



Handbook for Returning Officer

February 2019
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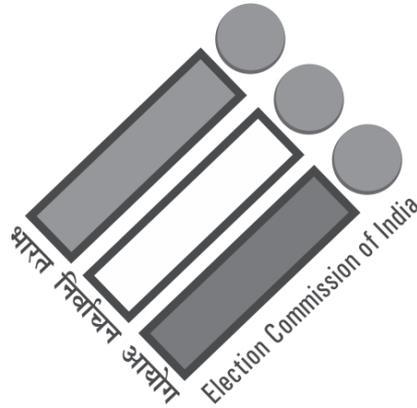


भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

"No voter to be left behind"

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(This document is also available at ECI's Website at <https://eci.gov.in>)

Abbreviations and Acronyms

AC	Assembly Constituency
AMF	Assured Minimum Facilities
ARO	Assistant Returning Officer
ASD	Absentee, Shifted and Dead
BAGs	Booth level Awareness Groups
BDO	Block Development Officer
BEL	Bharat Electronics Limited
BLO	Booth Level Officer
BU	Balloting Unit
CAPF	Central Armed Police Force
CEO	Chief Electoral Officer
CPF	Central Police Force
CSV	Classified Service Voter
CU	Control Unit
DEO	District Election Officer
ECI	Election Commission of India
ECIL	Electronics Corporation of India Limited
EDC	Election Duty Certificate
EPIC	Electors Photo Identity Card
ERO	Electoral Registration Officer
ESPs	Expenditure Sensitive Pockets
ETPB	Electronically Transmitted Postal Ballot

EVM	Electronic Voting Machine
FLC	First Level Checking
FS	Flying Squad
MCC	Model Code of Conduct
MCMC	Media Certificate and Monitoring Committee
M2	Model 2
M3	Model 3
NOTA	None of the Above
PB	Postal Ballot
PC	Parliamentary Constituency
PER	Photo Electoral Roll
PPS	Pink Paper Seal
PS	Polling Station
PV	Proxy Voter
PVS	Photo Voter Slip
RO	Returning Officer
SP	Superintendent of Police
SST	Static Surveillance Team
SVEEP	Systematic Voter Education and Electoral Participation
VAB	Voter Assistance Booth
VCB	VVPAT Counting Booth
VFP	Voter Facilitation Poster
VVPAT	Voter Verifiable Paper Audit Trail
VSDU	VVPAT Status Display Unit

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1. INTRODUCTION

1.1 GENERAL

- 1.1.1 The Returning Officer has a pivotal role in election management. He/she is so called because he/she conducts the election in a constituency and returns elected candidate. A Returning Officer is responsible for overseeing the election in one constituency or sometimes in two, as directed by the Election Commission of India.
- 1.1.2 Under Section 21 and 22 of the R.P. Act, 1951, the Election Commission of India appoints the Returning Officer and Assistant Returning Officer for a constituency, in consultation with the State Governments and the Union Territories as the case may be.
- 1.1.3 Returning Officer should clearly know the territorial extent of the constituency for which he/she is the Returning Officer. The present allocation of seats to the State/Union Territories in the House of the People, the total number of seats assigned to the Legislative Assemblies and the number of seats reserved, if any, for Scheduled Castes and Scheduled Tribes in each State/Union Territory can be seen in Annexure 1 and 2.

1.2 THE HANDBOOK AND OTHER REFERENCES

- 1.2.1 This Handbook for Returning Officer is designed to give information and guidance needed for optimal functioning of a Returning Officer. However, this is not an exhaustive compendium in all aspects or as a substitute reference for the various provisions of election law for the conduct of elections. Returning Officer should therefore, wherever necessary, refer to those legal provisions, contained in the latest edition of the Manual of Election Law, which contains, among other things, relevant extracts from (1) the Constitution of India, (2) the Representation of the People Act, 1950, (3) the Representation of the People Act, 1951, (4) the Conduct of Elections Rules, 1961 and the relevant enactments with which Returning Officer should be primarily be concerned. In addition to this, Returning Officer must also have a copy of the Compendium of Instructions, Compendium of Instructions on Election Expenditure Monitoring and the Handbook for Presiding Officer, The Election Symbols Order, 1968 and the latest list of political parties and election symbols issued by the Election Commission and refer to them as often as needed.
- 1.2.2 The latest versions of all the Handbooks are available on the ECI website. (<https://eci.gov.in>)
- 1.2.3 Returning Officer should thoroughly study the annexure attached to each chapter of the Handbook. He should ensure that various forms, statutory and non-statutory, to be used for the election are the latest ones in force and stock them in adequate numbers.

1.3 DUTIES AND RESPONSIBILITIES

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

- a) to publish the notice regarding the election;
- b) to accept and scrutinize the nomination forms;
- c) to publish the affidavits of candidates;
- d) to allot symbols to the contesting candidates;
- e) to prepare the list of contesting candidates;
- f) to print and dispatch postal ballot papers, to manage ETPBs;
- g) to print ballot papers with photograph of candidate for the EVM;
- h) to prepare the EVMs and VVPATs for the elections;
- i) to train polling personnel in all aspects, including use of EVMs with VVPATs;
- j) to depute Polling Officers to the polling booths with election materials;
- k) to supervise the functions of the Polling Officers in his/her AC/PC on Poll day;
- l) to ensure that the free and fair election;
- m) to designate the counting centres and get them approved by the Commission well in advance;
- n) to send notice to the candidates about the place, date and time of counting of votes;
- o) to appoint and train counting staff;
- p) to count the votes and declare the result.

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

1.4 PRESENT SCENARIO

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

- a) The elections are conducted with Electronic Voting Machines with VVPATs.
- b) The system of Booth Level Officers has enabled the electoral roll to be more accurate.
- c) The electoral roll now has the photos of almost all electors and in many States; the photo coverage is 100%. Most of the electors have the Electoral Photo Identity Card. As the date of poll approaches, a Photo Voter Slip is also handed over to each elector through the Booth Level Officer. All these have served to minimize the scope for impersonation.
- d) A visible and rigorous enforcement of the Model Code of Conduct has enhanced the credibility of elections and given confidence to the voters.
- e) The Compendium of Instructions on Expenditure Monitoring is a breakthrough in the

management of money power in elections.

- f) A number of guidelines have been issued with regard to advertisements in media, both print and electronic. Identification of Paid News has also been emphasized.
- g) In addition to the General Observers appointed under Section 20B of the Representation of People Act, 1951 to watch the process in the field on behalf of the Commission. Expenditure Observers are also appointed to ensure that money power is effectively curbed and a level playing field is ensured.
- h) A number of instructions have come in the management of postal ballots and electronically transmitted Postal Ballots (ETPBs), calling for greater involvement of the Returning Officer.
- i) Sector management has become an important aspect of planning. A sector officer who will be in charge of 10-12 polling locations has to be identified with care.
- j) The concept of Vulnerability Mapping has helped a great deal in enabling the voters from vulnerable sections of society to come and vote. Manual of Vulnerability Mapping (available on ECI website) has also been prepared.
- k) The ‘NOTA’ option with symbol has now been provided on the EVMs, VVPATs and Postal ballots (including ETPB). So that people who do not want to vote for any one of the candidates in their respective constituencies have the option of rejecting all of them without giving up their right to vote in secrecy.
- l) Clear guidelines have been spelt out in identifying critical polling stations well in advance and having one of the following in these to ensure a free and fair poll: Central Armed Police Force, Micro Observers, Video-graphy or Web Casting.
- m) A number of activities to ensure greater participation and a stronger democracy have been initiated under Systematic Voter Education and Electoral Participation (SVEEP), enabling all the stakeholders in the election process to be more informed than before.

1.5 CHAPTER SCHEME OF THE HANDBOOK

1.5.1 Chapters 2 to 4 dealing with Polling Stations, Polling Personnel and Election Materials refer to the first stage of activity as Returning Officer.

1.5.2 As soon as the notification for election is published, a very important stage in the election process begins. Returning Officer’s role in the nomination, scrutiny, and withdrawal of candidature and allotment of symbols is extremely crucial. The details regarding these are covered in Chapters 5 to 8.

1.5.3 Chapter 9 deals with Uncontested Election.

1.5.4 Publication of the list of candidates after the allotment of symbols marks the beginning of a new phase in which Returning Officer has to start arrangements for the actual poll process. These include among others, printing and dispatch of postal ballot papers,

printing of ballot papers for EVMs, and preparing EVMs and VVPATs for handing over to the polling personnel. These are dealt with in Chapters 10, 11 and 12. The actual conduct of poll is dealt with in Chapter 13.

- 1.5.5 Various steps to be followed in the case of simultaneous elections to both the Lok Sabha and the State Legislative Assembly are dealt with in Chapter 14.
- 1.5.6 Counting of votes and the Declaration and Publication of Result are detailed in Chapters 15 and 16.
- 1.5.7 Chapter 17 deals with Return and Forfeiture of Deposits. Chapter 18 deals with Monitoring of Election Expenditure and Accounts of Candidates. The Chapter 19 deals with miscellaneous items.
- 1.5.8 A detailed account of contents, indicating the sub headings, chapter wise is given in the beginning of the handbook for ready reference.
- 1.5.9 The annexure are placed at the end, indicating the para number of the chapter to which these are related. An index of annexure is also given in the beginning of the handbook.

1.6 SUMMING UP

- 1.6.1 Returning Officer should ensure that the election management is transparent, so that there is no scope for complaint of partiality from any stakeholder. Being transparent also adds to the credibility of the election. The Commission takes a very serious note regarding the lack of neutrality on the part of any official.
- 1.6.2 Returning Officer should meet the representatives of the recognized political parties and contesting candidates as often as he/she can. It is extremely important to keep them informed of the Commission's instructions from time to time. Many of their doubts and apprehensions can be cleared through mutual discussions. These meetings could also avert many situations that would lead to law and order problems.
- 1.6.3 Returning Officer's interaction with the media should be positive and he/she should use the media effectively to disseminate information regarding the steps taken by him/her for a free and fair poll to the public and all other stakeholders. This is an important confidence building measure.
- 1.6.4 Needless to say, Returning Officer should be thorough with the provisions of law and the latest instructions of the Commission so that he/she can lead his/her team to conduct a free and fair election.
- 1.6.5 The Commission places a very high premium on training of all those who are involved in the election process. Returning Officer should therefore take his/her training seriously, on all aspects, including handling of the EVMs and VVPATs. Returning Officer should also take every effort to train his/her polling personnel and counting staff.
- 1.6.6 Considering the multiplicity of agencies involved, Returning Officer should be able to

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

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

1.7 ELECTORAL ROLL

Addition, Deletion and Corrections after final publication (during continuous updation period)

- 1.7.1. After final publication of rolls, no suo-moto deletion shall be done in an election year. Deletion can be done only on the basis of Form 7 or on the basis of a request of deletion made by the concerned elector in declaration part of Form 6. If any deletion has to be made in the electoral rolls after the final publication of rolls, i.e. during the period of continuous updation, the ERO shall consult the DEO before making any such deletion. The DEO shall monitor all additions, deletions and corrections from the date of final publication of electoral rolls onwards. In case deletions required in any Assembly Constituency are more than 0.1% of the number of electors in the said constituency in the finally published rolls, the DEO shall take the approval of the CEO before allowing such deletions by the ERO.
- 1.7.2. After the announcement of elections, no deletion or correction of entries in the electoral rolls shall be done by the ERO either suo moto or on the basis of forms received. Forms 7, 8, 8A received till the date of announcement of election will be taken up for disposal by the ERO concerned after expiry of the prescribed 7 days' notice period. This means, Forms 7, 8, 8A received till the date of announcement of election would be processed as per due procedure till the 10th day from the date of announcement. Forms 7, 8, 8A received after the announcement of election would be kept separately and shall be taken up for disposal only after completion of election.
- 1.7.3. Addition of names will be carried on till the last date of filing nominations. All the Forms 6 received till 10 days before the last date of filing nominations shall be disposed of and the Addition Supplement be prepared by the EROs upto the last date of filing of nominations.
- 1.7.4. **Preparation of supplement, integration and reprinting of integrated mother roll:**
- (a) Preparation of 1st Supplement:** The finally published roll is in the form of the basic mother roll (published as integrated draft roll) plus 1st Supplement consisting of all 3 components, namely, additions, deletions and corrections, in respect of revision period. At the time of final publication, changes due to deletion and correction supplements are reflected in the basic mother roll. Such integrated mother roll has to be reprinted and the addition supplement along with deletion and modification supplements is appended thereto. The serial number of the first entry of the addition supplement starts

in continuation of the last serial number of mother roll. It is clarified that such reprinted basic mother roll does not mean a merger/amalgamation of integrated draft roll with the supplements (addition/deletions/corrections) in respect of revision period. In other words, there are no changes in the serial numbers of entries appeared in the draft mother roll, due to deletions made during the revision period.

(b) Preparation of 2nd Supplement - On the last day of filing nominations, the electoral roll shall be frozen. In respect of additions, deletions and modifications made during the period of continuous updation, after final publication of electoral roll, the 2nd Supplement comprising all 3 components, i.e., addition, deletion and modification shall be prepared by the ERO for use in elections as marked copy/working copy of electoral roll.

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

- (a) All additions made during continuous updation period (as in 'Addition' list of 2nd Supplement) shall be added diatonically below the basic mother roll (integrated draft roll) without disturbing/changing the sequence/serial number of electors so added, with the caption "Additions during Continuous Updation".
- (b) The deletions and modifications made in 2nd Supplement shall be reflected in the integrated mother roll, on the same pattern as was done at the time of final publication. To differentiate the changes done during continuous updation from the changes made in integrated mother roll at the time of final publication, the words 'DELETED-DELETED' shall be superimposed cross diagonally i.e. on the elector detail box concerned, to indicate that the said entry has been deleted in the 'Deletion' list of 2nd Supplement prepared in respect of continuous updation. In the 'Deletion' Supplement, alphabets, 'EE', 'SS', 'QQ', 'RR' or 'MM' as the case may be, shall be pre-fixed against serial number of each deleted entry to denote the reason for deletion. 'E', 'S', 'Q', 'R' and 'M' stand for 'Expired', 'Shifted/change of residence', 'Disqualification', 'Repeat/duplication' and 'Missing after natural disaster like tsunami, earthquake, flood etc. missing NBW cases' respectively.
- (c) A double hash '##' sign shall be prefixed before serial number of each of the entry corrected in the integrated mother roll to indicate that the entry has been corrected in 'Correction' list of 2nd Supplement but no correction actually should be carried out in the reprinted mother roll. Similarly, photographs of electors corrected in the 'Correction' Supplement will not be added/changed/corrected in the reprinted mother roll. Photograph of an already registered elector, received/captured, subsequently or corrected or replaced should be listed in the 'Correction' list and retained therein. Such photographs should not be inserted in the reprinted mother roll while indicating '##' sign against the corrected entry. Instead, in the reprinted mother roll, in the space provided for photograph, the words "Photo as in Correction List-2" in bold should be printed. These words should be imprinted over an existing photograph in case the same is wrong or needs to be changed due to any other reason.

- (d) In respect of cases where the photo printed in the draft roll is wrong and the correct photo is somehow not available/captured before final publication, the word "Photo Deleted" will be imprinted on the wrong photo in the reprinted mother roll and a double '##' sign affixed to indicate the change in the 2nd 'Correction' list. In the Correction list supplement, against the space for photo, there should be no photo and instead, words 'PHOTO DELETED' should be inscribed.

1.7.6. Printing of marked copy / working copy:

- (a) As indicated in the Commission's existing instructions, the integrated mother roll, reflecting all the changes made in 1st and 2nd Supplements shall be reprinted using the software provided, for preparation of marked/ working copy for conduct of elections. It is clarified that as the Commission has already directed not to make any deletion and correction after the announcement of elections, the 'Deletion' and 'Correction' list of 2nd Supplement along with mother roll reflecting the changes carried out in the 2nd Supplement, can be printed immediately after the 10th day of announcement of election by the Commission, after disposing all the Forms (i.e. Forms 7, 8, 8A) received till the date of announcement of election and therefore, the Deletion and Correction Supplements and Mother rolls can be printed after the 10th day of announcement of election.
- (b) As inclusion of names will carry on till the last date of filling of nominations, the 'Addition' list of 2nd Supplement will be printed only after the last date of filling nomination is over and certainly within the period of 3 days of last date of withdrawal of candidatures. As no changes are required to be reflected in the mother roll as result of the Addition Supplement, printing of Mother roll, Deletion and Correction Supplements will not be affected by the entries of the Addition supplement and sufficient time will be available for printing/ reprinting of roll. Addition supplement, that is to be printed after last date of filling nominations, can be simply added in the integrated Mother roll without disturbing the entries in integrated Mother roll.

1.7.7. Sharing of electoral roll with contesting candidates of recognized political parties:

A copy of the electoral roll with the integrated Mother Roll and both supplements, so printed by software and appended/bunched together, shall be given free of cost to contesting candidates of recognized political parties and will also be made available for sale by the Electoral Registration Officers to political parties and other persons. The same copy shall also be used for preparation of the Marked Copy of electoral roll to be used in polls.

1.7.8. The Returning Officer should allow inspection of the complete roll of the constituency as corrected above, in his office.

1.7.9. The Returning Officer shall provide an identical copy of the final electoral roll to the candidates of recognized political parties of the state concerned within 3 days after withdrawals and finalization of candidature. This is not necessary during bye-elections.

- 1.7.10. Preparation of 'Working Copy' and 'Marked Copy' - One copy of such final roll should be set apart for marking the names of voters to whom Postal Ballot (PB) and Election Duty Certificates (EDC) are issued. After the PB/EDC recipients are decided, the Returning Officer shall get the initials 'PB' or 'EDC' marked against the electors concerned in the copy of the roll set apart for marking by the polling officials on the day of poll.
- Part-wise proxy voter list in prescribed Format shall also be attached to the copy of the roll set apart for marking. Three (Four in case of simultaneous elections) more copies of the roll shall be prepared which would be IDENTICAL and will be supplied to the Presiding Officer and the polling team for conduct of elections. These are the working copies of the roll.
 - The copies of electoral roll to be supplied to candidates of recognized political parties should be IDENTICAL with the working copy of the electoral roll provided to polling parties for conduct of elections except the PB, EDC markings and proxy voter's lists, however, the working copy with PB and EDC markings and 'Proxy Voters' lists may be shown to the agents and candidates present before commencement of poll inside the polling station so that they may compare the entries, deletions and corrections and if necessary note the same in their copies.
 - One of the said three/four sets of working copy should be used by the polling officials at the polling booth for further marking the electors who come and vote. This would be the statutory 'marked copy' that would be sealed in the statutory envelop at the close of the poll and submitted to the Returning Officer for safe custody along with other statutory documents.
 - List in alphabetical order - The Election Commission has directed that for easy identification and search the names of voters at the polling station locations having 3 or more polling stations in one building, over and above the normal electoral roll a copy of the roll with electors arranged in alphabetical order should also be provided for conduct of elections. This however is not statutory and is merely to facilitate voter location and identification quickly on the poll day. The photo of electors need not be printed in this facilitative roll. Such alphabetical roll need not be prepared necessarily for all parts of the roll.

2. POLLING STATIONS

2.1 GENERAL

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

2.2 FRESH LIST OF POLLING STATIONS - UNDERLYING PRINCIPLES

- 2.2.1 The fresh lists should be drawn up bearing in mind the following instructions:
- a) The optimum number of polling stations to be set up in an Assembly Constituency should be determined by dividing the total number of voters in the constituency by 1000. This number will be an average for both the rural and the urban constituencies. However, the Commission's instruction is to provide a polling station for every village having more than 300 voters, provided there is a suitable building for it.
 - b) A polling station should be provided for a well-defined polling area, normally covering not more than 1200 electors in rural areas and 1400 electors in urban areas.
 - c) As far as practicable, the polling station should have a minimum area of 20 sq. meters so that there is no congestion inside the polling station.
 - d) Halls/rooms should be well-lit and should ideally have two doors, so that one door can be used as the 'entrance' and the other as the 'exit' for the smooth and orderly conduct of poll.
 - e) Polling stations should be set up in such a manner that ordinarily, no voter is required to travel more than two kilometres to cast his vote. In sparsely populated hilly or forest

area, this rule may have to be relaxed; in such cases to ensure that voters may not have to walk unduly long distances, polling stations may be set up for a smaller number of voters than the usual. Due consideration should be given to the topography and the ease of travel for voters.

- f) In urban areas, not more than four polling stations and, in rural areas, not more than two polling stations should be located in the same building as far as possible, in order to avoid overcrowding and to facilitate maintenance of law and order.
- g) If the polling station is for both men and women, there should be separate queues for them. For every man entering the polling station, two women should be allowed. The old, infirm, pregnant women and differently abled persons should be allowed to enter the polling station without having to stand in the queue. When separate polling stations are provided for men and women of a particular polling area, these should, as far as possible, be located in the same building.
- h) As far as possible, the polling station should be set up within the polling area. If a suitable building is not available in the area, then it may be set up outside the polling area but as near to its own area as possible.
- i) Where the polling area for a polling station comprises a number of villages, the polling station or stations should ordinarily be located in the village, which has the largest number of voters. However, if another village is more centrally located or has distinctly better facilities, it can be chosen as the location of polling station in preference to the village with the largest number of voters.
- j) Due consideration should be given to the existing obstructions like hills, forests, rivers, jungles, etc. For instance, no polling area should contain villages on either side of a big river; but where the village itself is divided by a river or stream it should not be split up for polling purpose unless there are special reasons.
- k) Setting up a polling station in a temporary structure should be avoided, in view of the expenditure of erecting it and further risk of fire, storm, etc.
- l) All villages in one polling area should fall in one administrative unit like one police station, firka, patwari circle etc. All polling areas within the constituency should be covered in the proposed polling stations. No area in the constituency should be left out.
- m) As far as possible, polling stations should be located in schools (Government or aided) and other Government or Semi-Government institutions, as the furniture and equipment required would be available there and could be made use of without any extra cost to the State.
- n) The location of the polling stations in private buildings or premises should generally be avoided; but where this becomes unavoidable, written consent of the owner should be taken. In case the owner refuses to give written consent, the buildings should be requisitioned under Section 160 of RP Act 1951 if necessary. The private building so requisitioned should

be at the disposal of the Returning Officer at least 24 hours before the commencement of the poll and for the period required for the poll. The building and the area around it, up to a radius of two hundred meters, should be under the control of the Presiding Officer. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of two hundred meters around it. The security arrangement at the polling station and within the above area on the poll day will be the responsibility entirely of the State Police under the control of the Presiding Officer. Further, after nominations are filed, it should be ensured that the owner of such private building is not a contesting candidate or a known sympathizer or worker of any of the candidates at the election.

- o) No polling station should be located in police stations, hospitals, temples or places with religious significance.
- p) There should be no political party office within 200 meters of a polling station.
- q) As far as possible, the polling stations should be set up on the ground floor of a building to facilitate voting for aged and disabled electors. Ramps should be installed for the use of such electors.
- r) Electricity, drinking water and separate toilet facilities for men and women should be available as far as possible.
- s) The actual site of each polling station should be chosen carefully in advance and materials, structures, fittings etc., necessary to set up a polling station complying with the requirements of law and practical convenience should be arranged.

2.2.2 The Commission has published a Manual on Polling Stations, 2016 which is available on ECI website. For detail information on polling station, read this Manual.

2.3 SETTING UP OF POLLING STATION FOR VOTERS SUFFERING FROM LEPROSY

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

2.4 SPECIAL PROVISIONS FOR VULNERABLE SECTIONS

2.4.1 The Commission has come across many cases where polling station in a minority locality was changed in such a way that minority people have to go to an area where they might be prevented from voting. This should not be permitted. The Chief Electoral Officer of the state should take special care of this when elections are around the corner. Commission has issued specific directions to identify the localities predominantly inhabited by weaker sections and locate polling stations in these localities irrespective of the number of electors. Welfare associations or voluntary organizations championing the cause of such weaker sections should also be associated in identifying such localities and locating the polling stations.

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

- 2.5.1 The Commission has laid down clear guidelines to prevent intimidation to the voters of vulnerable sections of electorate (Returning Officer should read the Manual on Vulnerability Mapping for details). Some of the guidelines are:
- 2.5.2 An exercise to identify the villages/hamlets/habitats and segments of electorate vulnerability to any threat, intimidation or interference with the free exercise of electoral right shall be taken up polling station wise. The sector officers shall do this exercise for their respective polling stations by visiting the catchments area of the polling stations. The local Thana officer (SHO) and the local civil authorities such as BDO / Tehsildar shall also be consulted and their inputs taken into account before finalizing the list. They should identify the source of such threat/ intimidation and identify the names of persons who are likely to spearhead such offence of undue influence. While doing this exercise they shall take into account the past incidents and current apprehensions.
- 2.5.3 They shall identify some point of contact within the habitat/ community vulnerable to such undue influence so that information related to such developments can be tracked constantly.
- 2.5.4 The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency, polling station-wise in the format appended to instruction on vulnerability mapping.
- 2.5.5 The DEO and SP of district and Commissioner of Police Commissionerate shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for free and fair poll.
- 2.5.6 The DEO/ RO shall interact with the candidates and representatives of political parties to get regular feedback. The District Intelligence shall give regular feedback on the subject to the DEO through SP.
- 2.5.7 Upon the arrival of the Observers, the DEO/ RO shall hand over the details of the polling station-wise vulnerability mapping for the relevant Assembly Constituency. The observer will also visit such locations and interact with the voters and constantly monitor the developments.
- 2.5.8 The DEO and Superintendent of Police of the District and Commissioner of Police should hold a joint review on the subject and finalize a focused action plan to deal with the potential threats and intimidation points identified. The action plan may include, inter-alia, binding the identified trouble mongers under appropriate sections of the law, preventive detention if required, forcing their appearance in local police stations at

reasonable intervals to ensure their good behaviour, placement of police pickets, regular confidence building visits etc. It has to be ensured that all such measures are undertaken in absolutely non-partisan manner without fear or favour towards any particular party.

- 2.5.9 The zonal/ and sector arrangements to monitor the events on the poll day shall take such pre-identified vulnerable locations into account for effective tracking. If the normal sector route map does not cover the vulnerable locations, special arrangements shall be made for this purpose. The sector officers shall make regular visits to those villages and hamlets in advance, collect information and keep the senior officers informed.
- 2.5.10 Where there is a cluster of such vulnerable pockets, the DEO shall arrange for dedicated police teams/squads and station them at convenient locations in the vicinity, to be pressed into service for action on the day of poll without any loss of time. It should invariably form part of the district security plan.
- 2.5.11 On the day of poll, the sector officers shall pay special attention to verify whether voters from the vulnerable habitats/ communities are turning up for voting or not. In case, they find (it can be gauged from the marked copy of the electoral roll where voters who have voted are ticked) that some sections of voters are conspicuously absent, then they should inform the Returning Officer about this immediately. The Returning Officer and DEO shall dispatch the dedicated squads specifically meant for this purpose, to ascertain, by a visit to the area/hamlet, that there is no hindrance – overt or covert – in the movement of that section of voters. They should closely monitor the developments and initiate effective interventions. After the closing hours on the poll day, the sector officers shall submit a polling station wise special report in writing to the Returning Officers indicating as to whether voters from the vulnerable habitats were able to vote or not.
- 2.5.12 At the time of dispatch of the polling parties at the dispatch centres, the RO should brief the Presiding Officer(s) concerned about the vulnerable locations within the polling station area. In the electoral roll, the Section within the Part should also be marked for proper monitoring. The presiding officers shall submit a report indicating abnormally low percentage of voter turnout if any within any section/sections, particularly, with reference to the vulnerable locations.
- 2.5.13 During the poll, the Observers and other senior officers while visiting the polling station shall pay a special attention to this problem and find out whether any undue influence, intimidation/ obstruction is being caused.
- 2.5.14 The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary, police pickets shall be established to ensure free access to all voters to cast their votes without fear.
- 2.5.15 The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF arrives in advance for area domination, special attention shall be given for such locations. The Commanders/Assistant Commanders

shall make it a point to visit such vulnerable pockets as a confidence building measure on the day of poll. In case they come across any obstruction, they shall take note of that and immediately inform any of the electoral officials such as RO/DEO/SP/Commissioner of Police/Observer/Sector Officer and keep a note of the time of their intimation.

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

2.5.17 The Returning Officers shall take the inputs on mass scale intimidation/threat/obstruction, if any, and keep it into consideration while submitting their report after the poll.

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

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

2.6 AUXILIARY POLLING STATIONS

2.6.1 Before every revision of electoral roll, polling stations should be rationalized based on additions expected in the roll so that after the final publication, polling stations in urban areas do not have more than 1400 voters and polling stations in rural areas do not have more than 1200 voters. This will obviate the need to set up auxiliary polling stations on the eve of the polls. However, in case, it does become necessary, auxiliary polling stations should be set up subject to following conditions:

- a) Auxiliary polling stations shall have the same serial number as that of the original polling station, but with a suffix "A", "B", etc.
- b) As far as practicable, the auxiliary polling stations shall be located in the same building or premises as that of the original polling station.
- c) The auxiliary polling station may be located in a separate building only when unavoidable owing to non-availability of suitable rooms. But it shall be within the same area as that of the original polling station.
- d) Separate serial number shall not be given to an auxiliary polling station even if it is located in a separate building. It shall have the same serial number as that of the original polling station with the suffix "A" or "B" in view of the fact that the original polling station and its auxiliary

polling station may be having the electors shown in the same part of the electoral roll.

2.7 PROCEDURE FOR LISTING OF POLLING STATIONS

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

Column 1: The serial numbers of the polling stations should commence from the north-western corner of the constituency and proceed in a zigzag manner to south-eastern corner of the constituency. In cases where there is one polling station in a part, the serial number of a polling station and part number of the electoral roll covering the polling area assigned to that polling station should be the same. In those cases, where there is more than one polling station in a part, the polling station number should be given by suffixing A, B, C etc. to the part number.

Column 2: The locality is the name of the area in which the polling station is located. In case of temporary structures, the description of the exact site chosen as the location of the temporary structure should be clearly indicated.

Column 3: The full name of the building should be clearly described. The use of abbreviations should be avoided. In cases where more than one polling station is located in the same building the location clearly indicated by mentioning "North Wing", "South wing" etc.

Column 4: The area of the polling station, in square meters should be indicated. The reason for locating polling stations in rooms/halls having an area of less than 20 square meters should be furnished in 'Remarks' column of the proforma against the appropriate entry.

Column 5: If there is a separate entrance and a separate exit 'Yes' may be written. Otherwise reasons for not being able to locate the polling station in a room/hall with separate entrance and exit may be given.

Column 6: The names of villages, blocks, wards, streets, localities, house numbers and part number of the electoral roll should be given.

Column 7: It should be indicated whether the polling station is for all voters or for men or women only.

Column 8: This column should contain information about the total number of voters assigned to the polling station according to the final electoral roll of the constituency.

Column 9: This column should indicate the distance to be travelled, if the maximum limit of 2 kilometres is exceeded.

Column 10: Where it is not practicable to conform to the Commission's directions with regard to the location or area of a polling station, broad reasons may be given in this column, as far as possible, for the consideration of the Commission, besides any other remarks which the District Election Officer/ Returning Officer may like to make.

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

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

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

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

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

2.8 PUBLICATION OF THE LIST OF POLLING STATIONS IN DRAFT

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

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

will then be responsible for the provision of polling stations for the entire Parliamentary Constituency.

- 2.8.3 It is also possible that in the case of a Parliamentary Constituency most of the component Assembly constituencies may fall in one district and a portion or portions may fall in another district or districts. In such cases, the polling stations provided by the District Election Officer of the other district or districts should be adopted in whole by the District Election Officer of the district in which the major part lies as the polling stations for the Parliamentary Constituency for which he is required to provide polling stations.
- 2.8.4 After the draft list has been prepared on the lines indicated above, the District Election Officer/Returning Officer should publish the draft, for general information in the language or languages of the electoral roll for the constituency, for general information, inviting objections and suggestions by a specified date, allowing a period of not less than seven days. The notice regarding publication of the draft list of polling stations and places at which it can be inspected should also be given in the local newspapers and written objections or suggestions invited for consideration.
- 2.8.5 Copies of the lists should be supplied to the local branches of all recognized political parties and to the sitting members of the House of the People and Assembly Constituencies concerned or to ex-members of the House of the People or the Legislative Assembly in case the House of the People, or the Legislative Assembly stands dissolved.
- 2.8.6 The District Election Officer should thereafter call the party representatives and legislators for a meeting and discuss the draft list and the suggestions received about the same. Any bonafide person intending to be a candidate who wishes to take part in the discussions at this meeting should also be allowed to do so.
- 2.8.7 The District Election Officer should then take his decision on suggestions, amend the draft list where necessary and finalize the draft list of polling stations for the constituency. He should then forward it, along with the map to the Commission, through the Chief Electoral Officer of the State, along with the scrutiny sheet and the certificate in the forms prescribed in Annexure 4 and 5.
- 2.8.8 When the list is forwarded to the Commission in a language, other than English, it should be accompanied by a translation in English as well. There is no need to print or cyclostyle the approved list of polling stations in English. However, there would be no objection to this being done if copies in English are required for official use or by the public.
- 2.8.9 The Chief Electoral Officer, after scrutiny, will forward the list and other enclosures to the Election Commission for approval with his comments. The Commission will then consider and approve the proposed list of polling stations, with any changes as deemed necessary.
- 2.8.10 The approval of the Commission will be communicated by the Election Commission directly to the District Election Officer with copy to the Chief Electoral Officer. After the approval of the Commission is received, the District Election Officer should once again

check the list to see whether there are any errors and incorporate the changes, if any, suggested by the Commission in the list. The list finally approved by the Commission should be published as directed below.

2.9 FINAL PUBLICATION OF THE LIST OF POLLING STATIONS

2.9.1 The District Election Officer for an Assembly Constituency shall publish the list of polling stations provided by him, with the previous approval of the Election Commission, by making a copy thereof available for inspection on CEO website and displaying a notice in the form given in **Annexure 6** at his office and at the office of ERO of that constituency. The DEO shall also, as far as practicable, make a copy of the relevant parts of the list together with the notice in the form appended available for inspection at the office of the Collector/District Magistrate/Sub-divisional Magistrate / Revenue Divisional Officer / Judges and Munsif Courts / Prant Officer / Tahsildar / Amildar / Deputy Tahsildar / Sub-Registrar / Police Stations / Mauzadars or Sarpanches or Union / Panchayat Ghars / Union Boards / District Board / Municipal Committee / Notified Area Committee, and at such other places and in such other manners as he may consider necessary and suitable. On such publication, the list shall be the list of polling stations for that constituency.

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

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

2.9.4 The entries in columns 4, 5, 8, 9 and 10 of Annexure 3 and the entries at the bottom of the list relating to the total number of voters, the total number of polling stations and the average number of voters per polling station, should be deleted before the final publication of the list.

2.9.5 The list of polling stations for an Assembly Constituency shall be published in the language or languages in which the electoral roll for that constituency is published.

2.10 MODIFICATIONS IN THE LIST

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

2.10.2 Changes in the location of polling stations arising out of shifting to new buildings or sites may become necessary, where the owner of the building or site originally proposed for a polling station has since become a contesting candidate or has strong sympathies for such candidate or political party, or because of the building being affected by any natural calamity. All such changes should be reported to the Commission for approval.

2.10.3 Once the lists are approved, requests from political parties and individuals for shifting of the polling stations from one village to another or from one site to another should be considered, only in extremely exceptional cases where there are overriding considerations of public convenience for the change proposed. If the District Election Officer/Returning Officer is satisfied, he should consult other political parties and contesting candidates and then only make his recommendations to the Commission in the matter.

2.10.4 District Election Officer should, on no account, make any change in the location of polling stations already approved by the Commission, without its prior approval, as any change may ultimately result in the election being declared void.

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

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

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

2.12 SUPPLY OF COPIES OF THE LIST

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

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

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

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

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

- 2.13.1 Under the existing instructions of the Commission, polling stations should be located more or less permanently, so that the voters have a fair idea about their polling stations where they have to go to vote and that they should not be required to go to different places at different elections. The Commission has also decided that electoral rolls should be prepared polling station wise, i.e., each part should cover a well-defined polling station area assigned to a polling station.
- 2.13.2 Whenever such list is submitted to the Commission and its approval in regard to that list is obtained in terms of Section 25 or RP Act 1951, such approved list shall be the list of polling stations for the constituency.
- 2.13.3 Whenever any General Election or Bye-election is to be held in that constituency in future, the District Election Officer/Returning Officer should examine whether any addition to or alteration in the list of polling stations already approved is necessary on account of the revision of the electoral rolls before that election.
- 2.13.4 If at any such election, no change or modification in the approved list is considered necessary and the same is proposed to be adopted for that election, no further approval of the Commission in regard to that list will be necessary and such list need not be referred to the Commission for its fresh approval before the election. The Commission must, however, be informed of this fact at least two weeks before the last date for withdrawal of candidatures.
- 2.13.5 Where, however, the list of polling stations already approved by the Commission is proposed to be adopted with modifications, for the said election, the District Election Officer should call a meeting of the representatives of the local branches of the recognized political parties, and the legislators and after consulting them he should send a fresh composite proposal to the Commission through Chief Electoral Officer.

2.14 SECURITY, LAW & ORDER – SENSITIVITY ANALYSIS

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

(link: <https://eci.gov.in/files/category/4-manuals/>)

2.15 CRITICAL POLLING STATIONS

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

and 464/INST/2014-EPS Dated 12th March, 2014):

1. An analysis of polling station wise number of voters with EPIC and without EPIC (non-EPIC voters) shall be made. The polling stations shall be sorted in descending order in terms of number of non-EPIC voters in order to prioritize.
2. The Commission has recently directed a survey of missing voters under two categories i.e. missing voters with family links and missing voters without family links. Out of these two categories, the existence of missing voters without family links offers a scope for misuse and malpractice. The number of voters coming under the second category shall be analysed polling station wise and the polling station with large number of such voters shall be marked. For this purpose, the total number of such missing voters without family linkage shall be divided by the total number of polling stations to work out the assembly constituency average. Analysing the deviation above the average, will help to identify the polling stations with large number of such voters.
3. During the election, the DEOs/ROs may be asked to do a vulnerability mapping of hamlets/villages/electoral segments, vulnerable of threat and intimidation. Polling stations identified as having vulnerable pockets shall be listed.
4. The polling station wise election results available in Form 20 with reference to the past general election shall be analysed. All such polling stations where percentage of poll recorded is more than 90% and where more than 75% of votes have been recorded in favour of one candidate shall be identified as critical polling station.
5. The polling stations where there were repolls during the election owing to reported electoral malpractices and the polling stations that witnessed any sort of electoral violence shall also be identified.
6. The DEOs and ROs shall factor all the above inputs while finally identifying the critical polling stations for additional measures. The ECI Observers shall also be consulted while finalizing the list of critical polling stations as per the above instructions.
7. The response protocol to be followed with reference to the vulnerable Villages/hamlets/electoral segments has been detailed vide Commission's letter 464/INST/2007-PLN-I Dated 12th October, 2007.
8. With reference to polling stations identified as critical polling stations on account of other indicators listed above one or all of the following measures shall be put in place, as directed by the Commission.
 - a) The Presiding Officer shall be specially briefed to ensure that the EPIC/approved identification document if any, are properly verified and reflected in the remark's column of Form 17A.
 - b) The presence of CPF may be ensured to safe guard the polling station.
 - c) The list of such polling stations shall be given to the Commanding/Assistant Commanding

Officers of CPF so that they can also keep an eye on such polling stations.

- d) A micro-observer may be deployed inside the polling station.
- e) Digital camera or video camera shall be positioned in the polling station. The procedure for deploying such cameras has been given vide letter No.447/2007/PLN- IV, dated 17.01.2007.
- f) Web-casting may be done in as many polling stations as possible.

2.15.2 The Commission has prepared a Manual on Force Multipliers and Non-CAPF Measures, 2016, which is available on ECI website. The details on the non-CAPF measures for Critical Polling stations are available in Manual which can be downloaded from the link (<https://eci.gov.in>

2.16 ASSURED MINIMUM FACILITIES AT POLLING STATIONS

2.16.1 The DEO and the Returning Officer (RO) shall do an advance exercise well before the election to get the conditions of the polling stations physically verified by the field officials. The Commission has identified the list of Assured Minimum Facilities (AMF) which every DEO/RO shall provide at each polling station within his district. These assured Minimum Facilities are:

- Provision of ramp
- Provision of drinking water
- Adequate furniture
- Proper lighting
- Help desk
- Proper signage
- Toilet

3. POLLING PERSONNEL

3.1 LEGAL PROVISIONS

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

Power to appoint polling personnel unilaterally

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

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

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

- i) Every local authority
- ii) Every University established or incorporated by or under a Central, Provincial or State Act;
- iii) A Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);
- iv) Any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.

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

3.2 GENERAL GUIDELINES

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

- a) Based on the availability of staff in the institutions covered under Section 159(2) of the R.P Act 1951, and the requirement of staff, the staff may be requisitioned from such institutions.
- b) For the purpose of efficient control of the polling personnel and of economy in expenditure on travelling allowances, etc., each district, as far as practicable, should use its own personnel. All the personnel working under the State and Central Government offices in the State, as well as under the local bodies, have to be mobilized and an assessment of availability should be made well in advance. The Central Government and State Governments have issued instructions to all their heads of departments and offices of the Central and State Governments to furnish to the District Election Officer data of officers in different categories. This would facilitate Returning Officer's task of making suitable selection of polling personnel. As the polling parties are to be comprised of a proper mix, to the extent possible, of Central Government/ Central PSU and State Government /State PSU employees, separate database for such officials are to be prepared by Returning Officer. (Some of these Central Govt. officials may also be deployed as Micro-Observers).
- c) The database of the above officials should also contain the AC number and name, Part number and the Serial number of the electoral roll in which he has been enrolled in addition to his residential address and address of office where posted. The sponsoring authorities are expected to discharge a greater role to ease the burden on the DEO/RO, especially in ensuring delivery of appointment letters and other urgent communications from the DEO/ RO to their own officials. All the sponsoring authorities may be asked to appoint a nodal officer who could be contacted by the election authorities in time of need.
- d) Seniority of officials should properly be taken care of, while giving election related duty and it should be ensured that a senior official is not put on duty under an official who is quite junior to him/her. Presiding Officers and Polling Officers are to be classified on the basis of scale of pay and their post and rank. In determining the rank and status of officials drawn from different pools with different pay scales, the relative position of the official in his cadre/ organization may be taken into account and not merely the pay scale. Say for example, if a Group-D employee from any pool, even if drawing a higher scale should not be assigned duties of a Presiding Officer or Polling Officer. The Presiding Officer should be of higher scale/grade in comparison to all Polling Officers.
- e) The employees belonging to the Revenue Departments (Central and State) who are enjoined upon responsibility of the collection of revenues, should be appointed in consultation with departments in-charge of the revenue collection. All representations, which are duly forwarded by the concerned department, in this regard, should be properly considered and cases of disagreement, if any, should be brought to the notice of the Chief Electoral Officer immediately. Further, school teachers working as Extra Department Postmasters should not be put on polling duty as that will lead to interruption in the maintenance of the

essential service of Postal Department.

- f) Employees of banks, LIC may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient numbers of govt. employees are not available or in emergent circumstances such as strike etc by the Govt. employees. Care should be taken to ensure that minimum numbers of employees of such institutions are requisitioned so that the business of these institutions is not hampered.
- g) In case employees of local bodies, namely, Municipalities, Panchayat samitis, Zila Parishads, etc., are engaged for polling duties at a polling station, it should be ensured that the Presiding Officer and the Sr. Polling Officer of a polling station (who in the event of absence of Presiding Officer is to function as Presiding Officer) should not both be the employees of local authorities. Further, except the first polling officer, who does the identification, the other Polling Officers could be employees of local authorities.

3.3 EXEMPTED CATEGORIES

- 3.3.1 The Commission has exempted certain officers from being drafted for election duty in view of essential nature of duties/service discharged by them.
- 3.3.2 The officers and staff of following departments will not be requisitioned for deployment of election duty:
- Such officers of the Indian Forest Service as notified by ECI;
 - Doctors and Compounders working in veterinary hospitals;
 - Officers working in Grade – B (Cattle Extension Officer) in veterinary hospitals;
 - Medical staff including doctors, nurses, ANMs etc.;
 - Territorial Staff of Forest Department;
 - Staff of All India Radio;
 - Staff of Doordarshan;
 - Officers of Food Corporation of India;
 - Ayurvedic, Unani & Homeopathic Medical Officer of Ayush Deptt.
- 3.3.3 The operational/technical staff of BSNL, MTNL, UPSC and educational institutions will be requisitioned for election duty only in unavoidable circumstances.
- 3.3.4 Officer/staff of Commercial Bank located in rural area and if happens to be a single officer branch, need not be deployed.
- 3.3.5 However, it is further to be noted that any official due to retire within 6 months' time or who has already retired but is on extension of service or re-employed should not be drafted for any election related duty. It is clarified that while drawing persons for election duties, Returning Officer should explore the possibility of asking for persons from all such

Corporations/PSU only so that it is not too much of a strain on a particular organization.

3.4 WOMEN OFFICIALS

- 3.4.1 The availability of female polling personnel should be examined for appointing Presiding/ Polling Officers in polling stations set up exclusively for female voters or where the number of female voters, especially, pardanashin women is large, there must be at least one lady-polling officer who may identify the women electors.
- 3.4.2 All pregnant women and lactating mothers, whether on maternity leave or not, or who are otherwise on medical advice not to undertake any rigorous or hazardous work, may be exempted from election duty.
- 3.4.3 Every female official called for election duty should be informed of the arrangements made for her stay. Unless arrangement is made and information in this behalf is furnished to such female official, she shall not be called to perform any election duty at any such place.
- 3.4.4 The female polling personnel should not be put on duty on the basis of computer randomization process. They should be put on duty in the neighbouring polling stations through manual randomization by the Observers, so that they are able to go to the polling stations on the morning of the poll day. (ECI Instruction No. 464/INST/2009 dated 22.09.2009 & No. 464/INST/2014-EPS dated 10.03.2014).

3.5 JUDICIAL OFFICERS

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

3.6 PERSONS WITH DISABILITIES

- 3.6.1 Physically challenged persons with disabilities as defined under the "Persons with Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995

should not be deployed on election duty. In the case of physically handicapped persons (including visually handicapped and deaf and dumb persons), it may be considered whether any handicapped person as aforesaid would be able to go to the polling station/ counting Centre and perform election duties there. If any a person would not be in a position to perform election duties, he must be exempted subject to the satisfaction of the District Election Officer/Returning Officer.

3.6.2 The DEO and the RO shall make personal efforts to ensure that the special needs and requirements of the physically challenged persons are taken into account while choosing the polling station for deployment. It shall be ensured that they are not posted in any remote area; rather they should invariably be posted at the polling stations located in the headquarter. This can be incorporated in the randomization software itself so that the database contains information about the physically challenged personnel, if any and if drafted on election duty those persons are not be posted in any difficult location even inadvertently.

3.6.3 The RO should make a special effort to identify such individuals at the time of training itself and personally meet and discuss with them in order to understand their nature of disabilities and limitations and decide the deployment. In case any such physically challenged person even inadvertently deputed to any difficult location, the RO should be in a position to make necessary change manually in consultation with the Observer (ECI Instruction No.464/INST/2008/EPS Date: 23rd December 2008).

3.7 PROPER MIXING OF POLLING PERSONNEL DRAWN FROM DIFFERENT OFFICES

3.7.1 In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instil confidence in the minds of political parties and candidates about free and fair elections, Returning Officer should ensure a proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party. Further, the polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable. It is pertinent to mention that central govt. officials must first be used for appointment as micro-observers and then, if available for proper mix as stated above.

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

3.8 RANDOMIZATION OF POLLING PARTIES

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

3.8.2 From the database, randomized list of required number of polling persons should be generated (including reserve) using 'Random Number Generation Technique'. Presence

of Observers is not required at this stage.

3.8.3 Second randomization of polling personnel can be done as soon as after the completion of scrutiny of nomination papers for effective and systematic implementation of issuance of Election Duty Certificate (EDC) and Postal Ballot (PB). The second randomization of polling personnel should be done in presence of the Observer. The second training of polling personnel, (training of Presiding and Polling Officers) may be conducted as per the convenience of the Returning Officer and it will be imparted in presence of the Returning Officer of the Parliamentary Constituency/Assistant Returning Officer of the Assembly Segment. Particulars of AC where an official is going to be deployed will be available but specific polling station for poll duty shall under, no circumstance, be known. This provision will ensure better coordination between the Returning Officers and the Polling Teams since the Returning Officers will be able to meet the Presiding/Polling Officers who have been allotted to his Constituency and simultaneously the polling team would also know in advance the Returning Officer under whom they have to work till the poll day. (464/INST/2014-EPS Dated 28th March, 2014).

3.8.4 The third stage randomization exercise shall take place on the day prior to actual dispersal of polling parties, and in no case earlier to that. Now the allocation of polling stations to the polling parties will be done using the same software as above. Observers' presence and satisfaction is mandatory.

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

CERTIFICATE

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

Name and designation of DEO

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

3.9 FORM FOR APPOINTMENT

3.9.1 The polling personnel should be formally appointed. The form for the appointment of Presiding and Polling Officers is given in **Annexure 7**. The Presiding and Polling Officers should be formally appointed for both the Assembly constituency and for the Parliamentary Constituency, in the case of a simultaneous election.

3.9.2 Appointment letters of Presiding Officers and Polling Officers should be issued as soon as polling parties are formed after second stage randomization, but in their appointment

letters number and name of polling station at which they will be on duty shall not be indicated. Such information regarding place of duty shall be intimated to them only at the time of departure and not before that. If polling parties of some polling station need to be dispatched earlier keeping in view specific law and order problem, geographical features or any other reason, then specific prior approval of the Commission in writing must be obtained through CEO.

- 3.9.3 It is further mentioned under Rule 20(2) of Conduct of Elections Rules 1961, applications in Form 12A for election duty certificates should reach the Returning Officer four days before the date of poll or such shorter period as a Returning Officer may allow. It may also be relevant to point out that in the application in Form 12 for postal ballot paper, the place of election duty is not required to be mentioned but in case of 12A it needs to be given. If appointment letters to Presiding and Polling Officers are to be given prior to the above-mentioned period from the date of poll, it may be done leaving the entries in column one of the table appended to Annexure 7. Particulars of polling stations may be intimated to the polling personnel subsequently in compliance with the Commission's above directions.
- 3.9.4 The order of appointment should be issued, in duplicate, so that the voters on election duty may enclose one copy of that order of appointment along with his application in Form 12 for supply of postal ballot paper or in Form 12A for EDC, thereby facilitating his quick identification and decision to issue postal ballot paper/EDC, as the case may be.
- 3.9.5 The order of appointment in duplicate should also bear a clear seal of the Returning Officer or the District Election Officer.
- 3.9.6 The above procedure will be applicable at General Election as well as Bye-election.
- 3.9.7 Along with the letter of appointment of polling personnel, another communication should also be sent indicating where the electoral rolls for all the Assembly constituencies of a District would be kept i.e. in Returning Officer's office and at the Centre(s) for rehearsal or training classes so that they can check for electoral details for themselves and mention the same in Form 12 or 12A.
- 3.9.8 A list of polling personnel in respect of all polling stations in constituency should be displayed on Returning Officer's Notice Board at least two or three days before the day of poll. There is no need to supply such lists to the recognized political parties and contesting candidates.

3.10 PHOTO IDENTITY CARD

- 3.10.1 An identity card shall be issued to the polling personnel by the District Election Officer/Returning Officer without fail. The Presiding Officers, Polling Officers, Counting Supervisors and Counting Assistants shall display their identity card on person on the day of poll/counting for easy and quick identification. Such identity cards shall be prepared in the prescribed format as enclosed, containing all relevant details of the Govt. officials/

employees concerned. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO. In order to ensure the photo images of the Government Official/employee concerned is properly collected in time to enable the preparation of the identity card, the Commission directs that the DEOs can exercise any one of the following options(s):

- a) The DEO can organize the capturing of the photographs of the polling personnel at the time of first round training so that the ID card is prepared before second round training and handed over to the polling personnel concerned on proper acknowledgement.
- b) Wherever possible, the polling personnel can also bring a copy of his/her passport size photograph and hand it over at the time of first round training for the purpose of preparation of the ID card.
- c) A combination of both the above options can also be used by the DEOs, if necessary.

