letter No.76/2003/JS.II dated 29.10.2003 addressed to the Chief Electoral Officers of all States/UTs.

Subject: General Elections/Bye-Elections - Instructions for guidance of contesting candidates for lodging their accounts of election expenses - Inspection of accounts of election expenditure as an additional measure - regarding

I am directed to invite your attention to Commission's letter No.76/98/J.S.II dated 19.1.1998 on the above subject and to say that as per standing instructions of the Commission, the contesting candidates are required to maintain their election expenditure account in the prescribed register on day-to-day basis. They are also required to make available the said register, with supporting documents, for inspection, at anytime during the process of election, to the District Election Officers/Returning Officers/ Election Observers appointed by the Commission or any other such authority nominated by the Commission in this behalf. It has also been clarified that the failure to produce this register, on demand, will be considered as a major default. The register with the said supporting documents shall be made available by the contesting candidates only once in three days.

The Commission has now prescribed a revised format for maintaining account of election by candidates under Sections 77 and 78 of the Representation of the People Act 1951 vide its letter No. 76/ 2003/JS.II dated 24 October 2003, which has now been made available to you. Under Section 77(1) [vide the 'Election And other Related Laws (Amendment) Act, 2003', already sent to you] only the expenses on account of travel of 'leaders' of the 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/ authorised by the political parties, other associations, body of person, individuals - are required to be included in the account of the candidate.

In order to streamline the scrutiny of accounts maintained by the candidates, the Commission has given the following directions:

1. A register in the standard format as already prescribed vide Commission letter No.76/2003/JS.II dated 24.10.2003 shall be issued to each candidate by the Returning Officer immediately after his nomination, for keeping the day-to-day account of his expenditure.
2. The register shall be duly page-numbered and authenticated by the District Election Officer at the time of issue.
3. All day-to-day accounts shall be faithfully recorded in this register and in no other document by the candidate or his election agent.

4. All documents such as vouchers, receipts, bills, acknowledgements, etc. in support of the expenditure incurred or authorised shall be obtained from day-to-day as the expenditure is incurred and authorised and maintained in the correct chronological order along with the aforesaid register as prescribed under rule 86 of the Conduct of Election Rules 1961.

5. The day-to-day account maintained in the aforesaid register together with the supporting documents shall be made available for inspection once in three days during the process of election to the District Election Officer/Returning Officer/Election Observer appointed by the Commission or any other such authority nominated by the Commission in this behalf.

6. The District Election Officer and the Election Observer shall prepare a schedule of inspection whereby a three-day cycle of furnishing of accounts will be set for every candidate in such a manner that on each day, accounts of one or more contesting candidates are made available for scrutiny to the concerned officers. In other words, the turn of a candidate to furnish his accounts for scrutiny will fall after every third day throughout the period between the filing of his nomination and declaration of results.

7. The accounts of the candidates will be scrutinised by the District Election Officer/Returning Officer and/or Election Observer or by the nominated officers and they will keep two photocopies of the relevant pages of the register. One copy of the relevant pages of the register will be displayed on the notice board of the Returning Officer and the other copy will be retained in a separate file for each constituency as proof of record with the Returning Officer and furnished to the District Election Officer on conclusion of the poll process.

8. Any person desiring a copy of these day to day accounts will be provided the same by the Returning Officer subject to payment of usual copying charges.

9. While lodging the accounts of the election expenses under Section 78 of the Representation of the People Act 1951, the candidate shall file the prescribed register along with the abstract statements of election expenses and the prescribed affidavit prescribed vide Commission order No.76/2003/JS.II dated 24.10.2003.

The Commission has reiterated that the above instructions should be made clear and known to all contesting candidates and the Election Observers who will be appointed by the Commission and it shall be the complete responsibility of the District Election Officers to ensure that the instructions of the Commission in this matter are complied with in proper manner.

Kindly acknowledge receipt.

INSTRUCTION SI. No. 51

Election Commission's letter number No. 76/2003/JS-II dated 02.01.2004 addressed The Chief Electoral Officers of MR Chhattisgarh, Rajasthan, NCT of Delhi and Mizoram

Subject: General Elections - Instructions for guidance of contesting candidates for lodging their accounts of election expenses - Inspection of accounts of election expenditure as an additional measure - regarding

Ref: 1. Commission's letter Nos. (i) 76/98/JS-II, dated 19.01.1998 (Item No.264)

(ii) 76/2003/JS-II, dated 24.10.2003
(Item No.266)

(iii) 76/2003/JS-II, dated 29.10.2003
(Item No.267)

2. Chapter XVII of Handbook for Returning Officers (all elections where Electronic Voting Machines are used), 1998

I am directed to invite your attention to the Commission's letters referred to above on the subject cite and to say that under Section 78 of the Representation of People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of the election of the returned candidate, 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 his election agent under Section 77 of the Representation of People Act, 1951. Rule 89 of the Conduct of Election Rules, 1961 prescribes the manner in which accounts of the candidate shall be lodged and the steps to be taken by the District Election Officer consequent upon the lodging of the account of election expenses by the candidate.

2. The District Election Officer in his report to the Election Commission under Rule 89 of the Conduct of Election Rules, 1961 reports to the Election Commission on: - (i) Name of each contesting candidate; (ii) Whether such candidate has lodged his account of election expenses and, if so, the date on which such account has been lodged; and (iii) Whether in his opinion such account has been lodged within the time and in the manner required by the Act and these Rules. As laid down in para 14 of Chapter XVII of the Handbook of Returning Officers (all elections where EVMs are used), 1998, 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 he shall 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. 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 vouchers lodged along with it. The District Election Officer immediately after submission of the report to the Election Commission shall also publish a copy thereof affixing the same to his notice board for the information of the general public.

The attention of all the District Election Officers is invited to the instructions contained in the Commission's letters, referred to above, which, inter alia, prescribed the maintenance, by every contesting candidate, of a register showing the account of his election expenses on day-to-day basis; making available the said register with supporting documents for inspection at any time during the process of election to the District Election Officer / Returning Officer / Election Observer appointed by the Commission or any such authority nominated by the Commission in this behalf; and, mandatory submission of accounts every third day to the District Election Officer / Returning Officer / Election Observer / designated Officer. It was also clarified that failure to produce this register on demand will be considered as a major default. The Commission had vide its instructions dated 29.10.2003 also laid down the procedure for streamlining the scrutiny of accounts maintained by the candidates. One of the directions given by the Commission required the accounts of the candidates furnished to the District Election Officer / Returning Officer / Election Observer / designated Officers to be scrutinized every third day and a copy of the accounts furnished retained in a separate file for each candidate as proof of record and another copy to be displayed on the notice board of the Returning Officer.