3.10.2 The DEO can have necessary operational flexibility in the process of preparing the ID card so that they can adopt a method that is functionally suitable to the district concerned. The CEO shall ensure that the ID cards are prepared following a uniform pattern as per the following format,

General Election to

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

General Election to

IDENTITY CARD	
Name of the polling officer :	<div style="border: 1px solid black; padding: 5px;">Photograph duly attested By DEO/RO</div>
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

3.11 TRAINING OF POLLING PERSONNEL

- 3.11.1 The date and venue for training of polling personnel shall be decided well in advance. The polling personnel selected for undergoing training through randomization process should be informed about the training program in time through sponsoring authorities. The nodal officers appointed by the sponsoring authority shall be made accountable for ensuring the polling staff appointed should attend the training without fail. For this purpose, the sponsoring authority-wise nodal officers' name, designation and contact numbers shall be maintained separately.
- 3.11.2 Before organizing the training programme, DEO shall review the training material. He should have proper power point presentation, printed leaflets etc. so that the training is effectively conducted. The training programme should not be converted into a huge mela. The training should be conducted in small groups so that there is adequate opportunity for interaction and clearing doubts. More emphasis should be given for 'hands on' training rather than classroom lecture mode. The polling staff shall be encouraged to ask questions and get their doubts cleared. It is relevant to note that in the recent past, in many places, re-poll had to be ordered not on account of any electoral malpractices and vitiating of poll but due to mistakes committed by the Presiding Officers while handling the EVMs. The reason was very basic and the lack of training resulted in such mistakes. This is avoidable. Hence, the Commission directs that a clear emphasis should be given to impart proper training to the staff.
- 3.11.3 The Commission has issued an instruction to run postal ballot facilitation centres for the benefit of polling staff. Whenever and wherever such facilitation centre is organized, care shall be taken by the DEOs to ensure that the operation of facilitation centre does

not result in compromise of training. A proper record of attendance shall be maintained for each and every training schedule so that no untrained person even inadvertently gets deployed as a polling staff. Apart from imparting training on the technical and procedural aspect of EVM with VVPAT election, the importance of mock poll and mock poll certificate, use of dummy EVM for explaining the method of voting to the illiterate voters also shall be highlighted. A complete set of election material which would be handed over to the Presiding Officer at the time of dispatch shall be kept in the training hall as a model kit so that each and every document, forms and election related material kept in the Presiding Officer kit is explained to them properly. Besides, a copy of the electoral roll, a copy of supplementary roll and other additional information such as list of absentee voters etc. shall also be shown to the Presiding Officers so that they would become aware of those documents and perform their duty as per the instruction of the Election Commission on the poll day.

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

Dissemination of recent and subsequent instructions

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

Accountability for imparting training

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

Facilitation at training centre

3.11.7 At the training location, proper drinking water facility, provision for medical facilities and toilets shall be ensured for the polling staff. The choice of the training hall should be personally supervised by the DEO from the ventilation point of view.

Training counters at the dispatch centre

3.11.8 Whatever inputs given at the time of training, there is every possibility that some of the Presiding Officers and polling staff still might have some doubts about various aspects of poll day management. In order to clear the last moment doubts and give opportunity for 'hands on' training at the dispatch centre depending on the strength of the polling staff, few training counters shall be set up. In this counter, a master trainer who has thorough knowledge about all the aspects of EVM with VVPAT election will explain and clear the doubts of the Presiding Officer about handling EVM and VVPAT. He should encourage Presiding Officers and polling staff to ask questions and clear the doubts. If this is not done, there is a possibility of the Presiding Officer and polling staff experimenting with the EVM after reaching the polling station which may result in draining of power pack as well as give scope for rumour among the voters about the staff handling EVM on the previous day. In order to avoid this situation, emphasis shall be given for last moment 'hands on' training and leaflet containing recent instructions in the form of bullet points; important dos and don'ts etc. can be prepared and circulated at the training counter at the dispatch centre. Apart from this, other procedural aspects of election and maintenance of Form 17A register, Form 17C, mock poll certificate, visitor sheet, entry pass system etc. shall also be explained.

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

3.12 COMPOSITION OF POLLING PARTY

3.12.1 A polling party would, in normal case, consist of a Presiding Officer and three polling officers. Fourth polling Officer is required if VSDU is attached with VVPAT. The First Polling Officer is in charge of the marked copy of electoral roll and responsible for identification of the voters. The Second Polling Officer makes the entries in the Register of Voters (Form 17A) including EPIC/other identification document details, takes the signature of the voters or the thumb impression (in the case of illiterate voters), applies indelible ink on the left forefinger of the voters and issues voters slip to the voters indicating the serial number in which they would be going into the voting compartment to cast vote. The Third Polling Officer is the custodian of the "CU" and activates the "BU" by pressing "BALLOT" button of the "CU" and allows the voter to go inside the voting compartment to cast vote, in the order of the serial number on the voters' slip issued by the Second Polling Officer.

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

3.12.2 Duties of Polling Officers are detailed in the Handbook for Presiding Officer. Returning Officer should also familiarize himself with those instructions.

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

3.12.4 Unavoidable absence of Presiding Officer: While appointing a polling party for a polling station, District Election Officer should authorize one of the Polling Officers to perform the duties of Presiding Officer in case, Presiding Officer has to absent himself from the polling station owing to unavoidable circumstances.

3.12.5 **Reserve Polling Personnel:** Returning Officer should keep a reserve list of officials to be deployed as Presiding and Polling Officers or such other duty as he may have to assign on poll day to deal with any emergency at any polling stations in his constituency as well as for conducting re-polls, if required.

3.13 MOVEMENT OF POLLING PARTIES TO THE POLLING STATION

3.13.1 Returning Officer must know the number of polling stations in his/her constituency. If the polling in his/her constituency is to be completed in one day, the number of polling parties must be the same as the number of polling stations. If the poll is to be held on more than one day in his/her constituency, he/she must have on each day of the poll, as many polling parties working as the number of polling stations which go to poll on that day. There is usually a District Election Plan for the whole district. Returning Officer is required go through it and ascertain the exact role to play according to the plan so as to

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

3.13.2 Transport for Polling Parties: Returning Officer shall arrange for the transport of the polling parties and the police parties accompanying the polling parties, polling materials etc. Returning Officer shall take stock of the vehicles at his disposal. Requisition more vehicles as necessary. He / She should draw up the Vehicle Movement Plan carefully for each polling party so that the arrangements may not fail at the last moment. He/she should have reserve of sufficient vehicles in readiness to meet any emergency situation.

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

- Vehicles of BSNL, MTNL, UPSC and of educational institutions (vehicles specifically meant for carrying the students from their residence to educational institution) will be requisitioned for election duty only in unavoidable circumstances and as a last resort.
- The vehicle of Forest Department, All India Radio, Doordarshan, World Health Organization, UNICEF and all the organizations of UN will not be requisitioned for election duty.

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

3.14 ACCOMODATION AND FOOD FOR POLLING PARTIES

3.14.1 Returning Officer must make suitable arrangements for accommodation, food, drinking water and toilet facilities for the polling personnel. Special emphasis should be laid on such arrangements for female polling personnel with due regard to their privacy. If poll is conducted during summer, arrangement should be made for providing shelter for polling personnel and voters. If necessary, improvised roofing may be erected even if it involves some additional expenditure. In case any polling station is located in a spacious building, the voters may be allowed to stand in queue in sheltered area, like, veranda before the polling station.

3.14.2 **Sector Officers:** The Returning Officers shall depute Sector Officers, well in advance, to oversee that adequate arrangements for shade, food, water etc., have been made. These

sector officers are responsible for election management from the day of announcement of the schedule of election till the completion of poll process. Each sector officer shall be in charge of 10-12 polling locations.

3.15 MICRO OBSERVERS AT POLLING STATIONS

3.15.1 Category of persons who can be appointed as Micro-observers – the following category of persons can be appointed as Micro-observers:

- Government of India employees, not below group C.
- Employees of Central Public Sector Undertaking, not below group C.

3.15.2 Preparation of database of Micro-observers – DEO will prepare a database of all Government of India and Central Public Sector Undertakings employees in the district. The database shall contain the name, designation and organization of the employee. The database will also have the elector details of the employee including the Assembly, Part and serial number in the electoral roll and the EPIC number. In addition to this, the postal address, telephone number, mobile number and email ID of the Micro-observers should also be included in the database.

3.15.3 Sharing of Micro-observer database with other districts - There may be a situation that some districts do not have adequate number of Government of India or Central PSU employees to be appointed as Micro-observers. DEO of such district shall get the database of Government of India or Central PSU employees posted in neighbouring districts, with the help of the Divisional Commissioner, in States which have a divisional commissioner system and with the help of CEO in other States. In case a Micro-observer has to go to another district on poll duty, arrangement for proper stay of such Micro-observers must be made. Similarly arrangements for their travel from the district of their work to the district of their poll duty must also be made by the DEO.

3.15.4 Micro-observers can be used on more than one poll day - In case of multi-poll day elections and in case of shortage of Micro-observers they can be used for poll duty on more than one poll day. The convenience, safety and logistics of movement must be taken into account while putting them on duty for more than one poll day.

3.15.5 Randomization of Micro-observers - The list of polling stations where Micro-observers are to be appointed shall be prepared by the DEO in consultation with the observer, depending on the sensitivity analysis of polling stations and availability of Micro-observers. The available Micro-observers will then be randomized in the presence of observer, among those polling stations. The conditions for randomization of Micro-observers will be the same as that of Presiding Officers, viz. they shall not be posted on duty in a polling station within the same Assembly constituency, where they are enrolled as voters or where they are working. All efforts should, however be made to put them on duty in the same Parliamentary Constituency where they are enrolled as voters, to enable them to exercise their franchise through EDC. They shall be informed about the exact

polling station where they will be on duty only on the day of departure.

- 3.15.6 Training of Micro-observers - Micro-observers should be given a detailed training on the rules and procedures of the entire polling process. In addition, they must also be trained on the work of observation, which is expected of them, and the method of filling the report which they are required to submit. There should be at least two rounds of training for Micro-observers. They should be trained by the Observers. Illustrative training material for the Micro-observers is available on the ECI website under the link “Training Material”.
- 3.15.7 Logistics for Micro-observers - The District Election Officer shall be responsible for providing logistics to Micro-observers. One Nodal Officer for Micro-observers shall be appointed for each district by the DEO. Micro-observers will reach the dispatch centres on their own. From the dispatch centres they will be sent with the polling team to the polling station. They will return to the receipt centre with the polling teams. Each Micro-observer shall be given a photo identity card by the DEO to ensure his/ her access to the Polling Stations.
- 3.15.8 Honorarium to Micro-observers - Micro-observers shall be paid an honorarium of Rupees 1000/- for each Poll day of duty. This shall be in addition to the admissible TA and DA, and the food allowance as per the norms of the State and their parent Department. The honorarium, TA, DA and food allowance should be paid by the Returning officer, in cash, to the Micro-observers at the receipt centre itself.
- 3.15.9 Exercise of the franchise by Micro-observers – The Micro-observers are entitled to EDC or postal ballot like any other person on poll duty. The DEO shall send Form-12 and Form-12A to every Micro-observer along with the appointment order. Micro-observers shall be asked to bring the completed Forms on the first day of training. The completed forms shall be sent to the concerned Returning Officer by the DEO. The Returning Officer shall issue EDC or postal ballot depending on eligibility and ensure that it is delivered to the Micro-observer on the second training day. All instructions of the Commission on Postal Ballots and EDC for employees on poll duty shall also apply to Micro-observers.
- 3.15.10 Micro-observers in multi-polling station locations - In case the location at which a Micro-observer is put on duty has more than one polling station, the Micro-observer shall be responsible for all the Polling Stations at that location. There is no need to post separate Micro-observer in polling stations at one location. The Micro-observer shall divide his time between polling stations and will visit all the polling stations within the same campus at frequent intervals. He shall make it known to the polling agents at each polling station that he is available in case they want to bring anything to his notice.
- 3.15.11 Supervision of the work of Micro-observers - General Observers will supervise the work of Micro-observers and shall be in close touch with them. Micro-observers shall report to the Observer alone and not to other election officials.
- 3.15.12 Work to be done by Micro-observers on poll day - Micro observers should reach the

Polling Station at least one hour before the start of poll. They will do the following at the polling station –

- Assess the preparedness at the Polling Station.
- Check the availability of Assured Minimum Facilities (AMF) at the Polling Station and certify, before the start of Polling.
- Watch the mock poll and see that it is carried out as per the instructions of the Commission.
- See that the votes in the CU are cleared after the mock poll and before the start of actual poll and that mock poll certificate is signed by the Presiding Officer.
- During the poll day he should regularly note down the important points for his report in the prescribed format.
- It is made absolutely clear that in no case the Micro observer will act as Presiding Officer or the Polling Officer. His task is to observe that the election process is being carried out in a free and fair manner and there is no vitiation of poll.
- During the process of observation on the day of the poll, the Micro- observer shall specially observe and note: -
 - o Mock Poll Procedures,
 - o Presence of Polling Agents and observance of ECI instructions with regards to them,
 - o The observance of entry pass system and access to Polling Station.
 - o Proper identification of electors in accordance with ECI guidelines,
 - o Identification and recording procedures for the Absentee, Shifted and Dead voter's list (ASD list),
 - o Application of indelible ink,
 - o Noting down particulars of electors in register Form 17-A including the noting down of the alternate identity documents used for identifying the voter,
 - o Secrecy of voting,
 - o Conduct of polling agents, their complaints, if any, etc.
- 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 any means of communication available to him including mobile phone, police wireless etc.

3.15.13 Report to be submitted by Micro-observer – After the poll process is over; the Micro-observer will submit a report to the General Observer in the format as enclosed at **Annexure 31**. He shall hand over the report to the General Observer at the collection

centre in a sealed envelope. He shall also orally brief the General Observer on anything of importance that had happened during the day. General Observers will go through the report submitted by Micro-observers and can seek any further clarifications required.

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

3.16 POLLING PERSONNEL MANAGEMENT

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

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

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

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

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

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

3.16.5 There are inputs about polling personnel being put to difficulty for lack of provision in remote areas for getting their food. An exercise shall be done through sector officers as to how such problems can be sorted out. It is relevant to note that it may not be desirable on the part of polling personnel to venture out for the sake of getting food in remote locations. It is also undesirable to avail the local hospitality as that may lead to complaints. In some states there is a practice of providing a staff in the polling team who cooks & serves food to the polling party. Option of engaging local women’s Self-Help Groups (SHG) may be explored. The DEO shall review the situation and ensure that proper arrangements are made depending on the local condition and limitations.

3.16.6 The health care of the polling personnel is another important concern. At the training centre as well as in dispatch/reception centres, there should be separate arrangements for providing health care/first aid assistance to the polling personnel. Medical staff/paramedical staff shall be stationed in these locations.

3.16.7 The reception centre for polled election materials shall be managed efficiently and

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

4. ELECTION MATERIALS

4.1 GENERAL

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

4.2 EVM AND VVPAT

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

4.3 FORMS

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

4.4 STATUTORY AND NON-STATUTORY COVERS

4.4.1 After the close of poll, all election papers relating to poll are required to be sealed by the Presiding Officer in separate packets as per the provisions of Rule 49U of the Conduct of Election Rules, 1961. The Commission has issued directions regarding the procedure to be adopted with regard to the preparation of various 'Statutory Covers' and 'Non-statutory Covers' as per instructions 464/INST/2009/EPS dated 23.02.2009.

4.5 OTHER MATERIALS

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

5. NOMINATION

5.1 NOTIFICATIONS

- 5.1.1 In the case of a general election to the House of the People, the President of India, under Section 14 of the Representation of the People Act, 1951, shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon the Parliamentary constituencies to elect members for the purpose of constituting a new House.
- 5.1.2 In the case of a general election to a State Legislative Assembly, the Governor of the State, under Section 15 of the Representation of the People Act, 1951 shall, by one or more notifications published in the State gazette on such date or dates as may be recommended by the Election Commission, call upon the Assembly constituencies in the State to elect members for the purpose of constituting a new Assembly.
- 5.1.3 On the same date on which the above notification calling the election is issued, the Election Commission will issue a notification in the official gazette under Section 30 of that Act fixing the program for the various stages of the election.
- 5.1.4 Notifications in respect of bye-elections to the House of the People will be issued by the Election Commission under the provisions of Section 149 of said Act. Notifications in respect of bye-elections to Legislative Assembly Constituencies will be issued by the Commission under the provisions of Section 150 of said Act.

5.2 ISSUE OF PUBLIC NOTICE BY THE RETURNING OFFICER

- 5.2.1 Immediately after such notification, Returning Officer is required to issue a public notice of the election under Section 31 of the Representation of the People Act, 1951 read with Rule 3 of the Conduct of Elections Rules, 1961. The notice will be issued in Form 1(**Annexure 9**). In the case of election to Sikkim Legislative Assembly the notice is to be issued in Form 3D and 3E of Conduct of Assembly Elections (Sikkim) Rules 1979, as the case may be.
- 5.2.2 In the public notice, Returning Officer has to specify among other things, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to him/her, and also the place(s) at which the nomination papers shall be received by him/her and the said Assistant Returning Officer(s) (hereinafter referred as the Specified Assistant Returning Officer(s)). Normally, Returning Officer should not specify more than one Assistant Returning Officer for the purpose and he should, as far as possible, be the one stationed at his/her headquarters. Headquarters in this context means the place where the office of the Returning Officer is situated.
- 5.2.3 The public notice shall be published in the following manner:
- i) It shall be in Form 1 appended to the Conduct of Elections Rules, 1961 and shall be issued on

the same date on which the notification of election is published.

- ii) The notice shall be in English and in the languages used for the official purposes in the State.
- iii) The notice shall be published, on the notice board of Returning Officer’s office, on the notice board of the ARO’s office and at such other places, as Returning Officer may consider necessary for giving wide publicity to it including offices of Panchayat Samitis, Gram Panchayat, village offices, taluk office etc.

5.3 PUBLIC HOLIDAY EFFECT ON ELECTION PROGRAM

5.3.1 A candidate may present his nomination paper on the very day of the public notice, or on any of the following days fixed for filing of nominations, which is not a public holiday. ‘Public holiday’ is defined in section 2(h) of the RP Act, 1951 to mean a day which is a public holiday for the purpose of section 25 of the Negotiable Instruments Act, 1881. Returning Officers should not receive any nomination papers on 2nd and 4th Saturdays, which have been declared as holidays under the Negotiable Instrument Act, 1881 by the Finance Ministry. On the other Saturdays, filing of nomination papers will be open unless there is a holiday for Government offices under the Negotiable Instruments Act, 1881 falling on such holidays. Similarly, local holidays observed in a state are also not Public holidays.

5.4 ASSISTANT RETURNING OFFICERS

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

5.4.2 Assistant Returning Officers should sign the papers as “Assistant Returning Officer” and not “for Returning Officer”.

5.5 FORM OF NOMINATION PAPERS

5.5.1 The nomination of a candidate for election to the House of the People shall be made in Form 2A appended to Conduct of Elections Rules, 1961. Relevant form for filing nomination of a candidate at an election to the State Legislative Assembly is Form 2B. In case of General /Bye Election to Sikkim Legislative Assembly, the form to be used for nomination is Form 2F, 2G and 2H of Conduct of Assembly Election (Sikkim) Rules 1979. Returning Officer must ensure that the candidates are given the revised Form 2A/2B (**Annexure 10 and 11**) circulated by the Commission vide its letter dated 07.07.2017.

5.5.2 While supplying forms of nomination papers to intending candidates, Returning Officer should also attach a copy of **revised Form 26** appended to the Conduct of Elections (Amendment) Rules, 2018 to nomination form. Ensure that the candidates are given the

revised latest format of Form 26. (see **Annexure 12**)

(3/4/2019/SDR/Vol. I dated 28.02.2019)

5.6 NUMBER OF PROPOSERS FOR NOMINATION

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

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

5.6.2 If a State Party recognized in one state contests election in another state in which it is not so recognized, the nomination of candidate(s) set up by that party in such other state will also be required to be subscribed by ten (10) electors of the constituency, as proposers, even if the Party is granted concession under Para 10 of the Symbol Order to use its reserved symbol.

5.7 PRESENTATION OF NOMINATION PAPERS

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

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

5.7.3 If more than one candidate or their proposers turn up in the Returning Officer's office at 3.00 p.m. or just prior to that for presenting their nominations, it will not be possible for the Returning Officer to deal with all such nominations by 3.00 p.m. In such cases, the Returning Officer shall receive nominations of all intending candidates who are present

in the office of the Returning Officer at 3.00 p.m. for filing nomination and treat these nomination papers to have been delivered within the prescribed time under the law. For this purpose, Returning Officer may close the entry to his office room exactly at 3.00 p.m. and receive nomination papers of such candidates who are inside the given room at 3:00 PM.

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

5.7.5 If Commission's observer is present on that day, he will be present in Returning Officer's room. The entire proceedings of delivery and acceptance of nomination papers should be video graphed with time stamping facility.

5.7.6. Arrangements in the room specified for filing of Nomination papers:

- (i) Arrangements for 360 degrees CCTV coverage shall be made inside the room specified for filing nominations as well as at the exit gate of the room to cover the proceedings related to filing of nomination.
- (ii) The recording of the CCTV footage shall be ensured with uninterrupted power supply.
- (iii) If CCTV arrangement cannot be made, then there should be videography done with time stamping facility. The videography should cover the entire room. The entire process of receiving of each nomination should be captured. As per the standing instructions, uninterrupted/unedited videography should be done in the room from 2 PM onwards on the last date for making nomination till the process is completed.
- (iv) The clock inside the room must be set to that of IST, in the AM/PM mode and it should be ensured that the clock is in perfect working condition.
- (v) The clock of the video camera should also be adjusted to IST and should tally with the clock set by RO in the room.
- (vi) The observer shall mention in his/her report about proper arrangement for CCTV/ Videography.
- (vii) The recording must be preserved appropriately to ensure easy retrieval.
- (viii) In case of any requirement to send the recording to the Commission, the DEO must make the transfer of the footage along with print details of timeline indicating the details of the characters appearing in the footage.
- (ix) Arrangements for receiving security deposit made in case at the time of filing nomination should be made in the same room in which nomination are received. Candidates should not be made to leave the room for making such deposit.

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

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

5.8.1 Large number of vehicles and people accompanying some of the candidates at the time of filing nominations were causing serious concern about general law and order in the Offices of the Returning Officers. Keeping this in view, the maximum number of vehicles in the convoy of a candidate or accompanying him to be allowed to come within a periphery of 100 meters of Returning Officer's or the Assistant Returning Officer's Office has been restricted to three and the maximum number of persons who can be allowed to enter the Office of Returning Officer or the Assistant Returning Officer at the time of filing nomination has been limited to five (including the candidate). The periphery of 100 meters should be clearly demarcated. It is also to be ensured that only one door shall be kept open for entry of candidate plus four other authorized persons and all other doors should be closed. A CCTV camera should be placed at the entry door to record actual time of entry.

5.8.2 Police officer not below the rank of a Deputy Superintendent of Police should be appointed as a nodal Officer for not more than two constituencies, provided the headquarters of both the Returning Officers are stationed in a single office building, to ensure strict adherence to the above instructions on restricting the number of vehicles and persons accompanying the candidates. If the offices of Returning Officers are situated in different compounds or if there are more than two Returning officers whose headquarters are in a single office building, the Commissioner of Police or SP shall make suitable arrangements to ensure strict adherence to these instructions. The nodal officer shall be given adequate support personnel to ensure that the instruction is complied with. The enforcement of this is especially important as it is intricately related to the expense of the candidate at the elections. Any violation of this instruction at time of filing nomination papers will be seriously viewed by the Commission and actions will be taken against DEO/Returning Officer or such other person including candidate and/or his party responsible for violation.

5.9 WHO CAN FILE NOMINATION PAPERS

5.9.1 All nomination papers are required to be presented in person before the Returning Officer or Specified Assistant Returning Officer either by the candidate or by his proposer or any one of the proposers of his nomination paper and by no one else at the place specified

in the public notice between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday.

5.10 NUMBER OF NOMINATION PAPERS

- 5.10.1 Under sub-section (6) of section 33 of the RP Act 1951, maximum of four nomination papers only can be presented by candidate or on behalf of any candidate or received by the Returning Officer or Specified Assistant Returning Officer for election in the same constituency. The Returning Officer or Specified Assistant Returning Officer must, therefore, ensure that the same candidate does not file more than 4 set of nomination papers. If a candidate seeks to present any nomination paper or papers in excess of this number, the Returning Officer or Specified Assistant Returning Officer must not receive such nomination paper or papers saying that under the provisions of the law neither the candidate has the right to present, nor the Returning Officer has the right to receive, any nomination paper or papers in excess of four. These nomination papers can be filed either together or separately.
- 5.10.2 No candidate can be nominated from more than two Parliamentary/ Assembly constituencies at a General Election to the House of the People or a State Legislative Assembly. The same embargo applies in relation to bye-elections to any House held simultaneously, and not more than two bye-elections can be contested to the same House if called upon simultaneously by the Election Commission.
- 5.10.3 If a candidate violates this provision and files nomination papers for election from more than two constituencies of the same class, his nomination papers in the third, fourth and all such subsequent constituencies going by the date and time of filing should be rejected by the Returning Officers concerned for non-compliance with the provisions of section 33(7) of the RP Act 1951. However, the Returning Officers must be fully satisfied about the fact of the candidate having violated the law on this point before rejecting any of his nomination papers on this ground.
- 5.10.4 **Serial Number of Nomination Papers:** Each nomination paper as soon as it is presented must be serially numbered without fail by Returning Officer or by the Specified Assistant Returning Officer receiving it, who must also note on the body of the nomination paper the date and exact time at which it was received and should put his/her signature thereon. The nominations received by Returning Officer shall be serially numbered as (Number)/ LA or HP/(Year)/ RO and those received by the Specified Assistant Returning Officers as (number)/LA or HP/(year)/ARO, if the Assistant Returning Officer is receiving nomination papers in a different place. Returning Officer or the Specified Assistant Returning Officer shall not make any entries on the nomination papers other than dated initials and serial number as above. In view of the limitation on the number of nomination papers that can be delivered by a candidate, Returning Officer should ask the Specified Assistant Returning Officer (who has been authorized by Returning Officer to receive nomination

papers) to work in close collaboration with him if he is receiving nomination papers in a different place.

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

5.11 PRELIMINARY EXAMINATION OF NOMINATION PAPERS

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

- i) If the candidate is an elector in Returning Officer's constituency, he should compare the entries in the nomination paper with the entries in the electoral roll relating to the serial number and name of the candidate and his proposer/s.
- ii) If he comes from another constituency, Returning Officer or the Specified Assistant Returning Officer should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of the constituency or the relevant part thereof or certified copy of such entry filed by him. The candidate is required by law to produce before Returning Officer or the Specified Assistant Returning Officer such electoral roll or the relevant part thereof or a certified copy of relevant entries thereof [Section 33 (5)].
- iii) Make sure that the electoral roll with which Returning Officer or the Specified Assistant Returning Officer makes such comparison is the one currently in force for the constituency in either case.
- iv) Check whether the affidavit in **revised Form 26** is duly filled up and attached along with the nomination paper. If not attached, Returning Officer or the Specified Assistant Returning Officer should bring it to his notice this requirement through a notice by way of the check list.
- v) Check whether all columns of the affidavit are filled up, as incomplete affidavits are liable to be rejected leading to rejection of nomination paper. In case any of the columns are left blank by the candidate, Returning Officer or the Specified Assistant Returning Officer will mention it in the checklist and hand it over to the candidate against proper receipt. In such cases the candidate will have opportunity to file a fresh affidavit complete in all respects by the time fixed for commencement of scrutiny.

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

Original/ duplicate

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

Check List of documents in connection with filing of nomination

Name of constituency

Name of the candidate

Date and time of filing nomination paper

Sl. No. of nomination paper

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

4	Copy of caste certificate (if the candidate claims to belong to SC/ST)	
5	Security deposit (whether made)	
6	Oath/affirmation (whether taken)	

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

(a) _____ should be filed latest by _____.

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

(c) _____ should be filed latest by _____.

Received

(Signature of candidate)

Signature of RO/ARO

Date & time:

Place:

N.B.

1. The Affidavit in Form 26, Forms A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. If columns have been left blank in the affidavit in Form 26, this should be specified against item 1, and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.
3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
4. Certified extract of electoral roll can be filed up to the time of scrutiny.

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

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

- a) In respect of each candidate, the RO should maintain, in duplicate, the checklist of the documents/requirements to be fulfilled by the candidates, as per the list given above.
- b) When a candidate files nomination paper, the Returning Officer or the Specified Assistant Returning Officer shall indicate in the second column of the check list whether the documents concerned have been filed or the other/requirements fulfilled. If there is any defect or short coming in the documents, the same should be specified.
- c) If the affidavit, extract/copy of electoral roll wherever required has not been filed, and if the oath is not taken, the same should be clearly mentioned in the bottom of the check list, indicating the time limit by which this can be submitted.

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

- d) Both the copies of the check list shall be signed by the Returning Officer or the Specified Assistant Returning Officer as well as by the candidate. The duplicate copy of the check list shall be handed over to the candidate/proposer who files nomination paper, while retaining the original with the nomination paper filed by the candidate.
- e) The copy of the check list handed over as above, will serve the dual purpose of acknowledging the receipt of the documents submitted as well as of notices for submitting the relevant documents. Therefore, no separate notice is required to be given to the candidates in respect

of the items mentioned in this check list. However, acknowledgements of nomination paper will continue to be given as per the format in the last part of the prescribed nomination paper.

- f) If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued to the candidates, clearly mentioning the date and time at which it is filed. This should also be indicated in the appropriate place in the original check list retained by the Returning Officer.

5.12 PHOTOGRAPH OF THE CANDIDATE

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

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

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

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

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

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

I (name and address), son/daughter/wife of Shri, nominated as candidate for the abovementioned election,

am submitting herewith my photograph for the purpose of printing the same on the ballot paper. I declare that the photograph has been taken during the last 3 months before the date of notification of election.

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

OR

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

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

Date:

Name:

Address:

Tel No.

5.12.3 When the nomination is filed, if the photograph of the candidate is not submitted, the Returning Officer shall give a notice asking the candidate to submit the photograph latest by the date of scrutiny of nomination. In the same Notice, it shall also be added that if the photograph is not submitted, his/her photograph will not be printed on the ballot paper. If any candidate still fails or refuses to give his photograph, that candidate will not have his photograph printed on the ballot paper. It may be added that non-submission of the photograph by the candidate shall NOT be a ground for rejection of the nomination of the candidate. (Instruction no. 576/3/2015/SDR dated 19.01.2016)

5.12.4 A format for the notice by Returning Officer for non-submission of photographs of the candidate is given below:

Original/Duplicate

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

Notice by Returning Officer for non-submission of Photograph of the candidate

Name of constituency

Name of the candidate

Date and time of filing nomination paper

Serial number of nomination paper

As per the direction of the Election Commission, photograph of the candidate is required to be printed on the ballot paper.

It is hereby brought to your notice that you have not submitted your photograph for this purpose. You are requested to submit the photograph by 3 P.M. on (date fixed for scrutiny of nominations).

The specifications for the photographs are as follows:

(i) Candidates are required to submit their recent photograph (taken during the preceding period of 3 months before the date of notification).

(ii) Photographs should be of stamp size 2 cm. X 2.5 cm. (two cm. in breadth and 2.5 cm. in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The photo may be in colour or black and white as may be convenient for the candidate.

(iii) Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/hats should be avoided. Dark glasses have also to be avoided.

The photograph has to be submitted along with the declaration in the enclosed format.

It may be noted that if the photograph is not submitted by the time mentioned above, your photo will not be printed on the ballot paper.

Received

.....

(Signature of candidate)

.....

Signature of RO/ARO

Date and Time:

Place:

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

5.13 DISCREPANCIES AND ERRORS IN ELECTORAL ROLLS

5.13.1 No misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposers or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as is commonly understood. Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that

any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. Returning Officer has no power in law to allow any other error to be corrected. (See Section 33(4) of RP Act, 1951).

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

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

5.14 SIGNATURES OF CANDIDATES AND PROPOSERS IN NOMINATION PAPERS

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

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

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

5.15 RECEIPT AND NOTICE OF SCRUTINY AND ALLOTMENT OF SYMBOLS

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

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

5.16 AFFIDAVIT IN FORM 26 TO BE SUBMITTED BY CANDIDATES

- 5.16.1 Along with the nomination paper, every candidate is required to file an affidavit in **Form 26, declaring information about criminal cases, assets, liabilities and educational qualifications. Form 26 has been amended vide 3/4/2019/SDR/Vol. I dated 28.02.2019** The Affidavit in Form 26 should be sworn before a Magistrate of the First Class or before a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned. Each page of the Affidavit should be signed by the deponent concerned or the affidavit should bear on each page the stamp of the Notary/ Oath Commissioner /Magistrate before whom the Affidavit is sworn. The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the state law of the state concerned. It would be for the Returning Officer to decide the validity of the affidavit in Form 26.
- 5.16.2 The optional facility of e-filing of affidavits (Form 26) can be availed by the candidates by entering the information on logging into the ECI website. In such case, the printed copy has to be taken on stamp paper of appropriate denomination and sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public for filing the same before the Returning Officer. It may be noted that the notarized affidavit has to be filed latest by 3.00 PM on the last date of filing nomination. This facility of e-filing is available in two languages namely English & Hindi. (ECI No. 3/ER/2014/SDR Vol-I dated 19.3.2014)In case the two affidavits, one available in electronic format and other filed with the Returning Officer after due notarization, are found to be different from each other, then the notarized version of the affidavit should be scanned and uploaded on the website. (ECI No. 3/ER/2014/SDR-Vol. I dated 17.4.2014)
- 5.16.3 If any candidate fails to file the said affidavit along with his nomination paper, Returning Officer should bring to his notice this requirement through the check list handed over to the candidates or proposers. The candidate should be asked to file duly sworn affidavit latest by 3.00 p.m. on the last date of filing nominations.
- 5.16.4 No column of the affidavit should be left blank or filled by just tick/dash marking. The Hon'ble Supreme Court has held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, Returning Officer has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the Returning Officer shall give a notice to the candidate to submit a fresh affidavit complete in all respect. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny of nomination papers. (ECI No. 576/3/2013/SDR dated 30.9.2013 and 576/3/2017-SDR dated 26.07.2017)

5.16.5 The amendments made in Form 26 are in pursuance of the directions in the Judgement of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.). In pursuance of the abovementioned judgement, the Commission has given following directions to be followed by candidates at elections to the House of Parliament and House of State Legislatures who have criminal cases against them, either pending cases or cases of conviction in the past, and to the political parties that set up such candidates: -

- a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them – either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in Format C-1 attached hereto (**Annexure 51**), at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll. The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.
- b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.
- c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form 26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3 (**Annexure 51**). The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.
- d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted Item (6A).

5.16.6 The political Parties – recognized parties and registered un-recognised parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto (**Annexure 51**). Publishing of the declaration in newspapers and TV channels is required

to be done at least on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

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

(ECI No. 3/4/2017/SDR/Vol. II dated 10.10.2018)

5.17 OATH OF AFFIRMATION BY CANDIDATES

5.17.1 A candidate at an election to Parliament, State Legislature or Legislative Assembly in a Union Territory as required under Article 84(a) or Article 173(a) of the Constitution, section 4(a) of the Government of Union Territories Act, 1963, or section 4(a) of the Government of National Capital Territory of Delhi Act, 1991, as the case may be, shall make and subscribe an oath or affirmation in the prescribed form before some person authorized in that behalf by the Election Commission. A model of the form of oath or affirmation is given in **Annexure 14**.

5.17.2 The Election Commission's notifications authorizing certain persons in this behalf are reproduced in **Annexure 15**. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officers of the constituency for the election. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. And in the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him is similarly authorized.

5.17.3 In the case of a candidate, who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in the country where the candidate happens to be, or any person authorized by such diplomatic or consular representative. Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or the Assistant Returning Officer, the oath or affirmation may be made and subscribed before any other person nominated

by the Election Commission on an application made to it in this behalf. The Commission has also authorized all stipendiary presidency magistrates, all stipendiary magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judges, as officers before any one whom the candidate can make and subscribe the oath or affirmation.

5.17.4 The oath or affirmation should be made and subscribed before the date fixed by the Election Commission for scrutiny of nomination papers at that election. The decisions of the Supreme Court in *Pasupati Nath Singh versus Harihar Prasad Singh* (A.I.R. 1968-SC-1064) and *Khader Khan Hussain Khan and others vs. Nijalingappa* (1970-1 SCA-548) have clarified the position and removed all doubts in regard to the actual making and subscribing the oath or solemn affirmation.

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

5.17.6 It is not necessary that the oath or affirmation should be made more than once if a candidate is nominated from more than one constituency at a general election. All that is required under Articles 84(a) and 173(a) is that the person concerned should make and subscribe an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution. According to the above referred decision of the Supreme Court in *Khadar Khan Hussain Khan’s* case, when once this is done in respect of one nomination paper at a general election, the necessary qualification is obtained and this removes the bar laid down by the above Articles. The candidates should show to the Returning Officer that oath has been validly made in respect of the nomination filed in the other constituency. It would also be open to the candidate to make another oath in respect of the second constituency also.

5.17.7 The onus of proving that a candidate had made or subscribed the oath or affirmation before some other authorized person rests on the candidate himself. It is sufficient if the candidate or his representative produces before Returning Officer the certificate issued to the candidate by the authorized person that he has made and subscribed the oath or affirmation before him. The date and time of making oath should be mentioned in the certificate.

5.17.8 **MANNER OF MAKING THE OATH:** The oath of affirmation has first to be made and then signed by the candidate before the authorized person. It should be borne in mind that mere signing on the paper on which the form of oath is written is not sufficient. The candidate must make the oath before the authorized person. The latter should ask the

candidate to read aloud the oath and then to sign and give the date on the paper on which it is written. If the candidate is illiterate or unable to read the form the authorized person should read out the oath and ask the candidate to repeat the same and thereafter take his thumb impression on the form. In all cases, the authorized person should endorse on the form that the oath of affirmation has been made and subscribed by the candidate on that day and hour.

- 5.17.9 The authorized person will forthwith give a certificate to the candidate that he has made and subscribed the oath before him on that day at a particular hour. The certificate will be given to the candidate without his applying for it. This will avoid all controversy later on as to whether the candidate had taken the oath or not.
- 5.17.10 If the authorized person is the superintendent or commandant of the prison or camp he should issue forthwith to the candidate a certified copy of the oath for producing it as evidence before Returning Officer at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the most expeditious means of transmission to Returning Officer indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send the Returning Officer the original copy of the oath or affirmation made and signed by the candidate.
- 5.17.11 If the authorized person is a medical superintendent of a hospital or medical practitioner or a diplomatic or consular representative of India in the country where the candidate happens to be or the district judge or person belonging to the judicial service of a State or stipendiary presidency magistrate or stipendiary magistrate of the first class or any other person nominated by the Election Commission, he should as soon as the candidate has made and subscribed the oath or affirmation, certify this fact on the form, keep a copy for his record and hand over the original to the candidate. It will be the responsibility of the candidate to see that the original oath or affirmation is produced before the Returning Officer at or before the time fixed for the scrutiny of nomination papers.
- 5.17.12 The Returning Officer and the Assistant Returning Officers should get these forms of oath printed, cyclostyled or typed in the official language of that State and in English and keep them ready at hand. If any person intending to contest an election asks for a copy of the form it should be supplied to him. When a candidate who is confined to bed owing to illness takes his oath before a medical officer of a hospital or before a medical practitioner it will be his responsibility to obtain two copies of the oath form to enable the medical officer or the medical practitioner to administer the oath.

5.18 NOMINATION BY OVERSEAS ELECTORS

- 5.18.1 An overseas elector who is registered in roll under section 20A of the RP Act 1950 would be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located. Enrolment in the electoral roll also confers on an overseas elector the right to contest elections, subject to the fulfilment

of the other requirements of the law. One of the essential qualifications prescribed under the law is that candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf. In the case of a candidate who is an overseas elector and who is outside India, the oath can be made before the diplomatic or consular representative of India in the country where the candidate happens to be. An overseas elector may approach the authorized person in the Indian mission of the country concerned for making the oath of affirmation. If an overseas elector who may file nomination papers is in India at the time of filing nomination, he may make the oath or affirmation before the Returning Officer or the Assistant Returning Officer. If a candidate who is an overseas elector appears before the Returning Officer or the Assistant Returning Officer to make the oath, the Returning Officer or the Assistant Returning Officer concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars of the passport of the person. Such person will necessarily have to produce his/her original passport for verification by the Returning Officer or the Assistant Returning Officer at the time of making the oath or affirmation.

5.19 NOTICE OF NOMINATIONS

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

5.20 DISPLAY OF COPIES OF NOMINATION PAPERS AND AFFIDAVITS

5.20.1 Copies of nomination papers filed by each candidate along with copy of the affidavit accompanying the nomination should be displayed on the notice board in Returning Officer’s office on the same day on which the nomination has been filed. In addition to this if the office of the ARO is outside the headquarters of the RO but within the Assembly constituency, then copies of affidavits should be displayed on the notice board of the ARO also. In cases where the offices of both the RO and ARO are located outside the boundary of the constituency, then one set of nomination and affidavits should be displayed on the notice board of the RO and another set should be displayed in some public premises within the constituency limits accessible to the general public. If anyone furnishes any information contradicting the statements in the nomination form or the affidavits by means of a duly sworn affidavit, copies of such papers should also be displayed on the

notice board. If anyone asks for a copy of the papers mentioned above, the same should be made available to him/her freely. Copies should also be handed over to media persons for wide dissemination of the information contained in the affidavits. (Commission Instruction No.3/ER/2011/SDR dated 20.7.2012 and 12.10.2012)

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

5.20.3 **Uploading Affidavits filed by candidates on website:** The affidavits filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the web site soon after the candidates files the same and within 24 hours in any event. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed. (Instruction No.3/ER/2011/SDR dated 20.7.2012 & 12.10.2012)

In cases where columns are left blank in the affidavit and notice is issued by the Returning Officer for filing fresh and complete affidavit, the incomplete affidavit may also be uploaded on the website with a note indicating that the affidavit is incomplete and the candidate has been issued notice. If and when the candidate files affidavit subsequently, the same should also be uploaded on the website immediately on the same day. (Instruction no. 576/3/2018/SDR dated 16.04.2018)

5.20.4 **Uploading Counter Affidavits on website:** As per the directions in the Commission's order No. 3/ER/2003/JS-II, dated 27-03-2003, the affidavits filed by candidates are to be disseminated by displaying copies thereof on the notice board of the Returning Officer and by making copies available freely to those seeking the same. In the said order, it was also directed that if anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn affidavit, such counter affidavit shall also be disseminated along with the affidavit of the candidate concerned in the same manner, i.e. by displaying copy on the notice board and furnishing copies to others on demand. The Commission has decided that, all counter affidavits (duly notarized) filed by any person against the statements in the affidavit filed by the candidate shall also be uploaded on the website along with the affidavit concerned. Such uploading should also be done within 24 hours of filing of the same. (Instruction No. 3/ER/2013/SDR/ Dated: 12th June, 2013).

5.21 DEPOSITS

5.21.1 Under the Law, i.e., section 34 of the Representation of the People Act, 1951, every candidate at an election to the House of the People must make a security deposit of Rupees 25,000/- (Rupees Twenty-Five Thousand only). For an election to a State Legislative Assembly, the amount of security deposit is Rupees 10,000/- (Rupees Ten Thousand only).

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

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

5.21.4 The deposit should be made under the following Head of Account for Election to Parliament: - 8443 -CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-2- DEPOSITS MADE BY CANDIDATES FOR PARLIAMENT.

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

5.21.6 One deposit is required from each candidate in respect of his candidature in a constituency and once such a deposit has been made (other than deposit made before the Returning Officer) and the receipt enclosed with his first nomination paper, the candidate is not required to make any other deposit in respect of subsequent nomination papers, which may be presented on his behalf in that constituency.

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

5.21.8 Security deposit cannot be made by a cheque.

5.22 DEPOSITS BY SCHEDULED CASTE OR SCHEDULED TRIBE CANDIDATE

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

the purpose.

5.23 TRANSMISSION OF NOMINATION PAPERS BY SPECIFIED ASSISTANT RETURNING OFFICER

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

5.24 INTIMATION BY POLITICAL PARTIES ABOUT THEIR AUTHORISED CANDIDATES

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

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

5.25 PREPARATION OF CONSOLIDATED LIST OF NOMINATED CANDIDATES

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

LIST OF NOMINATED CANDIDATES

Name of the State

Name of Parliamentary/Assembly Constituency

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

Place:

Date:

Returning Officer

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

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

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

5.25.5 Send one copy of this list to the Chief Electoral Officer by the fastest means of communication, marked 'Election Immediate'. One copy of the list should also be sent

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

5.26 APPOINTMENT OF ELECTION AGENTS

- 5.26.1 Note that under the law, it is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. Every such appointment has to be made by a formal communication by the candidate in Form 8 in duplicate, which has to be forwarded to Returning Officer. Returning Officer shall return one copy thereof to the candidate/election agent after affixing thereon his seal and signature in token of approval of the appointment.
- 5.26.2 The Commission has decided that Photo Identity Cards shall also be issued to election agents. For this purpose, the letter of appointment of election agent in Form 8 itself, with photograph, should serve the purpose of such identity card. All candidates should be instructed to affix the photographs also of their election agents on the top right portion of both the copies of their appointment letters in Form 8. These photographs should be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates.
- 5.26.3 Any person who is disqualified under the Constitution or under the Representation of the People Act, 1951, for being a member of either House of Parliament or either House of the Legislature of a State or for voting at elections shall, so long as the disqualification subsists, be disqualified for being an election agent at any election.
- 5.26.4 The Commission has instructed that the ministers of the union or states and MP, MLA, MLCs and any other person provided with security cover by the state shall not be appointed as election agents (and also as polling and counting agents) as the security personnel accompanying them cannot be permitted to enter polling station and counting centre, nor can their security be jeopardized in the absence of their security personnel. No person with security cover can be allowed to surrender the security cover to enable him to become an election agent.
- 5.26.5 Every candidate is also permitted to appoint an additional election agent for assisting the candidate in various expenditure related matters. This additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties the election agent is authorized to perform on behalf of the candidate can be performed only by the election agent appointed under Section 40 of the Representation of the People Act, 1951 read with Rule 12 of the Conduct of Elections Rules, 1961.

5.27 REVOCATION OF APPOINTMENT OF ELECTION AGENT

- 5.27.1 A candidate may revoke the appointment of election agent at any time by a letter in Form

9, which is to be lodged with Returning Officer in order to take effect. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

5.28 SPECIMEN SIGNATURES OF CANDIDATE AND HIS ELECTION AGENT

5.28.1 In order to prevent any malpractices at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, Returning Officer should obtain and circulate the specimen signatures of the candidates and their election agents to each Presiding Officer in the proforma as given in **Annexure 21**, so that the Presiding Officers are in a position to verify the signatures of candidates/ their election agents on any form or document presented on their behalf.

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

5.29.1 Under the law (Section 77 of the Representation of the People Act, 1951), every candidate or his election agent has to keep a separate and correct account of all expenditure in connection with the election to the House of the People or, as the case may be, Legislative Assembly of a State/Union Territory, incurred or authorized by him or by his election agent between the date on which he has been nominated as a candidate and the date of declaration of result of the election, both dates inclusive (In this regard, see also Chapter 18 and Compendium of Instructions on Election Expenditure Monitoring).

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

5.29.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, Returning Officer shall invite the attention of each candidate to the above provisions of law in writing. This should be done by addressing a letter to each candidate as in **Annexure 52** as soon as he files his nomination paper.

5.29.4 The format of the register is prescribed by the Commission for maintaining the account of election expenses by the candidates is given at **Annexure 52**. The candidates are required to maintain the day-to-day account of election expenses along with Cash Register and Bank Register and the details of the expenditure incurred by political parties, other associations, individual, etc.

5.29.5 The Commission has published a Compendium of Instructions on Election Expenditure

Monitoring, 2017 which is available on ECI website. Returning Officer may read this Compendium for detail and act as per instructions given in it.

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

- 5.30.1 In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.
- 5.30.2 The bank Account can be opened either in the name of the candidate or in the joint name with his election agent for the purpose of election expenditure. The bank account should not be opened in the joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate.
- 5.30.3 The bank account can be opened anywhere in the state. The accounts can be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.
- 5.30.4 Wherever the candidate has not opened the bank account or not intimated the bank account number, the Returning Officer shall issue a notice to each such candidate to comply with the Commission's instructions. The Commission has clarified that if the separate bank account is not opened before nomination for election expenses or any amount is spent, without depositing the same in the said bank account, it will be treated that the candidate has not maintained the account "in the manner prescribed". However, this will not be a ground for rejecting the nomination.
- 5.30.5 All election expenditure shall be made by the candidate, only from this bank account. All expenses to be incurred by the candidate on electioneering shall be deposited in this bank account, irrespective of its source of funding including candidate's own fund. A self-certified copy of the statement of this bank account shall be submitted by the candidate to the DEO along with the statement of the account of election expenditure as required to be filed within a period of 30 days from the date of declaration of results. The candidate(s) shall incur his/her election expenses by crossed account payee cheque, or draft or by RTGS/NEFT from the bank account opened for election purpose. However, if the amount payable by the candidate(s) to any person/entity, for any item of expenditure, does not exceed Rupees 20,000/- during the entire process of election, then such expenditure can be incurred in cash, by withdrawing it from the said bank account. The candidate(s)

is required to deposit the entire amount meant for election expenses in the said bank account and all their election expenses are to be incurred only from the said account. The candidate(s) is also required to ensure that neither their agents and their followers nor they themselves carry cash exceeding Rupees 50,000/- in the constituency during election process as per direction of Hon'ble Supreme Court in case of Election Commission v/s. Bhagyoday Jan Parishad and Ors. (SLP No. CC 20906/2012). It is hereby clarified that if any election expenses are incurred without routing it through the said bank account or not by way of cheque or draft or RTGS/NEFT, it will be treated that the candidate has not maintained the accounts in the manner prescribed by the Commission. The DEOs shall issue suitable instruction to all the banks or post offices located in their districts to ensure that they open dedicated counters for election purpose to facilitate prompt service to the candidates in opening of bank accounts. The banks shall also allow withdrawals and deposits from the said account on priority basis during the election period.

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

- 5.31.1 Section 127A of the R.P. Act, 1951, requires that every election pamphlet or poster should have on its face the names and addresses of the printer and publisher thereof, and that within a reasonable time after printing the document, one copy of the declaration as to the identity of the publisher together with a copy of the document should be sent to the Chief Electoral Officer of the State (if it is situated in the State Capital), or to the District Magistrate of the District, in which it is printed. Any contravention of this provision shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.
- 5.31.2 The Commission has also directed that in the case of any advertisements/election matter for or against any political party or candidate in print media, during the election period, the name and address of the publisher should be given along with the matter/advertisement
- 5.31.3 In order there is strict observance of and compliance with, the requirements of the abovementioned provisions of law on the subject, the Commission has issued detailed directions in its Order No. 3/9 (ES008)/94-J.S. II dated 02.09.1994 and 3/9/2004/JS-II dated 24.08.2004.
- 5.31.4 Returning Officer should carefully go through the contents of the said Orders for strict observance of, and compliance with the same. If any Officer who is responsible for the enforcement of the provisions of law and the directions of the Commission in this regard is found to have failed in the due discharge of his duties, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.
- 5.31.5 Copies of the above said Orders shall be handed over to each candidate when he

comes to the Office of the Returning Officer for filing of his nomination paper and an acknowledgement obtained in writing thereof.

5.31.6 The Chief Electoral Officer and the Returning Officer shall bring in writing to the notice of all printing presses the contents of the above said Orders and shall also issue a Press Note for the guidance of the candidates and to make the public aware of strict provisions of law relating to printing of posters, pamphlets etc. by the candidates and political parties.

5.31.7 Returning officer should note that instructions on Expenditure control and monitoring are given in greater details in Chapter 18 of this hand book. Returning Officers should also ensure that they should get a copy of latest Compendium of Instructions on Election Expenditure Monitoring issued by the Commission and read the latest instructions. A model checklist for use of Returning Officer on Election Expenditure Monitoring at **Annexure 54**. The Checklist is not exhaustive; in case of any doubt, Returning Officer may please refer to the latest compendium of instructions on election expenditure monitoring.

6. SCRUTINY

6.1 SCRUTINY OF NOMINATIONS BY RETURNING OFFICER

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

6.2 SCRUTINY – A QUASI-JUDICIAL DUTY

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

6.3 PERSONS TO BE ADMITTED

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

6.3.2 It is not necessary that a candidate or his representative should be present at the time of scrutiny of nominations and no nomination can be rejected solely on the ground of absence of the candidate or his representative during scrutiny proceedings. But, if any

objection is raised with regard to the nomination of the candidate and there is no one to rebut it on his behalf, the Returning Officer may be justified in rejecting the nomination paper if he finds substance in the objection raised but remain un-rebutted.

6.4 EXAMINATION OF NOMINATION PAPERS BY CANDIDATE, ETC.

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

6.5 ALL NOMINATION PAPERS TO BE SCRUTINIZED

6.5.1 Returning Officer should then take up nomination papers one after another and scrutinize them. If more than one nomination paper has been presented by or on behalf of one candidate, he/she should take them up together and scrutinize them one after another. It would not be correct or legal to pass over other nomination papers of a candidate without scrutiny, merely because one or more nomination papers of that candidate have been already found valid by the Returning Officer.

6.5.2 The whole process of scrutiny of nominations should be video-graphed in all cases for ensuring more transparency in the scrutiny.

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

6.6.1 Even if no objection has been raised with regard to a nomination paper, Returning Officer has to satisfy himself/herself that it is valid in law. If any objection is raised, Returning Officer shall have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Returning Officer should record his/her decision in each case giving briefly the reasons where an objection has been raised or why he/she rejects the nomination paper. Returning Officer's decision could be challenged later in an election petition and hence the importance of recording a brief statement of reasons at this time. If Returning Officer accepts the nomination paper of a candidate overruling the objections raised by an objector, he may be supplied with a certified copy of his/her decision upon his request.

6.6.2 ECI Instruction no. 509/MISC/ECI/CIRCULAR/FUNC/ JUD/ RCC/2017, dated 13.02. 2017 may be referred to in case of objections against nomination under section 9A on the ground of subsisting contract with Govt.

6.7 PRESUMPTION OF VALIDITY

6.7.1 There is a presumption that every nomination paper is valid unless the contrary is prima facie obvious or has been made out. In case of a doubt as to the validity of a nomination

paper; the benefit of such doubt must go to the candidate concerned and the nomination paper should be held to be valid. Remember that whenever a candidate’s nomination paper is rejected without proper reason that can be a reason to set aside the election in an election petition. Returning Officer should adopt a comparatively liberal approach in dealing with minor technical or clerical errors. Sub-section (4) of Section 36 mandates that nomination paper shall not be rejected on a ground or defect which is not substantial.

6.8 CRUCIAL DATE FOR DETERMINING QUALIFICATION AND DISQUALIFICATION

6.8.2 Returning Officer shall notice that sub-section (2) (a) of Section 36 clarifies that the qualification or disqualification of a candidate should be related to the date fixed for scrutiny of nominations. This is sometimes material, e.g., in regard to the age of a candidate or in regard to being an elector in a constituency or in regard to the subsistence of a contract with Government and other organizations, holding office of profit etc., in deciding whether a person is qualified or disqualified to contest the election. Returning Officer should therefore, see whether the disqualification subsists and whether the candidate fulfils qualifications, as on the date fixed for scrutiny.

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

6.9 INSUFFICIENT GROUNDS FOR REJECTION OF NOMINATION PAPERS

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

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

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

Returning Officer's order rejecting the nomination paper in such a case should bring out the entire facts. Nomination papers may also not be rejected on the ground that Forms A and B signed in any ink other than blue (No.56/2012/127 of ECI dated 18th October 2012).

6.9.4 In the past, there were instances where nomination papers were rejected on flimsy grounds, e.g. mistakes made in the nomination paper regarding;

a) the year of election, or

b) the exact name of the House of the Legislature or any minor error in the name of the constituency,

c) the description of an electoral roll number, or

d) the choice of symbols, or

e) some discrepancy between the age, name, or other particulars of the candidate or his proposer as given in the nomination paper and in the electoral roll and so on,

6.9.5 Such unjustifiable and improper orders of rejection on technical grounds can lead to challenge against the election through election petition. It is up to Returning Officer to interpret the provisions of the law intelligently and with common sense. Returning Officer should not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Such technical errors can and should be directed by him/her to be set right at the time of the presentation of the nomination paper [section 33 (4) proviso of RP Act, 1951]. It would, therefore, be very undesirable if Returning Officer fail at the proper stage to help a candidate by exercising his/her powers and discretion under the provision to Section 33(4) of the said Act and later at the time of scrutiny he/she reject the nomination paper on the ground of those very defects which could have been set right under that section.

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

6.10 GROUNDS FOR REJECTION OF NOMINATION PAPERS

6.10.1 Returning Officer must reject a nomination paper, if

i) the candidate is clearly not qualified in law to be a member of the Legislature concerned, or

ii) the candidate is clearly disqualified in law to be such member, or

[N.B. As regards the persons who have been disqualified under Sections 8A and 11A(b) (for corrupt practices) and 10-A (for failure to lodge account of election expenses) of the said Act, 1951, there would be a list of such disqualified persons. Returning Officer should obtain the list from CEO]. Complains regarding other disqualifications, Returning Officer has to decide based on summary inquiry.

iii) Requirements of Section 33 of R.P. Act, 1951 are not fulfilled.

iv) The prescribed affidavit has not been filed at all by the candidate, or [N.B. If the prescribed affidavit has been filed but are alleged or found to be defective or containing false information, the nomination should NOT be rejected on this ground.]

v) The nomination paper has not been signed by the candidate and/or by the required number of his proposer(s), or

vi) The proper deposit has not been made in accordance with Section 34, or

vii) The oath or affirmation is not made by the candidate as required under the Constitution of India, Government of Union Territories Act, 1963 or the Government of National Capital Territory of Delhi Act, 1991, as the case may be, or

viii) The candidate does not belong to the Scheduled Caste or the Scheduled Tribe and he has filed nomination paper to contest a seat reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes, or

ix) Where the candidate is not an elector of the constituency for which he has filed nomination paper and he has neither filed a copy of the electoral roll of the constituency in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll along with the nomination paper nor produced the same at the time of scrutiny as required under Section 33(5) of the said Act.

x) Columns were left blank in the affidavit and fresh affidavit not filed in spite of notice.

Note on item (viii): In order to prevent non-SC/ST persons contesting election from reserved constituencies, the Returning Officers at the time of scrutiny of nominations should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be. Wherever in doubt, the Returning Officer must insist on production of SC/ST certificate issued by competent authorities. Where, however, the certificate produced by the candidate is also challenged, the Returning Officer need not go into that question, except where it is alleged that the certificate produced is forged or is not issued by competent authority. In the case of any allegation/suspicion about the genuineness of the certificate, the Returning Officer should get the position cross-checked with the authority which purportedly issued the SC/ST certificate in question, before deciding the validity of the nomination paper of the candidate concerned. If on such cross-checking/verification, the Returning Officer is satisfied that the certificate in question is not genuine, he should not only reject the nomination of the candidate

concerned but should also initiate criminal proceeding against the candidate for adducing forged documentary evidence before him. (Instruction No 4/3/2008/JS-II (vol. III) dated 2.7.2008).

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

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

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

and he fails to bring notice in Forms 'A' and 'B' from the authorized officer-bearer of the concerned political party, the nomination paper may be accepted if Part II is properly filled and subscribed by ten electors as proposers, as there will be substantial compliance with the provisions of Section 33 of the Representation of the People Act, 1951.

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

[N.B. It must be noted that a State Party, which is recognized in some other State/Union Territory but is not recognized as such in Returning Officer's State/Union Territory, such party should be treated as unrecognized party by Returning Officer, even if it has been allowed by the Commission to use its reserved symbol in his/her constituency under the Election Symbols Order, 1968.]

6.11 ADJOURNMENT OF HEARING OF OBJECTION

6.11.1 If a candidate to whose nomination paper an objection has been taken applies for time to rebut such objection, Returning Officer should adjourn the scrutiny of that candidate. The adjourned cannot go beyond 11.00 a.m. on the second day after the date fixed for scrutiny. The scrutiny of all other nomination papers must, of course, be completed on the day of scrutiny, notwithstanding such adjournment in respect of one or more nomination papers.

6.12 LIST OF VALIDLY NOMINATED CANDIDATES IN FORM 4

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

6.12.2 The Returning Officer shall display on his notice board, a list of validly nominated candidates with the photographs of the candidates against their names on the day following the date fixed for scrutiny of nominations. The Returning Officer shall inform the candidates at the time of scrutiny that the photographs to be printed on ballot paper will be displayed on his notice board on the next day (time may also be specified). If there is any error in the photograph or other particulars, the candidates /others will get an opportunity to point out the same to the Returning Officer for rectifying the error. (Instruction no. 576/3/2015/SDR dated 16.03.2015)

6.13 CORRECTION IN THE NAMES OF CANDIDATES

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

6.14 THE LIST OF VALIDLY NOMINATED CANDIDATES

6.14.1 As per Section 38 of the Act, in Form 7A (List of contesting candidates), names of

candidates have to be arranged under three categories, i.e. (i) candidates of recognized National parties and State political parties in the States concerned, (ii) candidates of registered unrecognized political parties and (iii) other (independent) candidates. Therefore, names of candidates in the list in Form 4 are also in the same order under these categories. It may be noted that names have to be arranged alphabetically in each of the above mentioned three categories separately, in the manner explained in Chapter 5.

6.14.2 The names of the candidates in the list of validly nominated candidates should be arranged alphabetically according to the script of the language as specified or first specified in the third column of Commission's direction No.3/4/2008/JS-II/SDR dated 16thSeptember, 2008 and No. 3/4/2018/SDR dated 31st October 2018 in case of Legislative Assembly Election (**Annexure 16**) and Commission's direction No. 3/4/2008/JS- II/SDR dated 6thFebruary, 2009 and No. 3/4/2018 dated 31st October 2018 in case of Lok Sabha Election (**Annexure 17**)

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

6.14.4 Rules 22(3) and 30(3) of the Conduct of Elections Rules 1961 provide that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or by adding the suffix "son/daughter of/wife of" as may be appropriate. Name of father/mother/husband can be obtained from the nomination paper. In such cases, the arrangement of names of those candidates, if falling under the same category in the list of validly nominated candidates and contesting candidates and in the ballot-paper will be with reference to the distinguishing names of the candidates. For uniformity, the Commission has directed that in such case where two candidates have the same name, they should be distinguished by adding their fathers/mothers/husbands name. Name should be written in such cases by suffixing "S/o" or "W/o". (Instruction No 4/2014/SDR-Vol. II dated 27.02.2015)

6.14.5 There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title should on no account be taken into consideration, in the arrangement of names in alphabetical order

in the lists of validly nominated candidates or of contesting candidates or in the ballot papers.

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

7. WITHDRAWAL OF CANDIDATES

7.1 NOTICE OF WITHDRAWAL

- 7.1.1 Any candidate may withdraw his candidature by giving Returning Officer a notice in Form 5 (**Annexure 9**) signed by him and delivered before 3 o'clock in the afternoon of the last date fixed for such withdrawal. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to Returning Officer by (i) the candidate, or (ii) any of his proposers, or (iii) his election agent. If the proposer or the election agent is submitting the withdrawal notice, then the withdrawal notice should be accompanied by a written authorization by the candidate authorizing the agent/proposer to submit withdrawal notice. Without the authorization, the withdrawal notice submitted by election agent or proposer has no effect and has to be ignored. Similarly, if the withdrawal notice is submitted by any person other than the candidate, election agent or proposer, that will not be valid and cannot be considered.
- 7.1.2 The notice of withdrawal should neither be delivered to, nor be received by Returning Officer, on a day, which is a public holiday, as defined in Section 2 (1) (h) of the RP Act, 1951.
- 7.1.3 A candidate can give notice of withdrawal only after the scrutiny of nominations is over; such notice can be given on the date of scrutiny after the scrutiny is over or on the next day, if it is not a public holiday delivered during the normal working hours of the Returning Officer's office, that is to say, even before 11.00 A.M. or after 3.00 P.M.
- 7.1.4 The notice of withdrawal can be delivered up to 3 PM on the last date fixed for the withdrawal of candidatures.

7.2 RECEIPT FOR WITHDRAWAL

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

7.3 VALID WITHDRAWAL NOT TO BE CANCELLED

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

7.4 PUBLICATION OF NOTICES OF WITHDRAWAL

- 7.4.1 As soon as any valid notice of withdrawal is received by Returning Officer, publish has to put notice thereof in Form 6 (**Annexure 9**) on his notice board.

7.5 LIST OF CONTESTING CANDIDATES

- 7.5.1 Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures and after completing the symbol allotment, draw up a list of contesting candidates which will comprise the names of validly nominated candidates who have not withdrawn their candidature. The list of contesting candidates is to be drawn in Form 7A.
- 7.5.2 The list of contesting candidates in Form 7A shall be drawn up in accordance with the instructions contained in the preceding Chapter VI.
- 7.5.3 The photograph of candidates shall also be printed against their names in the list of contesting candidates in Form 7A. Thus, the copy of the said forms to be supplied to each contesting candidate should contain the photographs of the candidates. The same format with photographs of candidates shall be used for publishing of the Form in the Gazette as well as for displaying copies thereof in the polling stations. Since Form 7A denotes list of contesting candidates, 'NOTA' is not to be printed therein. (ECI Instruction no. 576/3/2017/SDR/ dated 18.10.2017)
- 7.5.4 In the list of contesting candidates, Returning Officer has to mention the party affiliation, if any, of each candidate and the symbol allotted to him. Detailed instructions are given in the following chapter regarding the allotment of symbols to candidates. Study those instructions carefully and apply them meticulously while allotting symbols to candidates.
- 7.5.5 Immediately after the preparation of the list of contesting candidates a copy of the list should be affixed in some conspicuous place in Returning Officer's office. Returning Officer should also supply a copy of the list of contesting candidates to each such candidate or his election agent.
- 7.5.6 Sub-rule (1) of Rule 31 of Conduct of Election (Rules), 1961, requires a copy of the list of contesting candidates to be displayed outside each polling station.
- 7.5.7 The lists of contesting candidates should be prepared according to the Commission's direction No.3/4/2008/JS-II/SDR dated 16.09.2008 in the case of election to Legislative Assembly and Commission's direction No. 3/4/2008/JS-II/SDR dated 06.02.2009 in the case of election to the Lok Sabha.
- 7.5.8 Send to Chief Electoral Officer immediately by Fax/E-mail or special messenger the list of the contesting candidates. Any delay may seriously affect the program for printing of ballot papers. Also send a copy of the list along with its translation in English to the Election Commission. If, subsequently, the allotment of symbol to any candidate made by Returning Officer has been revised under the direction of the Commission, the list of contesting candidates would require to be suitably amended.

7.6 NOTIFICATION OF THE LIST OF CONTESTING CANDIDATES

- 7.6.1 Rule 11(2) of the Conduct of Election Rules, 1961, requires that Returning Officer shall publish the list of contesting candidates in the Official Gazette. The responsibility for

getting the list published in the Gazette is cast upon Returning Officer. But as the press may not accept the notification direct from Returning Officer for publication in the Gazette, the Commission has directed that the publication of these lists should be arranged through the Chief Electoral Officer in the case of election to the State Legislatures and through the Election Commission of India in the case of election to Parliament. As, however, all these elections are held under the superintendence, direction and control of the Election Commission, these notifications should indicate at the top that they are notifications of the Election Commission of India. The specimen forms of notification for publishing the list of candidates in the Official Gazette at General Election as well as Bye-election are given in **Annexure 18 and 19**.

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

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

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

7.8 ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES

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

CANDIDATE'S IDENTITY CARD

Photograph

Shri/Srimatiis a contesting candidate for election to the from the constituency and is set up by the party.

(signature of the candidate)

Attested by

Place:

Date:

Returning Officer

(Seal)

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

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

7.8.3 Returning Officer must keep required number of forms.

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

7.9.1 For the sake of purity of elections and for the guidance of the contesting candidates, Returning Officer should draw attention of the contesting candidates by a notice in writing to the provisions relating to corrupt practices and electoral offences in the Representation of the People Act, 1951, and offences relating to elections contained in Chapter IX-A in the Indian Penal Code. The above notice may be issued to the contesting candidates immediately after the last date fixed for the withdrawal of candidature. The candidates should be clearly informed in the said notice that the list contained in the notice should not be taken as exhaustive. A model form of the notice is given in **Annexure 20**.

8. ALLOTMENT OF SYMBOLS

8.1 APPROVED ELECTION SYMBOLS

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

8.2 CHOICE OF SYMBOLS BY CANDIDATES

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

8.3 WHEN A CANDIDATE FILES MORE THAN ONE NOMINATION PAPER

- 8.3.1 Returning Officer is to consider only the choice of symbols made by a candidate (other than a candidate set up by a National or State Party) in the nomination paper first delivered by him or on his behalf whether that nomination paper is accepted or rejected by him/her during scrutiny. Choice of symbols made by a candidate in subsequent nomination paper is not to be considered.

8.4 ALLOTMENT OF SYMBOLS TO CANDIDATES

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

8.4.2 From the Symbols Order, referred to above, Returning Officer will find that:

- a) There are two categories of symbols, namely
 - (i) Reserved symbols and
 - (ii) Free symbols.
- b) A "reserved symbol" means a symbol reserved for a recognized (National or State) party and a "free symbol" means a symbol other than a reserved symbol.
- c) A candidate set up by a National or State Party (in the State in which it is recognized) shall choose in his nomination paper and will be allotted by Returning Officer, only the reserved symbol of that party and no other symbol. This means that if he has been set up by a National or State Party, then, in his nomination paper, he can choose only the symbol reserved for that party and no other symbol.
- d) A reserved symbol can be allotted only to the candidate duly set up by the party for which the symbol is reserved. Such symbols cannot be allotted to other candidates in any constituency even if the party concerned has not put up any candidate in that constituency.
- e) The Commission, on an application made to it under para 10 of the Symbols Order, 1986, may direct that a candidate set up by a State Party, may be allotted its reserved symbol in any other State, where it is not a State Party. In that event the candidates duly set up by that party shall be allotted the reserved symbol as may be directed by the Commission.
- f) The Commission may on an application made to it under para 10A of Symbols Order allow a political party, which is unrecognized at present but was a recognized National or State party in any State or Union Territory not earlier than six years from the date of notification of the election, and which sets up a candidate at an election in a constituency in any State or Union Territory, whether such party was earlier recognized in that State or Union Territory or not, the use of the symbol reserved earlier for that party when it was a recognized National or State party.
- g) Candidates set up by a party recognized as a State Party in another State or by a registered unrecognized party which was a recognized party not earlier than six years may be allotted the reserved symbol of the State party/ the symbol which was its reserved symbol when it was a recognized party **if and only if** the Commission has issued a specific direction under paragraph 10 or 10A.
- h) Under paragraph 10B of the Symbol order, 1968, a registered un-recognized Party may submit application to the Commission for allotment of a common symbol from the list of free symbols, at a general election to Legislative Assembly if it is fielding candidates from a minimum of 5% of the Assembly constituencies and in case of the Lok Sabha, if it is fielding candidates from a minimum of 2 parliamentary constituencies. If the application is made to the Commission as per the requirements of para 10 B, the Commission will issue directions for allotment of common symbol to the candidates of such Parties. In such cases, the candidates set up

by such Parties shall be allotted the symbol specified in the Commission's directions in the Constituencies mentioned in the direction. In the other constituencies such symbol will be open for allotment to other candidates as per the provisions of para 12 of the Symbol Order, 1968. Even in those cases in which a registered party has been allotted any particular symbol under Para 10B, but the party does not set up candidate or the nomination of the party's candidate is rejected, then also the symbol concerned can be allotted to other candidates who may have opted for the said symbol.

- i) Other candidates not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the list of free symbols and no other symbol except for the candidates of party allowed the concession under Para 10 or 10A of the symbols order, 1968.
- j) Where any free symbol has been chosen by only one candidate at such election, Returning Officer will allot that symbol to that candidate and to no one else. Please refer to para 12 of the symbols order, 1968.
- k) Where the same free symbol has been chosen by several candidates at such election, then :
 - (1) If of those several candidates, only one is a candidate set up by a registered unrecognized political party and all the rest are independent candidates, Returning Officer shall allot that free symbol to the candidate set up by the registered-unrecognized political party. This could mean that candidate of registered party gets preference over Independents.
 - (2) If two (or more) candidates of registered unrecognized parties have chosen the same free symbol then if any one of them was a sitting member of the previous house of the People or Legislative Assembly, as the case may be, then that candidate will get preference over the others and shall be allotted the symbol concerned. If no one among them was a sitting member then Returning Officer will draw lots among them and allot the symbol to the winner of that draw of lot.
 - (3) If the independent candidates are seeking the same free symbol, and one of them was a sitting member of the previous house and further was allotted that particular free symbol at the previous election when he elected as member, Returning Officer shall allot that free symbol to that candidate. He gets the preference over the other independents in such case.
 - (4) If none of the independents opting for the same free symbol was sitting member of the previous house then allotment of the free symbol is to be decided by draw of lots.
- l) A candidate shall be treated as candidate set up by a political party, whether recognized as National or State party or a registered unrecognized party, if, and only if:
 - (1) The candidate has made a declaration to that effect in any of his nomination papers;
 - (2) A notice in Form A and B has been submitted to Returning Officer by 3 p.m. on the last date for making nominations;
 - (3) Form A and B should bear signatures in original. Photocopies or emails are not acceptable.

Format of Form A and B is available at **Annexure 22**.

- m) In Form B, there is an option for the party to nominate a substitute candidate also in addition to the main candidate. If a suitable candidate has been nominated, the substitute will be treated as the party's candidate only in the event of nomination of main candidate being rejected on scrutiny, or on the withdrawal of the candidature by the main candidate (and if the nomination of the substitute candidate was otherwise valid and accepted and he is still in the field). If the nomination paper filed by the main candidate of a recognized National/State party is accepted, and if the nomination of the substitute candidate of that party is signed by only one proposer then the nomination of the substitute candidate shall be rejected. If his nomination paper is subscribed by ten proposers and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate.
- n) Political parties are, permitted to cancel the authorization in Form B given in favour of one candidate and give a revised notice in Form B, in favour of another candidate subject to following conditions namely:
- (1) Such revised notice in Form B cancelling or substituting the authorization in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations;
 - (2) Such revised notice in Form B is signed by the authorized office-bearer referred to in clause (d) of paragraph 13 of Symbols Order;
 - (3) The Returning Officer is satisfied about the genuineness of the revised notice; and
 - (4) The candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.
- o) If a political party submits notice in Form B in respect of more than one candidate for the same constituency and the party does not state in such notices that the earlier notice(s) has/have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted to Returning Officer shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that party.
- p) If a candidate claims in his/her nomination papers to be set up by two or more political parties and both/all such parties have submitted Forms A and B in his favour, the Returning Officer will, at the time of scrutiny, examine the facts as to which of the political parties the candidate belongs to as its member and whether the candidate has ceased to be a member of the other political party/parties mentioned in his nomination papers, and decide the party affiliation of the candidate accordingly.
- q) The Symbols Order does not recognize electoral alliances which are often entered into by political parties. Therefore, a registered or recognized political party should not be allotted by Returning Officer any reserved symbol of another recognized political party even with

the consent of such latter party with whom it has entered into an electoral alliance for the purpose of contesting an election. Returning Officer should be strictly guided by the provisions of paragraph 13 and 13A of the Symbols Order in all cases of allotment of symbols, to candidates set up by political parties.

- r) Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives Returning Officer intimation to that effect in Forms A and B, and he shall not be allotted the symbol reserved, if any, for that party.
- s) Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party and Form A and B in his favour have been filed by the other party within the prescribed time limit.
- t) Returning Officer should refer to the latest list of political parties and election symbols issued by the Commission. Returning Officer should obtain the list from Chief Electoral Officer well before the date of notification of election.

8.5 INCORRECT ALLOTMENT OF SYMBOLS

8.5.1 The allotment of a symbol made by Returning Officer to a candidate shall be final except where it is inconsistent with any direction issued by the Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit. Returning Officer should, therefore, ensure that no mistake occurs in allotting symbols.

8.6 REVISION OF SYMBOLS

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

8.7 SUPPLY OF COPY OF ELECTORAL ROLL

8.7.1 Under Rule 85D of Conduct of Election Rules, 1961, the Commission has directed that the Returning Officer shall supply one copy of the electoral roll, free of cost, to the candidate of every recognized political party at a general election to the Lok Sabha or Legislative Assembly. Such copy should be supplied within three days after the last date of withdrawal of candidatures.

Mother Roll shall also be printed along with all supplements using the software provided for the purpose, at the end of the period of continuous updating after the last date of nomination is over, so that there should be no need to make any corrections in the electoral

roll by hand. A copy of this electoral roll with the Mother Roll and supplements printed by the software shall be given free of cost to contesting candidates of recognized political parties and will also be made available for sale by the ERO to other persons. The same copy shall also be used for preparation of the marked copy of electoral rolls to be used in polls. It should be noted that the list of Classified Service Voters for the constituency is also required to be given along with the copy of the electoral roll.

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

9. UNCONTESTED ELECTION

9.1 UNOPPOSED RETURNS

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

9.2 FORM OF DECLARATION

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

9.3 RETURN OF ELECTION

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

9.4 REPORT OF RESULT OF UNCONTESTED ELECTION

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

- i) the Election Commission of India;
- ii) the Government of India in the Ministry of Law & Justice (if the election is to the House of the People) or the State Government (if the election is to the State Legislative Assembly);
- iii) the Secretary General to the Lok Sabha or Secretary to the State Legislative Assembly, as the case may be; and
- iv) the Chief Electoral Officer of the State / Union Territory.

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

9.4.2 The date to be given in the declaration should be the date on which the result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when Returning Officer has to rectify some error in the original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

9.5 CERTIFICATE OF ELECTION

9.5.1 As soon as may be after a candidate has been declared elected, Returning Officer should

grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by Returning Officer before dispatch. (The acknowledgment form is given in Chapter XVI). Immediately thereafter, send the acknowledgment by registered post to the Secretary General to the House of the People, or as the case may be, to the Secretary to the Legislative Assembly. This is very important, as otherwise the elected candidate will not be able to take his seat in the House.

- 9.5.2 This acknowledgment is required by the authorities concerned for verifying the identity of the elected candidate at the time of the making and subscribing the oath or affirmation by him as member of the House concerned.
- 9.5.3 If the elected candidate is not present at the time of declaration of result and also does not visit the locality shortly thereafter, the certificate should be handed over to a person duly authorized by him/her in this behalf and personally known to Returning Officer. The acknowledgment (duly signed by the candidate) must also be obtained through the same person.

10. ARRANGEMENTS FOR POLL

10.1 POLL ARRANGEMENTS TO BE MADE FINAL

- 10.1.1 As soon as the list of contesting candidates has been published, Returning Officer should make arrangements for the final poll and check-up that everything is ready for taking the poll on the scheduled date(s).
- 10.1.2 Returning Officer must have already calculated the exact number of EVM and VVPAT required for taking the poll in the constituency, including the reserve EVM and VVPATs. The EVMs and VVPATs are kept at some selected places in his/her State/Union Territory under the charge of the Chief Electoral Officer or the District Election Officer. Returning Officer should immediately obtain the required number of EVMs and VVPATs if he/she has not already done so. Each and every EVM and VVPAT has to be thoroughly tested for its 100% error-free functioning and commissioned for poll. The details regarding EVMs and VVPATs are given in Chapter 12.
- 10.1.3 Returning Officer should also get printed immediately the required number of ballot papers which are to be used on the Balloting Units of the EVMs and also for supply to the polling stations for use as tendered ballot papers, in accordance with the instructions given in this behalf in the following chapter 11.
- 10.1.4 Likewise, Returning Officer must procure urgently all other polling materials, statutory and non-statutory forms and other stationery that are required for taking the poll.
- 10.1.5 Returning Officer should maintain a forward diary of the different items of work that Returning Officer has to attend to from time to time and keep it up to-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive but only illustrative) of the tasks during this period:
- a) Obtaining the required number of EVMs and VVPATs and getting these EVMs and VVPATs thoroughly tested;
 - b) Printing and dispatch of postal ballot papers;
 - c) Printing of ballot papers for use on Balloting Units of voting machines and for use as tendered ballot papers;
 - d) Reviewing of the requirement of polling materials, including statutory and non-statutory forms, etc., in the light of actual number of contesting candidates and the total number of polling stations;
 - e) Meetings with contesting candidates with a view to seek their cooperation and removing their misapprehensions, if any;
 - f) Supplying the contesting candidates with (i) lists of polling stations and the areas covered by each polling station and (ii) forms of appointment of polling and counting agents;

- g) Supply of copies of 'Instructions to Electors' for recording their votes by means of EVM and VVPAT to political parties and candidates for distribution among electors;
- h) Publicity about the location of polling stations;
- i) Ensuring that formal appointment orders for the Presiding Officers and Polling Officers for each polling station in the constituency have been issued by the District Election Officer;
- j) Organizing comprehensive and exhaustive training of polling personnel as well as Police personnel on conduct of elections on EVMs and VVPATs;
- k) Issuing of application forms (Form 12 and 12A) for postal ballot papers and election duty certificates to the polling personnel including the police and drivers/cleaners of the requisitioned vehicles;
- l) Requisitioning of vehicles required for the poll including the vehicles required for transport arrangements of polling personnel and polling materials;
- m) Finalizing the transport arrangements for polling personnel and polling materials; and for Zonal Officers depending on the number of Routes Video-graphers, Technical persons for Web Casting and Micro Observers.
- n) Checking up the deployment of police forces and their movement to synchronize with the movement of the polling parties;
- o) Dispatching of postal ballot papers along with connected papers to voters entitled to vote by post and the Election Duty Certificate to such of the voters on election duty who want to vote on the strength of such certificates;
- p) Setting the ballot papers on the EVMs and loading symbols in the VVPATs.
- q) Preparing required number of working copies of the relevant parts of the electoral roll for use in each polling station;
- r) Provision of voting compartments at each polling station in which a voter can record his vote on the Balloting Unit of the voting machine in complete secrecy;
- s) Distribution of polling materials to the polling parties;
- t) Arrangements at reception centre for the return of the polling parties after the poll and the receipt of the EVM and VVPAT and other materials and election papers from them;
- u) Arrangements to be made to collect sealed EVMs and VVPATs, Presiding Officers Diaries, Form-17A (Register of Voters), Form-17C and other important statutory items including Additional information in (16) Column proforma at special counters duly verified by the Officer in the special counters.
- v) Arrangement for downloading photos from digital cameras and videos to be made.
- w) Arrangements for the safe custody of EVM, VVPAT and other election papers on completion

of poll;

x) In addition to deployment of CPF, State police force shall also be deployed in adequate number for each hall of the strong room to guard the Strong Room containing polled EVMs and VVPATs and election related documents. Video Cameras or CCTV cameras should be installed outside the strong rooms and such video recordings should be kept in safe custody.

y) Arrangements for setting up the counting centre(s).

10.1.6 Returning Officer should meet the contesting candidates as often as he/she can and keep them informed of the arrangement he/she has made.

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

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

10.1.9 In addition to the EPICs, Voter Slips should be printed by the District Election Officer, as per Voter Lists and these Voter Slips have to be distributed to the Voters by visiting door to door by the BLOs concerned personally, one week before the Poll day under proper acknowledgement. All undistributed Photo Voter Slips shall be returned by the BLO to the ERO concerned. The ERO shall keep the same in the sealed cover under safe custody. No further distribution of photo voter slip would be done after the same are returned to the ERO. ERO shall make an alphabetical list of undistributed Photo Voter Slips in respect

of each part/polling station. Two copies of the alphabetical list shall be handed over to the RO of the constituency. (ECI No. 464/INST/VS/2017-EPS Dated 19.01.2017)

10.2 COOPERATION FOR LAW AND ORDER

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

10.3 MODEL CODE OF CONDUCT AND ITS OBSERVANCE

10.3.1 It hardly needs to be emphasized that for the smooth conduct of an election, an atmosphere for free and fair election should prevail during the election period. The most important factor which tends to mar the conduct of the election and disturbs the atmosphere of friendly competitiveness that should prevail, is the violation of statutory provisions of election law relating to corrupt practices and electoral offences and malpractices by some or the other political parties or the candidates or their workers. This, apart from vitiating the general atmosphere in the constituency, creates problems for the authorities responsible for the maintenance of law and order as well. The Model Code shall also apply to the content being published /posted on the internet, including social media websites, by candidates and political parties.

10.3.2 To enable a conducive atmosphere for ensuring a free and fair election, the Commission has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates.

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

10.4 STANDING COMMITTEES

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

10.4.2 The Commission, subsequently, instructed that such standing committees should also be formed in each constituency. Such committee in the constituency will be in addition to the committee functioning at the district level and will be presided over by Returning Officer. In this committee, Returning Officer could associate the representatives of all National parties, State parties in his/her State as well as the Registered parties functioning in the

constituency. The independent candidates contesting the election from the constituency should also be made members of the committee. The representatives of law and order enforcement authorities should also be associated with such committee.

10.4.3 The committee may meet as often as may be convenient and necessary. In such meetings, Returning Officer should address a special appeal to the members to co-operate in the observance of the Model Code of Conduct and to take active steps to ensure that no one, in an excessive zeal and excitement, may overstep the limits laid down by law and at the same time render himself liable to penalties, prescribed by law. It should be impressed upon the members that any violation of the code committed on behalf of any party or candidate cannot but create a feeling of bitterness and resentment in the minds of the other parties and candidates and their supporters. Moreover, to the extent that any such violation is made, the election falls in its standard of morality and cleanliness. In the cases of the violation of the code brought to the notice of the Committee, which resulted in the breach of the Provisions of election law, Returning Officer should seek the co-operation of local magistracy and the police in dealing with such election offences. The Election Commission has already requested the State governments to take all necessary steps during the election period for preventing and checking promptly and strictly, any instance of election offences shall be brought in notice of the Commission.

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

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

10.5 IMPLEMENTATION OF MODEL CODE OF CONDUCT

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

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

- i. Media Certificate and Monitoring Committee,
- ii. Expenditure monitoring control room call centre,
- iii. Expenditure Monitoring Cell comprising of Income Tax, Central Excise, Audit and

Accounts Department,

- iv. District Expenditure Monitoring Committee
- v. Returning Officer Level Teams:
 - a. Assistant Expenditure Observers
 - b. Video Surveillance Team
 - c. Video Viewing Team
 - d. Flying Squad & Static Surveillance Team and
 - e. Accounting Team.

Media Certificate and Monitoring Committee (MCMC):

1. District Level Media certification and Monitoring Committee(MCMC)

The District level MCMC shall be formed in each district with the following members: (a) DEO/RO (of Parliamentary Constituency) (b) ARO (not below SDM) (c) An intermediary expert/Social media expert (to be chosen by the RO subject to the eligibility criteria) (d) Central Govt. I & B Ministry official (if any in the district) (e) Independent Citizen/Journalist as may be recommended by PCI (f) DPRO/District Information Officer/equivalent – Member Secretary.

For the purpose of the certification of advertisements as per the Supreme Court order dated 13.04.2004, Returning Officer of the parliamentary constituency/District Election Officer, an ARO (not below SDM) and An Intermediary Expert/Social Media Expert shall be the members of the MCMC.

2. State level MCMC

2.1 The State level MCMC shall comprise of the following officers:

- (a) The Chief Electoral Officer, Chairman
- (b) Any Observer appointed by the Election Commission of India
- (c) One expert to be co-opted by the Committee.
- (d) Officer of Indian Information Service (IIS), (at the level of US/ DS) posted in the State/ UT, representing a media Department of Government of India as separate from the expert at (c) above.
- (e) Independent citizen or journalist as nominated by PCI (if any)
- (f) Addl/Jt CEO in charge of Media (Member Secretary)
- (g) An intermediary expert/Social media expert (to be chosen by the CEO subject to the eligibility criteria)

2.2 The State level MCMC shall perform two sets of functions:

(i) Deciding appeal from both District and Addl/Jt CEO Committees on Certification of advertisement as per the aforesaid Commission order dated 15th April 2004.

(ii) Examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu, in which case it shall direct the concerned ROs to issue notices to the candidates.

3. Addl/Joint CEO's Committee on Certification:

The Committee chaired by Addl/Jt. CEO for Certification of advertisement shall also have one intermediary expert/social media expert as chosen by the chairperson of the committee subject to the eligibility criteria.

4. It is further stated that the duties performed by the Media certification & Monitoring Committees at District and State Level will remain as it is mentioned in the Commission's guidelines dated 27th August, 2012.

5. It is also to state that the intermediary expert/Social Media expert to be included in the MCMCs should preferably be a government officer subject to following eligibility criteria:

A. If he/she is a Government Officer, he/she should be –

i. Not below the rank of SDM

ii. Has at least 5 years' experience of working in IT department/cell/social media cell of the government.

B. If he/she is not a Government Officer (means private individual), he/she should –

i. Have a Masters' degree in the field of IT

ii. Have at least 10 years' experience of working in IT department/cell/social media cell of the government at central or state level with good understanding of Social media platforms and how they work.

iii. Be also eligible in terms of background and neutrality.

6. With respect to the profile of work which the intermediary expert/social media expert will be handling, it is to state that he/she shall:

i. Assist the MCMC in the matter of certification of political advertisements proposed to be published on social media platforms.

ii. Assist MCMC in scanning social media platforms for suspected cases of Paid News.

iii. Assist MCMC in submitting a daily report to Accounting team with copy to RO and Expenditure Observer w.r.t. expenditure incurred by the candidate on election advertising on social media platforms.

- iv. Assist the MCMC in the matters of queries/complaints related to advertisements on social media platforms.
- v. Look after the overall coordination between MCMC and the intermediaries/social media platforms.
- vi. Make sure that the Election Laws are strictly adhered to with matters related to advertisements on social media platforms.
- vii. Assist MCMC in handling the violation cases on Social media.
- viii. Being part of State level MCMC, he/she will assist in deciding appeal from District and Addl. /Jt. CEO Committee on certification of advt. on social media and also examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu.

In accordance with the order of Supreme Court dt. 13th April, 2004, all advertisements of political nature in electronic media by any political party, organization or individual shall require pre-certification from district/state Media Certification and Monitoring Committee. The scope and ambit of this order apply in the whole of territory of India at all the times. Since social media websites are also electronic media by definition, therefore all provisions of pre-certification shall also apply mutatis mutandis to websites including social media websites. MCMC, besides discharging its functions for pre certification shall also examine complaints/cases of paid news published in print and electronic media and also scan all media during election for the enforcement of media related regulations under R.P. Act.

Ensure that Returning Officer level Teams as mentioned above are constituted and function properly.

10.6 PREPARATION OF WORKING COPIES OF ELECTORAL ROLLS

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

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

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

10.6.2 In addition to the working copies of Electoral Rolls, after distribution of Voters Slips to the Voters, A.S.D. (Absentees, Shifted and Dead) list has to be prepared by the BLOs. The said list is also to be furnished to the Presiding Officer along with Voters list to avert bogus voting.

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

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

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

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

.....

Thumb impression of the elector

Name

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

.....

Signature of the Presiding Officer

.....

Number and name of the polling station

Dated:

vi) Presiding Officer shall maintain a record and give a certificate at the end of the poll (to be kept with Form 17A for scrutiny) that so many electors from the ASD list were allowed to vote after proper scrutiny.

vii) If video-graphy/ photography is being done in the polling station, such electors shall be photographed and their record kept.

viii) Micro observers, who are present, should ensure that these instructions with regard to Absentee, Shifted and Dead electors are meticulously followed and make a specific mention about this in their report.

ix) The Presiding Officer shall be briefed specially about these procedures to be followed in Polling stations for electors who are in the list of Absentee, Shifted and Dead electors. (ECI No. 464/INST/2012/EPS dated 25-01-2012 and No. 464/INST/2014/EPS dated 04.04.2014)

10.7 TRAINING OF POLLING STAFF

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

10.7.2 Proper intensive and hands on training should be given to all the concerned polling and counting personnel for preparation and operation of EVMs and VVPATs as well as their sealing after poll and counting.

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

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

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

10.7.6 All the Presiding Officers and Polling Officers should be instructed to ensure that the electors at the time of casting their vote put either their full signature or their thumb impression on the Register of Electors (Form 17A). Under no circumstances, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A). (ECI No. 464/INST/2008/EPS dated 21.01.2009)

107.7 The Commission has issued instructions that police officers and police personnel

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

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

10.8 TRAINING OF POLLING PARTIES ON EVM AND VVPAT

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

10.9 DUMMY BALLOT PAPERS

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

10.10 DUMMY BALLOTING UNITS

10.10.1 There is also no objection to the candidates/ political parties preparing dummy Balloting Units for the purpose of educating the voters. The dummy Balloting Units may be made of wood, plastic or ply board boxes, half the size of the official Balloting Units and may be painted brown, yellow or grey. These dummy Balloting Units may have provision for showing the serial number, name and symbol of the candidate as in the dummy ballot paper. It may also have a battery-operated button and a lamp which may lit on the button being pressed.

10.11 UNOFFICIAL IDENTITY SLIPS

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

- i) Name and serial number of the voter in the electoral roll;
- ii) Part number of the electoral roll; and
- iii) The serial number and name of the polling station.

10.11.2 The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station, which is not permissible. The circulation of any slip containing any such slogan or exhortation within 200 meters of the

polling station would amount to canvassing which is not permissible under the law. The content of slips, which may be issued by the candidates, areas given below:

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

10.12 PHOTO VOTERS’ SLIPS

10.12.1 Voter Slips including photograph of the voter where available in the Photo Electoral Roll shall be distributed by the District Administration to facilitate the voter to know where he is enrolled as a voter at given location of polling station and voter’s serial number in the said roll. The Commission has also issued instructions that this voter slip should only be in the languages in which electoral roll is published for the assembly constituency. (ECI No. 464/INST/2011/EPS dated 18.02.2011, 464/INST-VS/2014-EPS dated 21.03.2014 and 464/INST/VVS/2017-EPS dated 19.01.2017)

10.12.2 The following shall be maintained in printing and distribution of Photo Voter Slip (PVS):

- a) The Photo Voter Slips (PVS) shall be printed on a good quality paper, ensuring clear entries and photographs of voters appearing thereon. The District Election Officer (DEO)/ Electoral Registration Officer (ERO) shall ensure that the Photo Voter Slips are printed by following all possible safeguards.
- b) Only one (1) set of Photo Voter Slips would be printed for the registered electors of each Assembly Constituency, duly authenticated by the ERO, for distribution through the BLOs. The Commission has decided that Photo Voter Slips shall not be accepted as a stand alone identification document by a voter for the purpose of casting one’s vote in the poll.

(ECI No.3/4/ID/2019/SDR/VOL.I dated 28.02.2019)

- c) A pre-printed register of voters shall be given to each BLO along with the Photo Voter Slips of the electors of his/ her Polling Station area. The Photo Voter Slips should be issued under original signatures of the BLOs. The BLO shall give the PVS either to the registered voter or to an adult member of the voter’s family who is himself/herself a voter. The BLO shall obtain the signature or thumb impression of the person to whom the PVS is delivered, as an acknowledgement of having received the Photo Voter Slip. The register shall be deposited by the BLOs to the ERO before the day of Poll.

- d) The marking of Absent/ Shifted/ Dead (ASD) Voters shall also be done on the Photo Voter Slips.

“No voter to be left behind”

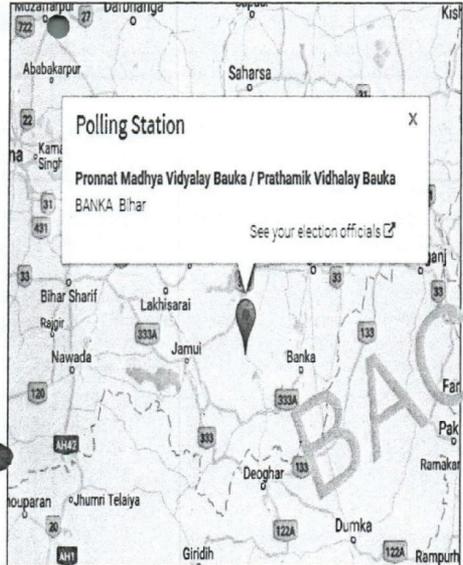
- e) The Returning Officer shall prepare a schedule for distribution of PVS by the BLOs. A copy of this schedule shall be given by the RO to the Political Parties, Booth Level Agents (BLAs) of all recognized political parties, if they have been appointed and contesting Candidates and their Agents, under acknowledgement.
- f) Bulk distribution of the Photo Voter Slips shall not be allowed by BLO or any other person.
- g) Distribution should be completed at least five clear days before the date of poll.
- h) Any unauthorized distribution/ possession of Photo Voter Slips (election material) shall be considered as violation of the relevant provisions of the RP Act, 1951 and the IPC and is punishable with imprisonment or fine or both. (ECI No. 464/INST/2011/EPS Dt 18-2-2011 and 464/INST-VS/2014-EPS dated 21.03.2014)

10.12.3 All undistributed Photo Voter Slips shall be returned by the BLO to the ERO concerned who shall keep the same in the sealed cover under safe custody. No further distribution of photo voter slip, would be done after the same are returned to the ERO. ERO shall make an alphabetical list of undistributed Photo Voter Slips in respect of each polling station. Two copies of the alphabetical list shall be handed over to the RO of the constituency. (ECI No. 464/INST/Vs/2017-EPS dated 19.01.2017)

ELECTION COMMISSION OF INDIA	
General Election to Legislative Assembly of <u>(State/UT)</u> - 2017	
फोटो मतदाता पर्ची/PHOTO VOTER SLIP	
राज्य/State	Bihar
विधान सभा निर्वाचन क्षेत्र Assembly Constituency	Belhar
नाम Name	सुरज Suraj
लिंग/Gender	
पहचान पत्र क्रमांक EPIC No	WV-2085876
पिता/पति का नाम Father's/Husband's Name	सुरज Suraj
भाग संख्या/Part Number	21
भाग का नाम/Part Name	Prathamik Vidhalay Bauka
मतदाता क्रमांक/Serial	976
मतदाता केंद्र/Pollin. Station	Pronnat Madhya Vidyalay Bau
मतदान का तिथि/Date	No election scheduled currently
नवीनतम अपडेट का समय Last Updated On	16/12/2016

Date of Poll : _____
Timings : _____ to _____

DISTRICT ELECTION OFFICE: _____ (District name)
DEO website: _____ DEO Helpline No. : _____

Map of the Polling station	Important Information for Voters
	<ul style="list-style-type: none">• BLO :(Name and Contact No)• All the voters who are in the queue at the closing time of the po shall be allowed to caste their vote• There are separate queues for women; Senior citizens are given priority for voting• Blind and infirm voter can be permitted to take an adult companion into the voting compartment for recording the vote• Gadgets like mobile phones and cameras are not allowed inside polling booth• Offering or accepting money or any other gratification to vote for particular candidate is a corrupt practice under law <p>No Voter to be left behind; Every Vote Counts</p>

10.13 REGULATING PLYING OF VEHICLES ON THE POLL DAY

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

10.14 DISPLAY OF VOTER FACILITATION POSTERS AT POLLING STATION

In order to ensure compliance of the statutory requirements as envisaged in Rule 31 of the Conduct of Election Rule, 1961 regarding arrangements at polling stations and to provide greater facilitation and awareness to the voters arriving at the polling booths on poll day, Four Voter Facilitation Posters (VFPs) shall be displayed near the entrance of each polling station. The colour scheme, design and size should be exactly as per ECI Instruction No. 464/ INST/2016-EPS dated 21.12.2016.

11 POSTAL BALLOT PAPERS AND BALLOT PAPERS FOR EVM

11.1 INTRODUCTION

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

11.2 POSTAL BALLOT PAPERS

11.2.1 Entitlement: Returning Officer of an AC or Assistant Returning Officer of a PC must clearly understand to whom he/she has required to issue postal ballot papers.

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

- a) Service Voters, other than those who opt for proxy voting (CSV);
- b) other categories of electors entitled to vote by postal ballot;
- c) Special voters;
- d) The wives of persons referred to in clauses (a) and (b) above;
- e) Electors subjected to preventive –detention;
- f) Voters on election duty; and
- g) Notified voters; if any.

11.2.3 The above terms are further elaborated:

- a. A "Service Voter" means any person mentioned in clause (a) of Section 60 of the Representation of the People Act, 1951 i.e. (a) members of the armed forces of the Union, (b) members of a force to which the provisions of Army Act, 1950 (46 of 1950) have been made applicable whether with or without modifications (c) members of an armed police force of a State who are serving outside that State, and (d) persons who are employed under the Government of India in a post outside India (e.g. Ambassadors of India abroad, their staff etc.). Their names are registered in the last part of the electoral roll. Service Voters who have opted for proxy voting are called Classified Service Voters.
- b. "Special Voter" means any person holding an office declared by the President to be an office to which the provisions of sub-section (4) of Section 20 of the Representation of the People Act, 1950 are declared to apply and the wife of such person, if she has been registered as an elector by virtue of a statement made under sub- section (5) of the said section.
- c. "Elector subjected to Preventive Detention" means any person subjected to preventive detention under any law for the time being in force.
- d. "A voter on election duty" means Polling agent, Polling Officer, or Presiding Officer, security personnel, or any other such public servant who is an elector in the constituency appointed for election duties and by reason of his being on election duty, not able to vote at the polling station where he is entitled to vote. Thus, the observers appointed by the Commission and

the staff members accompanying them are also voters on election duty.

e. "Notified voter" means a voter who belongs to the class of persons notified by the Election Commission under clause (c) of Section 60 of the Representation of the People Act, 1951.

11.2.4 However, it is further clarified that:

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

11.3 ASSESSMENT OF REQUIREMENT OF POSTAL BALLOT PAPERS

11.3.1 Returning Officer should assess his/her requirement of postal ballot papers keeping in view the number of polling personnel to be drafted on election duty and number of drivers (as voters) of vehicles likely to be requisitioned and the number of police personnel who would not be able to cast vote in their polling station due to election duty and also adding for number needed as reserve.

11.4 POSTAL BALLOT PAPERS – FORM AND LANGUAGE

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

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

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

11.4.3 As for the Postal Ballot papers for the other categories of electors i.e. for those entitled to vote by postal ballot (other than Service Voters), the election symbols allotted to the

candidates and photographs of candidates shall also be printed thereon. The particulars on the ballot paper shall be printed in the official language of the State and also in English (where English is not the official language). The party affiliation is not required to be printed on the ballot paper in the case of postal ballot for these categories of electors. The width of the ballot paper, when printed in one column, shall be between 4” and 6” as considered necessary. The election symbol shall be printed between the photograph of the candidate and the space for marking vote. [Instruction no. 52/2015/SDR- Vol. I dated 18.09.2015 and 52/2016/SDR-Vol.I dated 24.02.2016]

In case of postal ballot papers for other categories of electors entitled to vote by postal ballot paper, the symbol for “None of the Above” option as specified by the Commission shall be printed on the postal ballot paper against the column meant for printing of election symbol.

11.4.4 On both types of postal ballot papers, the photograph of candidates shall be printed. The photograph of the candidates shall be printed in the panel for the name of the candidates and shall appear on the right side of the name in between the name and symbol of the candidate or the column for marking vote/preference, as the case may be. The size of the photograph printed on the ballot paper shall be 2cm x 2.5cm [Instruction no. 576/3/2015/SDR/ Vol. II dated 21.05.2015].

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

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

- a) Space for stitching at the top of the counterfoil;
- b) A black border of 1 cm at the top of the counterfoil;
- c) The particulars of the election, as mentioned in sub-para (iv) below, printed immediately below item (b) above;
- d) The words “Electoral Roll Part Number and Serial Number of Elector,” which shall be printed one below the other on the left-hand side or right-hand side as may be convenient;
- e) Serial number of the ballot paper on the left-hand side either on the front or on the back as may be convenient.
- f) One block of lines of 1 cm with a perforated rule/disjointed straight lines below, separating the ballot paper from the counterfoil.
- ii) There shall be one block of lines 1cm below the perforated rule/disjointed lines on the ballot paper.

- iii) The width of the postal ballot paper when printed in single column and its counterfoil shall be between four inches (4") and six inches (6") as may be considered convenient by the Chief Electoral Officer for printing the ballot papers. The width particulars of the last candidate on the ballot paper, there shall be a panel with the words "none of the above" written therein. Where the number of contesting candidates exceeds 8, the postal ballot paper shall be printed differently. The ballot paper, in such a case, shall be printed in two or more columns depending upon the number of candidates. Ordinarily, the number of candidates along with provision for "None of the above" panel in one column should not exceed nine, but it should not exceed fifteen in any case. If the number of columns is two, three or more, the width of the ballot paper and its counter-foil shall be dependent on the number of columns, which are provided on the ballot paper. Each column shall be separated from the other by a shaded area of half an inch width from top to bottom. The names of the contesting candidates and their election symbol will appear in the same order in which they appear in the list of contesting candidate in Form 7A (but without the headings of the three categories of candidates mentioned therein). These names will be printed below the other in those columns, starting with the name of the candidate at S. No. 1 in the list of contesting candidates appearing at Serial Number 1 in the first column, candidate at Serial Number 10 in the list of contesting candidates as the first candidate in the second column (if each column has nine names), and so on. If the number of contesting candidates is 10 (if each column has nine names) then the panel showing "None of the above" will be at Sl. No.11 as the second panel in second column. If the number of contesting candidates including the provision for "None of the above" panel is not exactly divisible by the number of candidates in each column, the end panels on the right side of the ballot paper will be completely shaded. No symbol is to be printed in postal ballot paper. (Instruction No 576/3/2013 dated 11.10.2013 and 52/2016/SDR-Vol. I dated 24.02.2016)
- iv) On the top of the front face of the ballot papers, the particulars of the constituency and the election shall be printed. The particulars of the constituency will contain the serial number and the name of the Parliamentary or Assembly Constituency, as the case may be, as given in the delimitation of the Parliamentary and Assembly Constituencies Order. In the case of State/Union Territories the whole of which form a Parliamentary Constituency, their names will not find mention in the Delimitation Order. The name of each State/Union Territory shall be mentioned as the name of the Parliamentary Constituency. The year of election and the legend "Genl." or "Bye" will also be printed after the year depending on whether the ballot paper is intended for a general election or a bye- election. The word "Postal Ballot Paper" shall be endorsed below that entry. The following illustrations will make the position clear:
- a) For General Election to the House of the People Postal Ballot Paper (on white paper)
"8-Rampur PC. /2004 Genl. Postal Ballot Paper"
 - b) For Bye-election to the House of the People Postal Ballot Paper (on white paper) "8 –
Rampur PC. /2005 Bye Postal Ballot Paper"
 - c) For General Election to the Legislative Assembly Postal Ballot Paper (on pink paper) "11–

Almora AC./2004 Genl. Postal Ballot Paper”

d) For Bye-election to the Legislative Assembly Postal Ballot Paper (on pink paper)“11–
Almora AC./2005 Bye Postal Ballot Paper”

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

vi) After the panel containing the name and particulars of the last candidate on the ballot paper, there shall be a panel below the said last panel with the words “None of the Above” written therein, for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. These words shall be written in the same language or languages as used in the case of names of candidates. The size of the panel shall be the same as in the case of the candidates.