Keeping into account the provisions of the Act and Rules made there under and the directions of the Commission issued from time to time, the Commission has now directed that in terms of Rule 89 of the Conduct of Election Rules, 1961, all District Election Officers shall report to the Commission under Rule 89(2) the following:

- (i) Name of each contesting candidate who failed to lodge the expenses as prescribed by the Commission in terms of its instructions dated 29.10.2003.
- (ii) The dates on which the accounts were furnished by such candidates during the course of the elections, and if not furnished,

whether notices for non-compliance of the instructions of the Commission were issued to them and further follow-up action taken, if any.

(iii) The discrepancies noticed by the District Election Officers / Returning Officers / designated Officers in the accounts submitted every third day by the candidate with the actual expenditure noted / assessed by the District Election Officer/ Returning Officer/ Election Observer/ designated Officer and specifically mentioning the items of expenditure which in the opinion of District Election Officer/ Returning Officer / Observer, have been suppressed.

(iv) Comments of the District Election Officer on the overall final accounts furnished by the candidates in terms of actual expenditure incurred by each candidate. In giving his final comments, the District Election Officer shall take into account the observations made by the Election Observers and any other candidate or by any other organizations or member of the general public on the daily accounts exhibited on the notice board of the Returning Officer as required under the directions at para 7 of the Commission's instructions dated 29.10.2003. These shall be submitted as annexures to the report that is submitted by the District Election Officer in the proforma (Annexure XXXVIII) prescribed in para 11.1 of Chapter XVII of the Handbook of Returning Officers (all elections where EVMs are used), 1998 edition. In the 'Remarks' column of the proforma, the annexure number under which the comments of the DEO pertaining to a candidate shall be mentioned.

5. The Commission has directed that the above instructions should be made clear and known to all District Election Officers and it shall be the complete responsibility of the District Election Officer to ensure that the instructions of the Commission in this matter are complied with in proper manner while submitting their reports to the Election Commission under Rule 89(2) of the Conduct of Election Rules, 1961.

INSTRUCTION SI. No. 52

Election Commission's letter No. 76/2004/J.S.II, dated 17.03.2004 addressed to the Chief Electoral Officers of all States/Union Territories.

Subject: - Lodging of account of election expenses - Preparation of rates chart.

I am directed to enclose herewith a copy of the Commission's letter No. 76/2003/J.S.II, dated 30th October. 2003, addressed to the Chief Electoral Officers of Madhya Pradesh, Chhattisgarh, Rajasthan, Mizoram and NCT of Delhi, on the subject cited in connection with General Election to Legislative Assemblies of these States.

It was directed in the above referred letter that the District Election Officers shall compile the rate charts of the items shown in the list enclosed with the said letter on the basis of the rates prevailing in the district concerned and the rate list shall be furnished to all observers and to the designated officers appointed by the District Election Officers.

The instructions contained in the abovementioned letter dated 30th October, 2003 shall be strictly followed at the current General Elections to the Lok Sabha and Legislative Assemblies and at all future elections.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

Commission's letter No. 76/2003/J.S.II

Dated 30th October.2003.

To

- The Chief Electoral Officers of
- (i) Madhya Pradesh, Bhopal
 - (ii) Chhattisgarh, Raipur
 - (iii) Rajasthan, Jaipur
 - (iv) Mizoram, Aizawl
 - (v) NCT of Delhi, Delhi

Subject: - Lodging of account of election expenses - Preparation of rates chart.

I am directed to say that the Commission has recently revised the proforma for maintenance of accounts of election expenses by the candidates in the light of the recent amendment to Section 77 (1) of the Representations of the People Act. 1951. .vide its letter No.76/2003 J.S.II, dated 14.10.2003.

In order to facilitate the scrutiny of expenditure which is to be maintained on a daily basis by the candidates in the prescribed proforma the Commission has directed that all District Election Officers shall compile the rate charts of the items in the enclosed list on the basis of the rates prevailing in the district concerned. These rate lists be furnished to all Observers immediately on their arrival in the respective districts and to all designated officers appointed by the District Election Officer for scrutiny of accounts by the contesting candidates. A copy of this instruction may be handed over to the Observers by the District Election Officer upon their arrival.

RATE CHART

1. Hiring charges of Loudspeaker with amplifier and microphone.
2. Construction of podium/ pandal (standard size to seat 4-5 persons)
3. Cloth Banner
4. Cloth Flags
5. Plastic Flags
6. Hand Bills (cost to be calculated and print order ascertained from printer - refer 127A of R.P.Act, 1951).
7. Posters
8. Hoardings
9. Cut outs (wooden)
10. Cut outs (Cloth/Plastic)
11. Video Cassettes
12. Audio Cassettes
13. Erection of gates

14. Erection of arches
15. Daily hiring charges of vehicles:
 - (i) Jeep/Tempo/Trucker, etc.
 - (ii) Sumo/Qualis
 - (iii) Cars
 - (iv) Three - Wheelers
 - (v) Cycle - Rickshaw
- 16 Hiring charges of hotel rooms/guest houses
- 17 Charges of drivers, salary
- 18 Hiring charges of furniture (chairs, sofa, etc.) and fixtures
- 19 Hiring charges of hoarding sites from municipal authorities.
- 20 Other items commonly used in a district (DEO to prepare rate list of such items).

INSTRUCTION SI. No. 53

Election Commission's letter No. 3/1/2004/JS-II, dated 03.04.2004 addressed to all Chief Electoral Officers of all States / Union Territories.

Subject: - Names of leaders of political parties for the purposes of section 77 (1) of the Representation of the People Act, 1951.

I am directed to say that under Explanation 2 below section 77 (1) of the Representation of the People Act, 1951. the political parties are required to communicate names of their leaders for availing of the benefit of clause (a) of Explanation 1 under the said Section, to the Commission and to the Chief Electoral Officers of the States/Union Territories.

You are requested to supply copies of each of the lists received from political parties in this regard, to all the Observers in the States and to all District Election Officers and Returning Officers.

INSTRUCTION SI. No. 54

Election Commission's letter No. 576/10/2004/JS-II, dated 19.04.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: - Maximum election expenses - Handbook for candidates - Revision of ceiling - regarding.

I am directed to invite your attention to Commission's letter No. 3/1/2003/JS-II, dated 30.10.2003 forwarding therewith a copy of Notification No. 11019(6)/2003-Leg-II, dated 24.10.2003 amending Rule 90 of Conduct of Election Rules, 1961, relating to maximum election expenses.