(ECI No. 576/3/2013/SDR dated 11.10.2013)

In case of postal ballot papers for other categories of electors entitled to vote by postal ballot paper, the symbol \times for “None of the Above” option as specified by the Commission shall be printed on the postal ballot paper against the column meant for printing of election symbol

vii) In case of postal ballot papers for service electors, the names of contesting candidates and their party affiliation, if any, on the ballot papers shall be printed in the official language of the State or the Union Territory concerned and also in English where English is not such official language of that State or Union Territory. The particulars in the official language shall appear first over those in English in the ballot papers where such particulars are printed, into the languages as aforesaid. The name of the constituency shall be printed in English only. The particulars on the counterfoil of the ballot paper shall be printed in English only. The particulars on the postal ballot papers, for the other categories of electors entitled to vote by postal ballot other than Service Voters shall be printed in the official language of the State and also in English (where English is not the official language). The party affiliation is not required to be printed on the ballot paper in the case of postal ballot for these categories of electors. The election symbols of candidates are to be printed in this case.

viii) The serial number of the ballot paper shall be printed on the left-hand side either on the front or on the back as may be convenient.

ix) The postal ballot papers will be stitched into convenient bundles, with consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

11.5 COLOUR OF POSTAL BALLOT PAPERS

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

11.6 PREPARATION AND DISPATCH OF ETPB

11.6.1 Postal ballot papers have to be sent to all service electors, whose names are included in last part of electoral roll, provided they have not opted for proxy voting. Service electors who have appointed proxy are called Classified Service Voters (CSVs). In their case, the proxy will vote in the polling station assigned for the area coving the house address of the service voter. Details in this regard are given in later part of this chapter. By an amendment to the Conduct of Elections Rules, 1961, by notification dated 21.10.2016, the postal ballot papers for Service Voters may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission of India for the persons specified in sub-clause (ii) of clause (3) of rule 18 (i.e. Service Voters). Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24 and 27 shall, mutatis mutandis, apply. (ECI No. 52/ECI/LET/FUNC/JUD /SDR/2015 dated 10.11. 2016).

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

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

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

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

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

- a. Write the letter "PB" against the entry of the elector in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him without, recording therein the serial number of the ballot paper issued to the elector.
- b. Proper account of postal ballot paper issued to each service voter shall be maintained in an issue register.

- c. The electoral roll part relating to Service Voters should be sealed in a separate packet and a brief description should be recorded on this packet. The packet should be kept in Returning Officer's safe custody.

11.7 MODE OF TRANSMISSION OF ETPB

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

- a. Enter/view the data for the election of his constituency as per the election schedule (i.e. description of the election, state code of constituency, type of constituency (AC or PC), constituency number, name of constituency, date of the election and RO address) for mailing/ dispatching back the marked Postal Ballot.
- b. Enter/view the download window (i.e. start date and time and end date and time) for Postal Ballot.
- c. Provide cut-off date and time for the receipt of marked Postal Ballot at the office of Returning Officer.
- d. Load template of the Postal Ballot Paper specific to his constituency.
- e. View and approve the sample Postal Ballot generated by the system.
- f. Generate the password (PIN) and password protected Postal Ballots in bulk for the Service Voters associated to his constituency.

11.8 DOWNLOADING AND PRINTING OF ETPB

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

envelopes to the Service Voter deployed with them. The Unit officer/Nodal Officer shall maintain a record of each of the ETPBs handed over to each Service Voter. This record shall be preserved in the unit concerned for five years so that the same can be produced for inspection before any authority or before Courts in the event the same is required to be inspected.

11.9 VOTING AND RETURN OF ETPB

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

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

11.10 ACCOUNT OF PB AND ETPB

11.10.1 When the Returning Officer starts receiving the polled ballot papers from the Service Voters and other electors entitled to vote by postal ballot, he/she shall give a daily report indicating the number of such polled ballots received during the day and also indicating the cumulative figure to the observer concerned. When the observers leave the constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.

11.11 CLASSIFIED SERVICE VOTERS: PROXY VOTING

11.11.1 As an additional facility, Service Voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act 1950 applies, have been provided the facility to opt to vote either through proxy or through postal ballot papers. Such Service Voters, who opt to vote through proxy, have been categorized as "Classified Service Voters" (CSVs). The CSV is required to appoint a person who is resident of the

area covered by the constituency concerned, as his/her proxy. The proxy should be of at least 18 years of age and shall not be disqualified for registration as an elector. The appointment is to be made in Form 13F (**Annexure 23**). An appointment of a proxy once made will be valid for all future elections so long as the person making the appointment continues to be a Service Voter or till the appointment is revoked or the proxy dies. The CSV has the option to revoke the appointment and appoint a new proxy on the death of the earlier proxy or for other reasons. Such revocation of appointment is to be done in the Form 13G (**Annexure 23**).

11.11.2 On receipt of intimation of appointment of proxy by a CSV, Returning Officer is required to mark the letters 'CSV' against the name of the Service Voter in the last part of the electoral roll to indicate that the elector has appointed a proxy to cast vote on his behalf. For using the facility of proxy voting at a particular election, intimation of appointment of proxy should reach to Returning Officer by the last date for making nomination at that election. Returning Officer is also required to maintain a separate list of CSVs and their proxies with their complete addresses in the form and manner specified by the Commission. The form specified by the Commission is given at **Annexure 24**. After the last date for filing nominations, Returning Officer has to prepare polling station wise sub-lists of all CSVs and their proxies. The format prescribed by the Commission for maintaining polling station-wise sub-list is enclosed as **Annexure 25**. These sub-lists are to be added at the end of the part of the electoral roll pertaining to the polling station concerned and the part of the electoral roll along with the sub-list will be the marked copy of the electoral roll for that polling station.

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

11.12 ISSUAL OF POSTAL BALLOT PAPERS

11.12.1 **Persons on election duty who are entitled for Postal Ballots (PB) and Election Duty Certificate (EDC)** – All persons appointed on election duty who are not able to cast their vote at the polling station where they are enrolled as a voter are entitled to the facility of either an EDC or a postal ballot. In case they are put on election duty in the same constituency in which they are enrolled as a voter, they are entitled to get an EDC, which entitles them to vote at the polling station where they are on duty. If they are on duty in a constituency other than the constituency where they are enrolled as a voter, they are entitled to a Postal Ballot. These persons include employees in polling parties, Sector Officers, Zonal Officers, Returning Officers and Assistant Returning Officers. District Elections Officer, Deputy District Election Officer, employees posted in the offices of District Election Officer, returning Officer, Control Room and other election related offices, micro-observers, all police personnel, home guards, drivers, conductors and cleaners of vehicles, engaged for election work etc, if such persons are not able to cast their vote at the polling station where he or she is enrolled as a voter by reason of being on duty in relation to elections. Polling agents of candidates also fall in the category of voters on election duty for this purpose. A person is entitled to an EDC if he or she is on duty in the same constituency where he or she is enrolled as a voter,

and entitled to a postal ballot if he or she is on duty in any constituency.

11.12.2 Reasons for Facilitation of Postal Balloting by person on election duty – Commission has received representations from time to time that many electors on election duty are not able to cast their postal ballots, and many a times postal ballots cast by such persons do not reach the Returning Officer in time for counting. The Commission has also received representations about the possibility of undue influence or intimidation of persons who cast their vote by postal ballots. To address these issues, the Commission has decided to take care of such complaints. Voting through postal ballot in such training sessions is referred to as voting in facilitation centre. The Commission has also decided that facilitation should be done in a completely transparent manner so that all stakeholders are involved in the process at every stage.³ During the General Elections to Lok Sabha, polling staff including police personnel, driver/ conductor/ cleaner of vehicles, persons engaged for videography, etc, would be mostly drawn from within the parliamentary constituency. Therefore, large majority of voters on election duty can vote by using EDC. However, if there are persons who are put on duty in a constituency different from the one where he/she is enrolled as elector, such person will need to apply for postal ballot paper to exercise franchise.

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

- a) Database of employees on election duty - The District Election Officer has to prepare one database of employees for duty in polling parties, and for other election duties like sector officers, zonal officers, micro-observers etc. This database should include all persons appointed on election duty of any kind if such a person is not able to cast his vote at the polling station where he or she is enrolled as a voter on account of being on election duty.
- b) In the case of police personnel who are also treated as voters on election duty, the SP or other competent officer will maintain a database of all police personnel (including home guards, if deployed on election duty) in the district. In that database, the elector details, like, No. & Name of Assembly Constituency, Part No. & SI. No. of electoral roll

where name is registered as an elector shall also be populated. The SP shall prepare the deployment plan for the police officials in the district well in advance. At this stage the constituency where they are deployed on election duty would be known, whether within the constituency where registered as elector or in a different constituency. Those posted outside the constituency will be eligible for voting through Postal Ballot. The SP shall appoint a Nodal Officer to coordinate all activities related to facilitating the exercise of franchise by police personnel through postal ballot or EDC. Form 12A (for EDC) or Form 12 (for Postal Ballot) shall be provided by the SP or the nodal officer identified for this purpose to enable the police personnel to make application for EDC or PB, as the case may be. The SP or the nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the police personnel are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

- c) Similarly, in the case of drivers/conductors/cleaners and other persons appointed for specific election related duties also a Nodal Officer may be appointed. The enrolment details like No. & Name of Constituency, Part No. and SI. No. of entry in the electoral roll of the persons so drafted for election duty shall be ascertained by the Nodal Officer and they shall be provided Form 12A (for EDC) if posted on election duty within the constituency of enrolment or Form 12 (for Postal Ballot) if posted in a different constituency to enable them to make application for EDC or PB, as the case may be. The nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the driver, conductor etc. drafted on election duty are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

11.12.4 Issue of pre-filled FORM-12 and collection of signed FORM-12: FORM-12 should be issued to all those persons who are put on election duty outside the constituency of enrolment. FORM-12 can be pre-filled with information about Name of Elector, No. and Name of Assembly Constituency, Part No. and Serial No. in Part where the person is enrolled in the electoral roll. This information should be available in the database of employees prepared by the DEO. Pre-filled FORM-12 can be printed from the database of employees by software to be prepared by the CEO. A note should be printed at the bottom of FORM-12, that the employee should check the pre-filled details and make corrections if these details are not correct. FORM-12 should be distributed to police personnel through the Superintendent of Police / the nodal officer appointed for the purpose. FORM-12 should be distributed to drivers, conductors and cleaners of vehicles used in elections through the nodal officer /officer in-charge of transportation.

11.12.5 Signed FORM-12, along with a copy of the appointment letter as proof of having been drafted for election duty and photocopy of EPIC in order to ensure that no ineligible person is issued a Postal Ballot should be collected on the first day of training or as

soon as possible. Efforts should be made to collect signed FORM-12 before the last date of withdrawal of candidature. However, if for some reason FORM-12 of some persons on election duty could not be collected before this date, they should be collected even after this date as soon as possible. Signed FORM-12 should be sent by the District Election Officer to the concerned Returning Officers within the district for issue of Postal Ballots.

11.12.6 Issue of Postal Ballots to other categories - The District Election Officer will fill the information of facilitation center for each employee in the database. In general, each training center will also be a facilitation center so that Voters on election duty can cast their postal ballots when they come for second / subsequent training to be imparted after the printing of postal ballot. All police personnel and drivers, conductors and cleaners of vehicles used in elections will be called at least once for training for the purpose of facilitation of postal balloting by employees. If more than one training session is organized for certain categories of employees, facilitation of postal balloting should be done in each session so that if an employee has not cast his postal ballot in an earlier session, he or she is able to cast postal ballot in the next training session. The Returning Officer will prepare the Postal Ballot papers for those who have submitted signed FORM-12. This should be done as soon as possible after postal ballot paper is printed. The Returning Officers will then check the location and address of the facilitation center of the concerned employee and send the postal ballot to the Officer-in-charge of postal balloting facilitation center for being delivered to the employee.

If the facilitation center is located in an area within the jurisdiction of the Returning Officer who issues the postal ballot, he will send the postal ballot directly to the Officer-in-charge of that postal balloting facilitation center.

If the facilitation center is outside the jurisdiction of the Returning Officer who issues the postal ballot, but within the district then he will send it directly to the Officer-in-charge of the concerned facilitation center within the district instead of routing it through the District Election Officer.

Generally, there should be no need of sending the postal ballot outside the district as employees are generally not sent for election duty outside their district. If, however, it becomes necessary to send a postal ballot to a Facilitation Center outside the district, the District Election Officer will coordinate with the District Election Officer of the other district and do the needful.

If any official who submits Form 12 and for whom postal ballot has been prepared does not collect the Postal Ballot paper personally at the second/subsequent training at the facilitation centre, the Postal Ballot for such person should be dispatched by Registered post with A/D within 24 hours. No postal ballot prepared for issue should be retained with the RO / any other official.

- 11.12.7 **Procedure at the Facilitation Center** - District Election Officer shall appoint one senior officer as in-charge of postal balloting at each Facilitation Center. This officer shall be responsible for the postal balloting at the Facilitation Center. The procedure to be followed at the Facilitation Center is described below: -
- a) **Information to Political Parties** - All Recognized Political Parties will be informed in writing the schedule of facilitation of postal balloting at the Facilitation Centers. They shall be allowed to send their representatives to witness the facilitation process at the Facilitation centers.
 - b) **Time to be set apart for Postal Balloting** - In each training session at least 2 hours shall be set apart for facilitation of postal balloting. If necessary, more than 2 hours may be set apart for this purpose as per need. Postal Balloting shall be done after the training is over. Political Parties representatives shall be allowed in the Facilitation Center after the training is over and the process of facilitation of postal balloting begins.
 - c) **Arrangements for representatives of candidates** - Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the officer in-charge of facilitation can order such a person to leave the premises immediately.
 - d) **Arrangements for casting Postal Ballot in secrecy** - Voting compartments similar to voting compartments in polling station shall be made in each Facilitation Center. This is done so that employees are able to mark their postal ballot in complete secrecy. More than one such voting compartment can be made if necessary. Arrangement of glue/gum shall also be made to seal the envelope (Cover-A – FORM 13B) after placing the polled postal ballot in it.
 - e) **Availability of gazetted officers for attestation of declaration by the person casting postal ballots** - Under the law a declaration attested by a gazetted officer has to be made by each person in FORM- 13A along with the postal ballot. For this purpose, at least one gazetted officer shall be put on duty by the District Election Officer at each Facilitation Center. The gazetted officer shall attest the declaration based on the identification of the voter by his identity documents. He must check before attestation that the SI.no. of the ballot paper is filled up in the space provided in the declaration, it is signed by the elector and his postal address is mentioned. The attesting officer should append full signature with date and write in hand or put a stamp showing his designation & office address.
 - f) **Issue of Postal Ballots at the Facilitation Center** - Officer in-charge of a Facilitation Center will issue the postal ballot received from the Returning Officer to the voter for whom it is meant after verifying his identity based on EPIC or any other photo identity document, and obtain his signature as a token of having received the postal ballot in a register as per the FORMAT given below: -

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

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

Copy of the above register may be given to the candidates who demand for it after the date of poll in the constituency.

- g) **Time upto which Postal Ballot can be issued** - Provisions regarding intimation by voters on election duty for issue of postal ballot paper, procedure for issue of postal ballot paper and the time for return of postal ballot paper are given in Rules 20, 23 and 27 of the Conduct of the Elections Rules 1961. As per these provisions, whenever any postal ballot paper is issued to voters on election duty, in the counterfoil of the ballot paper the electoral roll number of the elector, as entered in the marked copy of the electoral roll set apart for conduct of poll at the polling station, is to be entered and in the said marked copy of the electoral roll the words “PB” is to be marked against the name of the elector to indicate that a postal ballot paper has been issued to the elector in order to ensure that the same elector is not allowed to vote at any polling station. After postal ballot papers have been issued to voters on election duty entitled to vote by post, the RO has to send the relevant parts of electoral roll to the concerned Presiding Officers for marking the names of electors who cast their vote on EVM at the polling station on the day of poll. After the poll, this marked copy is to be sealed and kept in safe custody.

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

- h) **Process of Postal Balloting** - After receiving his or her postal ballot, the voter shall go into the voting compartment and mark the postal ballot in secrecy. He shall write the serial number of the postal ballot paper, if not already filled up, in the space provided for the same in the declaration in FORM 13A and on the envelope in which the polled postal ballot is kept. He shall then keep the marked postal ballot in the inner envelope (Form 13B - Cover A) meant for this purpose and seal it properly. The voter shall thereafter sign the declaration in FORM- 13A, write his/her postal address of registration in the electoral roll, write his name in the space provided and get it attested by a gazetted officer as required by law. The polled postal ballot should not be shown to the officer

whose attestation is obtained on the declaration in FORM 13A. He shall then keep the sealed inner envelope containing the polled postal ballot and the declaration in FORM-13A, duly signed and attested, in the bigger envelope (Form 13C - Cover B) and seal this as well. The voter will then cast his postal ballot in the Facilitation Ballot Box as described below.

- i) **Casting of postal ballots in the facilitation ballot box:** A large steel trunk with one opening at the top for casting of postal ballots shall be used as a facilitation ballot box at the facilitation center. Before the casting of postal ballots is started, the empty facilitation ballot box will be opened and shown to all present. The facilitation ballot box will then be sealed by the officer in-charge of the Facilitation Center. Every voter shall cast his or her postal ballot in the Facilitation Ballot Box after marking it and sealing it in the envelopes as described above. This facilitation ballot box will be kept only on the second / subsequent training days at the respective training venues only.
- j) **Sorting of postal ballots** - After all postal ballots for the day have been cast, the box will be opened by the officer in-charge of the Facilitation Center in the presence of the representatives of political parties. All the postal ballots will be taken out of the box and the empty box will be shown to the said representatives of political parties. The postal ballot envelopes will be sorted Assembly Constituency wise and the total number of postal ballot envelopes received for each Assembly Constituency will be entered in a Statement in FORMAT-1 (given below) to be maintained for this purpose at the facilitation center. Representatives of political parties present will be requested to put their signatures on the register and will be given a copy of the relevant pages of the register. All postal ballot envelopes for one Assembly Constituency will be kept in a large envelope meant for that Assembly Constituency. The name of the Facilitation Centre, the date of Facilitation and the number of postal ballots contained therein will be clearly written on this envelope. The number and name of the Assembly Constituency for which the envelope is meant will also be clearly written on the envelope. This envelope will then be sent to the Returning officer of the concerned Assembly Constituency along with a copy of the relevant Statement in Format-1 through special messenger appointed for this purpose not below the rank of Deputy Tahsildar.

Format - 1

Statement regarding Postal Ballots cast at Facilitation Centre

Name of State_____

Name of Facilitation Centre _____

Name of District_____

Name & Designation of

Officer-in-charge_____

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

k) **Videography of the postal balloting process** - The entire process of postal balloting will be videographed.

It should be noted that once a postal ballot paper is issued to a voter on election duty, he/she can vote only through the Postal Ballot even if the official is exempted / not deployed on election duty.

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

Format - 2

District-wise Statement of Postal Ballots Cast at Facilitation Centres within the district

(To be prepared on each day facilitation is provided)

Name of State_____

Name of District _____

No. & Name of Parliamentary/Assembly Constituency(ies) _____

Date of facilitation

S.No.	Name of Facilitation Centre	Total Number of postal ballots cast for the Parliamentary/Assembly Constituency	
		On Date	Till Date
Total for District			
Total for State			

11.12.9 **Storage of Postal Ballots received by the Returning Officer** - Returning Officer of the concerned Assembly Constituency shall keep the envelope containing postal ballots along with the copy of the relevant statement in Format-1 in a special strong room made especially for this purpose.

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

11.12.11 If any voter did not cast vote at the facilitation centre / dispatch centre then he can vote only by post. No drop box facility shall be available in the office of the ROs.

11.13 POSTAL BALLOTS FOR SIMULTANEOUS ELECTIONS

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

11.13.2 **ENVELOPES:** To distinguish between two types of postal ballot papers different colours will be used as detailed below: The covers in Forms 13-B and 13-C

- a. For an Assembly election may be printed in pink colour and
- b. For a Parliamentary election in green colour.

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

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

- 11.14.1 The printing of postal ballot papers, for issue to special voters, electors under preventive detention and voters on election duty should also be done expeditiously.
- 11.14.2 The names of special voters and electors in preventive detention will not be found in the last part of the electoral roll. If they are eligible to vote, their names would have been entered in one or the other parts of the electoral roll for the constituency. The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to Returning Officer the names of the electors, if any, under preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention. An elector under preventive detention may himself also give the intimation of the above effect to Returning Officer within fifteen days of calling the election.
- 11.14.3 A special voter who wishes to vote by post is required to intimate the Returning Officer at least ten days before the date of poll. If Returning Officer receives any such intimation in respect of a special voter or an elector under preventive detention, send a postal ballot paper to such elector.
- 11.14.4 Postal ballot papers shall be issued to them in the same manner as given above for service electors.

11.15 ISSUE OF EDC TO VOTERS ON ELECTION DUTY

- 11.15.1. As per the provisions of sub-rule (2) of rule 20 of C.E. Rules 1961, if a voter on election duty, being a Polling Officer, Presiding Officer or other public servants on election duty in a constituency of which he is an elector, wishes to vote in person at an election in the constituency, he shall send an application in FORM 12A to the Returning Officer so as to reach him at least 4 days or such shorter period as the RO may allow before the date of poll. The RO, after he is satisfied that the applicant is such public servant and voter on election duty in the constituency, shall issue an Election Duty Certificate in FORM 12B to authorise the voter on election duty to vote at any polling station in said constituency where he may be on duty on the date of poll.
- 11.15.2. The Election Duty Certificate in Form 12B shall be printed in adequate number either centrally by the CEO or the DEO, as may be convenient. and each such certificate shall be serially numbered with a unique serial number.
- 11.15.3. In the format of application for EDC in Form 12 A, there is column for mentioning the number and name of the polling station within the constituency where he is posted on election duty and also the S. No. & Part No. of the electoral roll in which his/her name is registered as an elector. While the details of the assembly constituency, Part

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

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

11.15.5. In the case of police personnel who are also treated as voters on election duty, the SP or other competent officer will maintain a database of all police personnel in the district. In that database, the elector details, like, No. & Name of Assembly Constituency, Part No. & S. No. of electoral roll where name is registered as an elector shall also be populated. The SP shall prepare the deployment plan for the police officials in the district well in advance. At this stage the constituency where they are deployed on election duty would be known, whether within the constituency where registered as elector or in a different constituency. Those posted within the constituency will be eligible for voting on the basis of "EDC" and those posted outside the constituency will be eligible for voting through Postal Ballot. The SP shall appoint a Nodal Officer to coordinate all activities related to facilitating the exercise of franchise by police personnel through postal ballot or EDC. Form 12A (for EDC) or Form 12 (for Postal Ballot) shall be provided by the SP or the nodal officer identified for this purpose to enable the police personnel to make application for EDC or PB, as the case may be. The SP or the nodal officer shall ensure that these applications in Form 12 and 12A with the electoral roll details duly entered and signed by the police personnel are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

11.15.6. Similarly, in the case of drivers/conductors/cleaners and other persons appointed for specific election related duties also a Nodal Officer may be appointed. The enrolment details like No. & Name of Constituency, Part No. and S. No. of entry in the electoral roll of the persons so drafted for election duty shall be ascertained by the Nodal Officer and they shall be provided Form 12A (for EDC) if posted on election duty within the constituency of enrolment or Form 12 (for Postal Ballot) if posted in a different constituency to enable them to make application for EDC or PB, as the case may be. The nodal officer shall ensure that these applications in Form 12 and 12A with the electoral

roll details duly entered and signed by the driver, conductor etc. drafted on election duty are sent to the concerned Returning Officer at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

- 11.15.7. Marking of 'EDC' in the marked copies of electoral roll should be done as early as possible after the officials would have submitted applications for EDC in Form 12A. The ROs may not insist upon the mentioning of P.S. No in application in Form 12A. Preparation of marked copy of electoral roll should not be delayed till the stage of issue of EDC. Once Form 12A application is submitted, the officials concerned can only vote using the EDC (Form 12B) at the polling station where he is on duty or in a nearby polling station if he is not assigned any specific polling station.
- 11.15.8. Similarly, when an official is deployed on election duty in the capacity of Zonal Magistrate or Sector Officer in a parliamentary constituency where he is a voter, he should also be given EDC so that he can exercise his franchise in any one of the polling stations that comes under the zone/sector allotted to him.
- 11.15.9. The question whether particular polling personnel is deployed on election duty at a polling station or is in reserve will be known immediately after second randomization. At that stage. the total number of staff going to be deployed in polling stations inside the PC will be known.
- 11.15.10. In the case of the officials who would be eligible for EDC, they should be briefed about the EDC facilities at the first training. As mentioned above, a copy of the Form 12A should be sent to the officials requisitioned for election duty together with the duty order. The officials should be instructed to submit the same duly signed, when they come for the first training itself. In this Form 12A they need not mention the S. No. and name of P.S. where they are posted on election duty within the constituency in that Form as that would not be known before third randomization of polling personnel.
- a) In case Form 12A is generated from the database then he should check the electoral roll details already printed and correct mistakes if any in the AC No. & Name, Part No. & Sl. No. of electoral roll and EPIC number.
 - b) In case Form 12A is not generated, then he should fill up the details legibly. Those officials who do not know the part no. and serial no. of their entry in the electoral roll may be provided all necessary assistance to ascertain the same to enable the polling personnel to mention in Form- 12A the particulars relating to their electoral roll entries (Sl. No., Part No. of entries in the electoral roll). The copies of the electoral rolls will be kept in separate counters, assembly segment wise with sufficient number of staff to assist the election duty officials to locate their name in the roll.
 - c) The Form 12A should be submitted together with a copy of the duty order and photocopy of EPIC in order to ensure that no ineligible person is issued an EDC.

- d) Applications in Form-12A, completed in other respects and duly signed by the polling personnel, would be collected at the first training class itself. These, again, should be collected assembly segment wise.
 - e) The DEO shall make arrangements to ensure that all applications received in Form 12-A are immediately forwarded to the concerned RO.
- 11.15.11. The RO shall prepare the Election Duty Certificate in respect of all personnel who have submitted duly signed application in Form 12A. This should be done well before the second training / facilitation so that the EDC can be delivered to the electors on the second training / facilitation day. While preparing the EDC, the Part No. should be suffixed after the serial No. of the elector in the space provided for this in the format of EDC (like 4 I 5/25 i.e. Sl. No.415 in Part No. 25 of electoral roll).
- 11.15.12. At this stage, proper account of the EDCs issued shall be maintained in a register. The names of the polling personnel issued with EDC and unique serial no. of the EDC should be entered in the register and the signature of the polling personnel obtained against that entry as and when EDC is issued to them.
- 11.15.13. The persons who after making application for EDC do not come to collect the EDC on the second day of training/facilitation may be asked to collect it from the RO/Officer-in-charge on a subsequent date as may be decided by the RO. Any leftover personnel can be given the EDC at the time of dispatch of polling party.
- 11.15.14. For the polling personnel kept as reserves, if they are deployed on duty in any polling station on the day of poll, they can cast vote using EDC in such polling station. For other staff on reserve who are not assigned to any particular polling station they can vote in any polling station located near the place where the reserve personnel are stationed.
- 11.15.15. At the polling stations, the Presiding Officers should brief the polling agents about the facility provided to the polling personnel to vote in that polling station using EDC. It may also be made clear to them that once EDC is issued, they can vote only on the basis of EDC.
- 11.15.16. The Presiding Officer of a polling station shall take following action as per provision of rule 35A of C.E. Rules, 1961, whenever any polling staff presents EDC for casting of vote at that polling station: -
- a) Obtain the signature of the person producing the EDC on the EDC;
 - b) Have the name and electoral roll details as mentioned in the EDC entered at the end of the marked copy of the electoral roll along with the particulars of electoral roll details;
 - c) Each such entry should be serially numbered consecutively after the last serial number of entries in the relevant part of electoral roll.
 - d) The EDC shall be retained by the first polling officer.

- 11.15.17. Thereafter, the person shall be allowed to vote by following the usual procedure. In the Form 17A (register of voters), in the column meant for serial number of elector in the electoral roll, the serial number, part number and the name of Assembly Segment of the EDC holder shall be mentioned. For example. if the EDC holder is enrolled at Sl. No. 415 in part No. 25 of Assembly Segment 'XYZ', the entries in column 2 of Form 17A in that case would be '415/25/XYZ'. In the remarks column of Form 17A, "EDC voter" shall be written.
- 11.15.18. The polling personnel using EDC facility should cast vote at the time when the polling agents are present in the polling station except in cases where no polling agent turns up. In the case of the reserve polling personnel, they should be advised to vote as soon as possible in the beginning itself, as they may be required later or to be shifted to different polling stations to meet emergent situations.
- 11.15.19. The Presiding Officer should note the total number of electors who voted on production of EDC against the relevant item in the PO Diary. In Item No. 1 of Form 17C (Part-I) regarding the total number of electors assigned to the Polling Station, the figures of total number of electors as per the relevant part of the electoral roll plus electors who voted on production of EDC shall be indicated. The actual number of electors assigned as per the total number of electors in that part of electoral roll may be shown first followed by votes polled on production of EDC. For example, if the total no. of electors assigned to a polling station is 1125 and 9 votes were cast on production of EDC, then in Form 17C it shall be shown as "1134 (1125 + EDC 9)".
- 11.15.20. The Presiding Officer shall keep all the EDCs produced in the polling station in a separate envelope mentioning thereon the No. & name of the polling station and the total number of EDCs inside the envelope. This envelope shall be sealed and returned along with the other election material.
- 11.15.21. In the collection centre, all the envelopes containing EDCs should be kept separately and these envelopes should later be stored in a separate trunk. In the event of any repoll in any polling station, the electors who voted in that polling station on the basis of the EDC shall be issued a fresh EDC to enable them to exercise their franchise during the repoll at the concerned polling station. In case any person cast vote by EDC in the polling station going to repoll his details can be known by opening the envelope in which the EDCs used at that polling station are kept.
- 11.15.22. The DEO will be responsible for proper coordination of the whole activities.
- 11.15.23. In the States of Mizoram, Nagaland & UTs of A & N Islands, Chandigarh, Daman & Diu, D & N Haveli, Lakshadweep and Puducherry having only one parliamentary constituency, every category of voters on election duty will be issued EDC only.
- 11.15.24. In the States where simultaneous election will be held for Lok Sabha and Legislative Assembly, all voters on election duty viz. polling personnel/police personnel/Drivers,

cleaners, videographers and all other category of voters on election duty will be issued only Postal Ballot Paper as otherwise as per the existing randomisation norm of posting within PC but outside AC they will get one EDC for PC and PB for AC.

11.15.25. These guidelines regarding smooth management of EDC for employee, police officer, drivers/conductors & cleaners requisitioned on for duty may kindly be seen in commission's letter No. 52/2014/SDR dated 07-03-2014.

11.16 RECORD OF POSTAL BALLOT PAPERS

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

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

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

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

11.16.3 The Register should be prepared in the format given at **Annexure 26**.

11.17 SEALING MARKED COPY OF ELECTORAL ROLL

11.17.1 Seal the marked copy of the electoral roll including the sub-list of polling station-wise CSVs and proxies appointed after all the postal ballot papers for voters entitled to vote by post and Election Duty Certificates have been issued, and arrange to give it to the

concerned Presiding Officer to be used as the marked copy of the electoral roll at the polling station. It is very important that this copy of the electoral roll on which the letters 'PB' and 'EDC' have been recorded should be used as the marked copy of the electoral roll at the polling station along with polling station-wise list of CSVs; otherwise such a voter may vote at the polling station in addition to voting by postal ballot or on the EDC. Returning Officer should place the counterfoils of the postal ballot papers issued to the electors in a separate packet, seal it and keep in his/her safe custody.

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

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

11.19 ATTESTATION OF DECLARATION

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

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

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

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

11.20. RECEIPT OF POSTAL BALLOT BY POST

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

- 11.20.6. **Sending postal ballots to the place of counting where counting is not done at RO headquarter:** In those cases where the counting is done at a place other than the RO headquarter, the postal ballots for the Parliamentary/Assembly Constituency will be transferred to another strong room for the postal ballots for the concerned Parliamentary/Assembly Constituency at the counting centers, one day before the day of counting. For this purpose, the RO shall inform in writing to the candidates the time at which this will be done. The strong room for postal ballots shall be opened in the presence of the candidates or their representatives present. All postal ballots will then be kept in a large steel box which will be sealed in the presence of candidates and their representatives. The box will then be carried under guard of armed CPF to the strong room for postal ballots at the counting center. Candidates and their representatives shall be allowed to follow the vehicle carrying postal ballots. The box containing postal ballots will then be kept in the strong room for postal ballots at the counting center in the presence of the candidates and their representatives. Strong room will then be sealed and signatures of candidates and their representatives shall be taken as proof of their presence. Candidates and their representatives shall be allowed to keep watch on the strong room for which they will be provided reasonable facilities by the DEO. The whole process will be videographed. On the day of the counting, the Returning Officer shall open the strong room and bring all postal postal ballots and copies of therelevant pages of registers received from the facilitation centers to the table where the postal ballots will be counted.
- 11.20.7. **Tallying of postal ballots numbers before counting:** The envelopes received from facilitation centers will be opened one by one and the number of postal ballots found in each envelope will be tallied with the numbers mentioned in the copies of relevant pages of the registers received from the facilitation center. The result of such tallying will be shown to the candidates and their election agents before the counting of postal ballots. Similarly, the register of postal ballots received by post shall also be shown to the candidates and their election agents.
- 11.20.8. If any elector on election duty opts to send the Postal Ballot Paper through normal prepaid postal service, there is no objection since the existing system allows this.

11.21 POSTAL BALLOT PAPERS RETURNED IN TIME

- 11.21.1 Returning Officer should keep all the covers containing the postal ballot papers, which are received back by him/her in time in safe custody. Postal ballot papers should be returned to Returning Officer latest by the hour fixed for the commencement of counting of votes of the constituency.
- 11.21.2 The number of postal ballot papers received should be duly entered in the register maintained for the purpose for keeping correct account of the postal ballot papers received back in time and ensuring that no such ballot paper is lost or misplaced. The entries in this register should be made from day to day and should be countersigned by Returning Officer or Assistant Returning Officer at the end of each day.

11.22 POSTAL BALLOT PAPER RETURNED LATE

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

11.23 DELIVERY OF POSTAL BALLOT PAPERS

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

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

11.24 DESIGNING OF BALLOT PAPERS FOR EVM

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

11.24.2 As per instruction of the Commission the ballot papers to be displayed on the Balloting Unit of EVM shall in addition to the particulars as per the existing directions, also contain the photograph of the candidate. The photograph of the candidate shall be printed in the panel for the name of the candidate and shall appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph printed on the ballot paper shall be 2cm x 2.5 cm (2 cm. in breadth and 2.5 cm. in height). [ECI Instruction no. 576/3/2015/SDR dated 16.03.2015 and 576/3/2015/SDR Vol II dated 21.05.2015]

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

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

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

iii) In the space so provided, on the top left-hand corner, the serial number of the ballot paper shall be printed. On the top right-hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet, where the number of contesting candidates exceeds fifteen. The particulars of the election shall also be printed in the said space. These particulars will contain the serial number and name of the Parliamentary or Assembly Constituency, as the case may be, the year of election and the nature of election and shall be printed in English alone. The following illustration will make the position clear:

(a) For General Election to the House of the People; '1-New Delhi PC. 2004- Genl.';

(b) For Bye-Election to the House of the People; '1-New Delhi PC. /2005-Bye'; (c) For General Election to the Legislative Assembly; '304-Etawah AC./2004-Genl';

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

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

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

iv) Below the space provided at the top for printing the particulars of the election, there shall

be a thick black line of 2.1 mm in the case of machines manufactured by ECIL and of 1.00 mm in the case of machines manufactured by BEL.

- v) Below this line, there shall be printed the serial number of each contesting candidate, his/her name and photograph and the symbol allotted to him/her, in a separate panel for each candidate. And after the panel containing the name and symbol of the last candidate, there shall be a panel below the said panel with the words "None of the Above" written therein. Against "None of the Above", the symbol for "None of the Above" option as specified by the Commission shall be printed. [Instruction no. 576/3/2014/SDR/Vol.II dated 18.09.2015]
- vi) The size of the panel for each contesting candidate shall be 25.4 mm (length) x 140 mm (width) in the case of ECIL – manufactured machines and 27.5 mm (length) x 140 mm (width) in the case of BEL – manufactured machines.
- vii) The panels of the candidates shall be separated from each other by a thick black line of 2.1 mm in the case of ECIL – manufactured machines and 1.00 mm in the case of BEL – manufactured machines.
- viii) The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.
- ix) The names of not more than fifteen candidates shall be arranged on one sheet of a ballot and NOTA option will come after the last name of the panel. If the number of contesting candidate together with NOTA option is less than sixteen, the space below the panel after this shall be kept blank, except where the particulars of election, etc., are printed at the bottom under clause (iii) above.
- x) If the number of contesting candidates exceeds fifteen, the ballot paper shall be printed on two sheets of the above-mentioned size and dimensions. If the number of candidates exceeds thirty-one, on three sheets and if the number of contesting candidates exceeds forty-seven, on four sheets. 383 candidates can be arranged on 24 balloting units.
- xi) In such cases where the ballot paper is printed on more than one sheet, the names of the contesting candidates from S. No. 17 to 32 shall be printed on the second sheet, from S. No. 33 to 48 on the third sheet and from 49 onwards on the fourth sheet. If the number of candidates is less than 32, the space below the panel from the last contesting candidate in the second sheet, after NOTA shall be kept blank. Similarly, for the third and fourth sheets of the ballot papers.
- xii) On each such sheet, in the space provided for indicating the particulars of the election, its number shall be indicated in bold words and letters, e.g., 'Sheet No.1', 'Sheet No.2', etc.
- xiii) The names of the contesting candidates including NOTA option shall be printed in the same language or languages in which the list of contesting candidate panel has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.

- xiv) Serial number and the name and photograph of the candidate panel shall be printed on the left-hand side and his symbol on the right-hand side in the panel meant for him. The photograph of the candidate shall be printed in the panel for the name of the candidate and shall appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph printed on the ballot paper shall be 2cm x 2.5 cm (2 cm. in breadth and 2.5 cm. in height). (ECI No. 576/3/2015/SDR dated 16.3.2015 and 576/3/2015/SDR Vol II dated 21.05.2015)
- xv) After the panel containing the name, photograph and symbol of the last candidate, there shall be a panel below the said last panel with the words “None of the Above” and its specified symbol therein, for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. These words shall be written in the same language or languages as used in the case of names of candidates. The size of the panel for “None of the Above” shall be the same as for the candidates. For example, if there are 12 candidates contesting the election, there shall be provided the 13th panel with the words “None of the Above” and its specified symbol and the ballot button against such 13th panel shall also be kept open. If there are sixteen candidates in the fray, an additional Balloting Unit shall be attached to the first Balloting Unit for the ‘None of the Above’ panel. Thus, in case more than one Balloting Unit is used, “None of the Above” panel shall be only in the last Balloting Unit below the panel for the last candidate.
- xvi) Unless otherwise directed by the Election Commission in any particular case, the ballot papers shall be printed for Parliamentary elections on white paper and for Assembly elections on pink paper.

11.25 PRECAUTIONS FOR PRINTING OF BALLOT PAPERS

11.25.1 The ballot papers shall be printed in such a way that after fixing the ballot paper on the Balloting Unit in the space provided for the purpose, dividing line drawn below the space in which the particulars of election are printed and the dividing lines below the panel of each candidate shall be in complete alignment with the corresponding grooves or lines engraved on the Balloting Unit. Utmost care will, therefore, have to be taken while printing the ballot papers and to ensure that the ballot paper have been correctly printed, the Balloting Unit should be shown to the technicians of the printing press. They may be asked to take the exact measurements of the space meant for printing the particulars of election and the panels of candidates and the thickness of the dividing lines so that the ballot papers are printed in exact alignment.

11.25.2 It is not necessary to get the ballot papers which are to be fixed on the Balloting Units, stitched into bundles.

11.26 TENDERED BALLOT PAPERS

11.26.1 Under Rule 49P of the Conduct of Elections Rules, 1961, if a person representing himself to be a particular elector, seeks to vote after another person has already voted as such

elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be supplied with a tendered ballot paper instead of being allowed to vote through the voting machine. That rule provides that the tendered ballot paper shall be of such design and the particulars of that ballot paper shall be in such language or languages as the Commission may specify.

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

11.27 ASSESSMENT OF REQUIREMENT OF BALLOT PAPERS

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

- i) One ballot paper shall be required for display on each Balloting Unit. Therefore, the number of ballot papers required for this purpose will be equal to the number of voting machines to be used, including the reserve machines, in the constituency.
- ii) Each polling station may be supplied with twenty ballot papers to be used, if necessary, as tendered ballot papers. The total requirement of ballot papers to be supplied to the polling stations for use as tendered ballot papers shall accordingly be worked out depending upon the number of polling stations in the constituency.
- iii) In addition to the total requirement of ballot papers worked out in accordance with Paragraphs (i) and (ii) above, 10% of the above number may be printed as extra ballot papers to meet the contingencies, like mutilation at the time of fixing the ballot papers in the Balloting Units, defective ballot papers, supply of additional tendered ballot papers to the polling stations, where necessary, through the zonal or sector officers, etc.

11.28 ARRANGEMENTS FOR PRINTING OF BALLOT PAPERS

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

11.28.2 Returning Officer should also make special arrangements to collect the ballot papers from the printing press immediately after the same have been printed. The arrangements for the transport of ballot papers from the press to Returning Officer's headquarters shall be made in a closed vehicle with proper security guard. Returning Officer should keep all ballot papers under lock and seal in the treasury till he/she require them for the purposes of the poll.

11.29 VERIFICATION OF BALLOT PAPERS

11.29.1 Returning Officer should also make special arrangements to check the ballot papers while the same are under print at the printing press to ensure that the names of all the contesting candidates, their photographs and the symbols respectively allotted to each of them have been correctly printed. Impression of symbols should exactly conform to as approved by ECI. Soft copies of the design of the symbols can be obtained from the approved persons for designing symbols.

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

11.30 SAFE CUSTODY OF UNDISTRIBUTED BALLOT PAPERS

11.30.1 Some ballot papers may remain undistributed with Returning Officer after the same have been fixed on the Balloting Units of the voting machines and supplied to the polling stations for use as tendered ballot papers. Such undistributed ballot papers should be kept by Returning Officer at some central place on the day of poll for supply to any polling stations as may be required according to the exigencies of the situation. Proper safeguards must be taken to ensure that such undistributed ballot papers remain either in Returning Officer's custody or that of one of his/her Assistant Returning Officers specifically nominated by him/her and do not fall in unauthorized hands.

11.30.2 After completion of the election, such undistributed or surplus ballot papers should be put inside a steel trunk or receptacle. That steel trunk or receptacle should be sent to the Chief Electoral Officer or kept in the treasury under the orders of the Chief Electoral Officers as contemplated in Chapter 19, until these undistributed ballot papers are destroyed in the manner indicated in that Chapter 19.

12 PREPARATION FOR THE POLL - COMMISSIONING OF EVM AND VVPAT

12.1 PRELIMINARY

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

12.1.2 As per the amendment in the Conduct of Election (amendment) Rules, 2013, after rule 49A the proviso is added that a printer with a drop box of such design as approved by the ECI, may be attached to a voting machine for printing a paper trail of the vote, in such constituency or Constituencies or part thereof as the ECI may direct. This instrument is known as the Voter Verifiable Paper Audit Trail (VVPAT). The Commission has directed that VVPAT shall be used with EVMs at all polling stations in all Elections to the Parliament and State Legislative Assemblies. (ECI instruction number 51/8/VVPAT/2017-EMS dated 19.9.2017)

12.2 ASSESSMENT OF THE REQUIREMENT OF EVM AND VVPAT

12.2.1 The assessment of the requirement of EVM and VVPAT for use in the constituency shall be made on the following basis:

- i) One Control Unit shall be required to be supplied to each polling station. Therefore, the requirement of Control Units for use at the polling stations shall be equal to the number of polling stations provided in the constituency.
- ii) The requirement of Balloting Units for use at the polling stations will be dependent upon the number of contesting candidates at the election. If the number of candidates is up to fifteen only one Balloting Unit is required for each polling station. Thus, the requirement of Balloting Units will be equal to the number of polling stations. Such requirement will become double if the number of contesting candidates is more than fifteen and up to thirty-one. This requirement will likewise become three times or four times if the number of contesting candidates is up to forty-seven or sixty-three respectively with the last column after the final contesting candidate reserved for NOTA option.

One VVPAT shall be required to be supplied to each polling station. Therefore, the requirement of VVPAT for use at the polling stations shall be equal to the number of polling stations provided

in the constituency.

- iii) Over and above, the requirements of Control Units and Balloting Units for actual use at the polling stations as worked out, 20% percentage **or such percentage as may be directed by the Commission**, of Control Units and Balloting Units shall be kept as reserve machines. Further, 20% of VVPAT shall be kept as reserve **or such percentage as may be directed by the Commission**.
- iv) In the case of a simultaneous elections to the House of People and the Legislative Assembly of the State, two separate sets will be required, i.e., one set of Balloting Unit, Control Unit and VVPAT for the elections to the House of People and another set of Balloting Unit, Control Unit and VVPAT for the election to the Legislative Assembly.

12.3 FIRST LEVEL CHECKING AND RANDOMIZATION OF MACHINES

12.3.1 As a general policy, the Commission desires that all EVMs and VVPATs available within a district shall be stored at the district headquarters under the direct control of the District Election Officer. It may be possible that owing to want of storage space, the EVMs and VVPATs may be stored in a decentralized manner in different locations. Even in such cases, for the purpose of first level checking and randomization procedure, all EVMs and VVPATs available in the district shall be brought to the district headquarters under proper escort.

12.3.2 The first level checking shall be carried out by the BEL/ECIL engineers under the managerial control of the DEO in the presence of the representatives of the recognized political parties, as the case may be, at the district/Sub-divisional headquarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name and other particulars including phone numbers of such officer to the CEO. The first level checking involving the checking of the functionality of EVMs and VVPATs, casting of 1 vote against each of the 16 candidate buttons for each EVM, mock poll with 1200 votes in 1% EVMs, 1000 votes in 2% EVMs and 500 votes in 2% of the total EVMs, mock poll with 6 votes against each of the 16 candidate buttons for each VVPAT, sealing of the Control Unit by Pink Paper Seal (PPS) and preparation of Registers thereof will be done in accordance with the existing instructions and procedures as laid down in ECI and through EVM Management System(EMS). For details on FLC process, refer 'Manual on Electronic Voting Machine and VVPAT' by ECI. (available on ECI Website)

FIRST RANDOMIZATION

12.3.3. For the purpose of tracking the various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed sticker) will be prepared and kept ready for use. (These stickers will be carried by the Engineers at the time of FLC).

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

relevant slot in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the Control Unit (CU) will be also indicated in the relevant slot in the sticker.

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

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

12.3.7 The DEO will fix up a schedule for the randomization of CUs / BUs / VVPATs for their distribution to various ACs. It is to be done in the presence of the representatives of recognized political parties. The randomization will be done in EMS that the CUs /BUs/ VVPATs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. The surplus CUs/BUs/VVPATs shall also be randomly grouped and distributed AC wise for the purpose of training and awareness programs (for the training of the polling staff as well as for the purpose of voter awareness). A green-coloured sticker shall be affixed on the CUs and BUs assigned to ACs for polling. The sticker shall clearly indicate the name of State/UT and the number and name of Assembly Constituency. “Election” will be written on the sticker of CUs and BUs assigned for polling. No current ID will be given during randomization. After randomization, the CUs, BUs and VVPATs will be marked “Election” or “Training/Awareness” in the EVM Management System.

For Training & Awareness, only FLC OK units shall be used. It is to be ensured that no data of previous election is remained in the machines and dummy symbols will be used for ballot papers and VVPATs (ECI NO 51/8/INST/2017-EMS dated 18.5.2017).

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

(ECI no 51/8/7/2017-EMS dated 29.9.2017)

The status of 5% EVMs and VVPATs separated for awareness purpose shall be marked as "Training & Awareness" in place of FLC-OK in EMS (ECI No.51/8/ETS/2017-EMS, dated 24.10.2017).

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

(ECI No. 51/8/7/2017-EMS dated 30.08.2017)

12.3.9 Thereafter, the Returning Officer of the constituency shall take charge of the CUs/BUs/VVPATs randomly allotted to his constituency. The CUs/BUs/VVPATs meant for use at polling station shall be taken separately to the strong room of the Returning Officer under proper escort and will be guarded by suitable force round the clock. The training EVMs and VVPATs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room, the representatives of political parties can remain present and they can also affix their seal on the lock. At strong room, a logbook shall be maintained and 24X365 Police security shall be provided with CCTV from start of FLC till Election Petition (EP) completion period. Minimum 1 Section security shall be in place.

(ECI No. 51/8/7/2017-EMS dated 30.8.2017)

SECOND RANDOMIZATION

12.3.10 Second randomization of EVMs and VVPATs has to be done before preparing the EVMs and VVPATs for poll by candidate setting as the address tag of EVM is sealed at the time of preparation of EVM (Candidate Set). The purpose of second randomization of EVMs and VVPATs is to allocate EVMs and VVPATs randomly to polling stations. The Returning Officer should fix the date of preparation of EVMs and VVPATs for poll (Candidate set) and intimate all candidates to remain present or send their representatives during the process. The date should be fixed as early as possible after the last date of withdrawal of candidatures and finalization of ballot papers. On the date so fixed second randomization of EVMs and VVPATs also should be done in EMS before doing the process of preparation of EVMs and VVPATs for polls so that CUs, BUs

and VVPATs should be randomly allocated to polling stations. A list of CUs, BUs and VVPATs along with the number of polling stations assigned to them should be given to all the candidates. Similarly, a list of CUs, BUs and VVPATs kept in reserve should also be given to the candidates and written acknowledgement taken.

For preparation of EVMs and VVPATs (Candidate Setting), a written invitation conveying the schedule is to be sent to the Candidates, it shall be mentioned that they/their representatives must be present to oversee preparation of EVM/VVPATs and actively participate in the mock poll process. Manufacturers shall provide protocol/checklist to RO beforehand and also depute Senior Level Engineers at the State and District levels for supervision and coordination during preparation of EVMs/VVPATs. (ECI No 51/8/7/2017-EMS dated 30.8.2017)

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

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

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

12.3.11 In the constituencies where additional Balloting Units are being used for having the number of contesting candidates more than 16 (including NOTA), the Presiding Officers should be specifically instructed to arrange the Balloting Units and VVPATs in the voting compartment in such a way that the electors are not put to any kind of inconvenience and at the same time the secrecy of ballot is not compromised in any way. For this purpose, the size of the voting compartment should be increased proportionally. In voting compartment, VVPAT should be placed to the left side of the 1st Balloting Unit.

12.3.12 At this stage, the CU, BU and VVPAT randomly earmarked Polling Station wise as above shall be identified by matching the PS no. and will be kept in pair by tagging them together. Any candidate/ agent present at the preparation hall may choose to get the CU/BU/VVPAT checked again by the master trainers/technical personnel, if available, through a 'mock poll cum result verification' in order to satisfy himself about the functioning of the EVM and VVPAT. The Returning Officer should also, as a pro-active

measure, do a random verification of at least 5% of such CU/BU/VVPAT pairs to test the working status of the EVMs with VVPATs.

12.3.13 After preparation of the Balloting Units it should be sealed with Pink Paper Seal (PPS) having signature of the Candidates. The common address tag attached to reserve CU/BU/VVPAT shall indicate the 'Reserve' status of the unit. The tagging of address tags shall also be done at this stage itself – in the presence of candidates/ agents/ observer. All the CUs/ BUs/ VVPATs allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room. EVMs/VVPATs found defective during candidate setting or mock poll on poll day shall be stored in a separate warehouse.

(ECI No 51/8/7/2017-EMS dated 30.8.2017)

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

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

12.3.16 The candidates may be advised to share the machine number of the EVM (both CU/ BU) and VVPAT allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM and VVPAT for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers should be advised to display the sticker containing the machine number etc., to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the Presiding Officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; number of BU/BUs used and serial numbers of BU/BUs used; number of VVPAT/VVPATs used and serial numbers of VVPAT/VVPATs used at the polling station in the Presiding Officer's Diary. The Polling Parties shall strictly be instructed NOT TO TEST VVPAT at the time of dispersal and before mock poll at the Polling Station under any circumstances as VVPAT issued to them are already checked and tested. All the stages of randomization of EVMs and VVPATs as enumerated above shall invariably be fully video-graphed and records kept properly.

12.3.17 **Replacement of BU, CU and VVPAT from Commissioning till Mock poll:** In case any BU or CU does not work properly during commissioning of EVMs and VVPATs, dispersal of Polling Parties or during mock poll at the polling station, the following action shall be taken:

- i) in case of BU does not work properly, only the defective BU is to be replaced from reserve BU.
- ii) in case of CU does not work properly, only the defective CU is to be replaced from reserve CU.

The list of replaced BU, CU and VVPATs shall be provided to the contesting candidates or their election agents and necessary entries shall be made in the EMS. (ECI No 51/8/VVPAT/2017-EMS dated 3.11.2017 and 11.1.2018)

Replacement of BU, CU and VVPAT during actual Poll: In case the CU or BU does not work properly during actual poll at any polling station, replacement of the whole EVM (BUs, CU and VVPAT) is required and in case the VVPAT does not work properly during actual poll at any polling station, replacement of only VVPAT is required. The Sector Officer or any authorized officer who effects such replacement, shall prepare a special report indicating the machine number of CU/BU/VVPAT and new CU/BU/VVPAT separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU/VVPAT and the time of such replacement, votes polled in the replaced machine at that point of time and leave one copy of the special report with the Presiding Officer while retaining a copy to be handed over to the Returning Officer.

(ECI No 51/8/VVPAT/2017-EMS dated 11.1.2018)

- 12.3.18 In case replacement of EVM becomes necessary during actual poll, the entire set including the CU, all the BUs and VVPAT shall be replaced. Before starting poll with the new EVM and VVPAT, only one vote to each contesting candidate including NOTA should be polled in the Mock Poll and a mock poll certificate will be given by the Presiding Officer separately for this EVM and VVPAT.

In case of replacement of only VVPAT during actual poll, no Mock Poll will be conducted.

(ECI No 51/8/VVPAT/2017-EMS dated 11.1.2018)

- 12.3.19 In case of replacement, the unique ID numbers of the CU, BUs and VVPATs which have been used after replacement should be marked against the concerned polling station in the EVM Management System.

- 12.3.20 After the poll is over, EVMs and VVPATs shall be transported back to the reception centres under proper escort. After all formalities are completed, the complete set of CUs, BU(s) and VVPAT(s) of a particular polling station shall be kept in the same strong room and the room sealed in the presence of the candidates/their agents and the observer. Unused VVPATs and unused EVMs shall be stored in separate strong room. (ECI No 51/8/VVPAT/2017-EMS dated 2.11.2017)

12.4 EVMS AND VVPATS USED FOR REPOLL

- 12.4.1 In case of repoll, the EVM and VVPAT required for the same shall be drawn from the reserve list and the CU/BU/VVPAT number shall be informed to the candidates/agents

in writing. Care shall be taken to ensure that the address tag on the CU, BU(s) and VVPAT clearly mentions it to be the EVM and VVPAT for use in the repoll indicating the date and PS no.

12.4.2 In case of repoll, a pre-printed self-adhesive sticker “Repoll EVM” and “Repoll VVPAT” shall be pasted on the EVM (CU and BUs) & VVPAT as well as on carrying cases of the CU, BUs and VVPAT to be used in repoll. After repoll, the strong room shall be re-opened in the presence of the candidates/ their agents and observer for the storage of the EVMs and VVPATs used. This EVM and VVPAT used in repoll should be placed together with the respective old EVM and VVPAT that was used earlier in the original poll. Tags ‘Not to be counted’ shall be put prominently on the respective old EVM and VVPAT and another tag ‘Repoll EVM –to be counted’ and “Repoll VVPAT – to be counted” shall be put on the new repoll EVM and VVPAT. Returning Officer shall sign on all these tags.

12.4.3 In case of re-poll, the unique ID number of the CU, BUs and VVPAT used in re-poll should be entered in the EVM Management System (EMS).

12.4.4 The political parties/candidates should be advised in writing to properly train their counting agents. They should also be asked to bring their copies of Form 17C which shows the EVM and VVPAT numbers used at the polling station and was handed over to them at the close of the polling by the Presiding Officer (for tallying purpose). Besides, the candidates have also been given a consolidated list of polling station wise list of CUs and VVPATs used during the polls. This along with the additional information given by Returning Officer in writing to the candidates regarding the machine numbers of CUs and VVPATs used as replacement and the CUs and VVPATs used during repoll will give a complete picture of all the EVMs and VVPATs used at polling stations. In order to further facilitate, the Returning Officer shall paste the EVM and VVPAT deployment account indicating the CUs and VVPATs used polling station wise in the relevant counting hall itself for everyone to see.

12.4.5 The above instructions should be strictly complied with, and brought to the notice of all concerned, viz. the political parties, contesting candidates, all field officers concerned and the observers. The instructions for the preparation of EVM and VVPAT have been issued by the Commission vide ECI No 51/87/2007-EMS dated 12.10.2007, 51/87/2010-PLN-IV dated 23.9.2010, 3/1/2013/VVPAT/SDR dated 15.10.13 and 51/8/VVPAT/2017-EMS dated 5.12.2017.

12.4.6 Polled machines shall be kept in the Strong Room with minimum strength of 1 platoon. (ECI No 51/8/7/2017-EMS dated 30.8.2017)

12.5 COMMISSIONING OF EVM AND VVPAT

12.5.1 Before EVM and VVPAT is supplied to a Presiding Officer for use at a polling station, some preparations, as detailed below, are to be at Returning Officer level in the presence of the representatives of candidates. The Returning Officer shall draw a schedule for preparation

of EVMs and VVPATs. Preparation of EVMs and VVPATs should start as soon as possible after the last date of withdrawal of candidatures. Sufficient time should be provided for preparation of EVMs and VVPATs for each Assembly Constituency in the case of Assembly Elections and for each assembly segment in the case of Parliamentary Elections. As EVMs and VVPATs are to be prepared concurrently, sufficient time, 5/6 days will be required for each assembly segment. The schedule of commissioning to be planned accordingly. In case of Parliamentary Elections, preparation of EVM and VVPAT for assembly segment should be supervised by Assistant Returning Officers. The schedule should be made in such a manner that preparation of EVMs and VVPATs is done for all the assembly segments in separate halls and is completed at least 8 to 10 days before the poll. Candidates should be informed in writing of the schedule for preparation of EVMs and VVPATs and should be requested to be present or send their representatives at the time of preparation of EVMs and VVPATs. On the day of the preparation, register for preparation of EVMs, (**Annexure 27**) will be kept by the Returning Officer in which the signature of candidates or their representatives will be taken as token of their presence. These preparations have to be made in the presence of the candidates and/or their agents.

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

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

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

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

12.5.6 Candidates/Representatives of candidates shall be allowed to pick machines randomly for this purpose and also to participate in the process. Signatures of candidates/representatives of candidates shall be taken in a register as a token of having seen the print out and confirmed that there is no discrepancy between the votes polled during the mock poll and results in the print out.

(ECI No 51/8/VVPAT/2018-EMS dated 8.3.2018)

12.5.7 Preparation shall be supervised personally either by the Returning Officer or one of the Assistant Returning Officers deputed by the Returning Officer for this purpose. The process of preparation of EVMs and VVPATs should be fully video-graphed.

12.6 NOTICE TO THE CANDIDATES ABOUT DATE AND TIME OF PREPARATION OF EVM AND VVPAT

12.6.1 At least one week before the date on which the preparation of the voting machines is to be taken up, Returning Officer should give notice of the same in writing to each candidate or his election agent intimating him the place or places where the EVMs and VVPATs will be so prepared and the date and time at which such preparation will commence. Proper acknowledgement/receipt should be obtained and kept as record. Returning Officer should inform the candidate/his election agent the number of representatives that every candidate will be permitted to bring with him at the aforesaid place or places. This will again depend on the number of EVMs and VVPATs to be prepared for use. The whole process of preparation of the EVMs and VVPATs done in the presence of observers shall be video-graphed.

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

12.6.3 When the candidates and their agents are present, Returning Officer should explain the procedure to be followed by him/her for preparing the voting machines to them. Returning Officer should allow them to inspect the Control Units and Balloting Units during the process of their preparation.

12.7 PREPARATION OF THE BALLOTING UNIT

12.7.1 Each Balloting Unit has to be prepared at the Returning Officer's level by:

- A. inserting and fixing ballot paper in the space meant for the purpose;
- B. masking the candidate's buttons which are not required to be used, depending on the number of contesting candidates;
- C. setting the slide switch (or thumbwheel switch in M3 EVM) at the appropriate position, i.e. 1, 2, 3 or 4 (01, 02,, 24 in M3 EVM) as the case may be, according to the number of such units which are to be used depending upon the number of contesting candidates including NOTA and the sequence in which each unit is to be used, and
- D. sealing the Balloting Unit (detailed step-by-step operations during sealing of EVM may be seen at **Annexure 13**).

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

Note: Commissioning of M3 EVM and M3 VVPAT, candidate setting in CUs shall be done by attaching/connecting BU and VVPAT with CU.

12.8 FIXING THE BALLOT PAPER

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

12.8.2 For fixing the ballot paper under that screen, Returning Officer has to first open the top cover of the Balloting Unit. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the cover

up. The top cover and the lower portion of the Balloting Unit will then open like a book. Thereafter, Returning Officer should open the ballot paper screen, which is hinged to the top cover on the extreme left side. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards, the ballot paper screen will become free for opening on the upper side of the top cover. While opening the screen, every care should be taken to ensure that it does not get damaged in the process. After so opening the ballot paper screen, the ballot paper should be placed in the space provided for the purpose on the upper side of the top cover of the Balloting Unit. The ballot paper should be properly aligned so that each candidate's name, photograph and his/her symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are exactly in line with the corresponding grooves on the Balloting Unit. It should be noted that alignment of the ballot paper is a very important step. There should not be any misalignment as this will create confusion in the minds of the voters and might lead to serious complications. After ensuring such alignment, Returning Officer should close and press fit the ballot paper screen to secure the ballot paper firmly underneath that screen.

12.8.3 After ballot paper has been firmly fixed and the ballot paper screen has been pressed-fit on the upper side of the top cover, the screen should be sealed on the inner side of the top cover. This should be done by passing the thread through the two holes on the screen specially provided for the purpose on the inner side. The thread should be tightened and given a firm knot. The two ends of the thread should be placed on an address tag and Returning Officer should put his/her seal on the thread and the address tag. Note that the address tag is common for BU, CU and VVPAT.

12.9 MASKING OF CANDIDATE'S BUTTON WHICH ARE NOT TO BE USED

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

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

12.10 SETTING OF SLIDE SWITCH IN M2 BALLOTING UNIT

12.10.1 Inside the M2 Balloting Unit, on the top right side, there is a slide switch, which has four positions 1,2,3, and 4. The positioning of this slide switch determines the serial order in which a particular Balloting Unit is to be linked with the other Balloting Units and kept inside the voting compartment for use at a polling station.

12.10.2 Where the number of contesting candidates is up to fifteen, only one Balloting Unit will be used. Since NOTA will be in sixteenth position. In such a case, the slide switch

shall be set to the position marked 1. Where the number of contesting candidates is more than fifteen and up to thirty-one, two Balloting Units will be used. In the first Balloting Unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, the slide switch shall be set to the position marked ‘1’ and the second Balloting Unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set to the position ‘2’. Likewise, if three Balloting Units are to be used in a constituency where the number of contesting candidates exceeds thirty-one and is up to forty seven, the slide switch will be set to the position marked ‘1’ in the first Balloting Unit in which the names of candidates at serial nos. 1 to 16 appear, to the position marked ‘2’ in the second Balloting Unit in which the names of contesting candidates at serial nos. 16 to 32 appear and to the position marked ‘3’ in the third Balloting Unit. Similarly, if the fourth Balloting Unit is also to be used in case the number of contesting candidates exceeds forty-seven, then the slide switch will be set to the position marked ‘4’ in the last Balloting Unit.

Note: It is absolutely essential to ensure that the slide switch is set in the appropriate position in each Balloting Unit as any wrong linking of the Balloting Units will render the machine non-functional and on pressing any buttons on the Control Unit the letters ‘LE’ indicating linking error will appear on the display panel of the Control Unit. The linking error should be set right by interlinking the Balloting Units in the proper sequential order.

12.11 SETTING OF THUMB WHEELS IN M3 BALLOTING UNIT

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

12.11.2 Where the number of contesting candidates is up to fifteen, only one Balloting Unit will be used. Since NOTA will be in sixteenth position. In such a case, the thumbwheel switch shall be set as ‘01’. Where the number of contesting candidates is more than fifteen and up to thirty-one, two Balloting Units will be used. In the first Balloting Unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, the thumbwheel switch shall be set as ‘01’ and the second Balloting Unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set as ‘02’. Likewise, if three Balloting Units are to be used in a constituency where the number of contesting candidates exceeds thirty one and is up to forty seven, the thumbwheel switch will be set as ‘01’ in the first Balloting Unit in which the names of candidates at serial nos. 1 to 16 appear, as ‘02’ in the second Balloting Unit in which the names of contesting candidates at serial nos. 16 to 32 appear and as ‘03’ in the third Balloting Unit. If the fourth Balloting Unit is used in case the number of contesting candidates exceeds forty-seven, then the thumbwheel switch will be set as ‘04’ in the fourth Balloting Unit. Similarly, if the fifth Balloting Unit is used in case the number of

contesting candidates exceeds sixty-three, then the thumbwheel switch will be set as '05' in the fifth Balloting Unit. In this way, 24 Balloting Units can be set and connected to Control Unit in M3 EVM.

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

12.12 SEALING OF THE BALLOTING UNIT

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

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

12.12.3 Additionally, the BU shall be sealed with a special “pink paper seal” supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate's button or candidate's name or symbol is hidden by the seal. After affixing the pink paper seal, BEL/ ECIL engineer shall sign on the pink paper seal. Candidates or their representatives shall also be allowed to sign on the pink paper seal with name of the candidate, name of the party before the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the BU. A register (**Annexure 28**) shall be maintained to note down the serial no. of the pink paper seal used on the Balloting Unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photocopies of this register will be given free of cost to all candidates once preparation is over.

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

12.13 INTER-LINKING OF BALLOTING UNITS, CONTROL UNIT AND VVPAT

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

- 12.13.2 The Balloting Units shall be so inter-linked that the second Balloting Unit, i.e. the Balloting Unit in which the slide switch (thumbwheel switch in M3 EVM) is set at position 2 (as 02 in M3 EVM), is linked with the first Balloting Unit in which the slide switch (thumbwheel switch in M3 EVM) is set at position 1 (as 01 in M3 EVM). Where three Balloting Units are to be used, the third Balloting Unit will be linked with the second Balloting Unit and the second with the first, and where the four Balloting Units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.
- 12.13.3 For linking one Balloting Unit with another, there is a socket provided in a compartment at the back of the Balloting Unit. The connector of the interconnecting cable of the second Balloting Unit will be plugged into the above-mentioned socket of the first Balloting Unit. Likewise, the connector of the third Balloting Unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit. In M3 EVM, a cascade of 24 Balloting Units can be connected to one Control Unit (Catering 384 candidates including NOTA). There is provision for insertion of Battery in 5th, 9th, 13th, 17th and 21st Balloting Unit, if more than four BU are used. Battery will be inserted in 5th, 9th, 13th, 17th and 21st Balloting Unit, if more than four BU are used.
- 12.13.4 The rear compartment in the Control Unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies power to the Control Unit as well as to all the Balloting Units when linked to the Control Unit in the manner described above.

NOTE:

- a) Where more than one Balloting Unit is used, utmost care should be taken to ensure that they are interlinked in the proper sequential order as explained in paragraph above.
- b) The connector of the interconnecting cable, one end of which is attached with the Balloting Unit, is a multi-pin connector. The connector goes into the socket of the other Balloting Unit or of the Control Unit/VVPAT unit only one way, which can be found out easily by looking at the orientation of the pins and the word 'Top' written or inscribed on the hood of the connector.
- c) The connector of the interconnecting cable can be disconnected from the Control Unit or from the other Balloting Unit only by releasing the spring type clips on both sides of the connector hood. These spring type clips will be released when pressed inward simultaneously and the connector should then be pulled out while keeping the spring type clips so pressed.
- d) The pins of the connector are quite delicate and the connector should not be forced in the socket in such a way as may damage or bend the pins. The machine will work only when the connection is made properly.

- e) Connecting/disconnecting the Balloting Units and the Control Unit or VVPAT unit properly requires some practice so as to avoid any damage to the machine. This aspect should be clearly impressed and stressed upon during training to all election officers, including Presiding Officers and Polling Officers, who handle and operate the EVM and VVPAT.

12.14 PREPARATION OF CONTROL UNIT

12.4.1 Like the Balloting Unit, some preparations are to be made also in the Control Unit of the voting machine at the Returning Officer's level. These preparations are: -

- i) installation of the battery,
- ii) setting the number of contesting candidates along with NOTA, and
- iii) sealing 'Candidate Set Section' (and Battery section also in M3 EVM).

12.14.2 The details of these operations are given in EVM Manual. The instructions given in that manual should be meticulously followed in the above operations. These operations are explained below.

12.15 BATTERY INSTALLATION

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

12.16 SETTING THE NUMBER OF CONTESTING CANDIDATES

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

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

- i) The number of contesting candidates and a NOTA option can be set in the Control Unit only by linking this unit with the Balloting Unit or with all the Balloting Units where more than one Balloting Units are to be used. The process of linking the Balloting Units with the Control Unit has already been explained above.

- ii) After the Control Unit and the Balloting Unit(s) have been linked, lift the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.
- iii) Press the button marked 'Cand. Set' in the 'Candidate Set Section' of the Control Unit. Thereupon, Display Panel will flash 'SET CANDIDATE - -'.
- iv) When the letters 'SET CANDIDATE - -' start flashing on the Display Panel on the Control Unit, the candidate's button against NOTA option in the Balloting Unit should be pressed. For example, if there are nine contesting candidates and the machines is to be set for nine candidates, candidate's button of the tenth candidate on the Balloting Unit against NOTA option should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button against the name of the contesting candidate at serial no.24 and a NOTA option in the second Balloting Unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'SET CANDIDATE - -' and instead the full panel will display the number of candidates for which the machine has been so set, like 'CANDIDATE10' or, as the case may be 'CANDIDATE 24'.

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

NOTE:

- a) The number of contesting candidates can be set in any number of Control Units by using only one Balloting Unit or one set of Balloting Units (where more than one Balloting Units are to be used depending upon the number of contesting candidates). To ensure that no wrong button is pressed, mask the entire candidate's buttons except the button of the NOTA option on such Balloting Unit or set of Balloting Units. In the above example, mask the button 1 to 9 and 11 to 16 and leave only the button of NOTA number 10 unmasked, if the number of contesting candidates is nine; or mask all the sixteen buttons on the first Balloting Unit and all the buttons, except the button of NOTA option at button 24, on the second Balloting Unit where the number of contesting candidates is 23.
- b) Where the work of setting the number of contesting candidates in different Control Units is distributed amongst different officers, each such officer may use a separate Balloting Unit, or as the case may be, a separate set of Balloting Units (where more than one unit is used) for setting the number of contesting candidates in all the Control Units allotted to him.

12.17 CLEARING THE MACHINE

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

set to ZERO and the display panels on the Control Unit will start displaying that the number of votes recorded in the machine for each contesting candidate is '0' (ZERO).

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

12.18 SEALING THE 'CANDIDATE SET SECTION'

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

12.18.2 The 'Candidate Set Section' shall be closed by replacing the cover and pressing it tight. It should be sealed by passing a thread through the two holes provided for the purposes on the left side in case of M2 EVMs (left side and right side in M3 EVMs as there are two separate doors for Battery and Candidate Set button), giving a tight knot to the thread and placing the two ends of the thread on an address tag which should be sealed with the Returning Officer's seal.

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

12.19 SETTING UP OF VVPAT

12.19.1 The VVPAT shall be prepared for poll. A new battery power pack shall be installed in the VVPAT unit and shut the door of the battery compartment, but no sealing is required on battery compartment as the power pack can be replaced (after switching off the CU) if low battery status is indicated during the Poll. A fresh paper roll shall be installed in the VVPAT. Serial numbers, name of candidates and symbols allotted to them and NOTA option and its symbol as given in BU shall be loaded in VVPAT with the help of BEL/ECIL engineers. A test printout shall be checked with the ballot paper in Balloting Unit (BU). Then one vote to each candidate shall be given to check that the VVPAT is printing the paper slips accurately. Seal the VVPAT as per ECI directions. (ECI No 51/8/VVPAT/2017-EMS dated 5.12.2017 and ECI No. 3/1/2013/VVPAT/SDR dated. 15.10.13)

12.20 SAFE PRESERVATION OF PREPARED EVM AND VVPAT

12.20.1 All the voting machines which have been prepared for use at the election, including the reserve machines, should be kept and preserved in safe custody in a strong room

under double lock which should be sealed with the seal of the Returning Officer. The candidates and their agents may also be permitted to put their seals on the lock, if they so desire.

- 12.20.2 The strong room should be opened only on the appointed date and time when the machines are to be supplied to polling parties before they leave for their polling stations. All contesting candidates or their election agents should be given a prior notice in writing of such date and time of opening of the strong room. A proper logbook should be maintained giving details of closing and opening of the strong room.
- 12.20.3 If for any emergent or unavoidable reason, it becomes necessary to open the strong room before the appointed date and time, Returning Officer should send notice for the candidates or their authorized representatives and open the room in their presence. The room should be again closed and sealed immediately after the purpose for which it was opened, is over. Details of such opening and closing should also be accurately and fully reflected in the above-mentioned log book and the entire process should be video graphed.
- 12.20.4 The strong room should be kept fully guarded at all times under the charge of a senior police officer not below the rank of Deputy Superintendent of Police. Wherever possible, the Central Police Forces should be used for such guard duty. (ECI No 464/OBS/EVM/2007 /PLN-IV dated 12.10.2007 and ECI No 51/8/7/2017-EMS dated 30.8.2017)

12.21 MAINTENANCE OF RECORDS OF EVM AND VVPAT

- 12.21.1 Returning Officer should maintain complete record of all CUs, BUs and VVPATs used at the election. That record should show clearly the number of CUs, BUs and VVPATs used at each polling station along with the serial numbers of each such unit. The record should also show the number of CUs, BUs and VVPATs along with their serial numbers, which have been prepared for use and kept in reserve. If any of such Control Units or Balloting Units or VVPAT is put to use, a complete record as to where each such unit was used should be properly maintained and it should show also the reasons for which the use of such reserve unit became necessary. EVMs and VVPATs used for training and demonstration purposes are not to be used for taking poll on the poll day.
- 12.21.2 For the above purpose of maintenance of complete record of the voting machines, a master register should be kept containing the following particulars:
- i) The total number of Control Units in the stock of the Returning Officer;
 - ii) The total number of Balloting Units in such stock;
 - iii) Total No. of VVPATs in such stock;
 - iv) The total number of polling stations in the constituency;

- v) The total number of Control Units required for use at the polling stations (total number of polling stations multiplied by one);
- vi) The total number of Balloting Units required for use at the polling stations (Total number of polling stations multiplied by number of Balloting Units to be used at each polling stations);
- vii) The total number of VVPATs required for use at the polling station.
- viii) Total number of Control Units in reserve stock;
- ix) Total number of Balloting Units in reserve stock;
- x) A Total number of VVPATs in reserve stock;
- xi) Number and name of each polling station in the constituency;
- xii) Against such number and name of the polling station serial number of the Control Unit put to use at that polling station;
- xiii) Serial numbers of Balloting Units put to use at that polling station;
- xiv) Serial numbers of VVPATs put to use at that polling station;
- xv) Serial number of the ballot paper fixed on each Balloting Unit;
- xvi) Serial number of each Control Unit, Balloting Unit and VVPAT kept in reserve stock.

12.21.3 In the above register, a 'Remarks' column should be provided against the number and name of each polling station for the indication whether any Control Unit or Balloting Unit or VVPAT has been used at that polling station from out of the reserve stock and if so, for what reason.

12.22 SUPPLY OF EVM AND VVPAT TO POLLING PARTIES

12.22.1 The voting machines should be supplied only to the Presiding Officer of the polling station against a proper receipt to be obtained from each Presiding Officer. For this purpose, Returning Officer should keep a separate register showing the number and name of the polling stations, the name of the Presiding Officer and serial numbers of Control Unit, Balloting Unit(s) and VVPAT supplied to him and his full signature in token of having received the same.

12.22.2 That register should have further provision for keeping proper account of the machines received back from the Presiding Officers. The officer who receives the machines back after the poll from the Presiding Officer should clearly note down the serial numbers of the Control Unit, Balloting Unit(s) and VVPAT so received back and should append his full signature in token of having received those units back.

12.22.3 If any machine is received back in a damaged condition, full record of each such machine should be maintained.

12.22.4 The reserve machines should be kept at a central place or places in the constituency on the day of poll so that the same may be supplied with the least possible delay to any polling station where an emergent need arises for replacement of EVM or VVPAT. These machines should be kept under the charge of one of the Assistant Returning Officers or some other senior officer specifically nominated for the purpose by Returning Officer.

12.22.5 These reserve machines or machines used for training should not be moved from their place of storage after conclusion of poll as it may give unnecessary doubts in minds of some persons as if polled EVMs and VVPATs are being shifted.

12.22.6 A list of various items of polling materials which will be required for use at the polling stations where EVM and VVPATs are used is given in **Annexure 8**.

12.23 REGISTER OF VOTERS (FORM 17A)

12.23.1 Under Rule 49L (1) of the Conduct of Elections Rules, 1961, there shall be a Register of Voters at every polling station. The form of that Register has been prescribed in Form 17A appended to the said Rules. The Presiding Officer has to record in that Register the electoral roll serial number of the elector as entered in the marked copy of the electoral roll and has also to obtain the signature or thumb impression of the elector on that Register. This Register is in fact the substitute for the counterfoil of the ballot paper, which is used in the conventional system of voting.

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

FORM 17A

(See rule 49L)

REGISTER OF VOTERS

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

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

3				
4				

Signature of the Presiding Officer

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

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

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

12.23.6 Returning Officer should get the above Registers printed in sufficient quantity well in advance.

12.24 VOTER'S SLIP

12.24.1 The record of every elector who comes to vote at a polling station and is allowed to vote shall be maintained in the above-mentioned Register of Voters. The first column in that Register will show the order in which the electors have been identified and allowed to vote after putting their signatures/thumb impressions on that register. It is absolutely essential that they record their votes in the voting machine exactly in the same sequence in which they have been entered in the Register of Voters. In order to ensure this, each elector after he/she has signed/put thumb impression on the Register of Voters should be given a voter's slip by the Polling Officer in- charge of the Register of Voters.

12.24.2 The slip should contain the following particulars:

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

12.24.3 The elector will go to the Presiding Officer or Polling Officer in-charge of the Control Unit of the voting machines with this Voters' Slip and the latter will allow him/her to

vote exactly in the same serial order as in the Register of Voters on the basis of that slip.

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

12.25 ADDRESS TAGS

12.25.1 Returning Officer must note that there is a common address tag for CU, BU and VVPAT. Returning Officer should get these address tags printed from Indian Security Press, Nasik in sufficient quantity well in advance for use at the time of preparation of EVMs and VVPATs and for use at the polling stations, the details whereof are given in following chapter.

12.26 SPECIAL TAG

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

12.26.2 There shall be an opening in the middle so that when this Tag is fixed in the "CLOSE" button compartment of the Result Section, the "CLOSE" button should be visible so that button can be reached to operate it without disturbing the Tag.

13 THE POLL

13.1 GENERAL

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

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

13.2 LEGAL PROVISIONS

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

13.3 POLLING STATIONS

13.3.1 The polling stations must have already been set up by the District Election Officer with the prior approval of the Election Commission, under Section 25 of the Representation of the People Act 1951. Returning Officer should interact with DEO and obtain a list of polling stations of his/her constituency well before the date of poll and ensure that all arrangements for the setting up of polling stations at the places approved by the Commission are made.

13.3.2 A copy of the updated list of polling stations for use in election should be supplied, free of cost, to all contesting candidates within 3 days from the last date of withdrawal. It should be noted that no changes can be made in the buildings or location of any polling station without the prior approval of the Commission.

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

13.4 POLLING PARTIES

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

personnel so appointed.

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

13.5 POLLING MATERIALS

13.5.1 Returning Officer must ensure that all the polling parties have been supplied with necessary polling materials, including voting machines. A standard list of polling materials is given in **Annexure 8**. The Presiding Officers must be instructed to take utmost care of the safety and security of the EVMs and VVPATs. It should be made clear to them that they will be held personally responsible for any damage to the machines caused on account of their negligence.

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

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

All the forms of statutory and non-statutory group should be bunched separately and stitched. They should also be pre-perforated to make them easily detachable so that after properly filling up the forms, the Presiding Officer can put them in the relevant envelopes quickly.

13.6 LAW & ORDER AND FREE & FAIR ELECTIONS

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

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

- 13.6.3 Critical polling stations should be identified and action taken to ensure a peaceful, free and fair poll (See Chapter 2).
- 13.6.4 The district election administration/police administration shall ensure that all political functionaries/party functionaries who have come from outside the constituency for campaigning and who are not voters of the constituency leave the constituency immediately after the campaign is over as their continued presence may undermine the atmosphere for free and fair poll.
- 13.6.5 Returning Officer has to ensure that instructions relating to restrictions on the plying of vehicles on the day of poll, prohibition of sales of liquor during a specified period including the day of poll and counting, deposit of fire arms by the licensed arms holders, unearthing of the unlicensed arms and weapons, declaration of day of poll as a holiday in the constituency, have been strictly followed and fully complied with by the authorities concerned. Copies of such standing instructions and directions are contained in a separate compilation, published by the Commission titled 'Compendium of Instruction on Conduct of Election' and 'Compendium of Instruction on Election Expenditure Monitoring'. Study the latest edition of the compilation of those instructions and directions carefully for ensuring their strict compliance. Strict vigil should be kept over the movement of undesirable elements and vehicles. Wherever possible, Central Police Forces should be deployed in sensitive areas and the Central Government and Central Government Public Sector employees should be chosen to man the polling stations in those areas.
- 13.6.6 CPF personnel have to keep a watch on the proceedings in the polling stations. In the polling stations where CPF personnel have been deployed, one of the CPF personnel shall be stationed at the entrance of the polling station in such a manner that he can have an unrestricted view of the polling procedure in the polling station.
- 13.6.7 In case of occurrence of any untoward incident affecting the free and fair poll process, Presiding Officer shall exercise the power conferred under Section 131 of the R. P. Act. 1951 and use the presence of CAPF/State Police. There should be proper co-ordination between the Presiding Officer and CAPF/State Police posted in polling stations. [Instruction no. 464/INST/2014/EPS dated 05.05.2014]
- 13.6.8 If a video camera/digital camera is deployed in the polling station, before the commencement of the poll apart from recording the events like mock poll and commencement of poll, the presence of CAPF/Police personnel should be recorded by clicking a photograph of the security personnel standing in front of the board of the polling station. If the video camera/digital camera is not deployed the Presiding Officer or Micro Observer can make use of the mobile phone (if it has camera) and click the photograph of the security arrangements and forward the image to the control room or hand over the image at the time of handing over of EVM at the respective centres. In case of video camera/digital camera not being available at the polling station, the sector officer shall capture the image of the polling station along with security personnel deployed there

when he visits the polling station. [Instruction no. 464/INST/2014-EPS dated 06.05.2014]

13.6.9 If webcasting is done from any polling station as part of non-force measure then the following should be ensured:

- a) The camera is placed at sufficient height, say, 7-8ft. above the ground.
- b) The camera should be placed on a stable & sturdy platform or on a wall mounted stand and kept in fixed position.
- c) The position of the camera should be such that a broad view of the following aspects of elections (poll) proceeding are clearly captured and transmitted:
 - i) Process of identification of voter by Polling Officer;
 - ii) Application of indelible ink on the finger of voter;
 - iii) Initialization of Control Unit of EVM by Presiding Officer after satisfactory identification of voter;
 - iv) Voter's visit to Voting compartment for casting vote on the Balloting Unit of EVM, but without showing cover face of Balloting Unit so that voter's secrecy is preserved under all conditions.
 - v) Presence of Polling Agents to the possible extent.
 - vi) At the time of closing of poll, distribution of slips/tokens to the voters in queue.
 - vii) Sealing of EVM (BU/CU), VVPAT and giving copies of form 17-C to polling agents.
- d) The web-camera / laptop should be set up at the polling station on the P-1 day and a dry run of the webcasting should be done under the supervision of Returning Officer (RO) the name and number of polling stations along with date of poll should be pasted at such a place so that the camera view will always display throughout. The Booth Level Officer and the sector officer concerned should give polling station-wise certificate to the Returning officer that webcasting arrangements have been made as specified above and are functioning properly on the basis of above certificates, the District Election officer shall furnish a consolidated report to the chief Electoral Officer for onward submission to the Commission.
- e) The RO shall prepare signage of size "30 inches by 18 inches" with colour scheme of black letters on fluorescent yellow background, having the following text - "YOU ARE UNDER WEBCAMERA/CCTV SURVEILLANCE". These signages shall be displayed prominently at multiple locations, inside and outside the polling booth.
- f) Further, it must be ensured that in the frame work used for webcasting, advertisement of any kind is not displayed.

[Instruction no. 464/INST/2014-EPS dated 30.04.2016]

13.7 ARRIVAL OF POLLING PARTIES AT POLLING STATIONS

13.7.1 The Commission has directed that each polling party should be dispatched

so as to reach their assigned polling station on the day previous to the day of poll, that is on (D-1), where is one clear day before the poll day. If due to difficult geographical terrain or any specific Law & Order problem, polling parties need to be dispatched earlier than that, then after discussing with Commission’s observer, specific approval of CEO should be obtained who will decide in consultation with the Commission. After reaching there, the polling party should set up the polling station with the help of sector/zonal magistrate and local official like BLO or such other official as may be present there for the purpose, properly. The voting compartment, of such specification as the Commission has prescribed, should be set up in such corner of the room that the voter is able to record his vote in that compartment in complete secrecy, it should not be placed in front or (near) a window lest any person from outside should see a voter casting vote. A model layout of the polling station for a single election and simultaneous election is given in **Annexure 29**.

Make sure that that High voltage incandescent bulbs/tube-light should not be placed over or in front of voting compartment (as VVPAT may go into error mode in excess light). Voting Compartment should be placed in such a way that

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

(ECI No. 51/8/7/2017-EMS (Vol. II) dated 03.08.2017)

13.7.2 The distance between the voting compartment where the Balloting Unit(s) and VVPAT will be kept and the table of the Presiding Officer on which the Control Unit (and VVPAT status display unit in case of M2 VVPAT) will be placed should not exceed 3 meters as the length of the interconnecting cable is 5 meters. It should be ensured that things should be arranged in such a way as no voter while going to voting compartment has to tread over the interconnecting cable and the entire length of the cable remains visible to the polling agents throughout the poll.

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

13.7.4 The EVM and VVPAT should be set up in the polling station well before the time fixed for commencement of Mock poll. It should not be left in the polling station on the night previous to the day of poll. If the Presiding Officer is not staying in the polling station during that night, it must, however, be ensured that the EVM and VVPAT are kept under adequate security at the polling stations at all times.

Note: Unnecessary handling of the EVM can drain out the batteries and create doubts in

the minds of candidates/electors.

13.8 DUTIES OF PRESIDING OFFICERS AND POLLING OFFICERS

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

13.8.2 In case, M2 VVPAT is used, one extra polling official must be provided to handle the M2 VVPAT unit while constituting polling parties. This polling official should handle M2 VVPAT unit and also watch VSDU (present in case of M2 VVPAT) continuously during poll process. The official shall immediately inform the Presiding Officer of any error noticed in VSDU. At the time of dispersal of polling parties, two copies of the Trouble shooting instructions and List of additional items of polling materials shall be handed over to the Presiding Officers. Adequate numbers of black paper envelopes and plastic boxes may also be procured for storing the paper ballot slips from the VVPAT. **In case of M3 VVPAT, no extra Polling official is required.**

(ECI No 51/8/VVPAT/2017-EMS dated 5.12.2017).

13.8.3 For details of duties of Presiding Officer and each Polling Officer please consult Handbook for Presiding Officers, which has, been brought out by the Commission as a separate book. The broad distribution of the duties among the three Polling Officers may be described as follows:

The 1st Polling Officer will be in-charge of identification of electors and the marked copy of the electoral roll. The 2nd Polling Officer will be responsible for application of indelible ink on the elector’s left forefinger and maintenance of the Register of Voters (Form 17A). The 3rd Polling Officer will be in- charge of the Control Unit of EVM. Where the number of voters assigned to a polling station is small, the duties of the Third Polling Officer can be performed by the Presiding Officer himself.

13.8.4 **Intensive hands-on training** should be given to the Presiding Officers and the Polling Officers so that they are fully conversant with their duties.

13.9 SEATING ARRANGEMENTS FOR PRESIDING OFFICER AND POLLING OFFICERS

13.9.1 Inside the polling station, the Presiding Officer should sit in such a place as from which he can observe the entire proceedings in the polling station. The Polling Officers should be so seated that an elector after entering the polling station straightway proceeds to

the 1st Polling Officer who is in charge of identification of electors and the marked copy of electoral roll, and from there to 2nd and then 3rd Polling Officer and finally to the Presiding Officer in a systematic manner. No crisscross movement of electors should be permitted.

13.10 ARRIVAL OF POLLING AGENTS

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

13.10.2 Though each candidate is entitled to appoint one more polling agent as relief polling agent, but at a given point of time both should not be allowed in polling station. Under no circumstances, the polling agent should be allowed to bring his/her copy of the electoral roll outside the polling station before the end of poll. Further, the polling agents may be allowed to go out of the polling stations even after 3.00 pm to attend the nature's call, etc. and come back inside the polling station. However, it may be ensured that only the polling agent or his/her substitute can be present inside the polling station at a time. The Presiding Officer shall brief the polling agents to remain present in the polling station till the voting is over to oversee the sealing procedure of EVMs and VVPATs and sign the declaration, etc.

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

Serial Number.....

ENTRY PASS OF POLLING AGENTS

AC Number and Name:

Polling Station No and Name:

Name of Candidate:

Name of Polling Agent:

Name of Relief Agents, if any:

Signature of the Presiding Officer

That polling agent or his/her relief agent shall display on his/her body during his presence in the polling station. Proper account of entry passes issued to polling agents will be kept by Presiding Officer in the following format:

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

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

6. Unused entry pass

Signature and seal of Presiding officer

13.10.4 Polling agents/relieving agent's movement sheet is to be provided to each polling station, in which each and every polling agent shall be required to sign, indicating the time of arrival at the polling station and time of departure.

13.10.5 Observer, Sector Magistrate, senior officers who visit the polling station during the course of poll shall also ensure that the aforesaid sheet is being properly maintained (Proforma given below):

POLLING AGENTS/RELIEVING AGENTS MOVEMENT SHEET

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

Signature of the Presiding Officer

13.10.6 Telephone nos. of ROs/AROs/Key Police Officers/ Sector Officers/ Control Rooms shall be displayed at all the polling stations so that if polling agents have any complaint they can establish contact to register it for immediate intervention.

[ECI No. 464/INST/2014-EPS dated 4th May, 2014]

13.11 SEATING ARRANGEMENTS FOR POLLING AGENTS

1311.1 Suitable seating arrangements should be made for polling agents when they attend the poll. Their seats should be so provided that they have adequate opportunity to identify the electors, see the entire operation at the Presiding Officer’s or the 3rd Polling Officer’s table where the Control Unit is kept, and also see the movement of the voter from the Presiding Officer’s or the 3rd Polling Officer’s table to the voting compartment and his/her exit after recording his vote on the Balloting Unit kept inside the voting compartment.

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

13.12 CHECKING BEFORE MOCK POLL

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

13.13 CHECKING OF BALLOTING UNIT

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

13.13.2 Where, however, more than one Balloting Units is to be used at a polling station, these Balloting Units have to be interconnected in the correct sequential order as explained in Chapter 12. In such a case, only the first Balloting Unit will be connected with the VVPAT unit.

13.13.3 However, the Presiding Officer should check that

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

13.14 CHECKING OF THE CONTROL UNIT

13.14.1 The Presiding Officer should be first asked to check that the seal put by the Returning Officer on the 'Candidate Set Section' on the Control Unit is intact.

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

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

Close the rear compartment after performing the functions at (i) and (ii) above. For the purpose of keeping it firmly closed, a piece of thin wire may be run through the two holes provided for the purpose and the ends of the wire may be screwed for a few turns. However,

the rear compartment is not to be sealed, as it will require to be opened again after the close of poll for switching off the 'Power' and disconnecting the VVPAT.

13.15 CHECKING OF VVPAT UNIT

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

13.16 VOTING COMPARTMENT

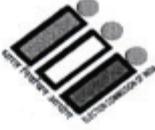
13.16.1 Voters have to cast their vote in secrecy and for this purpose; the Balloting Units and VVPAT are required to be kept in Voting Compartment. The Voting Compartment has three sides covered. The Balloting Unit(s) and VVPAT are to be placed inside the Voting Compartment on a Table. The Balloting Unit is to be placed in such a way that voters do not find any difficulty to record their votes. The VVPAT printer should be so placed that paper trail showing symbol of candidate to whom the elector has voted by pressing the button of choice candidate in BU, should be clearly visible to the voter, before the paper trails drops in the drop box of the VVPAT device. The connecting Cable, which is permanently attached to the VVPAT, has to come out from the back portion of the Voting Compartment through an aperture cut out at the bottom of back portion of the Voting Compartment. However, this aperture in the Voting Compartment should not be too wide as to violate the secrecy of voting.

ON ONE SIDE - FACING THE WEB CAMERA



Name of State/UT:
AC/PC Name:
AC/PC Number:
Date of Poll:
Polling Station Name:
Polling Station Number:

ON REMAINING TWO SIDES OF THE VOTING COMPARTMENT



भारत निर्वाचन आयोग
मतदान कम्पार्टमेंट

ELECTION COMMISSION OF INDIA
VOTING COMPARTMENT

While placing the Balloting Unit(s) and VVPAT in the voting compartment, it must be ensured without fail that secrecy of voting is not violated. VVPAT should be placed to the left side of the 1st Balloting Unit. It must be ensured that the voting compartment has been made of corrugated plastic sheet (flex-board) of steel grey colour (which is opaque and reusable). The Voting compartment has three folds and each fold is of the dimension 24"X24"X30" (Length X Width X Height) if one Balloting Unit is used. The height of the table on which the voting compartment is placed should be 30". If more than one BU is used in Poll, the Width of the voting compartment may be increased 12" for each additional Balloting Unit. It must be placed away from the window/door. The interconnecting cable of Balloting Unit/VVPAT should be so routed that it does not obstruct the movement of voters inside the polling station but the entire length of the cable should be visible and under no circumstances be concealed under the cloth or under the table. (ECI No. 51/8/7/2016-EMS dated 15th November, 2016)

13.16.2 Due to excessive light, provided closely above voting compartment through use of high

voltage incandescent bulbs / tube-light, there is a possibility of the optical sensors used in VVPAT getting affected, resulting VVPAT going in error mode. So, the following shall be maintained:

1. Proper electricity arrangements should be made at the polling stations.
2. High voltage incandescent bulbs/ tube-light should not be placed over or front of the voting compartment.
3. Voting Compartment should be placed in such a way that (i) sufficient light is available inside the voting compartment (ii) no direct lighting is placed over or in front of the voting compartment (iii) secrecy of voting is not violated (iv) voting compartment is not placed near the window/door.

13.17 MOCK POLL

13.17.1 Before commencing the mock poll, the Presiding Officer should place the Balloting Unit(s) and VVPAT inside the voting compartment. While placing the BU(s) and VVPAT in voting compartment, it must be ensured without fail, that secrecy of voting is not compromised.

13.17.2 The Presiding Officer shall start mock poll one hour before the commencement of poll. All contesting candidates should be informed in writing by Returning Officer well in advance that mock poll would start one hour before the commencement of poll and they should be advised to instruct their polling agents to be present on time for the mock poll. Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present, in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the mock poll certificate on this aspect. Mock poll is to be done for at least 50 votes and at least three votes for every unmasked button. For Mock Poll, the Balloting Unit(s) and VVPAT unit should be placed in the voting compartment and Control Unit and VSDU (Note that there is No VSDU in M3 VVPAT) on the table of the Presiding Officer/Polling Officer who will operate the Control Unit after being properly connected. One polling officer should be present in the voting compartment along with the polling agents to watch operations on the Balloting Unit(s) and the ballot slips printed by the VVPAT unit. This polling officer will keep a record of the votes cast.

13.17.3 With a view to satisfy himself/herself and the polling agents present that the EVM and VVPAT is in perfect working order and that no votes have already been recorded in the machines, the Presiding Officer should show to all present that all counts have been set to ZERO by pressing the 'Clear' button in the Result Section of the Control Unit. On

pressing this button, the display panels will show that the number of votes recorded for each candidate as ZERO.

13.17.4 **Conduct a mock poll:** The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. A total of at least 50 votes should be polled in the mock poll. In the case of absence of polling agents of any of the candidates, one of the Polling Officers or other polling agents may record the votes for such candidates. The Polling Officers present in the Voting Compartment should ensure that votes are recorded for each of the contesting candidates.

13.17.5 Press 'CLOSE' button on CU to end the Mock Poll. After the mock poll, Presiding Officer will ascertain the result of mock poll by pressing the 'RESULT' button of the CU. Count the VVPAT paper slips by taking out VVPAT paper slips from drop box in the presence of the polling agents and confirm that the result of CU and VVPAT paper slip count tally for each candidate.

13.17.6 Thereafter, all mock poll data in CU must be cleared by pressing 'CLEAR' button on CU and the empty drop box of VVPAT must be verified by the Polling Agents.

13.17.7 The mock poll VVPAT paper slips, should be stamped on their back side with rubber stamp having inscription "MOCK POLL SLIP", thereafter these mock poll VVPAT paper slips shall be kept in an envelope made of thick black paper and sealed with the seal of the Presiding Officer. The Presiding Officer and polling agents must put their signatures on the envelope. The number and name of the polling station, number and name of Assembly Constituency, date of poll and the words "VVPAT paper slips of Mock Poll" shall be written on the envelope. This envelope must be kept in the special plastic box for mock poll and sealed with a pink paper seal placed all around in such a manner that opening or the box will require breaking of the seal. The number and name of the polling station, number and name of Assembly Constituency and the date of poll shall be written on the plastic box. The Presiding Officer and Polling Agents must put their signatures on the pink paper seal and keep the box along with other documents relating to elections. Thereafter, Presiding Officer will sign the Mock Poll Certificate and seal the CU and VVPAT. The Presiding Officers shall mention the names of the Polling agents and the candidates (and their party affiliations), whom they represent and also obtain their signatures on the completion of mock poll on the certificate.

(ECI No 51/8/VVPAT/2017-EMS dated 16th October 2017 and 11.1.2018).

13.17.8 **The Presiding Officers shall ensure that the data of the mock poll is cleared from Control Unit (CU) by pressing 'CLEAR' button on CU before sealing, without fail. This is very critical step before start of Actual Poll.**

13.17.9 **SEALING OF EVM and VVPAT:** The sealing process is as below:

a. Switching the 'Power' switch on Control Unit to 'OFF' position.

- b. Fixing the green paper seal to secure the inner compartment of the Result Section. There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the Result Section of the Control Unit. The seal should be so fixed that its white surface is seen from the outer side. It requires practice and skill acquired during hands on training on operation of EVM. Before paper seal is inserted in the aperture, it should be signed in full on white side by the Presiding Officer and such candidate or polling agents as are desirous of it. If any seal gets damaged in the process, do not use it. Replace by another. Further do not throw the damaged paper seal as it is required to be kept in an envelope, then sealed and returned to RO after poll. Another important point is that the polling agents should be asked to note down the Serial No. of paper seal for their record. After fixing the paper seal, the door of the inner compartment should be closed. It should be closed in such a manner that the two open ends of the paper seal project outwards from the sides of the inner compartment.
- c. After the Green Paper Seal has been fixed and secured, the door of the inner compartment over the "CLEAR" Button and "RESULT" Button should be pressed fit and closed. Then the inner door should be sealed with the Special Tag. Before the Special Tag is used, the Presiding Officer is required to write the serial number of the Control Unit on the Special Tag and put his signature on the BACK SIDE of the Special Tag and also ask the candidates/polling agents present in the polling station at that time to put their signatures below his signature, if they so desire. He/ She will also read out the pre- printed serial number on the Special Tag and ask the candidates/polling agents present to note down that serial number. After the outer cover has been closed, the Result Section of CU should be sealed by (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover, (ii) putting a thread seal with the seal of the Presiding Officer, and (iii) attaching a label (common address tag) similar to the one which is attached to the Candidate Set Section at RO's level. The candidates or their polling agents should also be permitted to affix their signature/ seals, if they so desire, on the address tag along with the seal of the Presiding Officer.
- d. Sealing the Control Unit with the Outer Paper Strip seal: Next, after the inner compartment of Result Section of the Control Unit has been closed and sealed, the outer cover of the Result Section should be pressed fit for closing that Section. Before pressing the outer cover, the open ends of the green paper seal(s) will protrude from either side of the outer cover for securing by the outer Strip Seal. The result section should be sealed from outside completely with the Outer Strip Seal so that this section cannot be opened without damaging the strip seal. The outer strip seal, thus, provide additional security to green paper seals. The strip seal shall be positioned carefully just below the "close" button in such a way that if cap of close button is taken out, the strip seal is not torn.
- e. After the entire process of Mock Poll and sealing of CU, the Presiding Officer should ensure drop box of the VVPAT is empty and seal the drop box as instructed by the Commission.
- f. Now the machine is ready for taking poll. So, switch 'ON' the CU.

13.17.10 Immediately after conducting the mock poll, the Presiding Officer will sign Mock Poll certificate as given in **Annexure 30**.

(Refer ECI No. 51/8/VVPAT/2017-EMS dated 5.12.2017)

- 13.17.11 The Returning Officer through the Sector Officers and using the communication link with the polling station/mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non-confirmation of mock poll could be indicative of some problem on the part of Presiding Officer or the EVM and/or VVPAT needing immediate intervention of the RO.
- 13.17.12 After the completion of poll on the basis of mock poll certifications received from the Presiding Officers, the Returning Officer shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present. While doing scrutiny of papers after poll, such polling station will be given special attention. The Observers as well as zonal /sector magistrate shall give more attention to this aspect during their field visits to such polling stations.

13.18 MOCK POLL IN CASE OF REPLACEMENT OF EVM

- 13.18.1 In case the CU or the BU does not work properly during actual poll, replacement of the whole EVM including CU, BU and VVPAT is required. However, in such case only one vote to each contesting candidate including NOTA should be polled in the mock poll. (51/8/VVPAT/2017-EMS dated 11-01-2018)
- 13.18.2 After the mock poll, Presiding Officer will ascertain the result in the CU, count the VVPAT paper slips in the presence of the polling agents and confirm that the results tally for each candidate.
- 13.18.3 **All mock poll data in CU and VVPAT paper slips from VVPAT must be removed by the Presiding Officer and the empty drop box verified by the Polling Agents.**
- 13.18.4 The mock poll VVPAT paper slips, should be stamped on their back side with rubber stamp having inscription "MOCK POLL SLIP", thereafter these mock poll VVPAT paper slips shall be kept in an envelope made of thick black paper and sealed with the seal of the Presiding Officer.
- 13.18.5 The Presiding Officer and polling agents must put their signatures on the envelope. The number and name of the polling station, number and name of Assembly Constituency, date of poll and the words "VVPAT paper slips pertaining to Mock Poll conducted in case of replacement of whole set of EVM and VVPAT" shall be written on the envelope.
- 13.18.6 This envelope must be kept in the special plastic box for mock poll and sealed with a pink paper seal placed all around in such a manner that opening of the box will require breaking of the seal. The number and name of the polling station, number and name of Assembly Constituency and the date of poll shall be written on the plastic box.
- 13.18.7 The Presiding Officer and Polling Agents must put their signatures on the pink paper seal and keep the box along with other documents relating to elections. Thereafter,

Presiding Officer will sign another Mock Poll Certificate and seal the CU and VVPAT.