I am also directed to invite your attention to paragraph 23.2 of Chapter XIII of Handbook for Candidates (2004 Edn.) containing a Table giving details regarding the ceiling on election expenses prescribed in respect of Parliamentary Constituencies and Assembly Constituencies of all States/Union Territories. In Part II of the Table relating to the ceiling on election expenses in respect of Union Territories, the limit of expenses given in column 2 and 3 of the Table is the limit fixed earlier and is not as per the revised limit fixed vide the Notification referred to above. The entries in this regard may therefore be replaced by the following entries:-

Name of Union Territory	Maximum limit of election expenses in any one of	
	Parliamentary Constituency	Assembly Constituency
1 .Andaman and Nicobar Island	-- 17,00,000	--
2. Chandigarh	-- 14,00,000	--
3. Dadra and Nagar Haveli	-- 10,00,000	--
4. Daman & Diu	-- 10,00,000	--
5. National Capital Territory of Delhi.	-- 25,00,000	9,00,000
6. Lakshadweep	-- 10,00,000	--
7. Pondicherry	-- 20,00,000	5,00,000

Chief Electoral Officers of all States/Union Territories are also requested to ensure that this correction is immediately carried out in all editions of the Handbook at their disposal. They shall also ensure that this correction is brought to the notice of Returning Officers/District Election Officers, all election related officials, Election Observers, Political Parties and the candidates.

Kindly acknowledge receipt and inform the Commission of action taken in this regard.

INSTRUCTION SI. No. 55

Election Commission's letter No. 76/2003/JS II, dated 28.05.2004 addressed to the Chief Electoral Officer of All States and Union Territories.

Subject: Filing of accounts of election expenses by the contesting candidates - timely disposal - Regarding.

I am directed to invite your attention to the provisions of Sections 77 and 78 of the Representation of the People Act, 1951, and Rule 89 of the Conduct of Elections Rules, 1961.

2. Section 77 of the RPA, 1951, provides that every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

3. Section 78 of the RPA, 1951, provides 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, the account of his election expenses.

4. The DEO is required to submit a report to the Commission on the accounts lodged by the candidates as soon as possible after expiry of the time limit specified in Section 78 of the Act. In his report, the DEO will give necessary details in respect of all contesting candidates and give his remarks whether the account has been lodged within the time and in the manner required by law. As per the instructions in Chapter XVII of Handbook for the Returning Officers, this report of the DEO should be sent to the Commission within a period of 7 days from the last date of filing of accounts by the contesting candidates.

5. The Commission, on receipt of the report from the DEOs, issues show cause notices to the candidates who have failed to lodge their account of

election expenses within the time and in the manner required by law, under Rule 89 (5) of Conduct Elections Rules, 1961. The show cause notices to the defaulting candidates are served through the DEO concerned and after serving notices, the DEO is to send acknowledgement receipts obtained from the candidates with his supplementary report .under rule 89 (7)} within 5 days after expiry of 20 days' period mentioned in Rule 89 (6) of Conduct of Elections Rules, 1961. The defaulting candidates may be disqualified under Section 10A of the RPA, 1951, for three years. The period of disqualification starts from the date of order of disqualification irrespective of the period consumed in issuing the order.

6. In the past, inordinate delay has occurred in issuing orders in some cases due to delay on the part of the DEOs in serving the show cause notices and in submitting the supplementary reports thereafter. In one such case, the Karnataka High Court had observed that there cannot be an undue delay in passing an order under Section 10A of Representation of the People Act, 1951, and that it should be passed within a reasonable time.

7. The Commission has fixed a deadline of one year for disposing of all cases, pertaining to filing of accounts of election expenses by the contesting candidates at every general/bye elections, from the date of declaration of result of the election. Accordingly, the DEOs may be asked to strictly adhere to the time frame provided under the law, as explained above for sending their first reports and/or supplementary reports. Similarly, notices issued by the Commission under rule 89(5) should be promptly served on the candidates.

8. For the general/bye elections held recently, the period for filing the accounts by the contesting candidates would be over by 13.06.2004 in most of the cases. In all such cases, the first report of the DEOs should be sent to the Commission so as to reach its Secretariat latest by 30.06.2004, positively. Any lapse in this will be seriously viewed by the Commission.

Kindly acknowledge receipt.

INSTRUCTION SI. No. 56

Election Commission's letter No. 76/2004/JS-II, dated 06.08.2004 addressed to the Chief Electoral Officers of all States/Union Territories.

SUBJECT: - Accounts of Election Expenses- Clarification regarding.

I am directed to invite your attention to the provisions regarding maintenance of account of election expenses by contesting candidates. It has been brought to the notice of the Commission that in certain cases, prospective candidates get campaign materials prepared in advance, before the filing of nomination. Questions have been raised regarding accounting for the expenses of this nature. Some candidates have, in the past, left out the expenditure on such items from the account of their election expenses on the pretext that only the expenditure incurred from the date of filing nomination is to be accounted for.

It is clarified that 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.

The above directions may be brought to the notice of all District Election Officers and Returning Officers for information and necessary action in future elections.

Kindly acknowledge receipt.

INSTRUCTION SI. No. 57

Election Commission's letter No. 76/EE/2005/JS.III, dated 06.10.2005 addressed to the President/General Secretary of Communist Party of India,

Communist Party of India (Marxist), National Congress Party, Communist Party of India (Marxist Leninist) (Liberation), Rashtriya Janata Dal and Lok Jan Shakti Party and copy sent to the Chief Electoral Officer, Bihar with the request to bring this to the notice of all District Election Officers and Returning Officers concerned and also the Observers of all constituencies where candidates of the above mentioned parties were contesting. (The CEO was also requested to instruct the Returning Officers to bring the following position to the notice of all such candidates also.)

Subject: - Expenditure incurred by leaders of the party in election campaign.

I am directed to invite reference to the provisions of Section 77 of the Representation of the People Act, 1951. As per Explanation 1(a) read with Explanation 2 under sub-section (1) of the said Section, the expenditure incurred by leaders of the political party on account of travel for propagating programme of the party shall not be deemed to be expenditure in connection with election, incurred or authorized by the candidate or his agent, provided the names of the leaders for this purpose are communicated to the Commission and the Chief Electoral Officer of the State within a period of seven days from the date of notification of the election. In case of the constituencies going to poll in the first phase of election in Bihar in the current general election in that State, the notification of election was published on 23.09.2005, and for the constituencies in the second phase, the notification was published on 28.09.2005. As you party has not communicated the list of 'leaders' of your party for the purposes of the abovementioned Explanations 1(a) and 2 under Section 77(1), it may be noted that all expenses incurred in connection with visit of all leaders of your party, including their travel expenses for the first two phases of election, will necessarily have to be shown in the account of election expenses of the candidate(s) concerned in connection with whose election the visit is made. If the visit is a common one in connecting with the election of a group of candidates, the expenses will be equally apportioned among all such candidates.

The above legal position may be noted and also brought to the notice of all the candidates of your party contesting election in the first and second phases of elections in Bihar.

INSTRUCTION SI. No. 58

Election Commission's letter No. 76/EE/2005/JS.III, dated 07.10.2005 addressed to the President, Jana Dal (United) and copy sent to the Chief Electoral Officer, Bihar with the request to bring this to the notice of all District Election Officers and Returning Officers concerned and also the Observers of all constituencies where candidates of the above mentioned parties were contesting. (The CEO was also requested to instruct the Returning Officers to bring the following position to the notice of all such candidates also.)

Subject: - Expenditure incurred by leaders of the party in election campaign.

I am directed to invite reference to the provisions of Section 77 of the Representation of the People Act, 1951. As per Explanation 1(a) read with Explanation 2 under sub-section (1) of the said Section, the expenditure incurred by leaders of the political party on account of travel for propagating programme of the party shall not be deemed to be expenditure in connection with election, incurred or authorized by the candidate or his agent, provided the names of the leaders for this purpose are communicated to the Commission and the Chief Electoral Officer of the State within a period of seven days from the date of notification of the election. In case of the constituencies going to poll in the first phase of election in Bihar in the current general election in that State, the notification of election was published on 23.09.2005. As you party has not communicated the list of 'leaders' of your party for the purposes of the abovementioned Explanations 1(a) and 2 under Section 77(1), in respect of the 61 Constituencies in the first phase of election, it may be noted that all expenses incurred in connection with visit of all leaders of your party, including their travel expenses for the first phase of election, will necessarily have to be shown in the account of election expenses of the candidate(s) concerned in connection with whose election the visit is made. If the visit is a common one in connection with the election of a group of candidates, the expenses will be equally apportioned among all such candidates.

The above legal position may be noted and also brought to the notice of all the candidates of your party contesting election in the first phase of elections in Bihar.

INSTRUCTION SI. No. 59

Election Commission's letter No. 576/3/2005/J.S.II, dated 29.12.2005 addressed to all Recognized National and State Political Parties

Subject: Election Campaign by political parties and candidates - election expenditure of candidates - regarding.

I am directed to invite your attention to the provisions of sub-section (1) of Section 77 of the Representation of the People Act, 195, relating to account of election expenses. As per Explanation 1(a) under the said sub-section, the expenditure incurred by leaders of political parties on account of travel by air or any other means of transport for propagating programme of the political party is not deemed to be expenditure incurred or authorized by the candidate or his agent, for the purpose of the said Section. It is to be noted here that the benefit provided under the said Explanation 1(a) will be available if and only if the names of the leaders (maximum of 20 in the case of unrecognized political party and 40 for recognized political party) are communicated to the Commission and to the Chief Electoral Officer of the State concerned within a period of 7 days from the date of notification for the election as required under Explanation 2 under sub-section (1).

2. The abovementioned provisions have been brought to the notice of the political parties in the past. The political parties are again advised to take note of the provisions of Section 77(1) explained above. In the event any political party fails to comply with the requirements of Explanation 2 mentioned above, the benefit provided under the Explanation 1 will not be available to the party, and the travel expenses of all leaders in the case of such parties will necessarily be required to be included in the account of election expenses of the candidates concerned.

3. Your attention is also invited to the instructions contained in the Commission's letter No.437/6/97/PLN-III, dated 18.3.1997 (copy enclosed). As per the instructions in the said letter, details of all vehicles being used by a candidate for his election campaign are required to be lodged with the District Election Officer concerned. In this context, it may be noted that two-wheelers like motorbikes, scooters, mopeds, etc. are also covered under the instructions in the said letter, and details in respect of such vehicles are also required to be furnished to the District Election Officer.

4. Where political parties or candidates use aircraft/helicopter for election campaign, prior information should be given to the Chief Electoral Officers of the State concerned. While giving such information, the number of aircrafts/helicopters being used and the name of the Company from which the aircraft/helicopter is being hired, should clearly indicated. Further, within three days of any aircraft/helicopter being used for election campaign, full details regarding areas covered, number of sorties involved and manifest of passengers along with the hire charges paid/payable should be furnished to the Chief Electoral Officer.

5. Kindly acknowledge receipt of this letter.

COPY

Election Commission's letter NO. 437/6/97-PLN-III Dated 18th March 1997
addressed to CEOs of all States and UTs.

Subject: General Election/Bye-elections to Lok Sabha and State Legislative Assemblies -Instructions on misuse of vehicles during election period - Regarding

The Commission has been issuing instructions on the subject of restrictions to be followed and observed on the misuse of vehicles during the election period. In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has now directed that the following instructions shall be strictly followed at all the General and Bye-elections to the Lok Sabha and Assembly constituencies. These instructions are issued under article 324 of the Constitution and all other powers enabling the Commission in this behalf.

1. Cars/vehicles being used for electioneering purposes, shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicle of any person plus the security vehicles allowed in view of the security gradation of that particular person.
2. From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused.
2. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.
3. The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidates or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas tehsil(s) in which the vehicle would operate, should also be conveyed.

4. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers.
5. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.
6. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised 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.

The receipt of this letter may please be acknowledged.

INSTRUCTION SI. No. 60

Election Commission's letter No.437/6/97-PLN-III dated 18.03.1997 addressed to CEOs of all States and UTs.

Subject: General Election/Bye-elections to Lok Sabha and State Legislative Assemblies -Instructions on misuse of vehicles during election period – Regarding

The Commission has been issuing instructions on the subject of restrictions to be followed and observed on the misuse of vehicles during the election period. In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has now directed that the following instructions shall¹ be strictly followed at all the General and Bye-elections to the Lok Sabha and Assembly constituencies. These instructions are issued under article 324 of the Constitution and all other powers enabling the Commission in this behalf.

1. Cars/vehicles being used for electioneering purposes, shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicle of any person plus the security vehicles allowed in view of the security gradation of that particular person.
2. From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused.
3. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.
4. The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidates or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas (tehsil(s) in which the vehicle would operate, should also be conveyed.

5. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers.
6. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.
7. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised 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.

The receipt of this letter may please be acknowledged.

INSTRUCTION SI. No. 61

Election Commission letter No. 76/2007/JS-II Dated: 29th March, 2007 addressed to the Chief Electoral Officers of all States and Union Territories

Subject:- Section 77 of the Representation of the People Act, 1951-Election Expenditure of candidates- regarding.

Section 77(1) of the Representation of the People Act, 1951, provides that every candidate at an election shall keep it the correct account of all expenditure incurred or authorized by the candidate/his election agents in connection with the election of the candidate. The expenditure incurred on travel by leaders of a political party whose names have been communicated to the Commission and the Chief Electoral Officer as required under Explanation –2 to Section 77(1) is not deemed to be expenditure incurred or authorized by a candidate of that political party for the purposes of the said Section.