13.18.8 The drop box of VVPAT should be sealed with an address tag before the actual poll starts.

13.19 MOCK POLL IN CASE OF REPLACEMENT OF VVPAT

13.19.1 In case VVPAT does not work properly during actual poll, replacement of only VVPAT is required. In case of replacement of only VVPAT during actual poll, no mock poll will be conducted.

13.20 RECORDING POLL-START AND POLL-END DATE & TIME

13.20.1 The Presiding Officer, at the end of Mock Poll at the polling station, shall invariably check and note the date and time shown in the display of the Control Unit and also the actual date and time at that point of time as well as any discrepancy between the two, if any, in the Mock Poll certificate and also in Presiding Officer's Diary.

13.21 ACCOUNT OF PAPER SEAL

13.21.1 The Presiding Officer should keep a correct account of the green paper seals supplied to him for use at the polling station and the paper seals actually used by him for sealing and securing the control unit. Such account shall be maintained by him in the form specifically prescribed for the purpose vide Item 10 of Part I of Form 17C appended to the Conduct of Elections Rules, 1961.

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

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

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

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

13.23 DECLARATION BEFORE COMMENCEMENT OF THE POLL

13.23.1 In order to ensure that the Presiding Officer has duly carried out the foregoing instructions about the demonstration of the marked copy of the electoral roll and the Register of Voters and obtaining the signatures of the candidates/polling agents on the green paper seal and allowing

them to note down their serial numbers, which are necessary safeguards for ensuring free and fair election, he is required to read out a declaration prescribed by the Commission before the commencement of the poll. The Presiding Officer should read out the declaration aloud to the hearing of all people present in the polling station and sign the declaration. He should also obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. If any polling agent declines to affix his signature on the declaration, the Presiding Officer should record the name of such polling agent in that declaration.

13.24 WARNING ABOUT SECRECY OF VOTING

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

13.25 COMMENCEMENT OF THE POLL

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

13.26 PERSONS TO BE ADMITTED INSIDE THE POLLING STATION

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

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

13.26.2 In case of necessity, the Presiding Officer can demand for photo identity cards of contesting candidates bearing their photographs. Similarly, the election agents of the

candidates are required to produce their identity cards, i.e. the attested duplicate copy of their appointment letter. The attestation is made by the Returning Officer.

- 13.26.3 It should be noted that the expression ‘public servants on duty’ does not include Ministers, State Ministers and Deputy Ministers of Centre and States. According to the instructions of the Commission, they cannot be allowed to be appointed even as election agents or polling agents, as they have to be escorted by their security guards who cannot be allowed entry into the polling station. For the same reason, no person having security cover can be appointed Election/Polling /Counting Agent.
- 13.26.4 The above expression ‘public servant on duty’ also does not normally include police officers. Such officers whether in uniform or in plain clothes should not as a general rule be allowed to enter into a polling station, unless the Presiding Officer decides to call them inside in unavoidable circumstances for the maintenance of law and order or some similar purpose.
- 13.26.5 No security personnel accompanying any candidate, or any agent or any elector should be permitted to enter the polling station. Only security personnel of a Z+ protectee can enter a polling station in plain clothes and arms kept in concealed manner.
- 13.26.6 To keep a track of any person covered under (d) and (e) of Para 13.23.1 above, the Commission has directed that such persons like Commission’s observer, Sector or Zonal Magistrate, Commission’s micro-observer, any media personnel with due Media Pass issued by ECI, candidate or his election agent or Returning Officer or ARO or DEO or any other person shall sign a visitor sheet, each time they visit the polling station. After poll is over, this sheet will be, in a sealed cover handed over at Reception Centre after poll.

VISIT SHEET

Day of Poll:

Name and Number of Assembly:

Name and number of Polling station:

Number of electors:

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

Signature of the Presiding Officer with date

13.27 REGULATION OF ENTRY OF VOTERS

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

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

13.27.3 Wearables like caps, shawls etc. with political party's name, symbol or slogan are not allowed inside the polling stations on the poll day. However, plain cap without any symbol or slogan is not prohibited.

[Instruction no. 464/INST/2014-EPS dated 09.04.2014].

13.27.4 As per the Commission's instructions the Presiding Officers are permitted to carry their mobile phones in switch off mode. The Commission has also directed that the Micro Observers wherever posted in a polling station can also carry their mobile phones keeping them in silent mode. The contact number of the control room should be duly registered in their mobile phones so that in case of any need the Micro Observers can contact the control room after coming out of the polling station so that their conversation does not affect the proceedings of the polling station.

[Instruction no. 464/INST/2014-EPS dated 06.05.2014]

13.28 FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS

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

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

13.29 IDENTIFICATION OF ELECTORS

- 13.29.1 The electors are required to produce the Electoral Photo Identity Card (EPIC) or alternative photo identity document to establish their identity. Those electors who have not been issued with the identity card, or those of them who are unable to produce the identity card for any reasons should produce one of the alternative documents of identification specifically permitted by the Commission. The Commission issues orders in this behalf at the time of every election. Returning Officer must refer to the order issued by the Commission and bring it to the notice of all Presiding Officers and give a copy of the order during training and also inform the contesting candidates, political parties, etc. Wide publicity by print and electronic media may also be done for the information of electors.
- 13.29.2 For compulsory identification of electors through EPIC or alternative identification documents, the polling officer in-charge of identification must satisfy himself about the identity of the elector after examining the EPIC or the alternative documents, as the case may be, and in case of any doubt the elector should be directed to present himself before the Presiding Officer who should make a further enquiry to satisfy himself about the identity of the elector. The Presiding Officer should hand over the person to the police with a written complaint in case he is proved to be an impersonator.
- 13.29.3 As a measure to prevent bogus voting, the Commission has directed that the DEO shall get prepared, using BLOs and such other officials as considered necessary, separate lists of absentee voters, shifted electors with family linkage and shifted electors without family linkage. If any electors whose name also figures in such list, then his identity shall be very thoroughly verified by the Presiding Officer and after getting satisfied, the photo of such elector will be taken by camera person, if posted at that polling station. The Presiding Officer shall maintain an account of such voters separately.
- 13.29.4 It may also be made clear that those who have been issued EPIC will be required to produce EPIC only and no other document to establish their identities. There may be some cases, where the photo roll to be used at the polling station may not contain the photo of a particular elector. Also, there may be stray cases of photo mismatch. The production of EPIC or alternate documents with photographs will in such cases help the Presiding Officer to establish the identities of the electors concerned.
- 13.29.5 It should be noted that for identification of the elector the Presiding Officer and his team of Polling Officers would only rely on the EPIC, the alternative documents prescribed by the Commission for the purpose and no other document. Though, Sub-rule (1) of Rule 49H permits a Presiding Officer to employ at the polling station such persons as he thinks fit to help in the identification of electors or to assist him otherwise in taking the poll, in view of the Commission's directions on use of EPIC for identification, the

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

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

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

13.30 SEQUENCE OF EVENTS INSIDE THE POLLING STATION

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

- A. When an elector enters the polling station, he will first go to 1st Polling officer, who shall
- (i) First, check whether his/her name is in the electoral roll being used for the poll
 - (ii) Then check for his/her EPIC or other identity document prescribed by the Commission at the time of voting. The identity of the overseas voters has to be verified by checking the particulars in their original passports only.
 - (iii) Read out aloud the name and Sl. No. of the elector so that the polling agents may note down in their copy of electoral roll. Having established the elector's identity put a cross the box containing the name and particulars in the electoral roll. In the case of woman elector, the serial number should be circles so as to help count the number of woman voters.
- B. Then elector will move to 2nd Polling Officer who will:
- (i) Note down the serial number in electoral roll of that elector as it is read out aloud by 1st Polling Officer.
 - (ii) The indelible ink will be applied on voter's left-hand forefinger as a line with the help of brush from the top end of the nail to the bottom of the first joint of the left forefinger. If any elector refuses to allow his left forefinger to be inspected or marked with indelible ink or he has already such a mark on his left forefinger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote. After the ink has been duly applied, then
 - (iii) Obtain elector's signature or thumb impression in the relevant column of Register of voters in Form 17 A. In column (3) of Form 17A (Register of Voters) the last four digits of

the Identification document should be mentioned. In case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), respectively is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the last four digits of the document shall have to be written and the type of document produced should also be mentioned therein. The signature/thumb impression of the voter shall be obtained by the second Polling Officer in column (4) of that register.

(ECI No. 3/4/ID/2014/SDR-Vol. I dated 02.04.2014)

(iv) Prepare a voter's slip (para12.91) filling all required particulars.

C. Thereafter, the elector will move to 3rd Polling Officer or Presiding Officer, who is in charge of Control Unit:

(i) He will first recheck that the indelible mark is clear on the finger of the elector. If it is found that it is not clear or has been wiped off then, apply once again.

(ii) Thereafter, he/she will take voters slip and allow the voter to go to voting compartment so that he may cast vote. For this, he/she will press "Ballot" button of the Control Unit. The voter shall be allowed to vote exactly in the same sequence in which, his/her details have been recorded in Register of Voters (Form 17A).

D. The voter shall record his/her vote. The voter shall be able to view through the transparent window of the VVPAT, the printed paper slip showing the serial number, name and the symbol of the candidate to whom he/she has cast his/her vote before such slips gets cut and drops in drop box of the VVPAT. After seeing VVPAT paper slip, the voter shall immediately leave the voting compartment.

E. Before leaving, a polling staff posted in polling station once again may check for indelible ink mark on voter finger.

13.31 CHALLENGED VOTES

13.31.1 The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs.2 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall handover such person to the police with a written complaint. All such complaints to the Police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.

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

13.32 APPLICATION OF INDELIBLE INK

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

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

13.33.1 Under Rule 49-L, before an elector is permitted to record his/her vote in the voting machine, his/her electoral roll number as entered in the marked copy of the electoral roll shall be recorded in the Register of Voters (Form 17A).

13.33.2 The signature or thumb impression of every elector must be obtained in the fourth column of the Register of Voters against the entry made in that register relating to him/her by 2nd Polling Officer. If any elector refuses to put his/her signature or his/her thumb impression on the Register of Voters, he/she shall not be allowed to vote. An entry shall be made in the Remarks column "Refused to sign".

13.33.3 In the third column of the Register particulars of the documents produced by the voter is to be mentioned. In the case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the instructions to note down the last four digits of the document shall continue to apply. The type of the document produced should also be mentioned therein.

(ECI No 3/4/ID/2014/SDR Vol 2 dated 2nd April, 2014)

13.33.4 The Observers/Zonal/Sector magistrate etc. during their field visit shall give special attention to this aspect.

13.34 MEANING OF SIGNATURE

13.34.1 A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person while signing on the Register of Voters will sign using his/her name or initials. In case where a literate person refuses to sign his/her name and put a mark as his/her signature, then his thumb impression should be taken. If he refuses to give his/her thumb impression

also, then he/she shall not be allowed to vote.

13.35 MEANING OF THUMB IMPRESSION

13.35 1 In conformity with Rule 49K (4) of Conduct of Elections Rules, 1961, if the left thumb of the voter is missing, then the impression of the right thumb should be taken. If both thumbs are missing the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of one of the fingers of the right hand starting from the forefinger should be taken. If no fingers are available, the voter being unable to record his vote will necessarily have to seek assistance of a companion under Rule 49N of the said rules. In that case the signature or thumb impression of the companion should be taken on the Register of Voters and in Form 14A. A tendency to obtain thumb impression of the literate voters with a view to enhance voting pace, has been seen in a number of cases. This is not acceptable and must be discouraged. The Returning Officer/Observer & Sector Magistrate etc. must check it during their visit to polling station.

13.36 ISSUE OF VOTERS' SLIPS

13.36.1 After the electoral roll number of an elector has been entered in the Register of Voters and his signature/thumb impression obtained on that Register, the Second Polling Officer should prepare the voter's slip for that elector, which is a small slip containing the details.

13.36.2 The elector will go to the Presiding Officer or Polling Officer in-charge of the Control Unit of the voting machine with this voter's slip who will allow him/her to vote only on the basis of such voter's slip.

13.36.3 It is absolutely essential that the voters record their votes in the voting machine in exactly the same order in which they have been entered in the Registers of Voters. Presiding Officer or third Polling Officer in-charge of Control Unit should therefore, allow a voter to proceed to the voting compartment strictly according to the serial number mentioned in the voter's slip.

13.36.4 If due to any exceptional circumstance or unforeseen or unavoidable reason, it has not been possible to follow the exact serial order in respect of any elector, a suitable entry showing the exact serial number at which he has voted should be recorded in the remark's column of the Register of Voters against the person concerned. Similar entries should also be made in respect of the subsequent voters whose serial order has been disturbed thereby.

13.37 RECORDING OF VOTE BY ELECTOR IN THE VOTING COMPARTMENT

13.37.1 After all procedural requirements relating to identification of a voter, application of indelible ink on his left forefinger, obtaining his signature/thumb impression on the Register of Voters and verification of the voter's slip by the Presiding Officer or polling

officer in-charge of Control Unit have been completed, the voter concerned shall be directed to go to the voting compartment where the Balloting Unit(s) and VVPAT are kept for recording the vote. For that purpose, the 'Ballot' button on the Control Unit shall be pressed by the Presiding Officer or the third polling officer in-charge of that unit which would make the Balloting Unit kept in the voting compartment ready for recording his vote. On the 'Ballot' button being pressed, the 'Busy' lamp in the Control Unit will glow Red and simultaneously the 'Ready' lamp on the Balloting Unit in the voting compartment will also start glowing Green.

13.37.2 The voter will record his/her vote by pressing the button provided against the name, photograph and symbol of the candidate of his choice. When he/she presses that button, the lamp provided on the Balloting Unit against the name, photograph and symbol of that candidate will start glowing 'red' and the 'green' light on the Balloting Unit will go off. Also, a beep sound will be heard emitting out from the Control Unit. While casting the vote the elector shall be able to view through the transparent window of the VVPAT that the paper slip showing the serial number, name and the symbol of the candidate for whom he/she has cast his/her vote before such slips gets cut and drop in the drop box of the VVPAT. After a few seconds, the beep sound and the red light in the candidate's lamp on the Balloting Unit and the red light in the 'Busy' lamp on the Control Unit will also go off. These visual and audio signs are indicative of the fact that the voter inside the voting compartment has recorded his vote. He/She should then come out of the voting compartment and leave the polling station.

13.73.3 The above procedure will be repeated each time a new voter is to be allowed to record his vote. It should be ensured that only one voter goes at a time inside the voting compartment to vote. It should also be ensured that the ballot button on the Control Unit is pressed only when the earlier voter has come out of the voting compartment.

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

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

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

13.39 TALLYING OF NUMBER OF VOTES POLLED PERIODICALLY

13.39.1 At any time, if the total number of votes polled up to that time has to be ascertained, the 'Total' button on the Control Unit should be pressed. The display panel on the Control Unit will then show the total number of votes polled till that time. This should be periodically done and tallied with the number of voters allowed to vote up to that time as reflected in the Register of Voters. In any event, the Presiding Officer must ascertain and tally the number of votes polled during every two-hour interval and record the number of votes polled in the relevant columns in the Presiding Officer's diary.

13.40 MAINTENANCE OF SECRECY OF VOTING

13.40.1 Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He/ She should strictly observe the voting procedure mentioned above. If he/she refuses even after warning given by the Presiding Officer to observe the voting procedure, such an elector shall not be allowed to vote by the Presiding Officer or a polling officer under the direction of the Presiding Officer. If the elector has already been issued the voter's slip, such slip should be taken from him/her and cancelled.

13.40.2 Where an elector is not allowed to vote for violation of voting procedure, a remark to the effect that voting procedure has been violated shall be made by the Presiding Officer in the remark's column in the Register of Voters (Form 17A) against the entry relating to that elector in that Register. The Presiding Officer shall also put his/her full signature below that entry. It shall however not be necessary to make any change in the serial number of that elector or of any succeeding elector in column 1 of the Register of Voters.

13.41 VOTING BY BLIND & INFIRM VOTERS AND PROXY VOTERS

13.41.1 If the Presiding Officer is satisfied that owing to blindness or other infirmity, an elector is unable to recognize the symbol on the Balloting Unit or unable to record his/her vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit that elector under Rule 49N to take with him/her a companion who is not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his/her wishes.

Infirm voters who are capable of voting by himself/ herself by pressing the button of the candidate of his/her choice on the balloting unit of EVM shall be permitted

authorized companion only up to Voting Compartment in the Polling Station, but not inside the Voting Compartment. This will apply in cases where the nature of physical infirmity is such that the elector needs assistance only for his/her movement and not for voting. The Presiding Officer has to take decision in such cases.

13.41.2 The EVMs has a Braille signage on the extreme right side of the Balloting Unit indicating the serial number of the candidate. A dummy ballot paper showing the name of the candidates, their political affiliations and the serial numbers will be supplied to the polling stations depending on the requirement of the same felt by the Commission. In such cases, the Presiding Officer will, on the request of the visually handicapped voter, hand over to him/her the dummy ballot sheet to enable him/her to note down the serial number of the candidate of his/her choice so that he/she can cast the vote on his/her own with the help of Braille signage without depending on the companion. The dummy ballot paper will be returned to the Presiding Officer for subsequent use by similar visually handicapped voters. At the end of the poll the dummy ballot paper will be deposited with the collection centre along with other polling materials.

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

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

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

13.41.4 Before any person is permitted to act as the companion of the elector, he/she shall be required to declare that he/she will keep the vote recorded by him/her on behalf of the elector secret and that he/she has not already acted as the companion of any other elector at any other polling station on that day. The Presiding Officer shall obtain the declaration from the companion in the form prescribed by the Commission for the purpose.

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

keep a record of all such cases in Form 14A.

(ECI No 4/MISC/ECI/LET/FUNC/JUD/SDR dated 23rd October, 2017)

13.41.6 While Scrutinizing of various documents such as the Form 17A, Presiding Officers Diaries etc., by the Observer and Returning Officer on the day following the day of poll, form 14 A shall also be scrutinized to see whether there is unusually larger number of cases of companions accompanying the electors in recording votes in any Polling Station, which may create suspicion about the fairness of poll.

13.42 VOTING BY PROXY VOTERS

13.42.1 The proxy will record the vote on behalf of the CSVs at the polling station to which the CSV is assigned. This will be the polling station assigned for the area where the home address of the service voter concerned falls. The proxy will vote in the same manner as any other elector assigned to that polling station. It may be noted that in the case of proxy, marking of the indelible ink under Rule 37 will be done on the middle finger of the left hand of the proxy. The proxy will be entitled to vote on behalf of the CSV in addition to the vote that he may cast in his own name if he is a registered elector in the constituency, at the polling station to which he/she has been normally assigned.

13.43 ELECTORS DECIDING NOT TO VOTE

13.43.1 If an elector, after his/her electoral roll number has been duly entered in the Register of Voters (Form 17A) and he/she has put his/her signature/thumb impression on that register, decides not to record his/her vote, he/she shall not be forced or compelled to record his/her vote. A remark to the effect that he/she has decided not to record his/her vote shall be made in the remarks column against the entry relating to him/her in the Register of Voters by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark under Rule 490 of the Conduct of Election Rules, 1961. It shall, however, not be necessary to make any change in the serial number of the elector or of the succeeding electors in column 1 of the Register of Voters.

13.44 TENDERED VOTES

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

13.44.2 Under Rule 49P of the said Rules, a tendered ballot paper shall be of such design and particulars thereon shall be in such language or languages as the Election Commission

may specify. The Election Commission has specified under that rule that the tendered ballot paper shall be of the same design as the ballot paper, which shall be used for display on the Balloting Unit of the voting machine at the polling station. The words 'tendered ballot paper' will be stamped on its reverse side.

- 13.44.3 Returning Officer should, therefore, provide to each polling station twenty (20) ballot papers, which he/she has got printed, for use in the Balloting Units of voting machines to be used as tendered ballot papers. In case it becomes necessary to supply any additional ballot papers to any polling station for the above purpose, the same should be arranged to be supplied to the Presiding Officer of the polling station concerned on demand through the zonal officer in-charge of that polling station.
- 13.44.4 The Presiding Officer shall keep a correct account of all ballot papers (i) received by him/her for use as tendered ballot papers, (ii) issued as such to electors, and (iii) not used and returned to R.O., in Item 9 of Part I of Form 17C.
- 13.44.5 The Presiding Officer shall also maintain the record of the tendered ballot papers issued to electors in Form 17B. He/ She shall also obtain the signature or thumb impression of the elector in column 5 of that Form before delivering a tendered ballot paper to him/her.
- 13.44.6 On receiving the tendered ballot paper, the elector concerned will mark his/her vote thereon in the voting compartment by placing a cross mark 'X' on or near the symbol of the candidate for whom he/she intends to vote. He/ She should put the cross mark by means of the arrow cross mark rubber stamp which is used for marking ballot papers where the conventional system of ballot papers and ballot boxes is used.
- 13.44.7 If owing to blindness or infirmity such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion in accordance with the procedure mentioned above.
- 13.44.8 The tendered ballot paper, after the vote has been cast, will be sealed in an envelope superscribed 'Tendered Ballot Paper' and will be handed over the Collection Centre.

13.45 PRESIDING OFFICER'S ENTRY IN THE VOTING COMPARTMENT

- 13.45.1 Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the Balloting Unit kept in the screened voting compartment is not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with BU/VVPAT or has remained inside the voting compartment for unduly long period. The Presiding Officer has a right under Rule 49Q of the said Rules to enter the voting compartment in such cases and to take such steps as may be considered necessary by him/her to ensure that the Balloting Unit is not tampered or interfered with in any way and that the poll progresses smoothly and in an orderly manner.
- 13.45.2 Whenever the Presiding Officer enters the voting compartment, he/she should permit

the polling agents present to accompany him/her if they so desire.

13.46 MAINTENANCE OF DIARY BY PRESIDING OFFICER

- 13.46.1 The Presiding Officer of every polling station should be asked to maintain a diary in which he should record the proceedings connected with the poll in the polling station. He should be asked to go on recording the relevant events in the diary as and when they occur. Format of this diary is given in Handbook for Presiding Officers.
- 13.46.2 All Presiding Officers Diaries should be serially numbered and such serial numbers on those diaries should be given by numbering machines and not by hand. The Presiding Officers must record their observations in such machine numbered diaries and not in any other diary. Proper account must be maintained of every diary supplied to a Presiding Officer.
- 13.46.3 It has been observed in many cases that the Presiding Officers do not make the entries in the relevant columns of the diary at regular intervals or from time to time as envisaged and fill in all entries and complete the diary at the end of the poll. This is highly objectionable and it should be impressed upon all Presiding Officers that any lapse on their part in the proper maintenance of diary at all points of time during the process of poll will be seriously viewed. The Observers / Zonal/Sector magistrate etc. during their field visit shall give special attention to this aspect.
- 13.46.4 In addition to Presiding Officer diary, Presiding Officer will be required to submit additional inputs report. Format is available in Handbook for Presiding Officers.

13.47 MIRO-OBSERVERS

- 13.47.1 The Commission, in view of limited availability of central police forces, has decided to appoint and deploy micro observers at a polling station or group of polling stations, which are rated sensitive. The micro- observer will be an official from central Govt offices or central Govt PSUs. Please refer to Commission's instructions in this regard. They are required to give their reports in **Annexure 31** to Commission's observers only.

13.48 CLOSE OF POLL

- 13.48.1 The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat later than the hour appointed for the commencement of poll. However, all electors present at the polling station at the hour appointed for the close of poll should be permitted to cast their vote even if the poll has to be continued for some time beyond the appointed closing hour. For this, the Presiding Officer should distribute pre-numbered slips to all electors standing in queue, starting from the last person in queue at the prescribed time for end of polling.
- 13.48.2 For closing the poll after the last voter has recorded his vote, the voting machine has to be closed so that no further recording of votes in the machine is possible. For that

purpose, the Presiding Officer should press the 'Close' button on the Control Unit. When the close button is pressed, display panels on the Control Unit will show the total number of votes recorded in the voting machine till the end of the poll (but not the candidate-wise tally). The total number of votes recorded in the machine should be immediately noted in Item 6 of Part I of Form 17C.

13.48.3 Once the close button is pressed, the voting machine will not accept any further votes. The Presiding Officer should therefore be extremely cautious and absolutely certain before pressing the close button that no elector who was present at the time fixed for the close of poll remains to vote.

13.48.4 The Commission has recently directed that after all electors have cast their votes and no one is left, then the Presiding Officer shall put a red line after entry of last voter sign on Register 17A giving date and time. All polling agents may also be allowed to put their signature if they desire so. Before that they should ensure that "CLOSE" button on CU is pressed.

13.49 PREPARATION OF ACCOUNT OF VOTES RECORDED

13.49.1 After the close of poll, the Presiding Officer is required to prepare under Rule 49S, an account of votes recorded in the voting machine. Such account shall be prepared in Part I of Form 17C. This should be prepared in duplicate.

13.49.2 The account of votes recorded in Form 17C should be kept by the Presiding Officer in a separate sealed cover with the words 'Account of Votes Recorded' super-subscribed thereon. Another copy of it shall be given in another envelope not sealed at reception centre.

13.50 SUPPLY OF ATTESTED COPIES OF ACCOUNT OF VOTES RECORDED

13.50.1 Under the said Rule 49S, every Presiding Officer is also required to furnish to every polling agent present at the close of the poll, a true attested copy of the account of votes recorded as prepared by him/her in Form 17C, after obtaining a receipt from those polling agents. As such, the Presiding Officer should be asked to prepare such number of additional copies as the number of polling agents present in the polling station. Copies of the accounts should be furnished to every polling agent present even without his/her asking for it.

13.51 DECLARATION TO BE MADE AT THE CLOSE OF POLL

13.51.1 In order to ensure that abovementioned requirements of Rule 49S regarding furnishing of copies of account of votes recorded by polling agents are fulfilled by the Presiding Officer, the Commission has devised a declaration, which should be made by the Presiding Officer at the close of poll.

13.52 SEALING OF EVM AND VVPAT AFTER THE CLOSE OF POLL

- 13.52.1 After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, EVM and VVPAT should be sealed and secured for transportation to the counting/collection centre.
- 13.52.2 For sealing and securing EVM and VVPAT, the power switch in the Control Unit should be switched 'OFF' and then Balloting Unit(s) and VVPAT should be disconnected. The Balloting Unit(s), the Control Unit and VVPAT should be put back in their respective carrying cases. The carrying cases of BU(s), CU and VVPAT should then be sealed by passing a thread through the two holes provided for the purpose on both sides of the carrying cases and putting thread seal with the Presiding Officer's seal on common address tag showing the particulars of the election and the polling station. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.
- 13.52.3 The names of the candidates/polling agents who have affixed their seals on the carrying cases of the Balloting Unit(s), Control Unit and VVPAT should also be noted by the Presiding Officer in the declaration which he/she makes at the close of the poll. The format of declaration is given in **Handbook for Presiding Officers**.

13.53 SEALING OF ELECTION PAPERS

- 13.53.1 After the close of poll, all election papers relating to the poll should be sealed by the Presiding Officer in accordance with the provisions of Rule 49U.
- 13.53.2 Each packet containing election papers shall be sealed with the seal of the Presiding Officer. The candidates or their agents present at the polling station shall also be allowed to affix their seals on such packets if they so desire.

13.54 TRANSMISSION OF ELECTION MATERIALS TO COLLECTION CENTRE

- 13.54.1 After the EVMs and VVPATs and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as R.O. may direct.
- 13.54.2 R.O. should make proper arrangements for the safe transportation and custody of EVMs and VVPATs and other election papers and materials after the close of the poll from the polling stations to the storage centre, where the EVMs and VVPATs and election papers will be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed: -
- a) It will be desirable to have a storage centre at the place fixed for counting of votes. This arrangement would ensure that the sealed EVM and VVPAT are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of voting machines. Proper planning should be done for receipt

of EVM, VVPAT and other election papers/materials efficiently and without any chaos.

b) Returning Officer should inform the candidates or their election agents sufficiently in advance about the program of the collecting parties being sent by him/her, if any, and the route chart for the collection of EVM and VVPAT and other election materials from the polling station after the conclusion of the poll, so that the candidates may make arrangements, if they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and they, in no case, should be allowed to travel in the same vehicles in which EVM and VVPAT and other election materials and polling parties are transported.

13.54.3 Please follow the detailed instructions issued by the Commission on management of Reception Centres. Sufficient number of counters should be opened and polling station numbers should be so distributed that at any time neither one counter should be crowded nor any counter free. However, for the polling stations where mock poll was held without any party candidate or where complaint of a serious nature was received during day etc., a special counter should be opened. The observer and RO should be present there.

13.55 SAFE CUSTODY OF EVM AND VVPAT AFTER POLL

13.55.1 All Presiding Officers or the Collecting Parties should deposit EVMs and VVPATs and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make himself/ herself liable to disciplinary action.

13.55.2 Returning Officer may earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking EVMs and VVPATs received from particular polling stations. The arrangement for this should follow the serial number of polling stations.

13.55.3 All Balloting Unit(s), Control Unit and VVPAT received from one polling station must invariably be kept together at one place on the same square. The Control Unit should be kept on top of the Balloting Unit(s). One copy of the part I of Form-17 C, as filed by the concerned Presiding Officer of each polling station should be kept on top of the Control Unit pertaining to the polling station. Sealed envelope containing the declarations made by the Presiding Officers before the start of the poll and at the end of the poll should also be kept in the strong room with polled EVMs. The duplicate copy of the account of votes recorded and the paper seal account should be kept under Returning Officer's safe custody along with the Presiding Officers Diary and other records like Register of Voters(17A), reports of Sector/Zonal magistrates, Additional inputs provided by the Presiding Officer (refer ECI instruction in this regard) etc. Under no circumstance, these papers/records should be put in strong room where polled EVMs are kept.

13.55.4 Sufficient space should be left between rows of voting machines as they are being

stacked so that other machines received subsequently out of turn (from the point of view of serial numbers of the polling stations) may be kept at their appropriate allotted space without the necessity of having to shift any of the voting machines received and stacked in earlier point of time.

13.55.5 If any of the contesting candidates so desires, he may be permitted to post an agent to keep watch at the place where the voting machines are stored before the counting and allow him to affix his/her own seals to the doors and windows of the building in which voting machines have been stored in addition to the seals that may be affixed by Returning Officer. It should also be ensured that immediately after all the voting machines have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval, for some unavoidable reason, the room has to be opened, Returning Officer should send for the candidates or their authorized representatives by giving them advance intimation in writing and open the room in their presence and immediately after the purpose for which the room is opened is over, the candidates or their representatives should again be allowed to put their seal on the door lock and windows.

13.55.6 Whenever it is necessary to open the room in which the voting machines are stored, proper entries should be made in the logbook giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of the guards, etc.

13.55.7 These instructions will also apply mutatis mutandis to the storage of the voting machines during the interval between the original count and the recount, if any.

13.56 SAFE CUSTODY OF METAL SEALS, RUBBER STAMPS ETC.

13.56.1 According to the instructions issued by the Commission, (1) the metal seal of the Presiding Officer and (2) the arrow cross mark rubber stamp for marking the tendered ballot papers used at the polling station will be put by the Presiding Officer inside the second bigger envelope containing non- statutory items. Before placing them inside the bigger envelope, these items of election materials should be first put inside separate envelopes on the outside of which the names of the articles should be super scribed and Returning Officer should arrange to collect the packets containing these articles and deliver them as soon as may be practicable after the poll to the District Election Officer for safe custody. These articles after they are returned by the Presiding Officers and duly accounted for can be used at any subsequent election, if still serviceable.

13.57 ALLEGATION AGAINST POLLING STAFF

13.57.1 Whenever specific allegations of a serious nature are made in writing against the Presiding Officer or the polling staff about his/her conduct during polling at an election, Returning Officer should inquire into the matter as soon as practicable and send the papers together with his/her report to the Chief Electoral Officer and the Commission. Where, however, the complaint is anonymous, Returning Officer should exercise his/

her discretion in deciding whether it deserves to be inquired into or not.

13.58 RETURNING OFFICER TO BE IN HEADQUARTERS ON POLL DAY

13.58.1 Returning Officer or Assistant Returning Officer should be available on the polling day at a definite place in the constituency or as near the constituency as possible. The Election Commission, Chief Electoral Officer, Observers, candidates, Presiding Officers and zonal officers should know where Returning Officer will be available either on Land Phone or mobile phone for contact and instructions as and when necessary.

13.59 DEATH OF A CANDIDATE BEFORE POLL

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

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

13.59.2 Returning Officer, on being satisfied about the fact of the death of the candidate, should order the adjournment of the poll to a date to be notified later by the Election Commission. Returning Officer should immediately report the fact to the Commission and to the appropriate authority, i.e., the Government of India in the Ministry of Law, Justice and Company Affairs in the case of election to the House of the People, and the Government of the State in the case of Election to the Legislative Assembly of the State.

13.59.3 In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll should be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by a recognized political party only if all the requirements mentioned in para 13 of the Election symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A' and 'B' by the time of the death of the candidate the candidate shall not be deemed to have been set up by a recognized political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation

by 3.00 p.m. of the day (as required under Para 13 of the Symbols Order) cannot be accepted.

13.59.4 Another important point to note in this connection is that recognized political party, for the purpose of Section 52 of Representation of the people Act, 1951, means a recognized National party or party recognized as a state party in the State concerned. A party recognized as a State party in a particular state will be treated only as a registered un- recognized party in other states where it is not recognized as State party even if that party has been granted concession under Para 10 of the Symbol Order to use its symbol in other states. Therefore, poll will not be adjourned on the death of candidate set up by such a party in such other state.

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

13.59.6 A person who had given a notice of withdrawal of his/her candidature under subsection (1) of Section 37 of the RP Act, 1951 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.

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

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

13.60 ADJOURNMENT OF POLL

13.60.1 Under section 57(1) of the Representation of the People Act, 1951, the Presiding Officer of a polling station is empowered to adjourn the poll on account of

- i) a natural calamity like flood, heavy snowfall, a severe storm and the like, or
- ii) non-receipt or loss or damage to essential polling materials like EVMs, ballot boxes, ballot papers, authentic copy of electoral roll and the like, or

- iii) disturbance of peace at the polling station making it impossible to take the poll; or
- iv) non-arrival of the polling party at the polling station due to obstruction on the way or any other serious difficulty, or
- v) any other sufficient cause.

13.60.2 Whenever the poll is adjourned at any polling station, the Presiding Officer is required to report it to the Returning Officer who shall forthwith report the matter to the Commission for further directions.

13.61 PROCEDURE FOR COMPLETING THE ADJOURNED POLL

13.61.1 For completing the adjourned poll, Returning Officer shall:

- i) report the circumstance immediately to the Election Commission, the Chief Electoral Officer and the appropriate authority, (The appropriate authority has been defined in Section 2 of the Representation of the People Act, 1951, to mean, in relation to an election to either House of Parliament, the Central Government and in relation to an election to the Legislative Assembly or Legislative Council of a State, the State Government. It is an obligation cast by law upon Returning Officer to report the circumstances of the case to the appropriate authority and the Election Commission.);
- ii) seek the approval of the Election Commission of the date, hours and place, which Returning Officer propose for holding the adjourned poll;
- iii) formally fix the date, hours and polling station as approved by the ECI;
- iv) inform the contesting candidates or their election agents accordingly in writing, but only after the receipt of the Commission's formal approval;
- v) affix a notice on his/her notice board notifying the date, hours and the polling station so fixed.
- vi) announce by beat of drum or otherwise in the polling area concerned the date, hours, and the polling station so fixed.

13.61.2 For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said Section 57(2), the Commission has prescribed a format of such report (**Annexure 44**). Returning Officer should send a consolidated report in that format in respect of all the polling stations where the poll has been adjourned. The Commission will not accept any piece-meal reports in this behalf.

[N.B. While suggesting the hours for holding an adjourned poll in the particular polling station, Returning Officer may propose any period sufficient for completing the poll being conducted Section 57(2) is independent of Section 56 and it is, therefore, not necessary when fixing the hours for the adjourned poll to deduct the hours during which the poll had already taken place before the adjournment.]

13.61.3 Where the poll has been adjourned at a polling station under the provisions of Sub-section (1) of section 57, the adjourned poll will recommence from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. Returning Officer should provide the Presiding Officer of the polling station, at which such adjourned poll is taken, with the sealed packets containing the marked copy of the electoral roll and the Register of Voters in Form 17A and a new EVM and VVPAT. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and the Register of Voters should be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy of the electoral roll and the Register of Voters should be used for adjourned poll.

13.61.4 The provisions of Rules 28 and 49A to 49V of the Conduct of Election Rules, 1961 will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

13.61.5 Where the poll could not be commenced due to non-arrival of the polling party or other reasons, the provisions of abovementioned rules will apply to every such adjourned poll as they apply to the original poll. Where the poll could not commence within two hours from the scheduled time due to malfunctioning of EVM or any other reason, adjourned poll should be recommended to the Commission.

13.62 PROCEDURE FOR HOLDING FRESH POLL

13.62.1 Under Section 58 of the Representation of the People Act, 1951, the Election Commission is competent to declare the poll at a polling station to be void, if at that polling station:

(i) any EVM and/or VVPAT has been unlawfully taken away by an unauthorized person,
or

(ii) any EVM and VVPAT has been accidentally or intentionally destroyed or lost or damaged or tampered with and Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason, or

(iii) any EVM and VVPAT develops a mechanical failure during the course of the recording of votes, or

(iv) any error or irregularity in procedure as is likely to vitiate the poll has been committed.

13.62.2 Returning Officer should report the facts forthwith to the Election Commission and the Chief Electoral Officer. For the sake of convenience, uniformity and completeness of the report to be sent to the Commission under the said Section 58(1) of the R.P. Act, 1951, the Commission has prescribed a format of such report (**Annexure 45**). Returning Officer should send a consolidated report in that format in respect of all the polling

stations where the poll has been vitiated. The Commission will not accept piecemeal reports in this behalf.

13.62.3 After considering all the material circumstances, the Commission will, if necessary

i) declare the poll at the polling station to be void; and

ii) formally fix the date and hours for a fresh poll.

13.62.4 On receiving intimation from the Commission, Returning Officer should inform in writing the contesting candidates or their election agents of the date, time and place fixed for the fresh poll and affix a notice on his/her notice board, notifying the date and hours so fixed. Also, Returning Officer should announce by beat of drum or otherwise in the polling area concerned about the place, date and hours so fixed.

13.62.5 All electors entitled to vote at the polling station or stations in question will be entitled to vote at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at the original poll, the Commission directs that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

13.62.6 A new EVM and VVPAT and a new marked copy of electoral roll shall be used at the fresh poll.

13.62.7 The provisions of the Representation of the People Act, 1951, Conduct of Elections Rules, 1961 and orders made there under will apply to the fresh poll in exactly the same way as they apply to the original poll. All the EVMs and VVPATs used for the original poll at the polling station(s) where fresh poll has been directed by the Commission should be preserved carefully, unopened and with the seals intact.

13.63 PROCEDURE FOR HOLDING FRESH ELECTION IN CASE OF BOOTH CAPTURING

13.63.1 Under Section 58A, if booth capturing (as defined in Section 135A) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission. On receipt of that report from the Returning Officer, the Election Commission shall, after taking all material circumstances into account, either (i) declare the poll at that polling station to be void and direct a fresh poll to be taken on a date to be appointed by it, or (ii) countermand the election if it is satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected.

13.63.2 In order to enable the Commission to take appropriate decision in case booth capturing has taken place at any polling stations, the Commission has prescribed a format in which the Returning Officer should send his report to the Commission in the matter. The said format has been reproduced at **Annexure 46**. It should be a consolidated report in respect of all polling stations involved in booth capturing. The Commission

will not accept any report in piece-meal.

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

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

13.64 CLOSING OF EVM IN THE CASE OF BOOTH CAPTURING

13.64.1 Rule 49X of the Conduct of Election Rules, 1961 provides that where the Presiding Officer of a polling station is of the opinion that booth capturing is taking place at the polling station, he shall immediately close the Control Unit of EVM to ensure that no further votes can be recorded and he shall detach the Balloting Unit(s) from the Control Unit.

13.64.2 As soon as may be after a Presiding Officer has closed the EVM under rule 49X, he should report the matter with full facts to the Returning Officer. The Returning Officer shall, in turn, report the full facts of such case to the Election Commission through the fastest means of communication available.

13.64.3 The Election Commission, on receipt of the report from the Returning Officer and after taking into account all material circumstances, may-

- i) either decide to have the adjourned poll completed from the stage it was adjourned by providing a new EVM and VVPAT, if it is satisfied that the poll up to that stage was not vitiated, or
- ii) declare the poll at the polling station as void, if it is satisfied that the poll was vitiated and direct a fresh poll at that polling station.

13.64.4 Further steps to complete the adjourned poll or, conduct a fresh poll as directed by the Commission as the case may be, shall be taken in accordance with the procedure prescribed in Para 13.58.1 to 13.59.7 above.

13.65 REPORTS TO THE COMMISSION ABOUT POLLING

13.65.1 The Commission should be kept informed of the progress of poll on the polling day. The Commission has accordingly instructed that each Returning Officer should send three comprehensive reports giving details of every important event in the format at **Annexure 47**. The first report should reach the Commission by 1300 hours on the day of poll, and the second by 1900 hours after the close of poll. The third and final report should reach the Commission by 07:00 hours next morning, i.e., the day immediately following the day of poll. These reports should be sent by the quickest available means of communication.

13.65.2 It should be noted that the failure to send any of the reports in time will be viewed as

a gross failure of statutory duty on the part of the Returning Officer concerned by the Commission and will lead for serious consequences.

13.65.3 It is only after the receipt of these reports that the Commission shall decide whether the counting of votes should be allowed to be taken up by the Returning Officer in each individual constituency. Returning Officer should, therefore, ensure that his/her reports reach the Commission well in time to enable it to take decision about the counting in his/her constituency. Though it is not mandatory now to take prior approval of the Commission to commence the counting of votes, Returning Officer's failure to furnish his/her report may lead to postponement of counting of votes in the constituency.

13.66 SCRUTINY OF FORM-17A AND OTHER DOCUMENTS

13.66.1 In order to facilitate identification of polling stations for which scrutiny of Form 17A, Presiding Officers diary, Form 14A is required to be done on the day after poll, Returning Officer shall collect the following information for each polling station at the time of receipt of polled EVMs and other documents after completion of polls:

1. Total Electors in the P.S. (Male, Female, Other, Total)
2. Number of persons who voted in the P.S. (Male, Female, Other, Total)
3. Number of Tendered votes.
4. Number of challenged votes.
5. Number of Proxy votes by CSV.
6. Number of blind/infirm voters who exercised their right of vote with the help of companion.
7. Number of electors who exercised their right of vote on the basis of EPIC.
8. Photo Voter Slips shall not be accepted as stand alone identification document for voting.
9. Number of electors who exercised their right of vote on the basis alternative document.
10. Number of electors who exercised their right under rule 490.
11. Number of polling agents in the polling station.
12. Number of polling stations where no polling agent or only one polling agent was present.
13. Number of overseas electors who voted in the poll.
14. Number of EVMs and VVPATs used.
15. Whether the EVM and/or VVPAT was changed or replaced.
16. If so the time when changed and what was the reason for it.
17. Total ASD voter1s in the list

18. Total persons who cast their votes from the ASD voters list.

19. Any incident of violence or poll interruption due to any reason

20. Complaints received with respect to that polling station

13.66.2 Based on the information collected as above, scrutiny of Presiding officers diaries, verification of register of voters in Form 17A and other related documents which include but not restricted to Micro Observers reports, Form 14A, video-graphy recordings, visitor sheets, reports of zonal magistrate's or sector officer's, reports of Presiding Officer, still photography etc., shall be done by Observers and Returning officers in the presence of contesting candidates or their election agents for any of the following categories of the polling stations:-

i) In all polling stations where any complaint of poll rigging. Malpractices etc., was received by Observer, DEO or RO during the poll process.

ii) In all polling stations, where any significant event (EVM related or otherwise) was reported to the Observer, DEO or RO during poll process.

iii) In polling stations, where poll took place in the absence of any polling agent or in the presence of the agent of only one candidate.

iv) In polling stations, where the number of electors who cast their votes using documents other than EPIC issued by the Commission (i.e., alternative documents) exceeded 25% of the total votes cast in that polling station.

v) In polling stations, where more than 10% of such electors who had been identified as ASD turned up to and voted.

vi) In polling stations, where polling percentage is plus 15% or minus 15% than the average polling percentage of that AC. Say, for e.g., in a particular AC 60% votes have been cast, then in all polling stations with polling percentage 75% or more and 45% or less shall be taken up for scrutiny.

vii) In polling stations, where there are at least 5 (five) tendered votes/challenged, reported.

13.66.3 The RO and Observer shall do the scrutiny with utmost care and shall submit a report to the Commission as soon as scrutiny is over.

13.66.4 As far as possible, the aforesaid scrutiny will take place at 11.00 am on the day after poll. A written notice should be served on all the candidates to be present during the scrutiny. The entire process of such scrutiny should be video-graphed.

13.66.5 In order to facilitate the scrutiny, care should be taken to ensure that polling station wise Documents are stored separately in another strong room instead of EVM and VVPAT strong room where EVM and VVPATs and Form 17C are kept under double lock and seal.

14 SIMULTANEOUS ELECTIONS

14.1 GENERAL

14.1.1 For conducting simultaneous elections, two separate sets of EVMs and VVPATs are to be used – one set for Lok Sabha election and the other set for Assembly election.

14.2 TWO SETS OF EVMs FOR SIMULTANEOUS POLL

14.2.1 For simultaneous elections – that is to say holding of poll from a parliamentary constituency and its component assembly constituency on the same day – it is necessary to use two separate sets of EVMs and VVPATs. Therefore, Returning Officer's requirement of Balloting Units, Control Units and VVPATs will be double of the polling stations in the parliamentary constituency plus the reserve machines that are required to be kept as per the directions of the Commission.

14.3 EVM IDENTIFICATION STICKERS

14.3.1 In order to clearly identify and recognize which set of EVMs and VVPATs belongs to Lok Sabha election and which to State Assembly Election, it is absolutely necessary to fix/paste distinct Identification Stickers on the Control Units, Balloting Units and VVPATs. Apart from the Identification Stickers, there shall be separate set of "Address Tags". The details are given below:

- A. Colour of stickers & address tags: (i) **Lok Sabha Election:** The colour of the Identification Sticker and Address Tag shall be WHITE (same colour as that of Ballot Paper). (ii) **Legislative Assembly Election:** The colour of the Identification Sticker and Address Tag shall be PINK (same colour as that of Ballot Paper).
- B. Size of stickers (i) For Control Unit 3 cm x 6 cm (ii) For Balloting Unit 6 cm x 6 cm
- C. Format of identification sticker: The Identification Sticker shall be a self-adhesive sticker pasted on the top of the cover of the "Battery and Cand. Set Section" as described below:
 - I. **STICKER ON CONTROL UNITS FOR LOK SABHA ELECTION:** The stickers shall have the legend "LOK SABHA" printed in bold letters so as to identify that the Control Unit is being used for Lok Sabha election.
 - II. **STICKER ON CONTROL UNITS FOR ASSEMBLY ELECTION:** The stickers shall have the legend "VIDHAN SABHA" printed in bold letters so as to identify that the Control Unit is being used for State Assembly election. The language of the legend on the stickers may be either in English or the regional language. While pasting this sticker, care should be taken to ensure that it does not obstruct the opening of this outer cover of the "Battery and Cand. Set" Section.

14.4 BALLOTING UNITS

14.4.1 In view of the fact that the Ballot Paper fixed under the transparent screen of the Balloting Unit for LOK SABHA ELECTION is WHITE in colour and that for ASSEMBLY ELECTION

is PINK in colour, there will ordinarily be no difficulty in identifying the for which election, the Balloting Unit is being used. However, thin strips of distinguishing stickers should be pasted on the outer thin frame of each Balloting Unit below NOTA if one BU is used; below the last candidate of each BU and below the NOTA in the last BU in case more than one BU is used. These stickers shall also be identical in colour and content to those, which are pasted on the respective Control Units.

14.5 ACTION BY THE RETURNING OFFICER

14.5.1 PREPARATION OF EVM AND VVPAT

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

14.5.2 PREPARATION OF EVM AND VVPAT AT DIFFERENT PLACES

Preparation of Voting Machines for Assembly Election and Lok Sabha Election shall be done in separate rooms or halls and shall NOT be done in the same hall or room. This is all the more important, because while preparing the machines, the Returning Officer has to give notice to the candidates and their election agents to be present. Since the contesting candidates will be different for elections to Lok Sabha and State Legislative Assembly, the preparation of the machines for both elections should be done at different places and there should not be any mix up. Further, if the preparation of the EVMs and VVPATs for both the elections are done at the same place, there may be mix up of Lok Sabha Ballot Paper being fixed on the Balloting Unit meant for Assembly election and vice-versa. Similar mix-ups cannot be ruled out in the matter of setting up the number of candidates in the Control Units earmarked for the two elections.

14.5.3 FIXING IDENTIFICATION STICKER S & ADDRESS TAGS

1. The first task of the Returning Officer is to paste the Identification Sticker on each Unit. After pasting this sticker, he/she should proceed to set up the Control Unit for the required number of candidates, seal the Battery Section and put an address tag, thereon. The Units prepared shall be kept in their carrying cases and the corresponding coloured Identification Stickers and address tags shall be pasted on the carrying cases also.
2. An identification sticker (similar to the one used on the Control Unit, Balloting Unit and VVPAT) shall be fixed/pasted on the top of the carrying cases of Control Unit, Balloting Unit and VVPAT.

14.5.4 STORAGE OF UNITS PREPARED FOR LOK SABHA ELECTION

In case sufficient number of Rooms or Halls are not available to prepare the EVMs and VVPATs for each election separately, the work of preparation of the EVMs and VVPATs shall be taken up one after the other. First, the EVMs and VVPATs meant for the Lok Sabha Election may be prepared and after kept in safe custody in a room or hall. A sign board shall be fixed outside

such room or hall clearly indicating that the prepared EVMs and VVPATs for Lok Sabha Election are stored inside.

14.5.5 STORAGE OF UNITS PREPARED FOR ASSEMBLY ELECTION

Thereafter, preparation of EVMs and VVPATs for Assembly Election shall be taken up and the Units prepared be stored in different rooms or halls with a board outside to indicate that Assembly EVMs and VVPATs are stored, therein.

14.5.6 REGISTER FOR ALLOCATION OF EVM AND VVPAT

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

14.5.7 TRAINING TO POLLING PERSONNEL

During the training classes for the Presiding and Polling Officers, the difference between the Voting Machines for each Election shall be explained in detail, so that they do not have any doubt about the following respects –

- i) Identification of the machines earmarked for Lok Sabha and Assembly Elections. Show them prepared models.
- ii) Clear understanding that in the polling station, they have to connect the Balloting Unit and VVPAT belonging to Lok Sabha Election to the Control Unit earmarked to Lok Sabha Election and similarly connect the Balloting Unit and VVPAT of the Assembly Election to the Control Unit of the Assembly Election.
- iii) After fixing the green paper seal in the frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the Result Section of the Control Unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the green paper seal fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone, are allowed to affix their signatures.
- iv) After fixing the Special Tag in the frame provided after closing the inner side of the door of the inner compartment of the Result Section of the Control Unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Special Tag fixed in the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures.
- v) On Outer Strip Seal for the Control Unit for Lok Sabha election only, the candidates for the Lok Sabha election or their polling agents as are present are allowed to affix their signatures and similarly on the Outer Strip Seal for the Control Unit for Assembly election, the candidates for Assembly election or their polling agents alone are allowed to affix their signatures. They

should be warned about the consequences of connecting wrong Units, which will result in cancellation of the poll from such polling stations.

14.5.8 ELECTION MATERIAL FOR POLLING STATION

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

14.5.9 VOTERS REGISTER

For the conduct of poll for both the elections, only ONE Voter's Register is to be used. The signatures of voters for both the elections shall be taken in the same register.

14.5.10 VOTER'S SLIP

After signing the Voter's Register, each voter is to be supplied with a Voter's slip as detailed in Chapter XII. In the case of simultaneous elections, each voter shall be supplied with TWO such slips. While printing these slips, it shall be ensured that the name of the House for which the election is being held and the name of the constituency are correctly printed. For the sake of easy identification as to which election each of the slips belongs, the Voter's Slip for Lok Sabha election be printed on WHITE paper and that for Assembly election on PINK paper.