2. Some CEOs and Observers have sought clarifications about the effect of expenditure incurred by political parties on advertisements on the election expenditure accounts of the candidates.

3. In this context, attention is invited to the Commission's letter No. 76/2004/J.S.II, dated 10th April, 2004 (copy enclosed) on the issue of expenditure incurred by political parties in connection with election rallies, etc.

4. In the judgment of the Hon'ble Supreme Court, in Kanwar Lal Gupta vs. Amar Nath Chawla (A.I.R. 1975 SC 308), referred to in the abovementioned letter dated 10.4.04, the Hon'ble Supreme Court has held that the expenditure incurred by the political party, as distinguished from expenditure on general party propaganda, which can be identified with the election of a given candidate would be liable to be added to the expenditure of that candidate as being impliedly authorized by the candidate. The Apex Court has further held in that matter that a party candidate does not stand apart from his political party and if the political party does not want the candidate to incur the disqualification, it must exercise control over the expenditure which may be incurred by it directly to promote the poll prospects of the candidate.

5. The expenditure incurred by a political party on advertisements, in connection with any election could be categorized into the following:

(i) Expenditure on general party propaganda seeking support for the party and its candidates in general, but, without any reference to any particular candidate or any particular class/group of candidates:

(ii) Expenditure incurred by the party, in advertisements etc. directly seeking support and/or vote for any particular candidate or group of candidates;

(iii) Expenditure incurred by the party which can be related to the expenditure for promoting the prospects of any particular candidate or group of candidates.

6. Applying the ratio of the judgment in Kanwar Lal Gupta's case, it is clarified that in the case of any advertisement by political parties, whether in print or electronic or any other media, falling in category (i) above, which is not relatable to the election of any particular candidate or a given group of candidates, the expenditure may be treated as expenditure of the political party on general party propaganda. In the cases of expenditure falling in categories (ii) and (iii) above, i.e. cases where the expenditure is relatable to the election of a particular candidate or a group of candidates, the expenditure shall be treated as expenditure authorized by the candidates concerned and such expenditure shall be accounted for in the election expenses accounts of the candidates concerned. In those cases where the expenditure is incurred by the party for the benefit of a given group of candidates, the expenditure is to be apportioned equally among the candidates.

7. The contents of this letter may be brought to the notice of all District Election Officers, Returning Officers, Election Observers, and other election authorities. This may also be brought to the notice of all the political parties in the State, including the State units of the recognized political parties.

Please acknowledge receipt of this letter.

INSTRUCTION SI. No. 62

Election Commission letter No.76/2007/JS-II Dated: 4th April, 2007. addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Account of election expenses of candidates - Section 77(1) of the Representation of the People Act. 1951 – regarding.

Section 77(1) of the Representation of the People Act., 1951 mandates every contesting candidate at an election to maintain the correct account of expenditure incurred/authorised in connection with the election. Clause (a) of Explanation 1 to Section 77(1) provides that the expenditure on travel incurred by leaders of a political party for propagating programme of that party shall not be treated as expenditure in connection with the election incurred/authorised by a candidate of that political party for the purposes of the said Section. Explanation 2 to Section 77(1) provides 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 within 7 days from the issue of notification to the Commission and to the Chief Electoral Officer of the State concerned for availing of the benefit of Clause (a) of Explanation 1.

Clarifications have been sought regarding accounting of travel expenses of a leader of a political party covered under Explanation 2 to Section 77(1) when such leader happens to be a candidate himself. It is only logical to conclude that the visit of a contesting candidate to the constituency from where he is contesting election is for the purpose of promoting his own election prospect. When a candidate travels in his constituency for election campaigning, the expenses incurred in connection with the journey has to be treated as part of his election expenses. Therefore, it is clarified that, in such situations, the expenses incurred on account of the journey(s) performed by such leader within the constituency from where he/she is contesting election cannot be exempted from the election expenditure account of that person.

2. It has been observed that in some cases political parties, while communicating the names of leaders of that party under Explanation 2 to Section 77(1), have included the names of persons who are leaders of other political parties or who

are not members of that political party. It is made clear that as per the provisions of the law referred to above, a political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1). In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1).

3. It has also been seen in the past that after submitting the list of leaders with the Commission, the political parties approach the Commission for substituting the names therein. In this context, it is pointed out that as per the proviso to Explanation 2, 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.
4. These instructions/clarifications may be brought to the notice of all the District Election Officers/Returning Officers and all election authorities. This may also be brought to the notice of all political parties based in the State including the State Units of recognized national and State parties.
5. Please acknowledge receipt.

Copy to all recognized political parties for information and compliance.

**C2 – EXPENDITURE ON
SECURITY
ARRANGEMENTS –
SHARING**

INSTRUCTION SI. No. 63

Election Commission's letter No. 437/6/OR/95/MCS/1158 dated 29.03.1996 addressed to The Secretary to the Government of India, Ministry of Home Affairs, New Delhi and copy endorsed to CEOs of All States and Union Territories.

Subject: Expenditure on security of PM during election visits

Please refer to letter of Shri V.K. Malhotra, Joint Secretary (CS) dated 21.2.96 regarding clarification sought by Orissa Government in connection with the expenditure to be incurred on the barricading and rostrums etc. for Prime Minister's visit in connection with elections.

2. Attention is drawn to Commission's Order No. 437/6/ES0025/94/MCS dated 21.10.94 (copy enclosed) wherein it has been clarified that the State Governments/Union Territories should strictly adhere to the Order of the Supreme Court given by its Order dated 29.4.94 in the writ petition (Civil) No.312 of 1994. In the Commission's Order, it has further been directed that such individuals who visit State/ Constituency for electioneering and election arrangements like barricading/rostrums etc. shall be borne by the concerned political party.

3. It is, therefore, directed once again that instructions as contained in Commission's Order dated 21.10.1994 should be strictly adhered to.

Annexure

Letter No. 437/6/ES0025/94/MCS Dated 21 st October 1994 addressed to Chief Secretaries and CEOs of all States and UTs.

ORDER

The Commission vide its letter No. 437/6/93-PS-II dated 31 st December, 1993 had reiterated the total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections and had directed that there will be total ban on the use of any vehicles for any purpose connected with the election by any political party, the candidate or any other person connected with election.

2. The Commission vide its letter No. 437/6/94 dated 2nd February, 1994 had invited attention to the circular letter No. 10/17/89-M&G dated 1 st November, 1989 from the Ministry of Home Affairs on the tour of ministers in connection with the election campaign and had observed that those instructions were flouted with impunity and had therefore issued further instructions without, in any way overriding,

modifying or affecting the instructions of the Ministry of Home Affairs dated 1 st November, 1989 referred to above.