14.5.11 MARKED COPY OF ELECTORAL ROLL

1. There is no change in the number of working copies of the electoral roll to be supplied to each polling station. The polling officer in charge of marked copy of the electoral roll will maintain only ONE marked copy of the electoral roll for both the elections.
2. Before commencing the poll, the Presiding Officer should be asked to demonstrate to the candidates and polling agents present that the marked copy of the electoral roll to be used at the polling station does not contain any entry or mark other than those made in pursuance of Rule 20(2) (b) or Rule 23(2) (b) of the Conduct of Elections Rule, 1961 to show that the Postal Ballot Paper or Election Duty Certificate has been issued to any elector. He should also show them the list of CSVs who have appointed proxies as per the list annexed to the electoral roll.
3. Likewise, he should also demonstrate to them the Register of Voters (Form 17A) to show that the register is blank and no entry in respect of any elector has already been made therein.

14.5.12 COMPOSITION OF POLLING PARTIES

For the conduct of poll in the conventional method with the use of ballot papers and ballot boxes, the existing instructions allow appointment of one Presiding Officer and 5 Polling Officers at simultaneous elections. Similarly, for the conduct of poll at simultaneous elections with the use of Electronic Voting Machines also, One Presiding Officer and 5 Polling Officers may be appointed for each Polling Station. For Polling Stations with more than 1200 voters, an

extra Polling Officer may be appointed.

14.6 DUTIES OF POLLING PARTY

- a. First Polling Officer: He will be identifying the electors and will be in charge of marked copy of the electoral roll.
- b. Second Polling Officer: He will be in charge of the indelible ink and voter’s register.
- c. Third Polling Officer: He will be in charge of the Voter’s Slips.
- d. Fourth Polling Officer: He will be in charge of the Control Unit for Lok Sabha election.
- e. Fifth Polling Officer: He will be in charge of the Control Unit for State Assembly Election.
- f. Presiding Officer: He will be over all in-charge of the polling station and supervise the smooth conduct of poll.

14.7 LAYOUT OF POLLING STATION

14.7.1 It may be noted that there shall be TWO separate Voting Compartments – one for keeping the Balloting Unit(s) and VVPAT of the Lok Sabha election and the other to keep the Balloting Unit(s) and VVPAT of the Assembly Election.

14.7.2 A Notice with bold letters on each of the Voting Compartments with the words ‘VOTING COMPARTMENT–LOK SABHA ELECTION’ and “VOTING COMPARTMENT–ASSEMBLY ELECTION’ shall be pasted on each of the Voting Compartments.

14.8 VOTING COMPARTMENT

See paragraph related to Voting Compartment in previous Chapter.

14.9 VOTING PROCEDURE

14.9.1 The voters, when they enter the polling station will proceed to the first polling officer who will identify the electors and make necessary entries in the marked copy of the electoral roll.

14.9.2 The voter will then move to Second Polling Officer who will first apply the indelible ink mark on his left-hand forefinger and ask him to sign or put thumb impression in the Voter’s Register. If the Voter puts his thumb impression, the polling officer should ask the voter to wipe off the residuary stamp pad ink from his thumb on a piece of wet cloth kept on the table for this purpose.

14.9.3 When the Second Polling Officer is applying the indelible ink mark and taking the signature or thumb impression of the voter in the register, the Third Polling Officer who will be sharing the Table with the Second Polling Officer, will prepare two identical voters slips – one on white paper and the other on pink paper and after examining the finger of the voter to ensure the indelible ink mark is duly applied and not erased, will hand over both the voter’s slips to the voter and direct him to the Fourth Polling Officer.

14.10 VOTING FOR LOK SABHA

14.10.1 After receiving the two voter's slips, enabling him to vote for Lok Sabha and Assembly elections respectively, the voter will go to the Fourth Polling Officer who is in charge of Control Unit for Lok Sabha election. He will hand over the white voter slip to the Fourth Polling Officer. The Fourth Polling Officer who ensure that it is the turn of that voter to vote, shall then press the Ballot Button of the Control Unit for the Lok Sabha Election kept on his table, and direct the voter to go into the Voting Compartment for Lok Sabha Election. While doing so, the Fourth Polling Officer should inform the voter that after voting for Lok Sabha, he should go with the Pink Voter Slip to the Fifth Polling Officer to vote for Assembly Election.

14.10.2 The voter will then enter the Voting Compartment for Lok Sabha Election and vote for Lok Sabha Election by pressing the Blue Button of the candidate of his choice on the Balloting Unit kept inside.

14.11 VOTING FOR ASSEMBLY ELECTION

14.11.1 After the voter has voted for Lok Sabha election, it shall be ensured that he goes to the Fifth Polling Officer in-charge of Control Unit for Assembly election. After taking the Pink Voter Slip from the voter and ensuring that now it is his turn to vote, the Fifth Polling Officer shall activate the machine by pressing the Ballot Button on the Control Unit for Assembly Election and direct the voter to go inside the Voting Compartment for Assembly Election to vote. The fifth polling officer will also inspect the indelible ink mark to ensure that same is intact.

14.12 IMPORTANT DUTIES OF FOURTH AND FIFTH POLLING OFFICERS

14.12.1 It may appear that the Fourth and Fifth Polling Officers have been given a very easy job. On the contrary, the success of simultaneous elections depends on their alertness. Their job is not only to simply press the Ballot Button to activate the Voting Machine, they have to ensure that each voter votes in his/her turn in the exact serial order as given in the Voter's Slip. They have also to keep a constant watch to ensure that when they direct any voter to go and vote, the voter goes into the correct Voting Compartment and votes accordingly. Owing to ignorance or otherwise, if any voter appears to be unsure of where to go and what to do after he has been allowed to vote, it is the duty of these two Polling Officers to ensure that the voter follows the correct procedure. During the first hour of poll when there is usually a lot of rush, the officers should keep themselves cool and see that the voting proceeds smoothly. Whenever there is a respite and in any case after every one-hour of poll, they should tally the total votes polled till then with the Voter's Register and also with the total displayed in both the Control Units.

14.13 PRESIDING OFFICER

14.13.1 The Presiding Officer is over all in-charge of the Polling Station. His duties in brief are, to

- i) Place the BU(s) and VVPAT, in their respective Voting Compartments; In no case the Balloting Unit or the Control Unit or VVPAT be placed on the floor. It must be kept on a table.
- ii) Connect the Balloting Units and VVPATs with their respective Control Units;
- iii) Switch on the power switch on CU;
- iv) Demonstrate before the hour fixed for actual commencement of the poll to the, candidates/ agents present that the Voting Machines and VVPAT drop boxes are clear and do not contain any votes;
- v) Conduct mock poll to ensure that the vote cast for any particular candidate is actually counted in his favour;
- vi) Conduct first the mock poll for Lok Sabha Election using the Control Unit, Balloting Unit(s) and VVPAT prepared for Lok Sabha Election;
- vii) Conduct, then, the mock poll for Assembly Election using the Control Unit, Balloting Unit(s) and VVPAT prepared for Assembly Election;
- viii) Ensure that only the candidates for the Lok Sabha election or their polling agents as are present affix their signatures on the green paper seal fixed in the Control Unit for Lok Sabha election, and similarly, only the candidates for Assembly election or their polling agents affix their signatures on the green paper seal fixed in the Control Unit for Legislative Assembly election.
- ix) See that voting compartments have been properly arranged with appropriate posters pasted outside to indicate clearly the Election pertaining to which the Balloting Unit and VVPAT is kept inside:
- x) Ensure that the cables to connect the Balloting Units, VVPAT with their respective Control Units are placed in such a way that voters are not required to cross over them during their movements inside the polling station. At the same time the entire length of the cable should be visible to the polling agents present.
- xi) Ensure, that all the members of the polling party are in position well before the commencement of the poll and all materials and records are kept handy and ready to commence poll at the appointed hour:
- xii) Prevent any member of the polling party or any polling agent from wandering inside the polling station and to keep them seated in their allocated seats:
- xiii) Commence the actual poll at the hour fixed for commencement of poll.
- xiv) Keep, during the progress of poll, a close watch on the movements of the voters and to be alert and watchful so that no voter goes away without voting for both or either of the elections.
- xv) Ensure that during the first hour of the poll when polling is generally brisk, no member of

the polling party shows any slackness in the duties allocated to him.

- xvi) Check periodically the total for each Control Unit to ensure that the voting is going as per the serial order of electors.
- xvii) Ensure that copies of Form 17C for parliamentary election are supplied to polling agents of the candidates in parliamentary constituency only and copies of Form 17C for the assembly election are given only to the agents of candidates of assembly constituency.
- xviii) Check the Balloting Unit(s) and VVPAT at regular intervals to ensure that the voter has not tampered with it in any manner. The voter already in queue at the time fixed for close of poll should be allowed to vote.

14.14 CLOSING THE POLL

- 14.14.1 The Presiding Officer should ensure that the poll is duly closed at the end of the polling hour, as per the prescribed voting procedures. After the last voter has voted as per the above procedure, he should press CLOSE BUTTON of the Control Units for both the Elections. He should then carefully and duly fill in the prescribed forms for both the elections, switch off the Control Units and disconnect the Balloting Units, VVPATs from the Control Units and seal them in their respective carrying cases. In the case of simultaneous election, the papers should be prepared and sealed separately.
- 14.14.2 **At simultaneous election:** The Presiding Officer should ensure that the carrying cases of all the units have identity stickers of the concerned elections prominently pasted on the outside. He should also ensure that the Balloting Units, VVPAT and Control Units are placed only in their respective carrying cases with the election identity label firmly pasted. Further, he should also fix the duly filled in address tags of correct colour (white for Lok Sabha election and pink for assembly election) to the respective carrying cases.
- 14.14.3 Presiding Officer should ensure that all the sealed Units and election records are duly handed over to the Returning Officer, at the reception centre, as per the prescribed procedure.

14.15 ACCOUNTS OF VOTES RECORDED

- 14.15.1 After the close of poll, the Presiding Officer is required to prepare, under Rule 49S of the Conduct of Election Rules 1961, an account of votes recorded in the voting machine. Such account shall be prepared in Part-I of Form-17C. This should be prepared in duplicate. It should be noted for that accounts of votes in Part-I of Form- 17C shall be prepared separately for the Parliamentary and Assembly elections.
- 14.15.2 Under Rule 49S of the Conduct of Election Rules 1961, every Presiding Officer is also required to furnish to every polling agent present at the close of poll, a true and attested copy of the account of votes recorded as prepared by him in Form-17C after obtaining a receipt from them. Copies of the account of votes are to be given for the assembly constituency to the polling agents of the candidates contesting the assembly poll and

copies of the account prepared for parliamentary constituency are to be given to the polling agents of the candidate contesting the parliamentary poll. Copies of the account should be furnished to every polling agent present even without his asking for it.

14.16 STORAGE PLACE

14.16.1 A suggestion has been made that due to shortage of space; the Commission may relax the conditions and allow the storage of Control Units and Balloting Units used at polling stations in separate rooms before the counting is taken up. In the directions, it has been provided that the used Voting Machines may be stored in a room or building. The building means that more than one room in the same building can be used for the purpose of storage of Voting Machines. Therefore, the Commission does not find any reason to allow storage of Balloting Units and Control Units separately. If space is constraint, more than one room may be used in the building. However, outside all such rooms, a notice be pasted indicating the particulars of Election and Serial Numbers of Polling Stations where the EVMs stored inside were used for taking poll.

14.16.2 All relevant records and the EVMs and VVPATs used for Lok Sabha election and state Legislative Assembly election shall be stored in separate rooms. They shall, under no circumstances stored in the same room.

15 COUNTING OF VOTES

15.1 GENERAL

- 15.1.1 Counting of votes is one of the most important stages of the election process. The result of the entire election may be nullified by wrong, irregular or careless counting. Returning Officer should therefore exercise great vigilance not only on the actual counting of votes but also in maintenance of discipline inside the counting hall.
- 15.1.2 The EVM records correctly each vote cast by a voter and keeps an exact and up-to-date account of each vote so cast candidate-wise. All votes cast by means of voting machines are valid votes and as such there is no invalid or rejected vote. Thus, the process of counting has become simple, easier and quicker. VVPATs, used additionally along with EVMs hold recorded ballot slips in sealed compartments may become subject to counting under specific circumstances as have been instructed by the Commission, mentioned in subsequent paragraphs in this chapter.
- 15.1.3 Counting of votes is to be done by Returning Officer. Assistant Returning Officers are also legally empowered to supervise counting of votes. If the Returning Officer has assigned more than one Parliamentary or Assembly Constituency, his/her Assistant Returning Officers can take up the counting of an Assembly segment separately. Such counting should be arranged in near-by buildings so that Returning Officer can keep an effective check at all such places of counting.

15.2 LEGAL PROVISIONS

- 15.2.1 The counting of votes at an election where voting machines are used is regulated by the provisions of Rule 66A of the Conduct of Elections Rules, 1961 as inserted by the Conduct of Elections (Amendment) Rules, 1992.
- 15.2.2 By the said rule 66A, the provisions of rules 50 to 54 relating to time and place for counting of votes, appointing of counting agents and revocation of such appointments, admission to the place fixed for counting and maintenance of secrecy of voting have been made applicable as they apply in relation to counting of votes in such constituencies where the system of ballot papers and ballot boxes is followed. The provisions of Rule 54A relating to the counting of postal ballot papers also apply in the case of a constituency where voting machines are used, because the system of postal ballots is the same. By the aforesaid Rule 66A, three new rules, namely, Rules 55C, 56C and 57C have been added which provide for scrutiny and inspection of voting machines before the counting, actual counting of votes recorded in the voting machines and sealing of voting machines after the counting. In order to remove any doubt or ambiguity, it has also been clarified by the abovementioned amendment rules that rules 60 to 66 (providing for continuous counting, recommencement of counting after fresh poll, recount of votes, declaration of result of election, counting at two or more places and grant of certificate of election to returned candidate) shall also apply in relation to voting by voting machines and any

reference in those rules to ballot paper shall be construed as including a reference to the voting machine.

15.2.3 Returning Officer should study the above-mentioned Rules 50 to 54A, 55C, and 57C and 60 to 66 very carefully and refer to them whenever in doubt.

15.2.4 In case of adjournment of poll at any or some polling stations u/s 57 of the Act the counting of votes shall not commence, till the adjourned poll is complete.

15.3 PREPARATION FOR COUNTING OF VOTES

15.3.1 Returning Officer is required to decide, the place or places where the counting of votes will be done and the date and time at which counting will commence and to intimate the same to all contesting candidates or their election agents in writing at least 3 clear days before the date of poll (or first of the dates if poll is to be taken on more than one day). For the sake of uniformity, the date and time of counting of votes is fixed by the Commission.

15.3.2 However, the place of counting is to be decided by Returning Officer in the light of Commission's instructions issued in this regard. Preferably, it should be at Returning Officer's HQ within the constituency. There will be no legal objection even if the place so fixed is outside the limit of the constituency.

15.4 SELECTION OF PLACE OF COUNTING

15.4.1 The counting of votes for the entire Assembly constituency should be done at one place under Returning Officer's direct supervision. The Commission will favour counting of votes to take place at district headquarter, if possible.

15.4.2 Each Assembly Constituency or an Assembly segment of a Parliamentary Constituency is to be counted in separate hall and under no circumstances, can the counting of more than one AC be taken simultaneously in a hall. In a Parliament election, if the total number of halls available for counting purposes is less than the total number Assembly segments for a PC, the sequence of counting will be as per the ascending AC numbers.

15.4.3 Each counting hall should have sufficient space and preferably have a separate entry and a separate exit. Counting of votes will be done at counting centres comprising one or more counting halls. Each counting hall shall be a separate room walled on all sides preferably with separate exit and entry facilities.

15.4.4 Each counting hall shall have separate entry as well as exit doors, duly guarded. Where pre-constructed separate rooms are not available but large rooms are proposed to be divided for creating halls, each part constituting a hall will be separated by temporary partitions. These partitions will be of strong material, preferably CGI sheets. Where the owners of the building have objections to dig holes on the floor, a suitable rigid frame, with CGI sheets fixed on two sides, may be used. The point to be ensured is that after the necessary partitioning, each hall is an independent room walled on all four sides. It should not be possible for anybody to move from one hall to another without coming out

of the hall. Further the partition should be so erected that it should be impossible to slip any material from one hall to the other through the partitions. Guards should be posted on both sides of the partitions to ensure that the partitions are not disturbed.

- 15.4.5 For an Assembly Constituency or an assembly segment in case of Parliamentary Elections, counting of votes should be done in one hall in the normal course. In any event, the number of counting halls should not exceed TWO. However, if sufficiently big halls are not available, then the counting of one assembly constituency / segment may be taken up in two Halls. Counting in two halls should be considered only if the size of one hall does not allow placing of more than 8 tables (including the table of the RO/ARO). In exceptional cases where the size of the electorate in an Assembly segment is unusually large, counting may be taken up in two halls with a maximum of 15 tables each in each hall for that Assembly constituency / segment. All such cases will be personally scrutinized by the DEO and the Observers after taking into account all relevant factors such as number of candidates, number of counting agents etc.
- 15.4.6 If, for any peculiar reasons, more than two counting halls are considered necessary in any particular case, then specific prior permission of the Commission should be obtained, giving the reasons for which more than two Halls are considered necessary for a single Assembly Constituency or Assembly Segment.
- 15.4.7 In cases where two or more halls are used for counting of votes of an Assembly Constituency/segment, allot the polling station numbers to be counted in each hall well in advance and intimate to candidates /election agents.
- 15.4.8 Each counting centre should have a distinct number and each counting hall coming under each counting centre should also have a distinct number. Assembly constituency/ segments, which are to be counted in a counting hall, must be decided and pre-allotment details intimated to all candidates in advance.
- 15.4.9 In case where one Hall is being used to count more than one Assembly Constituency, then take up the counting of votes of the constituency in sequential order as explained hereafter. First the votes of AC (with lower numeral prefix) will be counted, e.g. in case three constituencies are to be counted - AC 1- xxx, AC 4-xxx and AC 9-xxx, then take up counting of AC 1- xxx first, thereafter AC 4-xxx and thereafter AC 9-xxx. In such case, the ROs will need to intimate different time of commencement of counting to the concerned candidates/counting staff and other stake holders.
- 15.4.10 In case the number of contesting candidates is more than fifteen, Returning Officer may, with the prior approval of the Commission, increase the number of counting halls even in respect of one Assembly Constituency or assembly segments of a Parliamentary Constituency depending on the number of contesting candidates and the size of the counting halls, so that dispersal of counting agents can be made in such a manner as to avoid overcrowding in one counting hall. Such additional counting halls should be provided in the same building and should be near or adjacent to each other, as far practicable.

- 15.4.11 In the case of election from a Parliamentary Constituency, the counting of votes may have to be done at different places for the various Assembly segments comprised within that Parliamentary Constituency. Such counting may be done under the supervision of Assistant Returning Officers, as they are also legally competent to take up the counting.
- 15.4.12 If Returning Officer decide to count the votes at more than one place in the case of a Parliamentary Constituency, he/she should communicate it to each of the candidates or his election agent sufficiently in advance so that they may make necessary arrangements for attending such places of counting and appointing separate sets of counting agents for each such place of counting. Counting of votes of an Assembly Constituency or Parliamentary Constituency at more than two places should be avoided to the extent it is possible.
- 15.4.13 Further, while deciding the number of constituencies to be counted in a building, factors like availability of space, requirement of force for efficient law and order arrangements, possibility of crowd and crowd management outside counting places, hassle-free movement of polled EVMs from strong room to counting hall, etc have to keep in mind. The counting hall must be spacious enough to accommodate Returning Officer, the counting personnel, the candidates and their election/counting agents. It should have proper lighting arrangements with necessary stand-by arrangements such as generator or gaslight to tide over emergencies on account of power failure. Adequate fire extinguishers should also be arranged. As far as practicable, the counting of votes in temporary structures should be avoided as dust storms or rains etc., would affect the process of counting in such places. If it is unavoidable, specific permission from ECI has to be taken.

15.5 LAY OUT OF COUNTING HALL

- 15.5.1 Counting of votes should be done on tables arranged in rows. The number of counting tables in a counting hall is to be decided by Returning Officer keeping in view the number of polling stations, size and available space of the hall, the number of candidates/counting agents, the total number of counting personnel to be deployed and security aspects. But the Commission has directed that there cannot be more than 14 counting tables plus Returning Officer’s table, under any circumstance, in a counting hall. **The upper limit of 14 counting tables (excluding the Table of Returning Officer) in a counting HALL can be increased only with prior approval of the Commission.**
- 15.5.2 In each counting hall, barricades should be provided for each counting table so that counting agents are prevented from handling the Control Unit. However, the counting agent must be given all reasonable facilities to witness the whole counting process at the counting table. This can be achieved by ensuring that barricades are transparent or that the space in between or above the bamboo or other material used for purpose of erecting barricades is adequate to permit full and unobstructed viewing of the counting process. The counting tables should be placed against the barricade of woodblock and wire-mesh

behind which the counting agents of candidates shall sit/ stand. The exact manner in which barricades may be erected is left to Returning Officer’s discretion but he/she will have to ensure that the agents, etc. do not get any opportunity of handling the Control Units in any manner to eliminate any chance of tampering by them.

- 15.5.3 Further, one of the counting tables inside the Counting hall shall be earmarked by the returning Officer a VVPAT Counting Booth (VCB) for counting of VVPAT paper slips. VCB shall be enclosed in a wire-mesh just like a Bank Cashier Cabin, so that no VVPAT paper slip can be accessed by any unauthorized person.
- 15.5.4 In case the counting of votes is to be done for both Lok Sabha and Legislative Assembly elections, then half of the counting tables in a counting hall shall be allotted for counting of votes from polled EVMs used for Lok Sabha poll and half of the tables for Assembly poll. The Counting agents will be made to sit accordingly.
- 15.5.5 The RO’s table shall be in the counting hall itself. It should be a separate table with a demarcated area. Candidates and their Election Agents will also be seated at this table and watch the counting proceedings. However, from the RO’s table, they shall not be allowed to access the counting tables on the inner side of the wire-mesh.
- 15.5.6 In order to ensure proper watch over the counting process, the Commission has decided that the Observers shall be provided a table and a chair next to the table of the Returning Officer instead of providing a separate room for them. The seating arrangements of counting supervisors, counting assistants and micro-observers should be made in a sequence. They should not be allowed unnecessarily to roam here and there in the counting hall
- 15.5.7 Similarly, the table and the computer on which the computation and compilation of data from each table at the conclusion of a round shall be done shall be in the counting hall alongside the RO’s table where the candidate/agent will also be seated. In case the table is a separate one from RO’s table then one additional counting agent besides a micro-observer shall be allowed to sit at that table. The area of table aforesaid shall be clearly demarcated from the rest of the area where counting tables etc. are kept. This should not be in any other room under any circumstance.
- 15.5.8 In addition, in each counting hall there shall be a sufficiently large blackboard/whiteboard on which the candidate’s name and round number will be pre-written (since the numbers of rounds are already planned). After every round, once the Observers have certified, the results of that round should be written on that board.
- 15.5.9 ONLY after that the EVMs for the next round shall be brought from the strong room to the counting hall.
- 15.5.10 A layout of a model counting hall is given in **Annexure 33 and 34**. Returning Officer should intimate to the Commission the place fixed for the counting of votes as soon as may be after the last date for the withdrawal of candidatures for its approval, but in any

case, 3 days before the poll day. The Commission has prescribed a proforma in which the proposals are to be sent, which may please be seen at **Annexure 35**. The CEO of a state/ UT shall forward to the Commission, after his satisfaction, a summary of counting centres proposed.

- 15.5.11 The Counting Halls, including partitions as planned, should be got ready at least three clear days ahead of the date of counting and a report sent by each RO to the CEO. CEOs shall send a consolidated report to the Commission.
- 15.5.12 The Observers of the Commission will undertake detailed inspection of counting centres during their visit and ensure that the counting Halls have been planned as per the above instructions and Assembly segments have been accordingly pre-allotted to each Hall. They will send a specific report on this to the Commission. They should also obtain relevant drawings of each counting centre and keep it as a part of the record for their final report.
- 15.5.13 Mandatory notice to candidates about the date, time and place of counting, should be given in the forms prescribed by the Commission vide **Annexure 36 or 37** at least 3 clear days before the date of poll.
- 15.5.14 If, for any unavoidable reason, Returning Officer is unable to proceed with the counting on the date or time or at the place so fixed and communicated to the candidates, he/ she can postpone the counting and fix another date or time or, if necessary, another place for the counting of votes after giving due intimation to the Commission of any such change in the place, date or time of counting and obtaining prior approval of the Commission. Returning Officer should give notice of every change in writing to each candidate or his election agent.

15.6 OTHER ARRANGEMENTS TO BE MADE IN THE COUNTING CENTRE

- 15.6.1 At each counting centre, there shall be a communication room for the officials with table /chairs, a telephone with STD, a fax, computer with printer and internet facility attached to it. A hotline, wherever possible, should be provided with CEO. A senior officer should be deployed in this communication room. A separate space / cubicle reserved for the exclusive use of the Observers should also be provided for their communication with the Commission, in confidentiality.
- 15.6.2 Returning Officer should have a hotline, wherever possible with CEO and one more telephone with STD to keep in touch with CEO and Commission. Returning Officer should have a good Fax machine at each counting centre, as a lot of reports/papers need to be faxed to CEO/Commission during counting.
- 15.6.3 Media centres have to be set up at each Counting Centre. As far as possible, a separate room of adequate size should be set apart for these centres and reasonable facilities like telephone, fax, data communication network etc. have to be provided. Each returning Officer is required to exclusively deploy one senior officer to be in charge of the Media

Centre, preferably from the Public Relations Department. It is important that adequate numbers of officers/officials are available to assist the officer in charge of the Media Centre at each counting centre so that they can escort the media groups in small manageable numbers to visit counting halls from time to time. Such visits are to be of short duration only. All such visits will be escorted visits conducted by officers identified and earmarked for this purpose in advance. In the media room, adequate arrangements shall be made to keep the mobile phones safely because the mobile phones shall not be allowed to be taken inside the counting halls. Use of mobile phones and other communication equipment shall be allowed from the media centre. Mobile phones shall not be used from anywhere else within the campus.

15.6.4 Since nobody (not even the candidate or RO/ARO etc.) except the observer shall be allowed to carry a mobile phone inside the counting hall, the DEOs and ROs will also arrange another room for the candidates, their agents etc. to make use of their mobile phones in case of any need. Public Communication Room should also provide for a senior officer and arrangements for safe-keeping of the mobiles etc. of the candidates and their agents/representatives and counting staff.

15.6.5 Proper arrangement of loudspeaker should be made for dissemination counting trends and result to public and to the media.

15.6.6 Returning Officer may also have proper computer facilities at counting centre. Adequate arrangements for on line data transmission using GENESYS will also have to be made. Please refer to Commission's instruction in this regard.

15.6.7 Please provide every counting table with the following stationery and Information Sheet:

- i) One ballpoint pen of blue ink;
- ii) A paper knife for breaking open the seals;
- iii) Two sheets of paper. Part II of Form 17C in which the names of the candidates are printed in the same order in which they appear on the ballot paper.
- iv) List of Contesting Candidates and round wise movement of EVM. Proforma for recording of votes secured by each candidate and NOTA by additional counting staff/Micro-Observer.

15.6.8 A system of receiving counting related information and complaints in the CEO's place should be set up. For this purpose, the CEO's control room helpline no. 1950 should be properly briefed and activated 72 hours in advance. These arrangements should be advertised through newspapers, radio and other media.

15.7 SECURITY ARRANGEMENTS IN AND AROUND COUNTING CENTERS

15.7.1 There should be smooth flow of EVMs between the respective strong rooms and the counting halls. A proper barricading of the path used for transporting EVMs between the strong room of an AC and the counting hall for that AC should be done so that the

transportation is not interrupted by the presence of non-officials and media persons. No unauthorized persons should be able to breach that barricade and access the area/path nor should the path of two different ACs crisscross.

15.7.2 A 100-meter periphery around a counting premise/campus should be demarcated as "pedestrian zone". No vehicles shall be allowed within this perimeter. Proper barricading of this demarcated zone should be done and the alighting point (same as the pedestrian entry point) clearly made out by providing an entry gate into the premise. If a public road cuts across such sanitized zone, then proper traffic diversion plan should be prepared in advance for the counting day.

15.7.3 Three tier cordoning system should be set up in all counting centres to prevent entry of unauthorized persons inside the counting centres. The first and the outer cordon shall be at the start of the pedestrian zone. At this level adequate police force should be stationed to check the identity of the persons wanting to go in. No counting staff or candidate or his election agent or counting agents appointed by him or any other person without authorized photo identity card duly issued by the Election Commission/ District Election Officer displayed on his person, shall be allowed to cross the first cordon of security ring of the counting centre agents. A senior Magistrate with sufficient force should be posted there to control crowd and regulate entry to counting centre.

15.7.4 The second and the middle cordon will be at the gate of the counting campus/premise. This will be manned by the State Armed Police. Before allowing the entry of persons whose identities have been established by means of identity card to the second cordon, proper frisking should be made by the security personnel to ensure that no prohibited items like matchbox, arms etc. are carried inside. The frisking shall be done by state police force personnel only. Women shall be frisked only by women police personnel/women Home Guards. The forces responsible for enforcing second cordon shall also ensure that no one is loitering outside the counting halls and using mobile phones or other communication equipment (mobile etc. can only be used from designated rooms arranged for the purpose by the DEOs at the counting centres)

15.7.5 The third and the inner cordon shall be at the door of the counting hall. This will be manned largely by Central Armed Police Forces (CAPF). There will be frisking arrangements at this stage too to ensure that no mobile phones and other prohibited items are carried inside the counting hall.

15.7.6 No camera- still or video of the media except for official recording of the entire counting process is allowed to be fixed inside any counting hall. No camera stand should therefore be allowed to be taken inside counting hall by media and journalists. Hand held cameras can be allowed to the authorized ECI pass holders. Further, while taking audio video coverage of the counting process, with camera carried in hand or on shoulders by the media/press, under no circumstances, the actual votes recorded on an individual EVM or ballot papers is to be photographed or covered by audio visual coverage. The exact

location, up to which the still and video camera of the media and press can move, should be indicated by the Returning Officer in advance, marked by a line or a string for guidance of all concerned.

15.7.7 All entry at all times however, is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting.

15.8 COUNTING STAFF

15.8.1 Unlike polling staff, counting staff are to be appointed by the concerned Returning Officer.

15.8.2 On the basis of number of counting halls and counting tables to be provided in each counting hall, Returning Officer should assess his/her requirement of counting staff for smooth and fool proof counting. There should be one counting supervisor, one counting assistant and one Micro-Observer for each table. Returning Officer should appoint required number counting assistants and counting supervisors (with some reserve), and such other officials as he/she may require for assisting him/her in the counting from the available database of counting personnel. Returning Officer should also appoint sufficient number of Group D Government employees as counting assistants to carry the voting machines to and from the counting tables and also for sealing of EVMs after counting.

15.8.3 Returning Officer should not appoint as counting supervisor or as counting assistant anyone who has been employed by or on behalf of, or has otherwise been working for a candidate in an election. Similarly, the staff of local bodies should also not be used for counting of votes.

15.8.4 Counting staff appointments should be made in the form given in **Annexure 38**. Counting supervisors should preferably be Gazetted officers of the Central or State Government or officers of comparable status from Central/State Government undertakings. The counting assistants also should be selected carefully from officers of good competence/skill. In addition, one more counting assistant for each AC will be attached as Additional counting Assistant for ECI Observer for assisting him in parallel counting.

15.8.5 All counting staff should be given intensive training in counting using good audio –visual techniques like power point presentation.

15.8.6 Counting personnel appointed for the purpose of counting for simultaneous elections should have a very clear understanding of the layout of the counting hall as well as the tables meant for counting of votes of Assembly election and Lok Sabha election. In case of simultaneous poll, there shall be a separate set of officials entrusted with the duty of supply of Control Units to the respective tables. Under no circumstances, a Control Unit used for recording the votes of Assembly election, shall be supplied to the table meant for counting of votes for Lok Sabha election and vice-versa.

15.9 RANDOMIZATION OF COUNTING OFFICIALS

- 15.9.1 The randomization is done in three stages. 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 at a separate space within the counting centre campus.
- 15.9.2 In First randomization, a list of 120% of the required number of officials (Counting Supervisors/Counting Assistants/Micro Observers) required for counting in the district, should be generated (including reserve) randomly, using the software by the District Election Officers one week prior to the date of counting. Presence of observers is not required at this stage. This is only to identify and select the officials that would be given duty for counting as Counting Supervisors/ Counting Assistants/ Micro Observers. In no case, at this stage, the identity of the assembly constituency to which the Counting personnel are likely to be deployed should be disclosed. The appointment letters to be issued by the RO concerned.
- 15.9.3 The Assembly Constituency wise randomization i.e. Second randomization shall be done by the District Election Officers in presence of Observer(s) 24 hours prior to commencement of counting. Thereafter, the Returning Officer shall issue the appointment letters to these officials intimating them about the concerned allotted ACs.
- 15.9.4 Randomization for allotment of Tables in the counting hall to these Counting Supervisors/ Counting Assistants/Micro Observers shall be done by the concerned R.O. in the presence of Observer at 5 AM on the day of Counting.
- 15.9.5 In Third randomization, the allotment of counting tables in the counting hall, to the Counting Supervisors/Counting Assistants/Micro-Observers shall be done by the concerned RO in the presence of ECI Observer at 5.00 AM on the day of counting. The 3rd randomization would be carried out either manually or by using a computer. For manual randomization, the senior most Observer present would randomly assign the Assembly Constituency and the table number to the counting officials by the draw of lots. i.e. picking up chits of the unique serial numbers assigned to counting officials and the table numbers. The District Election Officer would make all prior arrangements to ensure quick and smooth conduct of this randomization process.
- 15.9.6 Alternatively, the District Election Officer may make arrangements for carrying out the above-mentioned randomization with the aid of a computer in consultation with the observers. However, before using a computer aided method the observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.
- 15.9.7 The District Election Officers would ensure that video-graphy of the process of randomization is carried out for record.
- 15.9.8 On reaching the control room at the counting centre, the counting officials would be

provided the posting details and directed to reach the counting hall of the assigned constituency at the respective table.

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

15.10 RESERVE POOL

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

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

15.11 MICRO-OBSERVERS

15.11.1 Each counting table shall have one micro observer. The Observer should properly train the micro-observer. The micro-observer shall be responsible for the purity of counting process on his/her respective table. The micro observer will invariably be a Central Govt./ Central Govt. PSU employee. They will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These micro observers would be provided with a pre-printed statement on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.

15.11.2 Further, two additional Micro-Observers should be deployed in each Counting Hall of every Assembly Constituency, who should be entrusted with the following responsibilities: -

i) One of these two Micro Observers shall keep a watch over the data entry in the computer placed in the Counting Hall for round-wise compilation of the votes recorded for each candidate. He should ensure that the entries in the Part II of the Form 17C are correctly entered in this computer by the data entry operator.

ii) The second Micro-Observer shall assist the Observer and re-check on the printout (of the data entry done in step 1 above) that all data which has been entered is fully correct and complete and in accordance with the original Part II of Form 17C received from each counting table.

15.11.3 Wherever adequate numbers of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staffs from the neighbouring districts within the Division. Wherever the Divisional

Commissioner system does not exist, the DEOs of the Neighbouring Districts may be instructed to mobilize the required number of staffs from their Districts. The additional staff will be given a brief orientation training before being deployed at the counting centre as above. The additional staff also will be provided an ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

15.12 COUNTING AGENTS OF CANDIDATES

15.12.1 APPOINTMENT

1. Each candidate should be allowed to appoint as many counting agents as the number of counting tables and one more to watch the counting at the Returning Officer's table. Hence, Returning Officer should inform the candidates about the total number of counting agents they are entitled to appoint. The counting agents are required, under law, to be appointed in Form -18. Hence any request on a plain paper received from a candidate/election agent should not be accepted by Returning Officer. Declaration of counting agents in Form-18 is to be signed by them in Returning Officer's presence.
2. A candidate may also appoint one more counting agent to attend to the counting of postal ballot papers at the place fixed for the purpose by the Returning Officer.

15.12.2 PHOTO IDENTITY CARDS AND BADGES

1. Irrespective of the number of contesting candidates, Returning Officer should obtain the list of counting agents in Form-18 (in duplicate) with their photographs from all the contesting candidates by 1700 hours on the day three days prior to the date fixed for counting of votes. No request on plain paper shall be accepted. On receiving the same, Returning Officer should prepare the photo identity cards of the counting agents then and there under his/her seal and signature and should be issued to the contesting candidates and obtain acknowledgement thereof along with 2nd copy of Form 18, as aforesaid and photo-identity card, they shall be denied entry in the counting hall. The appointment as counting agent, once made, can be revoked or changed, by making a request in Form 19.
2. Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will observe the counting. Each counting agent should affix his signature in full on the badge immediately after it has been issued to him.

15.13 PERSONS ALLOWED IN THE COUNTING HALL

15.13.1 Only the following persons can be allowed inside the counting hall:

- i) Counting supervisors and counting assistants, micro-observers;
- ii) Persons authorized by the ECI (possessing authority letter duly issued by ECI), and Observers;
- iii) Public servants on duty in connection with the election; and

iv) Candidates, their election agents and counting agents.

15.13.2 Before counting begins Returning Officer should see that no one else is present in the counting hall.

15.13.3 Returning Officer should note that expression of "public servant on duty in connection with election" does not include police officers; such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the counting hall WITHOUT ANY EXCEPTION, unless Returning Officer decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason has on occasions given rise to complaints by some candidates or parties that their agents has been overawed by an unnecessary show of force.

15.13.4 Returning Officer should also note that the above expression "public servant on duty in connection with election" does not include the Ministers, State Ministers and Deputy Ministers of the Union Govt. or State Govt. They can come inside the counting hall only as candidates. According to the latest instructions of the Commission, they cannot be allowed to be appointed as election agents or counting agents as they have to be escorted by their security guards who cannot be allowed entry into the counting hall. It has further clarified that even if they voluntarily decide to relinquish their security, they will not be allowed to become counting agent.

15.13.5 Returning Officer should note that no counting agents shall be admitted into the place fixed for counting, unless counting agent has delivered to him/her the second copy of his appointment letter after duly completing and signing the declaration contained therein, and also the photo identity card has been issued by him/her. Similarly, the election agents of the candidates are also required to produce the attested duplicate copy of their appointment letters.

15.13.6 Entry of persons should be strictly regulated as detailed above. No unauthorized person should be allowed to enter the place of counting.

[N.B. No security personnel accompanying the candidates or their agents should be permitted to enter the counting hall.]

15.14 MAINTENANCE OF DISCIPLINE AND DECORUM AT COUNTING CENTRE

15.14.1 The Commission has directed that the seating arrangements for the counting agents of candidates at the counting tables will be arranged by the following categories of priority:

i) Counting Agents of Candidates of recognized National parties;

ii) Counting Agents of Candidates of recognized State parties;

iii) Counting Agents of Candidates of recognized State parties of other States who have

been permitted to use their reserved symbols in the Constituency;

- iv) Counting Agents of Candidates of registered-unrecognized political parties; and
- v) Counting Agents of Independent candidates.

Counting Agent should keep seated near the table allotted to him and should not be allowed to move about all over the hall. They will be seated in their row in the order, in which the names of the candidates appear in the ballot paper.

- 15.14.2 The extra counting agent may sit and watch the proceedings at Returning Officer's table, if the candidate or his election agent is not present. However, in order to avoid overcrowding at Returning Officer's table, only one person whether the candidate himself or his election agent or his counting agent should be present at a time at that table on behalf of a contesting candidate. The contesting candidates and their election agents are free to go ground to any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at Returning Officer's table may be allowed to go around to any part of the hall.
- 15.14.3 In the performance of Returning Officer's duties, Returning Officer is only bound by the provisions of law and the instructions of the Election Commission. Returning Officer is not, thus, to take orders from or show any favour to his/her official superiors or any political functionaries including but not restricted to Ministers. Even in the matter of request for entry into the counting hall from these, Returning Officer should allow them only if they are in possession of a valid authority letter issued by the Commission.
- 15.14.4 In case Returning Officer has a reasonable doubt about the presence of any person in the counting hall, he/she can have that person searched, if necessary, even though the person concerned may be in possession of valid authority letter to enter the place of counting.
- 15.14.5 Post Security personnel on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without Returning Officer's permission. Returning Officer must ensure that complete order and discipline prevail and counting takes place in a professional /judicious like manner. Returning Officer may send out of the counting hall any person who persists in disobeying his/her directions. Counting agents should not be allowed to go to other counting tables, leaving the table assigned to them. The counting staff shall leave the counting hall, only after the result is declared, with the permission of RO.
- 15.14.6 'No smoking' should be followed strictly, as a rule at the counting venue.
- 15.14.7 Mobile telephones/I-Pad/Laptop or any such electronic device which can record audio or video, are not to be allowed inside the counting centre. The only exceptions will be Commission's observers. However, Computer/laptop or mobile device, which is require for official use to transmit counting data by 'GENESYS' will be allowed.

15.14.8 Entire counting process must be video-graphed. CD of the recording should be kept in safe custody of the DEO. The video coverage shall be ensured at every stage of the counting. The Video coverage shall include the randomization process, the process of opening of strong room, transfer of EVMs from strong room to counting hall, counting hall arrangements, process of counting in general in the counting hall and process of tabulation in general at the Returning Officer's table, the process of counter checking of two EVMs by the Observers and security arrangements in and outside the counting hall/centre, presence of candidates and their agents in the counting centres and the process of declaration of result, handing over of certificate of return of Election, sealing of EVMs after counting and any other significant events that take place at any point of time during the counting process. The video-graphy should indicate the date and time and the video CDs should be sealed, clearly labelling all the details contained therein, after the counting process is over for future reference. Accordingly, adequate number of video teams may be deployed on the counting day.

15.14.9 A CD containing the record of complete video-graphy of counting process may be given by the Returning Officer to candidates or their election agents free of cost, on specific demand.

15.15 COUNTING PROCESS

15.15.1 COMMENCEMENT OF COUNTING

1. Unless otherwise directed, Returning Officer is not required to obtain any specific permission for commencement of counting of votes. However, Returning Officer will have to ensure that all complaints received regarding polling have been duly looked into by him/her and nothing is pending. It has been instructed in the preceding chapter that Returning Officer should keep the Commission informed of the progress of poll on polling day. For that purpose, Returning Officer is required to send three reports to the Commission, the third and final report reaching the Commission at seven hours on the morning following the day of poll. Though the instructions that Returning Officer shall not commence the counting unless he/she has obtained prior clearance from the Commission has been relaxed, it is still very important that Returning Officer's said reports, particularly the third and final report, are received in the Commission on time. If the reports are not received, the commencement of counting can be stopped by the Commission.
2. Commence the counting at the hour fixed for the purpose. The strong room, where polled EVMs are kept under safe custody, should be opened, in the presence of RO/ARO(s), candidates/ election agents and ECI observers. After making necessary entries in the log book maintained for the purpose, the seal of the lock should be checked and then broken. Entire proceedings shall be video-graphed with due date-time stamping. Everyone present in the counting hall should be instructed to maintain secrecy of vote. For that purpose, the provisions of Section 128 of the Representation of the People Act, 1951 should be brought to the notice of everyone by reading that section aloud. Under Rule 60 of the Conduct of Rules,

1961, counting shall be continuous. No unauthorized person should be in the counting hall. During the entire counting process complete discipline and decorum shall be maintained. Under Rule 53(4), the RO has authority to ask anybody to go out of counting centre, if he misconducts himself and/or disobeys any rightful direction of the RO.

15.15.2 STAMPING OF CANDIDATE'S NAME IN PART II OF FORM 17C

Election Commission has permitted use of a facsimile (rubber stamp) for putting names of contesting candidates in Part II of Form 17C by the counting supervisors. The facsimile of contesting candidate names should be with candidate's number and name, in the same order as in ballot paper /Form 7 A. Furthermore, the entire facsimile should be in one block / stamp. In case, the number of candidates is more than 20, then another block / stamp should be made for candidates from no.21 onwards which would be stamped on the backside of the Form 17C. The stamping of names should be in the place provided for this purpose in Part II of Form 17C. In no case should the printed sheet be pasted in the space for Part II.

15.15.3 COUNTING OF ELECTRONICALLY TRANSMITTED POSTAL BALLOT PAPERS (ETPBs) FOR SERVICE VOTERS

1. Counting of ETPBs shall be done at ROs Table as in the case of the other postal ballots. Only such Postal Ballots as are received before the hour fixed for commencement of counting shall be counted.

2. Opening of the Envelopes-

First Phase: Opening of Form 13-C (Outer Envelope)

(a) The covers in Form 13-C received in time should be verified and opened one after another. QR code on the Outer Envelope will be scanned using a computer software and QR code reader and necessary validity checks will be performed. After verification of the outer envelope, a unique serial number will be provided by the computer. This serial number will also be manually marked by RO on the envelope being verified. The computer software will check the entry in the QR code for any possible duplicates in the list of Postal Ballots received and flag a warning for such cases. The computer software will also provide the list of serial numbers which are all duplicate to the Postal Ballot being handled. The RO will locate all such duplicate envelopes as indicated by the computer software and keep them together physically and invalidate all such duplicate/multiple votes. All such envelopes declared invalid shall not be opened for further processing and will be kept aside and preserved for future reference. Number of such duplicate Postal Ballots shall be marked in the register.

(b) On opening the cover "B" (Form 13C), two documents are required to be found inside. The first is the declaration by the voter in Form 13-A and the second the inner cover i.e. Form 13-B containing the Postal Ballot Paper.

(c) As each cover is opened, RO should take out the declaration in Form 13-A and the cover in Form 13-B, scan, verify and then scrutinize the declaration.

(d) Before opening the cover in Form 13-B containing the Postal Ballot Paper, the Returning Officer must check the declaration in Form 13-A and all such forms 13A must be kept separately and sealed, before taking up Form 13B for opening and counting.

(e) Returning Officer will reject a Postal Ballot without opening its inner cover in Form 13-B if:

- i) the declaration in Form 13-A is not found in the cover, or
- ii) the Electronic Postal Ballot Identification Number (e-PBID) In the declaration in Form 13-A does not match the issued e-PBID, or
- iii) the declaration has not been duly signed and, or not attested by an officer competent to do so, or the e-PBID of Postal Ballot appearing in the declaration is different from the e-PBID on the cover in Form 13-B
- iv) Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed back in the cover in Form 13-C (Outer Envelope). All such covers in Form 13-C should be kept together in a separate packet duly sealed and full particulars such as the name of the constituency, the date of counting and a brief description of contents should be noted thereon for easy identification.
- v) All the declarations in Form 13-A, which have been found to be in order, should then be kept separately for counting.
- vi) For further counting, all instructions for counting of postal ballot paper shall apply.
- vii) Scanning of QR Codes SHOULD be done in the sequence without fail. Form 13C should be scanned first, followed by both the QR Code on Form 13A and then Form 13B. SEQUENCE OF QR CODE SCANNING SHOULD NOT BE CHANGED UNDER ANY CIRCUMSTANCES.

15.15.4 COUNTING OF POSTAL BALLOT PAPERS (PBs)

1. As per the requirement of rule 54A of C.E. Rules, 1961, the postal ballots shall be taken up for counting first at the Returning Officer's table. Under the law (Rule 54A of the Conduct of Election Rules, 1961) the postal ballot papers are to be counted first. It is clarified further that it is not necessary to wait for the counting of postal ballots to be completed before counting of votes recorded in EVMs starts. After a gap of 30 minutes from the commencement of counting of postal ballot papers, the counting of votes in EVMs can start. Counting of postal ballot papers shall be done at Returning Officer's Table. All postal ballot papers received by Returning Officer should be brought before him/her. Only such postal ballot papers as are received before the hour fixed for commencement of counting shall be counted.
2. On the day previous to the date of counting, the Returning Officer shall meet the observer and furnish the latest account of the total number of postal ballot papers received back both from the facilitation centres and those received through post. At the time of commencement of counting he should also give similar information to the Observer in respect of postal ballot papers received subsequently and till the time fixed for commencement of counting on the

day of counting.

3. Ideally not more than 500 postal ballots may be counted in one Table at a time in each round. Accordingly, arrange for additional tables, subject to availability of space inside the counting hall, for counting of votes polled by postal ballot. However, ordinarily not more than four counting tables may be provided for counting of postal ballot paper. In each Table for counting of postal ballot there should be an ARO. Thus, there will be as many AROs for counting of postal ballot papers as are the number of Tables provided for counting of postal ballot. For each such Table, there will be one Counting Supervisor and two Counting Assistants. The Counting Supervisor and Counting Assistants for the postal ballot should be Gazetted officers.
4. Persons involved in postal ballot counting should also be trained about all aspects of postal ballot counting for which there are already detailed instructions of the Commission.
5. RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor.
6. The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.
7. There shall be an additional micro-observer (GOI or CPSU official) for each table for postal ballot counting.
8. All the cases of rejection of postal ballot on account of defects in Declaration in Form 13A should be re-verified by the Returning Officer before they are actually put in the rejected category.
9. The penultimate (one before the last) round of counting of votes recorded in EVMs shall not commence till the counting of postal ballot is completed in all respects.
10. The contesting candidates will be entitled to appoint a counting agent for each Table provided for counting of postal ballot papers.
11. The additional measure being put in place to expedite the process of counting of postal ballot paper by providing additional counting tables in view of the large number of votes polled by postal ballot may be brought to the notice of contesting candidates in advance so that they can also appoint additional counting agents for the extra tables.
12. The Observer shall very closely oversee the process of counting of votes by postal ballot, especially the scrutiny of the declaration in Form 13A. While submitting the report on counting, after declaration of result, the Observer shall include therein a detailed description of the procedure followed for the postal ballot counting. This should specifically make a mention about the total number of postal ballot papers received for counting, no. of PB rejected, no. of tables provided for postal ballot counting and the total time taken for the counting of PB.

13. All PBs received by the RO up to the hour fixed for commencement of counting shall be counted, so all such PBs should be brought before the RO. Please note that no 'Cover -B' in Form 13-C which contains the PB, received late after the time fixed for the commencement of counting shall be opened and counted [Rule 54A (2)], and a suitable endorsement to that effect on the cover in Form 13-C should be made on each such cover received after the commencement of counting. Thereafter these Covers in Form 13C will be put into a larger cover and sealed, before proceeding further.

14. All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots following points /stages must be scrupulously followed.

i) All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are to be opened one after another.

ii) On opening the cover "B" in Form 13C, two documents are required to be found inside. The first is the declaration by the voter in Form 13-A and the second the inner cover "A" (Form 13-B) containing the postal ballot paper. Before opening the cover "A" (Form 13-B) containing the postal ballot paper, the Returning Officer must check the declaration (Form 13-A).

iii) He will reject a postal ballot paper without opening its inner cover (Form 13-B) in any of the following cases:

(a) if the declaration in form 13-A is not found in the cover "B" in Form 13-C;

(b) if the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective;

(c) if the serial number of the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover "A" in Form 13-B.

NOTE - A postal ballot paper shall not be rejected merely on the ground that the attesting officer has not put his seal on the declaration of the elector in Form 13-A, if the attesting officer has given all relevant details with regard to his name and designation on that Form. Further, a postal ballot paper shall also not be rejected on the ground that the sender (elector) has not put his signature on the outer cover "B" (Form 13C) in which he has returned the postal ballot paper, if the identity of the sender is verifiable on the basis of his declaration in Form 13-A.

iv) All such rejected covers "A" in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the RO or the dedicated ARO, and will be back with the respective declarations in the larger covers "B" in Form 13-C.

v) All such larger covers "B" will be kept in a separate packet, which will be sealed by the RO/ ARO concerned and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.

vi) Thereafter, the RO/ARO will proceed to deal with the remaining covers "A" in Form 13-B, i.e., other than those rejected as aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their covers "A" in Form 13-B, to ensure secrecy of vote as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

vii) Thereafter, the RO/ARO will proceed to open the covers "A" in Form 13-B one after another to take out the postal ballot papers contained in them. The RO /ARO will scrutinize every such ballot paper and decide its validity. A postal ballot paper will be rejected on the following grounds: - (a) If no vote is recorded thereon; or (b) If votes are given on it in favour of more than one candidate; or (c) If it is a spurious ballot paper; or (d) If it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or (e) If it is not returned in the cover "B" sent along with it to the elector by the Returning Officer; or (f) If the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or (g) If it bears any mark or writing by which the voter can be identified.

NOTE - There is no particular mark required by law to be made by a voter to indicate his/her vote on a PB. Any mark can be accepted as valid so long as it has been so made on the PB that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned.

viii) The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.

ix) Thereafter all the valid postal ballot papers and all rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the RO and the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon.

15. In case the victory margin is less than total number of postal ballots received then there should be a mandatory re-verification of all postal ballots. In the presence of Observer and the RO all the postal ballots rejected as invalid as well as the postal votes counted in favour of each and every candidate shall once again be verified and tallied. The Observer and the RO shall record the findings of re-verification and satisfy themselves before finalizing the result. The entire proceeding should be video-graphed without compromising the secrecy of ballot and the video-cassette/CD should be sealed in a separate envelope for future reference.