3. The Supreme Court in its order dated 29th April, 1994 in a writ petition (Civil) No. 312 of 1994(State of Tamil Nadu versus Chief Election Commissioner and others) seeking exemption in the case of Chief Minister of Tamil Nadu had directed as follows :

"While we are conscious of the effort being made by the Election Commission to ensure cleanliness of the electoral process and for the protection and ensurement of free and fair polls, wer are afraid, the Election Commission cannot, as it seeks to do here, put out of consideration the security requirements of certain political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order. To confine the security to only the Prime Minister of the country, as the Election Commission has done, and to deny, as the communication dated 31st March, 1994 seeks to do, to all other may not reflect a proper perception and appreciation of the problem. At all events, the Election Commission will have to take note of the statutory provisions. However, we should make one aspect clear. Having regard to the responsibilities and obligation of the Election Commission to ensuring purity of the electoral process, it is open to the Election Commission, if it has material to doubt that the assessments of the security requirement made by the Director of the Tamil Nadu Special Security Group under the status are so manifestly and unduly excessive as to amount to promotion indirectly, of partisan electoral interests, to bring such matter to the notice of the State Government for appropriate corrective steps."

4. The Cabinet Secretariat in its letter No. 10/22/094-ES dated 3/5 May, 1994 had issued instructions that under the provisions of the Special Protection Group Act, 1988 protection is provided for proximate security of the following :-

- (i) The Prime Minister and the members of his immediate family;
- (ii) Any former Prime Minister or the members of his immediate family for a period of 5 years from the date on which the former Prime Minister cases to hold the office of Prime Minister

5. In the light of the above order of the Supreme Court the Commission had substituted paragraph 3of its letter No. 437/6/93/PS-II dated 31 st December, 1993 vide para 6 of letter of even number datedJ 8th May, 1994 to say that "the Commission has decided that para 3 of its above referred circular letter No. 437/6/93-P-II dated 31 st December, 1993 will stand substituted by the following :-

3(A) The only exceptions from the prohibitions mentioned in para 2 above will be the Prime Minister and other political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a

high order and whose security requirements are governed by any statutory provisions made by Parliament or the State Legislature in this behalf.

3(B) The Commission would like to make it clear that having regard to its responsibilities and obligations to ensuring purity of the electoral process, the Commission, if it has material to doubt that the assessments of the security requirements made by the authorities under the above referred special enactments or any other special instructions of the Government are so manifestly or unduly excessive as to amount to promotion, indirectly, of partisan electoral interests, bring such matter to the notice of the Central Government and/or, as the case may be, the State Government for appropriate corrective steps.

3(C) For achieving this, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned Government forthwith."

6 It was further clarified by the Commission in its letter No. 437/6/94 dated 14th May, 1994 that all State Governments and the Union Territory Administration are requested to adhere strict strictly to the orders of the Supreme Court. Further, orders relating to security of the individuals issued under statutory powers or other powers must be fully honoured.

7. The Commission has further directed that when such individuals visit State/Constituency for electioneering and election related work, the expenditure incurred on security arrangements like barricading/ rostrums etc. shall be borne by the concerned political parties.

INSTRUCTION SI. No. 64

Election Commission's letter No.437/6/GUJ/98-PLN-III dated 16.01.1998 addressed to The Cabinet Secretary to the Govt. of Gujarat.

Subject: Model Code of Conduct - regarding

I am directed to refer to D.O.No.SBI/SSA/1 098/409 dated 13th January, 1998 from Principal Secretary, Home Department, and to state that all Ministers both Union and the State and all other leaders of political parties will be allowed security as per the threat perceptions assessed by official agencies and other professional agencies. The expenditure on the bullet proof cars and all other cars used by these individuals will be borne by the individuals concerned. However, expenditure on the security staff will be borne by the State Government/UT Administration concerned.

INSTRUCTION SI. No. 65

Election Commission's letter No. 76/2004/J.S.II, dated 10.04.2004 addressed to the Chief Electoral Officers of-All the States and Union Territories.

Subject: - Expenditure to be incurred on barricades and rostrums etc.

I am directed to refer to Commission's letter No. 437/6/OR/95/MCS/1158 dated 29th March. 1996 read with Commission's orders No. 437/6/ES/0025/94/MCS dated 21st October, 1994 (reproduced as item No. 133 in the Compendium of Instructions. 2004) wherein it has been laid down that expenditure incurred on security arrangements like barricading / rostrums etc. in connection with the campaigning by any political leader or candidate shall be borne by the concerned political party. The Commission has received queries to the effect -whether the expenditure on construction of rostrums / barricades will be charged to the political party or to the account of the individual candidate or a group of candidates belonging to the political party who are present on the occasion of a meeting where "leaders" of the political party participate.

2. The guiding principles to distinguish between the expenditure incurred by the political party and the expenditure incurred by the candidates were enunciated by the Supreme Court in *Kanwar Lai Gupta v Amar Nath Chawla* (AIR 1975 SC 308) wherein the Apex Court had observed: "when the political party sponsoring a candidate incurs expenditure in connection with his election as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it and participates in the programme or activity and fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, say in special circumstances, that

he authorised the political party to incur such expenditure and he cannot escape the rigours of the ceiling by saying that he has not incurred the expense, but his political party has done so."

4. With the amendment to Section 77 of the Representation of People Act, 1951 only the expenses on account of travel of leaders of the political parties, covered under explanation 2 below Section 77, will be exempted from being included in the account of election expenses of the candidate. All other expenses - incurred / authorized by the political parties, other associations, body of persons / individuals - are required to be included in the account for the candidate.

4. The Commission has considered the matter carefully and keeping in view the provisions of law has directed as follows:-

- i. The expenses on construction of barricades / rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party/organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all, and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their respective 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,

ii. Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds, amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the "leader". These accounts will be duly verified by the Election Observer or the Designated Officer appointed for scrutiny of the accounts.

5. The Commission has further directed that in all cases where the construction of barricades/rostrums are being done by government agencies the candidate/political party /organizer will deposit the estimated cost of barricades/rostrum in advance.

6. For expenditure already incurred on such items between the date of notification issued for the first and second phases of the current general elections, the concerned DEOs shall immediately take action as per para 4 above and inform all candidates concerned.

INSTRUCTION SI. No. 66

Election Commission's letter No. 437/6/1/2008-CC & BE Dated: 24th October, 2008 addressed to The Cabinet Secretary Government of India, the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject: Election Expenditure on travel by Lead Campaigners - Use of helicopter for election campaign, etc.

I am directed to state that according to sub-section (1) of section 77 of the Representation of the People Act, 1951 it is provided that "**Every candidate** at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive". Under sub-section (2) it is provided that the account shall contain such particulars as may be prescribed, and under sub-section (3), it is laid down that the total of the said expenditure shall not exceed such amount as may be prescribed.

2. Explanation (1) to section 77(1) provides that the expenditure by leaders of a political party (usually referred to by us as star campaigners) on account of their travel by air or any other means of transport for propagating programme of a political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party.

3. The provisions of section 77(1) and Explanation (1) there – under have to be so harmoniously read that they do not nullify the main object underlying the provisions of section 77(1). Section 77(1) clearly stipulates that a candidate has to account for all his election expense, incurred or authorized by him or by his election agent. Explanation (1) is in the nature of an exemption from account of such expenditure which is incurred by the leaders of the political party in connection with the candidate's election, so that election campaign may be carried out in his constituency by leaders of his political party and any expenditure incurred on their travel by or any other means of transport may not form part of the candidate's overall expenditure. It therefore follows that a candidate who has been declared as leader by a Political Party for the purposes of Explanation to Section 77(1), cannot not considered to be a leader of his political party **in his own constituency** within the meaning of Explanation (1) to section 77(1), whatever may be his standing in relation to other candidates of his party in the other constituencies. In his own constituency(ies), he is a candidate first. Thus, whatever expenditure he incurs on his own travel within his constituency(ies), on his travel whether by helicopter/aircraft or by any other means of transport, the same has to be accounted for within his overall limit of maximum expenditure prescribed for his constituency. When he goes out of his constituency to the other constituency as a star campaigner, the expenditure on his travel from his constituency to the other constituency would fall within the

exempted category, and so also his travel expenditure from the other constituency to his own constituency when he comes back for his own campaign would be so exempted. But once he reaches his constituency and travels within the said constituency, his expenditure on such travel within his constituency would be liable to be accounted for by him. Any other interpretation of the above mentioned provisions would defeat the very object underlying section 77(1). This would be more evidently glaring in the case of bye-elections where a political party may include the name of its candidate as a star campaigner and that would give him a license to travel within his constituency by adopting any means of communication and without accounting for the same.

Copy to:

All recognized National & State Political parties.

D - PRESERVATION OF RECORDS

INSTRUCTION SI. No. 67

Election Commission's letter No. 4/98-J.S. II dated 15.10.1998 addressed to CEOs of all States and UTs.

Subject: Meaning of "Competent Court" referred to in Rule 93(1) of the Conduct of Elections Rules, 1961-Clarification regarding

I am directed to invite your attention to sub-rule (1) of rule 93 of the Conduct of Elections Rules, 1961 which stipulates that the election papers referred to there under shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of a Competent Court. The Commission has been receiving queries seeking clarification about the meaning of the word "Competent Court".

2. It is hereby clarified that "Competent Court" within the meaning of sub-rule (1) of rule 93 of the Conduct of Elections Rules, 1961 is any court having jurisdiction to try electoral offences etc. for the prosecution of which the documents mentioned in the said rule are required.

3. This also clarifies the reference to "Competent Court" made in the Commission's instructions at para 10.1 of Chapter XVIII of the Handbook for Returning Officers, 1998 pertaining to disposal of election papers.

4. The above clarification may be brought to the notice of all concerned in your State/Union Territory for their information and guidance.

5. Kindly acknowledge receipt.

INSTRUCTION SI. No. 68

Election Commission's letter No.51/8/99-Vol.-III dated 02.06.1999 addressed to CEOs of all States and UTs.

Subject: Use of electronic voting machines in elections-period of retention thereof

I am directed to state that the Electronic Voting Machines (EVMs) have been used in selected constituencies in the recently held general/bye-elections to the State Legislative/Assemblies of Madhya Pradesh, Rajasthan and NCT of Delhi. Having received encouraging feedback from the political parties and the general public about the efficiency of the EVMs the Commission is considering to use the EVMs in future elections in as many Constituencies as possible. In the meantime, there have been references from the CEOs of the States where these machines have been used regarding the period for which the EVMs are to be retained before using them in subsequent elections. The matter has been considered.

2. Rules 92(1 A) 93(1 A) and 94(aa) of the Conduct of Elections Rules, 1961 provide as under:

"92 (1A): All voting machines used at an election shall be kept in the safe custody of the concerned District Election Officer"

"93 (1 A) The control units sealed under the provisions of rule 57C and kept in the custody of the District Election officer shall not be opened and shall not be inspected by or produced before any person or authority except under the orders of a competent court."

"94(aa) The voting machines kept in the custody of the District Election officer under sub-rule (1 A) of rule 92 shall be retained intact for such period as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission."

3 Taking all the relevant factors into account, the Election Commission hereby directs under rule 94(aa) of the Conduct of Elections Rules 1961 as follows :-

(i) Every voting machine (EVM) used in an election and kept in the custody of the District Election Officer shall normally continue to be kept in such custody for a period of six months from the date of declaration of the result of the election.

(ii) In the case of elections, where no election petitions have been filed or no other court cases are pending, after the expiry of the said period of six months the machines may be used for any future election.

- (iii) In the case of election where election petition has been filed the voting machines used at all polling stations in the constituency concerned shall continue to be kept in the safe custody of the District Election officer, till such time the election petition is finally disposed of by the courts.
- (iv) If any other court case is pending like booth capturing, etc. in which any EVM is involved, the EVM concerned or the EVM(s) used at such polling station(s) concerned may also be kept till the final disposal of the said case.
- (v) After the final disposal of the election petitions or, as the case may be other court cases referred to clauses (iii) and (iv) above, the voting machines can be used for subsequent elections.
- (vi) Notwithstanding anything contained in clauses (i) and (ii) above if the machines used at an election in respect of which no election petition has been filed, are needed for use at any subsequent election before the expiry of the period of six months referred to therein, the Election Commission may by special direction permit these machines to be so used.
4. The Commission further directs that the alkaline batteries which have been used in the voting machines in an election shall not repeat not be used in any subsequent elections. The used batteries can however be used for the purpose of giving training on the functioning of voting machines.
5. These directions shall be brought to the notice of all concerned for immediate compliance. Kindly acknowledge receipt.

INSTRUCTION SI. No. 69

Election Commissions letter No. 49/2000/ J.S.II dated 12.12.2000, addressed to the Chief Electoral Officers of all States/UTs

Subject: Instructions for disposal of surplus and waste ballot papers - Amendments

I am directed to invite your attention to the Commission's instructions in para 13 of Chapter XVIII (Miscellaneous) of the Handbook for Returning Officers, 1998 (para 14 of the said Handbook for EVMs) regarding the manner of disposal of surplus and waste ballot papers. As per the said instructions, the surplus and waste ballot papers, alongwith floor sweeping in the Govt. Press, are to be destroyed by burning in the presence of the Chief Electoral Officer himself or of a Senior Officer duly authorized by him in writing. Further, if the Govt. Press is situated at a District Head Quarter away from the State capital, the destruction of the surplus and waste ballot papers alongwith floor sweeping, should be done by burning in the presence of the District Collector/District Magistrate/Deputy Commissioner or a Senior Officer authorised by him.

2. The above instructions have been reviewed in the light of the air-pollution created due to burning of huge quantity of paper in an open area. The Commission has, therefore, directed that the surplus and waste ballot papers alongwith floor sweeping kept in Govt. Press should hereafter be shredded and made into pulp instead of burning. This should be done in the presence of the Chief Electoral Officer himself or a Senior Officer duly authorized by him in writing, if the Govt. Press is situated in the State capital. As regards destruction of surplus and waste ballot papers at the Govt. Press at a District Head Quarter, this should be done in the presence of the District Election Officer or a Senior Officer not below the rank of Sub Divisional Magistrate duly authorised by him in writing. The shredded material may be sold to the Khadi and Village Industries Commission or similar Govt. funded Organisations to the best advantage of the Govt in preference to selling them through public auction.

3. In view of the above, para 13 of Chapter-XVTO (Miscellaneous) of the Returning Officer's Handbook (1998), and para 14 of Chapter-XVIII (Miscellaneous) of the Returning Officer's Handbook (where EVMs are used), may be substituted by the revised paragraphs as given in the Annexure hereto.

4. These amendments may also be brought to the notice of the Returning Officers, District Election Officers and other election related authorities for information and strict compliance.

5. This disposes of letter No. 3216/Elecs./F/2000-I, dated 16-11-2000 from Chief Electoral Officer, Andhra Pradesh.

6. The receipt of this letter may be acknowledged immediately.

INSTRUCTION SI. No. 70

Election Commissions letter No.576/3/2001/JS-II dated 10.07.2001. addressed to the Chief Electoral Officer all States & Union Territories.

Subject: Election Petition No.1 of 1996 - Shri Dibyendu Biswas Vs. Robin Deb & Others - Directions of the High Court at Calcutta - Commission's instructions - regarding

I am directed to invite your attention to the Commission's instructions contained in paragraphs 5, 6 and 10 of Chapter XVIII (Miscellaneous) of the Handbook for Returning Officers, wherein it has been prescribed that all election papers referred to in sub-rule (2) of Rule 92 of the Conduct of Elections Rules, 1961 should be kept in the respective packets separately for each constituency / segment duly sealed in steel trunks under the safe custody of District Election Officer. These election papers / documents shall be retained for the period as prescribed in paragraph 10.2, 10.3 and 10.4 of Chapter XVIII of the said Handbook. Where an election petition is pending for trial by High Court or any other matter in respect of an election is pending adjudication by the court, the papers relating thereto should not be destroyed until the expiry of three months from the date of final disposal of such petition or matter. The Returning Officer should take special care so as to ensure that ballot papers, both used and unused including postal ballots, are not mixed up while sealing the packets separately as directed in paragraph 29 of Chapter XIV-A and paragraph 31 of Chapter XIV-B of the said Handbook.

2. These instructions of the Commission are required to be strictly followed by all Returning Officers. It has, however, been observed by the High Court at Calcutta, in its order passed on 9th May, 2001, in election petition No. 1 of 1996 (Shri Dibyendu Biswas Vs. Robin Deb & Others) that there was no compliance by the Returning Officer concerned in terms of the instructions of the Commission for preserving the ballot papers and other election documents. The Hon'ble court further gave the following directions for circulation of the same to all the election officials involved in the counting and also the District Election Officer for compliance :

"1. All the ballot papers both used and unused including postal ballots, rejected ballots, cancelled ballots, tender ballots, wherever ballot papers are used in any election, and all the documents and papers relating to the election shall be preserved separately for each constituency whether Parliamentary segment or Legislative Assembly segment in a sealed trunk and / or receptacle and / or packets whichever may be convenient, immediately after counting for a period of at least 45 days from the date of declaration of result irrespective of the provision of Rule 94 of the Conduct of Elections Rules, 1961 and litigation being pending in relation to any constituency.

2. In the event there be any substantial discrepancy in numbers recorded in Form 16 Part I & II and Form 20A (20) in case of use of ballot papers, then on any application being made by any of the parties for recounting it shall be duty of Returning Officer to entertain such application and dispose of and if necessary shall undertake recounting in appropriate cases.

3. The Returning Officer shall ensure that under no circumstances ballot papers, both used and unused including postal ballots if ballot papers are used in election, shall get mixed up with other constituencies after counting is over."

4. The Commission directs that the above instructions of the Commission and the directions of the Hon'ble High Court at Calcutta may be brought to the notice of all District Election Officers, Returning Officers, Assistant Returning Officers and other election authorities in your State / Union Territory for strict compliance at all elections.

5. The receipt of this letter may kindly be acknowledged.

INSTRUCTION SI. No. 71

Election Commission letter No.22/2/1998-PLN-II, dated 24.01.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Electoral Rolls - Supply of certified copy of the relevant entries in the electoral roll by ERO

I am directed to state that under the provisions of existing law, a person who is an elector in any parliamentary constituency can contest the election for Lok Sabha from any parliamentary constituency in any State (except Sikkim, Lakshadweep and Autonomous Districts of Assam). Under the provisions of Section 33 (5) of the Representation of the People Act, 1951, if the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof, or a certified copy of the relevant entries in such roll shall be filed along with the nomination papers.

3. It has been brought to the notice of the Commission that a person whose name is registered as an elector in one of the assembly constituencies in a certain State has applied for a certified copy of the entry in the electoral roll and the ERO of the constituency has supplied him with a certified copy thereof which is entirely in the regional language. If that individual wants to contest an election from any other State where that regional language is not known, the Returning Officer of the parliamentary constituency in the other State would find it difficult to either read or understand the contents of the certified copy of the roll filed by the candidate.

4. This may be the case in respect of all other States and Union Territories also where the electoral rolls are prepared in regional language only.

5. In order to facilitate such candidates to contest elections to Lok Sabha from any parliamentary constituency in any State, other than the State in which he is registered as an elector, the Commission hereby directs as follow:

i) If any person applies for a certified copy of the entry in the Electoral Roll, the ERO shall supply him with a certified copy of the entry in the language in which the roll of that constituency is printed.

ii) However, if the person wants an English version of the certified copy, that person has to get English version of the certified copy prepared on his own and produce the same in English version, along with the original certified copy given to him, before the ERO concerned. The ERO, after satisfying himself that the English version produced by the person is a true copy of the original in regional language, shall certify that English version.

iii) The ERO shall also keep, for his record, a copy of such English version also for any future reference.

5. The above instructions may be brought to the notice of all DEOs/EROs/AEROs immediately for strict compliance.