15.15.5 COUNTING OF VOTES RECEIVED BY POST FOR PARLIAMENTARY CONSTITUENCY

The Assistant Returning Officer for the Parliamentary Constituency who will count the votes polled at a component Assembly segment will have nothing to do with counting of the postal ballot papers for the Parliamentary Constituency. According to rule 65 of the Conduct of Elections Rules, 1961, if votes are counted at more places than one (as in most cases they will be in the case of Parliamentary election), the provisions of rule 54-A of the said ruled will apply only to the counting at the last of such places. It is possible to regard the place at which the Returning Officer finally counts and declares the result as the last place of counting in point of time. In other words, the Returning Officer of that Parliamentary Constituency shall get Part-I of Form 20 final result sheet duly completed from his/her Assistant Returning Officers.

15.16 COUNTING OF VOTES RECORDED IN EVMS

- 15.16.1 After 30 minutes of the commencement of postal ballot counting, the EVM counting can start. However, the penultimate round of EVM counting shall not commence unless the postal ballot counting is over.
- 15.16.2 While Returning Officer may still be engaged in counting the postal ballot papers, the work of distribution of Control Units of voting machines on the various counting tables can start. The EVMs should be brought under escort from the strong room to the counting hall. Distribution of Control Units to the counting tables should be done in the serial order of the polling stations, i.e. in the first round of counting; Control Unit used at polling station number 1 should be given to counting table number 1, that of polling station number 2 to counting table number 2, and so on. Similarly, for counting of votes for simultaneous elections, in the first round of counting, Control Unit for Assembly election used at polling station number 1 should be given to table number 1 and the Control Unit used for Lok Sabha election at polling station number 1 should be given to table number 8, i.e., the first table for the counting of votes for Lok Sabha election, and so on. Extra care has to be taken to ensure this arrangement and to ensure this a senior officer may be appointed to function as nodal officer. Returning Officer has to keep an account of such distribution with him/her for his/her information.
- 15.16.3 Please take care that only after all EVMs of a particular round are properly counted, ECI observer having done parallel counting of two randomly selected EVMs, and round wise tabulation is completed, and round wise result is announced by the RO and the RO has signed on Part-II of Form 17 C in respect of all EVMs counted in a round as well as round wise tabulation statement in the prescribed Performa, the EVMs for next round are brought in the counting hall after getting verbal clearance of RO/ARO.
- 15.16.4 It is to be ensured that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round, in respect of both Assembly and Parliamentary elections is completed and Control Units used in the polling stations covered by the round completed are removed from the counting tables.

15.16.5 At the time of counting, only the Control Unit of the EVM is required for ascertaining the result of poll at the polling station at which the Control Unit has been used. The Balloting Units have to be kept in strong room.

15.16.6 Along with the Control Unit used at a polling station, sealed cover containing the relevant Account of Votes Recorded in Part I of Form 17C pertaining to that polling station shall also be supplied to the counting table. Also supply adequate number of Part-II of Form 17C (with candidates' names pre-printed).

PROCEDURE TO BE FOLLOWED BEFORE COUNTING OF VOTES FROM CONTROL UNITS

15.17 OPENING OF CARRYING CASES OF CONTROL UNITS

1. The Control Units are received from the polling stations duly kept and sealed in their carrying cases by the Presiding Officers. As each carrying case is brought to the counting table, the seals (address tags) affixed by the Presiding Officer should be examined and ensure from address tags and Form 17C that it is the same Control Unit, which was actually used at that particular Polling station.
2. If the seals put on carrying case are intact, remove the seals from the carrying case, take out the Control Unit and place it on the counting table for the inspection and checking of seals (Pink paper seal, Outer paper seal, the special tag and the green paper seal) thereon by the candidates or their agents present at the counting table.

15.18 CHECKING SEALS ON CONTROL UNITS

15.18.1 Before the votes recorded in the Control Unit of any voting machine are counted, the candidates or their election agents or their counting agents present at the counting table shall be allowed to inspect the outer strip seal, the special tag, the papers seals and such other vital seals as may have been affixed on the carrying case and the Control Unit and to satisfy themselves that the seals are intact. Returning Officer shall also satisfy himself/herself that none of the voting machines is tampered with. If Returning Officer is satisfied that any voting machines has in fact been tampered with, he/she shall not count the votes recorded in that machine and report the matter to Commission immediately and shall follow its instructions on the same.

15.19 CHECKING OF SEALS AND IDENTITY MARKS ON THE CONTROL UNIT

15.19.1 As each Control Unit is taken out of the carrying case, Returning Officer shall first check its serial number and satisfy himself/herself that it is the same Control Unit, which was supplied by him/her to the Presiding Officer for use at that polling station. Then, check the Serial Number of Pink Paper Seal used for sealing the cabinet of Control Unit, the seal on the Candidate Set section of the Control Unit (which had been put at Returning Officer's level before the supply of the machine to the polling station) and also the Outer Strip Seal, and seal on Special Tag on the outer cover of result section which must have been put by the Presiding Officer at the polling station after mock poll. Even

if any of these seals is not intact, the Control Unit could not have been tampered with if the paper seals put on the inner cover of the Result Section are intact.

15.20 COMPARISON OF THE SERIAL NUMBER OF THE PAPER SEAL

15.20.1 Remove the outer strip seal and the seal on the outer cover of the Result Section and open that cover. On opening the outer cover of the Result Section Returning Officer will see the inner cover sealed with the special tag and seal of the Presiding Officer. Check this seal also. Even if the seal is not intact, the Control Unit could not have been tampered with if the paper seal is (Special Tag) intact and has not been tampered with. In the inner cover of the Result Section, there will be a green paper seal. Instructions have been issued that the green paper seal should be so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal should be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in Item 10 of Part I of Form 17C. Allow, without fail, the candidates or their agents present at the counting table also to compare such serial numbers of the paper seal and special tag and satisfy themselves that the paper seal and special tag are the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.

15.20.2 If the serial number of the paper seal actually used in the Control Unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a mistake or there would be a prima facie suspicion that the voting machine has been tampered with. Returning Officer should decide the question by checking the serial numbers of the unused paper seal returned by the Presiding Officer and other relevant circumstances including complaints, if any, made by the candidates or their agents at the polling station. If Returning Officer find it to be the case of clerical mistake, ignore the discrepancy.

15.21 CHECKING OF SERIAL NUMBER OF CONTROL UNIT

15.21.1 Since the list of Control Units allotted to each polling station is already shared with all candidates and is available with the Returning Officer, the Control Unit No. and number of electors assigned to the polling station shall be filled up in advance in the round wise tabulation sheet. On the counting table, the counting supervisor shall verify and record on Form 17C-Part II itself that the serial no. of the Control Unit taken up for counting is the same as what is noted on the Part-I of Form 17C. the Control Unit will itself display its serial no. as soon as its power is switched on. The Micro-Observers will also note down the Serial No. of the Control Unit on the sheet maintained by him/her. If any discrepancy is noted, this should be brought to the notice of the RO and the Observer before counting the votes recorded in that Control Unit. When Individual counting sheets (Form 17C-Part II) from counting tables will come to RO's table for filling up the

round-wise tabulation sheet, the RO & the Observer will ensure (by tick marking) that the pre-filled serial number of CU noted down in the round-wise counting sheet is the same as mentioned in Part I of Form 17C as well as the Control Unit number actually verified/displayed during counting at the table. Extreme care will have to be taken by the RO to ensure that there are no errors in the list of polling station wise CUs shared with the candidates. Any anomaly will create doubt and confusion in the counting hall. In case any EVM had to be replaced during the poll, proper record of the same along with the serial number of the new Control Unit used shall be maintained and the fact mentioned clearly with full details in the round-wise counting sheet.

15.22 CONTROL UNITS TO BE KEPT APART IF FOUND TAMPERED WITH

15.22.1 On the other hand, if Returning Officer is satisfied that the voting machine has been tampered with, or is not the same which was supplied for use at that polling station, the machine should be kept apart and the votes recorded therein should not be counted. Returning Officer should report the matter to the Election Commission. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found by Returning Officer to have been tampered with. Returning Officer should, therefore, proceed with the counting in respect of the other polling stations.

15.23 ASCERTAINING THE RESULT

15.23.1 The Commission has further directed that during each round of counting, Counting Supervisors will ensure that at the time of pressing the result button on the Control Unit of the EVM, the counting agents of all candidates are shown the display panel of the Control Unit to their satisfaction so that they can note down the votes polled in favour of each candidate as displayed on the Control Unit display panel. For this purpose, the Control Unit may be kept lifted, if necessary, by one of the counting assistants in such manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistant and micro observer sitting on the counting table, and also to counting agents of candidates sitting across the wire-mesh/fence. In case, any counting agent desires to have the result displayed on EVM more than once, it shall be done by the Counting Supervisor to the satisfaction of the counting agents.

15.23.2 After announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the RO to count the printed VVPAT paper slips in any or all polling stations. If such application is made, the RO shall pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO shall give due consideration to the following:

1. Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate making the application.

2. Whether EVM had a problem and was replaced at that polling station during poll.
3. Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

15.23.3 If the RO decides to count the printed paper slips of any polling station(s) on an appeal for recounting of any polling station(s), the following procedures shall be strictly followed:

- **Step 1:**

1. For keeping VVPAT Paper Slips taken out from the Drop Box of the VVPAT, a sufficiently sized container with lid, of dimensions 14-inch X 10-inch X 5 inch (length x breadth x height), to easily accommodate around 1400 Printed Paper Slips, shall be kept on the table of VCB. This Container should be made of sturdy transparent material like plastic etc.
2. For keeping VVPAT paper slips of the respective candidates, a Pigeonhole Framework shall be prepared in advance according to the number of candidates including NOTA, with one additional pigeonhole for keeping self-test slips of the VVPAT and shall be kept on the table of VCB. The minimum number of Pigeonholes in the Framework must be equal to the number of candidates plus 2 (two). The size of each compartment (Pigeonhole) must be at least 6 inch X 4 inch X 4 inch. The pigeonhole structure should be made of sturdy transparent material like plastic etc., having a fixed base to prevent any VVPAT paper slip from slipping underneath. The symbol of each contesting candidate as per the Ballot Paper should be affixed on the wall of the pigeonhole allotted to the particular candidates. The symbol should be printed in black and white on a plain paper of minimum size 4inch X 3 inch.
3. At least 100 Rubber bands for making bundles of 25 VVPAT paper slips.

- **Step 2:**

1. The VVPAT unit(s) of the respective polling station(s) should be brought to the VCB one by one, as the case may be.
2. In case a VVPAT unit was replaced during poll at that polling station, all the VVPAT units used at that polling station should be brought to the VCB.

- **Step 3:**

1. The printed paper slips shall be taken out from all the VVPATs used at the polling station, before beginning the counting of VVPAT paper slips for that polling station.
2. Before taking out the VVPAT Paper Slips from the drop box, the address tag(s) of the drop box shall be crosschecked to ascertain that the VVPAT pertains to the respective polling station.
3. The VVPAT Paper Slips taken out from the Drop Box of the VVPAT shall be first kept in the container as per specification at step-1 (1).
4. After taking out the VVPAT paper slips from Drop Box, the Counting Supervisor shall ensure

that no VVPAT paper slip is left inside the VVPAT drop box and show the empty drop box to the counting agents.

5. In case a VVPAT unit was replaced, it may so happen that an uncut fully or partially VVPAT paper slip is hanging and has not got cut and dropped in the drop box and still connected to the paper roll. This uncut VVPAT paper slip should not be torn and should not be counted because the vote is not recorded electronically in the CU unless the VVPAT paper slip is cut. In such an event, the last voter whose VVPAT paper slip was not cut would have been given an opportunity to cast his vote after replacement of VVPAT and the VVPAT paper slip of the vote cast by him shall be in the next VVPAT used in that polling station.
6. The drop box of the VVPAT will also have VVPAT slips of self-test report. These are easily identified, as they do not have either the name or the symbol of any candidate. These self-test report slips are to be preserved along with the VVPAT paper slips as part of the record but they are not to be counted.

- **Step 4:**

1. The VVPAT paper slips should be segregated one-by-one and put in respective pigeon holes after showing each slip to the Counting Agents. The paper slips bearing self-tests report shall also be segregated and put in a separate pigeonhole provided for the purpose.
2. Bundles of 25VVPAT paper slips of respective candidates shall be prepared for counting purpose.
3. VVPAT Paper Slips shall then be counted by the counting staff.
4. Result of the VVPAT paper slips count shall be prepared in the format as per Annexure-VII and attached to Part-II of Form 17-C.
5. The result of the count of VVPAT paper slips shall be announced loudly in the counting hall and shown to the counting agents as per Rule 56D(b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count shall prevail. Hence, if there is discrepancy between the count of votes displayed on the Control Unit and the count of printed- paper slips in respect of that Polling Station, the result sheet will be amended as per the printed- paper slips count.

- **Step 5:**

1. After completion of counting of VVPAT paper slips, the bundles of all the VVPAT Paper Slips shall be kept back in the Drop Box of the respective VVPAT and door of the Drop Box shall be sealed using address tags.
2. The candidate(s)/their agents may also be allowed to affix their signature with party abbreviation on the Address Tags.

15.23.4 The polling station(s) whose VVPAT paper slips have already been counted due to non-display of result from Control Unit (s) or under Rule 56(D) of the Conduct of

Elections Rules 1961 are also to be included for randomization or not. In this regard it is clarified that

1. In case counting of votes of VVPAT paper slips in respect of those polling stations where more than one VVPAT were used, is required to be done, in such case VVPAT paper slips of each VVPAT will be counted separately, one by one and result of each VVPAT will be entered separately in annexure attached to Form 17C. Thereafter, a Final Result sheet shall be prepared by combining all results of that particular polling station and the same shall also to be attached to Form 17C.
2. For mandatory verification of VVPAT Paper Slips of randomly selected one polling station of each Assembly Constituency/one polling station of each Assembly Segment of Parliamentary Constituency, the polling station(s) whose VVPAT paper slips have already been counted due to non-display of result from Control Unit (s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reasons, will not be included for randomization for that purpose.

15.24 COMPLETION OF PART II - RESULT OF COUNTING OF FORM 17C

- 15.24.1 As the votes secured by each candidate and NOTA are displayed on the Display Panels of the Control Unit, the counting supervisor should record the number of such votes separately in respect of each candidate in 'Part II - Result of Counting' of Form 17C. He should also note down in the said Part II of Form 17C whether the total number of votes as shown in that Part tallies with the total number of votes shown against Item 6 of Part I of that Form or any discrepancy has been noticed between these two totals. After completing that form in all respects, the counting supervisors should sign it. He should also get it signed by the candidates or their agents present at the counting table.
- 15.24.2 Sufficient no. of Part - II of form 17-C (Result of counting) with the names of all the contesting candidates and NOTA below the name of the last contesting candidate shall be pre-printed. The Commission has directed that the Part-II of Form 17C shall be prepared in duplicate using carbon paper. And both the copies should be got signed from the counting agents present. One copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes. The other copy of the Part-II will be collected from each table by an official specially designated by the RO. He will make photocopies for distribution among the counting agents present at respective Counting Tables for their record and verification. The starting of the next round of counting need not wait till distribution of these copies is complete. This can go on simultaneously. Therefore, necessary arrangements for photocopying shall be made in each counting hall. The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope super scribed "Duplicate copy of result of counting in Form 17C-Part-II", mention the Table No., total number of rounds counted and the Name of the Counting Supervisor and handover the envelope personally to

the R.O./A.R.O. after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.

15.24.3 The Commission has also directed that when tabulation sheet of each polling booth (Form-17-C) is received at the Returning Officer's table, it will be the responsibility of the Returning Officer to show it to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. Returning Officer should countersign the Form after satisfying himself/herself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form 20.

15.24.4 Further, Returning Officer should either announce or cause the entries of votes polled by each candidate after each round to be written on a display-board of minimum size of 6x9 feet to be put up conspicuously so that each counting agent can see and note down /cross check the entries and announce through public address system. This will enable Returning Officer to proceed uninterruptedly with the counting of votes at other polling stations.

15.24.5 The Commission has directed that henceforth in case of non-display of result on the Display Panel of the Control Unit, the following action shall be taken:

1. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should be continue as usual.
2. Result from such Control Unit(s) will not be retrieved using Auxiliary Display Unit or Printer.
3. After completion of counting of votes from all the Control Units, the printed paper slips of the respective VVPAT shall be counted as per the counting produce prescribed by the Commission.
4. Thereafter, counting of printed paper slips of VVPAT(s) under Rule 56D of the Conduct of Election Rules, 1961 should be taken up, if any.

15.24.6 A report regarding counting of VVPAT paper slips is to be sent to the Commission in the prescribed format through Chief Electoral Officer.

15.25 PREPARATION /COMPILATION OF FINAL RESULT SHEET - FORM 20

15.25.1 The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 should make entries on that Form showing the votes polled by each candidate polling station wise strictly in accordance with the entries made in 'Part II Result of Counting' of Form 17C in respect of each polling station. The number of such votes separately in respect of NOTA also in Part II of form 17C. The number of test votes in VVPAT and tendered votes polled, if any, at a polling station should also be noted in

the appropriate column in Form 20 against the polling station concerned including the number of tender votes recorded as per the report of the Presiding Officer. Tendered votes are not counted.

15.26 CROSS CHECKING

15.26.1 In addition to above, on the basis Form 17C duly completed by counting supervisors, Returning Officer will get prepared a round wise statement in the following Proforma. A copy of the detailed polling station-wise round-wise breakup of the votes as shown in the said Proforma will be kept by the Observer in his folder. In addition, on the computer installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Polling station wise and Round wise. Even though computer tabulation will not substitute the manual tabulation being done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totalling will be helpful as a double check on the accuracy of manual tabulation. The said date shall be entered in the excel sheet in the computer and a print out of the same shall be taken out and compared by the observer and also be signed by the officer.

Annexure for tabulating Trends/Results

Number & Name of Constituency _____ Round Number ____ Date _____

Table No.	1.	2.	3.	4.	5.	6.	Total	Brought from Previous Round	Cumulative Total
Polling Booth No.									
Sl. No.	Name of Candidate								
Rejected Vote									
Total Vote									
	Initial of RO								
	Initial of Observer								

- Important:
1. All Over writings/cutting should be certified by observer.
 2. Polling station Number whose votes are counted should be indicated below the table Number.
 3. A copy of this is to be kept by observer in a separate folder for cross checking later.

15.26.2 Both Returning Officer and the observer should be satisfied after due checking that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part-II of Form 17C (result of counting)

pertaining to that counting table. Then it should be signed by Returning Officer and observer. Thereafter Returning Officer should announce the result of that round loudly or using loudspeaker for every body's information. The total etc. done manually may be tallied by entering all the counting data in an Excel sheet and computing the total.

15.26.3 As a measure to cross check the correctness of counting, the Commission has directed the observers to randomly select two EVMs counted in a round and with the help of additional counting staff provided to them to assist in this regard ascertain once again count of votes polled by each candidate and after getting satisfied, then only countersign the relevant column of above referred statement. The Additional Counting staff shall prepare the result of two randomly selected EVMs in the following format:

PROFORMA FOR RECORDING OF VOTES
BY ADDITIONAL COUNTING STAFF

No and Name of AC:

Round No:

Table No:

CU Number:

Polling Station Number:

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

Date:

Signature of additional counting staff (with full name)

*to be handed over to the Observer only

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

- i) The result of that round for each table shall be 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.

- 15.26.5 The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round. A copy of the print out should be given to media room for information of press and another copy to communication room for uploading on GENESYS.
- 15.26.6 Next Round of counting should only start i.e. the next set of EVMs for the next round should be brought only after all tables of previous round have finished counting and the result of that round has been posted on the blackboard/whiteboard.
- 15.26.7 The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers.
- 15.26.8 The RO will fax round-wise data to the CEO. Wherever hot lines are available with the CEO, these will be utilized to orally confirm the contents of the fax message. CEOs would set up adequate number of fax lines with hunting facility to receive the faxes. For this purpose, they can hire faxes or temporarily borrow fax machines from various government departments and corporations. The total number of such fax machines required, including a few in reserve, should be decided in advance and these should be positioned and tested at least 72 hours before the start of counting. The CEOs should have blank forms to note down the round wise data, if received orally on phone or hotline.
- 15.26.9 As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the PC by combining the position of the rounds of different ACs available from time to time should also be announced over the public-address system, preferably from a centralized location where the public announcement booth is located. The public announcements could be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.

15.27 MANDATORY VERIFICATION OF VVPAT PAPER SLIPS OF ONE PS

- 15.27.1 Mandatory verification of VVPAT paper slips of randomly selected one polling station shall be conducted in addition to the provisions of Rule 56D of the conduct of Election Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs. In case of the General and Bye election to State Legislative Assemblies, verification of VVPAT paper slips of randomly selected one polling station in each Assembly Constituency. In case of General and Bye election to the House of the People, verification of VVPAT paper slips of randomly selected one polling station of each Assembly segment of the Parliamentary Constituency concerned or as directed by the Commission.

15.27.2 For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

1. The verification of VVPAT paper slips of randomly selected one polling station for each Assembly Constituency/Segment shall be taken up after the completion of the last round of the counting of the votes recorded in the EVMs.
2. The randomly selection of one polling station per Assembly Constituency/Segment shall be done by the Draw of lots, by the Returning Officer concerned, in the presence of candidates /their agents and the General Observer appointed by the Commission for that Constituency.
3. The draw of lots must be conducted immediately after the completion of the last round of counting of votes recorded in the EVMs (Control Units) in the designated Counting Hall for the particular Assembly Constituency/Assembly Segment.
4. A written intimation regarding the conduct of the draw of lots for the random selection of one polling station for verification of VVPAT paper slips shall be given by the Returning Officer to the candidates/ their election agents well in advance.
5. The following procedure shall be followed for the conduct of draw of lots:
 - a) white colour paper cards of postcard size shall be used for conducting the draw of lots.
 - b) the total number of such paper cards should be equal to total number of polling stations in the Assembly Constituency/Assembly Segment.
 - c) The paper cards shall have pre-printed Assembly Constituency/Assembly Segment number, Assembly Constituency/Assembly Segment name and date of polling on the top, and the polling station number in the centre. Each digit of the polling station number shall be at least 1" X 1" (one inch by one inch) size and printed in black.
 - d) the paper cards to be used for draw of lots should be four folded in such a way that polling station number is not visible.
 - e) Each paper card shall be shown to the candidates/their agents before folding and dropping in the container.
 - f) The paper cards shall be kept in the big container and must be shaken before picking up one slip by the Returning Officer.

15.27.3 The verification of VVPAT paper slips shall be done in a 'VVPAT Counting Booth' specifically prepared for this purpose inside the Counting Hall. The booth shall be enclosed in a wire mesh just like a bank cashier's cabin so that no VVPAT paper slip can be accessed by any unauthorized person. One of the Counting table in the Counting hall can be converted into VVPAT counting booth and can be used for normal counting of round-wise EVM votes before the count of VVPAT paper slips as per random selection after the completion of round-wise EVM votes counting.

15.27.4 The verification count of VVPAT paper slips of the randomly selected one polling station shall be conducted strictly in accordance with the instructions of the Commission on counting of printed paper slips.

15.27.5 The Returning Officer and Assistant Returning Officer, as the case may be, shall personally supervise the counting of VVPAT paper slips at this booth. The General Observer shall ensure close and careful observation of the entire exercise and ensure compliance of the Commission Instructions.

15.27.6 The above process shall be fully video-graphed.

15.27.7 After completion of the above process, the Returning Officer shall give certificate in the format given below:

Verification of paper slips of VVPAT of one randomly selected polling station

Name of State

No. and Name of Assembly/Parliamentary Constituency

No. and Name of Assembly Segment (in case of PC)

S. No. and Name of Polling Station

Unique ID of Control Unit

Unique ID of VVPAT

It is certified that pilot testing of counting of paper slips of VVPAT of one randomly selected polling station has been conducted as per the instructions of the Commission.

Name of Candidate	No. of Votes Cast		Discrepancy, if any
	As per EVM	As per Paper slips	
1.			
2.			
3.			
...			
...			
NOTA			
TOTAL VOTES			

Signature of Counting Agents

1.

2.

3.

Signature of Counting Supervisor

Signature of Returning Officer

Signature of General Observer

15.28 COMPILATION

- 15.28.1 If Returning Officer is counting the votes of an Assembly constituency, he/she has to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.
- 15.28.2 After the total number of votes polled by each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and tendered votes.
- 15.28.3 But before striking this grand total, the entire Final Result Sheet shall be carefully checked and it must be ensured that each and every entry in respect of each candidate for every polling station has been made correct and that the Form is not incomplete in any respect.
- 15.28.4 Please note that any incorrect totalling is going to materially affect the result of election. This, in turn, will affect the declaration of result, which has to be made on the basis of this Form 20. RO shall be held personally responsible for any inaccuracy/discrepancy in that Form. Any slackness shall be very seriously viewed by the Commission and severe disciplinary action will be taken against the RO.
- 15.28.5 ARO of an Assembly segment of a Parliamentary constituency, after completion of counting of votes, shall prepare the Result Sheet in respect of that Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. ARO of an assembly segment in a Lok Sabha election, is not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers as the counting of Postal ballots, under the law, is required to be done by the Returning Officer for the Parliamentary Constituency and he will record the result of voting of postal ballot papers in Part II of the said Form 20.
- 15.28.6 Immediately on the completion of counting of votes of an Assembly segment of a Parliamentary Constituency, Result Sheet in Part I of Form 20, all the relevant Forms 17C and all other papers and records relating to the counting of votes should be forwarded to the Returning Officer for the Parliamentary Constituency for consolidation of the result and completion of the Final Result Sheet in Part II of Form 20.
- 15.28.7 The Returning Officer for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from Assistant Returning Officers, should incorporate the result in

respect of each Assembly segment in the Final Result Sheet in Part II of the said Form 20. RO shall also record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike the grand total of the votes received by each candidate (both the votes recorded in the voting machines at the polling stations and the postal ballot papers), rejected postal ballot papers and tendered votes.

A sample final result sheet duly completed in Form 20 is given at **Annexure 39**.

15.29 ACTION TO BE TAKEN IN CASE OF MALFUNCTIONING OF ELECTRONIC VOTING MACHINES (EVM) DURING COUNTING OF VOTES

15.29.1 Following actions to be taken in case of malfunctioning of EVM during counting of votes:

- a) In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer’s custody in the counting hall. Counting of votes in other machines should continue as usual.
- b) Result from such Control Unit(s) will not be retrieved using Auxiliary Display Unit or Printer.
- c) After completion of counting of votes of all the Control Units, the printed paper slips of the respective VVPAT shall be counted as per the counting procedure prescribed by the Commission to count VVPAT paper slips.
- d) Thereafter, counting of printed paper slips of VVPAT(s) under Rule 56D of the Conduct of Election Rules, 1961 should be taken up, if any.
- e) A report regarding counting of VVPAT paper slips should be sent to the Commission in the following format through CEO concerned for information:

S. No.	No. and Name of Assembly Constituency	Polling Station No.	Unit ID of VVPAT	Unit ID of Control Unit for which VVPAT paper slips counted	
				Non-retrieval of result from CU	Under Rule 56D of the Conduct of Election Rules 1961
1	2	3	4	5	6
1.					
2.					

- f) After completion of counting, all the Control Units whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

15.30 ACTION TO BE TAKEN DURING COUNTING OF VOTES IN CASE PRESIDING OFFICER DOES NOT PRESS CLOSE BUTTON OF CU AT THE END OF POLL

15.30.1 In case a Presiding Officer is found to have not pressed the 'CLOSE' button of Control Unit at the end of poll, the following action should be taken during counting of votes in the presence of candidates/their authorized agents, under video-graphy: -

- a) In case any Control Unit does not display result due to not-pressing of "Close" button by the Presiding Officer in the polling station at the close of poll, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.
- b) When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in such machine (s).
- c) In both the cases where the margin of votes is more or less than the total votes polled in that machine (s), the Returning Officer/Counting Supervisor shall press the "Total" button of the Control Unit to see the total votes polled in that machine (s). In case, total votes polled in the machine (s) tallies with the total votes polled mentioned in the Form - 17 C, the Returning Officer/Counting Supervisor shall press the "Close" button of the Control Unit (s) so that "Result" button can be pressed for getting result data explaining the entire issue to the candidates and/or their authorized agents and recording a proceeding in this behalf with the signatures of the candidates/their authorized agents. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure A below.
- d) In case, total votes polled in the machine(s) does not tally with the total votes polled mentioned in the Form-17 C, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-B below, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the Control Unit in question. The Returning Officer and Observer should also send a detailed report to the Commission in the format at Annexure C below, where the margin of vote between the candidates having highest vote and the runner up is less than the votes polled in the Control Unit in question.
- e) After completion of counting, all such Control Units whether result has been retrieved from it or not, the Control Unit should be kept back inside its carrying case. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).
- f) The aforesaid instructions should also be brought to the notice of all Political Parties and

contesting Candidates in advance.

Annexure-A

(Report on getting result data from Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been obtained from the following Control Unit(s) after pressing CLOSE button in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up Candidates

S. No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

Final statement showing votes polled by the winning and runner up Candidates

S. No.	Name of candidate	Party affiliation, if any	Votes polled

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Units (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

As the margin of votes between the candidate having highest votes and the runner up is less than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Final statement showing votes polled by the winning and runner up Candidates

S. No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

15.31 RECOUNT

15.31.1 Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise.

- 15.31.2 Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 63 of the Conduct of Election Rules, 1961, still apply in relation to Returning Officer's constituency. Accordingly, when the counting is completed and the Final Result Sheet in Form 20 has been prepared, Returning Officer should announce the total number of votes polled by each candidate as entered in the Form 20. Returning Officer should then pause for a minute or two. If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, Returning Officer should ascertain from him regarding the time required by him for applying for recount in writing. A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations. If Returning Officer consider that the time applied for is reasonable, allow it and announce the exact hour and minute up to which he/she will wait for receiving the written application for recount. Returning Officer should not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced.
- 15.31.3 When an application for recount is made, Returning Officer should consider the grounds urged and decide the matter judiciously. Returning Officer may allow the application in whole or in part if it is reasonable or he/she may reject it in toto, if it appears to him/her to be frivolous or unreasonable. But the right of a candidate to demand a recount under rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a, prima facie case, which the counting was not accurate and recount is necessary in the interest of justice. Returning Officer's decision will be final, but in every case, he/she should record a brief statement of reasons for his/her decision.
- 15.31.4 If in any case, Returning Officer allow an application for recount either wholly or in part, he/she shall have the votes recorded in the voting machines counted over again in accordance with his/her decision. The postal ballot papers will also be counted over again if so decided by Returning Officer. After the recount, correct the final result sheet to the extent necessary. Returning Officer will announce the amendments so made, if any, by him/her. After the total number of votes polled by each candidate after recount has been announced, Returning Officer has to complete and sign the Result Sheet. No candidate has a right to demand a recount after Returning Officer completed and signed the Final Result Sheet. Reject any demand for any recount of votes after Returning Officer has completed and signed the Final Result Sheet.
- 15.31.5 Where printer for paper trail is used, any candidate or in his absence his election agent or any of his counting agents may apply in writing to the RO to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations after the entries made in the result sheet is announced. If such an application is received, the returning officer shall, subject to such general or special guidelines as may be issued by the ECI, decide the matter and may allow in whole or in part or may reject in whole, if it appears to him as frivolous or unreasonable. Every decision of

the RO shall be in writing and shall contain the reasons thereof. If the RO decides the counting of paper slips either wholly or in part or parts, he shall –

- a) do the counting in the manner as may be directed by the Commission,
- b) amend the result sheet in form 20 as per the paper slips count if there is discrepancy between the votes displayed on the Control Unit and the counting of Paper Slips.
- c) announce the amendment so made by him
- d) complete and sign the result sheet.

(ECI No. 3/1/2013/VVPAT/SDR dated 15.10.2013)

- 15.31.6 Returning Officer's duty is to count accurately the votes and he has therefore always the right to order his/her staff to recount the votes. But the right of a candidate to demand a recount under Rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a prima facie case that the counting was not accurate and recount is necessary in the interest of justice.
- 15.31.7 It would be unreasonable to demand second recount if the first recount showed only minor variations from the first count and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.
- 15.31.8 But Returning Officer would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.
- 15.31.9 The Commission has decided that where the result of an election is going to be decided by difference of postal ballot received by the first two candidates, then there shall be mandatory and comprehensive recount of postal ballot papers, even though no candidate asks for it.
- 15.31.10 If votes are counted at more places than one, according to rule 65 of the Conduct of Elections Rules, 1961, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and completes Part II of the Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise.
- 15.31.11 As mentioned above, if votes are counted at more than one places, the recount can be demanded at the last place fixed for the purpose. This would be very inconvenient as the voting machines and all relevant papers would have to be taken to the last place of counting and in that way, it will defeat the entire effort and the whole purpose of

spreading out the counting at different places. Though generally it is intended that a recount of votes of a particular polling station should be done only after the counting for the entire constituency is over, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, it is desirable that Returning Officer check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

15.32 ADJOURNMENT OF COUNTING

15.32.1 Returning Officer should proceed with the counting at each place continuously. In case Returning Officer has to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the voting machines and also all other papers relating to elections. Allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

[N.B. It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with Returning Officer's seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to Returning Officer's lock on such room.]

15.33 ROLE OF OBSERVERS

15.33.1 As soon as the final result is declared, the data as contained in Form 21E, which is handed over to the winning candidate, will be handed over to the Observer also for immediate communication to the Commission.

15.33.2 The Observers will ensure that the Final Result Sheet in Form 20 is filled by the RO before he declares the result in Form 21 C and sends it to appropriate quarters. One copy each of the Forms 20, 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.

15.33.3 Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Towards this end, neither the Observer nor the ARO/RO or any other election official should leave the counting hall till the counting is completed and result declared. Strict discipline should be maintained inside the counting premises and prompt action should be taken against anyone not observing the rules.

15.34 POWER OF OBSERVERS TO STOP COUNTING

15.34.1 The observers appointed by the Commission under section 20B of the Act have the power to direct Returning Officer to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the observer booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of Returning Officer's custody or

are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or placed cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

15.35 PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC. OF VOTING MACHINES BEFORE COMPLETION OF COUNTING

15.35.1 Under the law (Section 64A) the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been

i) Unlawfully taken out of his custody, or

ii) Accidentally or intentionally destroyed or lost, or

iii) Damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained. If any such occasion arises, Returning Officer should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

15.36 PROCEDURES TO BE FOLLOWED IN THE CASE OF BOOTH-CAPTURING AT THE COUNTING CENTRE

15.36.1 Under Section 58A(b) of the Representation of the People Act, 1951, if booth -capturing takes place at any place of counting in such a manner that result of the counting at that counting centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission.

15.36.2 On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once Returning Officer has reported the matter to the Commission, under section 58A, he/she has to wait its directions in this regard and proceed further according to its directions when received.

15.37 COUNTING AFTER REPOLL DIRECTED

15.37.1 If any repoll has been held at a polling station in accordance with the directions given by the Commission, Returning Officer should fix the date, time and place for counting the votes recorded in such repoll and give notice of the same in writing to every candidate or his election agent. Returning Officer should follow the same procedure as detailed above for such further counting as far as it is applicable.

15.38 RESEALING OF VOTING MACHINES AFTER COUNTING

15.38.1 After the result of voting recorded in a Control Unit has been ascertained candidate-wise and entered in Part II - Result of Counting of Form 17C and in the Final Result Sheet

in Form 20, the Control Unit is required under Rule 56C of the Conduct of Elections Rules, 1961, to be resealed with Returning Officer's seal and the seals of such of the candidates or their election agents who may desire to affix their seals thereon. The resealing has, however, to be done in such a manner that the result of voting recorded in the Control Unit is not obliterated and the unit retains the memory of such result.

15.38.2 After completion of counting of votes, EVMs and VVPATs containing printed paper slips in its Drop box shall be kept in the same strong room without removing Power Packs of Control Units and Power Packs and Paper Rolls of VVPATs. The Strong room shall not be opened till completion of Election Petition (EP) period i.e. till EP list is received from respective High Court. After completion of Election Petition Period, the exact EP position should be ascertained from High Court concerned before opening the strong room.

15.38.3 After expiry of the period of filing of Election Petitions (EPs) i.e. 45-days from the date of declaration of result, District Election Officers shall ascertain the position of EP from the concerned High Court. After obtaining the status of EP from the High Court concerned, the following action shall be taken:

1. Every VVPAT used in an election and kept in the custody of the District Election Officer shall be kept untouched, under the standard protocol of security, till confirmation of Election petition position from the High Court concerned after the completion of the period for filing Election Petition i.e. 45 days from the date of declaration of the result.
2. In the case of elections, where no election petition has been filed or no other court cases are pending, after the aforesaid period, the VVPATs shall be available for use in any future election or any other purpose like training, awareness, movement, physical verification etc.
3. Before moving any VVPAT, printed paper slips shall be taken out from Drop-box of the VVPATs as per procedure mentioned below:
 - i. A Notice informing the opening of Strong Room having VVPATs shall be given to the representatives of all political parties in writing at least 48 hours in advance, requesting them to remain present at the time of opening of strong room.
 - ii. The strong room shall be opened in the presence of the District Election Officer and representatives of Political Parties.
 - iii. Remove the Power Packs of Control Units and Power Packs and Paper Rolls of VVPATs. The VVPAT paper slips shall be taken out from the Drop Box of VVPAT and kept in a paper envelope made of thick black paper, sealed using red wax under the seal of DEO. Name of election, number and name of assembly constituency, particulars of polling station, unique serial number of the VVPAT unit, date of poll and date of counting shall be mentioned on the envelope containing printed paper slips.
 - iv. The envelopes containing VVPAT paper slips shall be kept with all other statutory documents

relating to that election till the statutory time limit.

- v. Thorough checking of officials deputed for the removal of VVPAT paper slips and their sealing must be ensured. All pockets need to be emptied before entering the Sealing Room/Strong Room and thorough checking of officials leaving the sealing room should be done in addition to DFMD/Metal Detector Checking.
- vi. Once the VVPAT paper slips have been taken out, the VVPATs must be kept in their separate designated warehouse. VVPAT should not be kept in the same warehouse where EVMs are stored.
- vii. To ensure there is no deliberate attempt to remove any paper-slips from sealing room/strong room, the entire process should be conducted under high quality CCTV recording/video-graphy.
- viii. In case of any election where election petition has been filed, the following action shall be taken: - If the EVMs or Counting of Votes are the subject of the election petition, the EVMs and VVPATs 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
- ix. If the EVMs or counting of votes are not the subject of the election petition, an application may be moved to the concerned Court for allowing the EVMs & VVPATs concerned to be taken out of the strong room for any future election or any other purpose like movement, physical verification etc.
- x. In case VVPATs not involved in any Election Petition/Court Case are stored with the VVPATs involved in Election Petition/Court Case, the following procedure shall be followed for segregating the VVPATs not involved in any election petition/court case from the VVPATs involved in EP/Court case:
 - a. A Notice informing the opening of Strong Room having VVPATs involved in EP/Court Case as well as non-EP VVPATs, shall be given to the petitioners/respondents of the EP/Court Case and the representatives of all political parties in writing at least 72 hours in advance, requesting them to remain present at the time of opening of strong room.
 - b. The strong room shall be opened in the presence of the District Election Officer, Petitioners/respondents of the EP/Court case and representatives of Political Parties.
 - c. The VVPATs not involved in any EP/Court Case shall be segregated from the VVPATs involved in EP/Court Case for taking out of the strong room. A list of VVPATs being so taken out from the strong room shall be prepared.
 - e. The VVPATs, which are not involved in any EP/Court Case, should only be taken out of the Strong room. The procedure mentioned above shall be followed for taking-out power packs, paper rolls and the printed paper slips from all such VVPATs, following which the VVPATs are available for any subsequent deployment/use. The entire process shall be video-graphed

and video-graphy must be preserved for record.

15.39 SAFE CUSTODY OF VOTING MACHINES

15.39.1 Under sub-rule (1A) of Rule 92 and sub-rule (1A) of Rule 93 of the Conduct of Elections Rules, 1961, the voting machines sealed as above under rule 57C shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines so sealed shall be retained intact for such period as the Commission may direct and shall not be used for next election without the prior approval of the Commission under clause (AA) of Rule 94 of the said rules. The ECI has directed for minimum retention period of 6 months from the date of declaration of result.

15.40 SEALING OF OTHER ELECTION PAPERS FOR ENSURING SAFE CUSTODY

15.40.1 Apart from the voting machines, there are several other important election papers, which require to be sealed and secured for safe custody and storage. Under rule 93(1) of the Conduct of Elections Rules, 1961, the packets of election papers specified therein shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court. Special care has thus to be taken for the safe custody of these papers. These papers are as follows (where voting machines are used): -

- i. The packets of Registers of Voters in Form 17A, including the voter slips.
- ii. The packets of unused postal ballot papers with counterfoils attached thereto;
- iii. The packets of used postal ballot papers whether valid, or rejected (including the packets in which covers containing postal ballot papers received late are kept);
- iv. The packets of the counterfoils of used postal ballot papers;
- v. The packets of used and unused tendered ballot papers;
- vi. The packets of unused (surplus) ballot papers (printed for display on Balloting Units and for use as tendered ballot papers);
- vii. The packets of the marked copies of the electoral roll; and
- viii. The packets of the declarations by electors and the attestation of their signatures.

15.40.2 In view of the important nature of these election papers, the Commission has directed that these papers should also be sealed with the secret seal of the Commission.

15.40.3 The papers mentioned at items (iii) and (viii) above shall be made into packets at the time of counting. Such packets shall be sealed by Returning Officer with his/her own seal immediately after the counting of the votes is over and with special secret seal, which will be supplied by the Commission for the election for each constituency. The secret seal will be in addition to the seals, if any, put on these packets by such of the

candidates, their election agents or counting agents, as may desire to affix their seals thereon. Returning Officer should point out to the candidates or their agents present that it is in their own interest to affix their seals on these packets to avoid any possibility of tampering with these packets. They may also be permitted to note the number of the Commission's secret seal used.

15.40.4 The packets of papers mentioned at items (i), (v) and (vii) in Para 15.40.1 above will be received from the Presiding Officers of the polling stations in duly sealed packets. Though, these packets are not required for any purpose at the time of counting of votes, each of them should be immediately sealed with the secret seal of the Commission as soon as counting of votes is over and placed in steel trunk(s).

15.40.5 Returning Officer should put a responsible officer-in-charge for the supervision of the sealing of all packets. Otherwise, there is possibility of important election papers going astray which would create complications and confusion if and when a competent Court orders the production of these papers.

15.40.6 Each steel trunk shall be locked with two locks and each lock shall be sealed. Returning Officer should ensure that the secret seal of the Commission is put on packets only and not on any of the locks of the steel trunk or trunks.

15.41 DRAWING UP OF PROCEEDINGS

15.41.1 After the sealing of the voting machines and election papers at the counting place after the counting of votes, Returning Officer should draw up proceedings mentioning therein: -

- i) the full particulars of the candidates/agents present in the counting hall;
- ii) the fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and
- iii) the particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

15.41.2 Then, Returning Officer should sign the proceedings and obtain the signatures of such of the candidates/agents as are present and willing to sign on it. The proceedings should be placed inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

15.42 SAFE CUSTODY OF ELECTION RECORDS BY DISTRICT ELECTION OFFICER

15.42.1 Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting machines and the sealed trunks(s) containing the packets mentioned in Para 15.40.1 should be dispatched to the District Election Officer at his headquarters. On receipt of the voting machines and the sealed trunks(s) the District Election Officer should forthwith arrange to deposit

them for safe custody in the Treasury/Sub-treasury under double lock. The key of one of the locks of each trunk will be entrusted to the Treasury Officer or an Officer in the Treasury/Sub-treasury authorized under the Treasury Code and the key of the other lock of each trunk should be kept by the District Election Officer himself or a senior officer nominated for the purpose by the District Election Officer/ Returning Officer.

15.42.2 The armed police guard posted at the entrance of the room where the voting machines are stored before the counting of votes, should not be withdrawn even after the counting is over, but should continue to keep guard of the room till the transport of the voting machines and election records to the District Headquarters. As far as possible, the same guard should be used for protection during the transport also, and this fact should be mentioned in the logbook maintained by the guard.

15.43 RETURN OF SECRET SEAL OF THE COMMISSION

15.43.1 After the packets required to be sealed with the secret seal of the Commission are sealed, the secret seal or seals should be placed in a separate packet which should be sealed with the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. Thereafter, the packet containing the secret seal of the Commission should be returned immediately to the Commission by registered insured post and in any case not later than 24 hours after the counting of the votes is completed. If more than one seal had been supplied, the name of the constituency and the number of the seal that was used should be indicated.

16 DECLARATION AND PUBLICATION OF RESULT OF ELECTION

16.1 GENERAL

16.1.1 After the counting has been completed in all respects, Returning Officer has to proceed to make the formal declaration of result of election.

16.1.2 If any polled EVMs have been kept apart on account of technical malfunction or tampering with, then, Commission's permission is mandatory, before declaring the result. Hence, before declaring result, Returning Officer must, verify and satisfy himself/herself that there is no such case or any other such case, which requires to be referred to the Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in his/her constituency. If that be so, send a detailed report to the Commission forthwith giving all the required information and obtain prior approval before making the declaration of result.

16.2 RESULT SHEET - FORM 20

16.2.1 Every Observer shall, after completely satisfying himself/herself about the fairness of counting of votes and complete accuracy of compilation of result, shall issue an authorization to the Returning Officer concerned in the following format for the declaration of the result:

.....Observer Code (.....), for.....
Assembly Constituency /Assembly Segment ofParliamentary
constituency after having satisfied myself about the fairness of counting of votes and complete
accuracy of compilation of result in Form-20 hereby authorize the Returning Officer for
.....Assembly Constituency to declare the result.

Signature of the Observer_____

Name of the Observer_____

Code of the Observer_____

Assembly Constituency No. & Name_____

16.2.2 No Returning Officer shall declare the result without receiving the authorization in the format as detailed above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of result.

16.2.3 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Election Rules, 1961, and after obtaining the necessary approval of the Commission, wherever required, and a No Objection from the Commission's observer in the above format, Returning Officer may complete and sign the Result Sheet in Form 20 appended

to the conduct of Election Rules 1961. The candidate obtained the largest number of valid votes should then be declared elected. Returning Officer must declare the result by public announcement.

16.3 EQUALITY OF VOTES

16.3.1 If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by drawing of lot. This will be in the rarest of rare cases and in such a case also, matter first be reported to the Commission for such directions as the Commission may like to give.

16.4 FORMAL DECLARATION OF RESULT – FORM 21C OR 21D

16.4.1 The formal declaration of result should be made by Returning Officer either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate (**ANNEXURE 40**). The declaration shall be made in Form 21C in the case of General election. In the case of a bye-election to fill a casual vacancy, the declaration shall be made in Form 21D. Care is to be taken that in Form 21C or 21D, the name and address of the elected candidate shall be as given in list of contesting candidates. Name of the political party should be written as given in the latest Political Parties and Election Symbols notification. Returning Officer should authenticate his/her signature by affixing his/her seal.

16.4.2 The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when Returning Officer has to rectify some error in his/her original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

16.5 AUTHORITIES TO WHOM COPIES OF DECLARATION SHOULD BE SENT

16.5.1 Immediately after the declaration of result, Returning Officer should send copies of the declaration of result in Form 21C or 21D. as the case may be, to the:

- i) Election Commission of India;
- ii) Chief Electoral Officer of the State/UT;
- iii) In the case of election to the Lok Sabha: (a) Union Ministry of Law and Justice (Legislative Department), New Delhi; and (b) The Secretary General of the Lok Sabha, New Delhi;
- iv) in the case of election to the State/UT Legislative Assembly (a) The State Government/Lt. Governor; and (b) The Secretary to State/UT Legislative Assembly.)

16.6 REPORT OF RESULT OF ELECTION

16.6.1 Returning Officer should intimate by an immediate Fax, the result of election as soon as the same has been declared, to: –

- i) The Election Commission of India, New Delhi (Fax No. 23713412);

- ii) The Director of New Services, All-India Radio, New Delhi;
- iii) A.I.R. Station in the Headquarters of the State/UT;
- iv) The Director, Doordarshan Kendra, Parliament Street, New Delhi- 110001;
- v) Doordarshan Kendra concerned, if any, in the headquarters of the State/UT;
- vi) The information Officer, P.I.B., New Delhi;
- vii) The Ministry of Law, Justice and Company Affairs (Legislative department), New Delhi (in respect of election to the House of the People); OR the State Government/UT; (In respect of election to be State/UT Legislative Assembly)
- viii) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People) OR the Secretary of the State/UT Legislative Assembly (in respect of the election to the State/UT Legislative Assembly); and
- ix) The Chief Electoral Officer of the State/UT

16.6.2 The fax may be addressed to the Commission and repeated to the other addresses at (ii), (iv), (vi) and (vii).

16.6.3 The message communicating the result should indicate the following particulars;

- i) Serial number and name of the constituency (State, Parliamentary / Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;
- ii) Total number of electors in the constituency;
- iii) Total number of votes polled;
- iv) Total number of votes rejected;
- v) Number of votes polled for 'NOTA';
- vi) Names of contesting candidates with their party affiliations and votes polled by each; and
- vii) Name of the candidate declared elected.

16.6.4 Returning Officer should further ensure that whenever he/she refer to a woman candidate in a message/mail communicating the result, he/she should add the prefix 'Kumari' or 'Srimati' to her name as the case maybe, so that it should be understood that the candidate is a woman.

16.6.5 Returning Officer should also ensure that the number of votes mentioned while reporting the result is given in words and not in numerals as the latter are likely to be mutilated during transmission.

16.6.6 To secure uniformity in communicating the result, a specimen form of fax/email is given below.

**SPECIMEN FAX MESSAGE
IMMEDIATE**

To: The Secretary
Election Commission of India
New Delhi

Repeated to

- 1.-----
- 2.-----
- 3.-----

From: Returning Officer
..... Constituency
..... (State)

ELECTION AAA WEST BENGAL 40 RATUA ASSEMBLY CONSTITUENCY ELECTORATE
FORTY-EIGHT THOUSAND AND FIFTY STOP VALID VOTES POLLED TWENTY-FOUR
THOUSAND FOUR HUNDRED FIFTY-TWO STOP VOTES REJECTED TWO HUNDRED
STOP MAHADEB CHANDRAKUMAR CONGRESS FOUR THOUSAN TWENTYSEVEN
KESHAB CHANDRA INDEPENDENT EIGHTEEN THOUSAND SIX HUNDRED FIFTY-FIVE
DWARIKA PATHAK INDEPENDENT ONE THOUSAND SEVEN HUNDRED SEVENTY
STOP KESHAB CHANDRA INDEPENDENT DECLARED ELECTED STOP.
RETURNING OFFICER

16.7 CERTIFICATE OF RETURN OF ELECTIONS - FORM 21E

16.7.1 When Returning Officer has declared the result of election in the manner indicated above, he/she should complete and certify the return of Election in Form 21-E of the Conduct of Election Rules, 1961. Forward signed copies of the return to: The Election Commission and the Chief Electoral Officer of the State. **The name of the candidates should be written as given in the Form 7A.**

16.7.2 If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. Returning Officer may supply a copy of such return to an applicant on payment of fee of Rupees 2/- [Rules 93(3)].

16.8 CERTIFICATE OF ELECTION - FORM 22

16.8.1 As soon as may be after a candidate has been declared elected, Returning Officer should grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally before dispatch. Thereafter, immediately send this acknowledgment by registered post to the Secretary General to the House of the People or as the case may be the Secretary of the Legislative Assembly. The acknowledgment shall be in the form shown below:

I acknowledge receipt of the certificate of election in Form 22 in

respect of my election to from Constituency, declared on
.....

Signature of the returned Candidate

Date:

Attested and forwarded to the Secretary

Returning Officer

16.8.2 The certificate of in respect of elections to the House of the People should be issued in English or Hindi, but such certificate of election in respect of the State Legislative may be issued in English or Hindi or in any of the languages used for official purpose of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes.

16.8.3 The certificate of election should be handed over to the candidate, and its acknowledgement obtained immediately after declaration of result, if he happens to be present at the counting centre. Where he is not so present he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath of affirmation by them.

16.8.4 In case the elected candidate is not present at the place of counting and does not visit the locality shortly thereafter, the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgement (duly signed by the candidate) may also be obtained through the same person.

17 RETURN AND FORFEITURE OF DEPOSITS

17.1 INTRODUCTORY

17.1.1 Every candidate whose nomination paper has been found valid must have deposited the requisite amount of Rupees 25,000 in the case of election from a Parliamentary Constituency or as the case may be, Rupees 10,000 in the case of election from an Assembly Constituency. The amount of deposit is half in the case of a candidate belonging to a Scheduled Caste or Scheduled Tribe. Deposits of (i) those candidates whose nomination paper found to be invalid and rejected, (ii) those validly nominated candidates who have withdrawn their candidatures in accordance with law before the expiry of the time limit for such withdrawals (iii) those candidates defeated at the poll and (iv) the candidate duly elected at the election may have to be returned to them or forfeited to Government in accordance with the law as described hereunder.

N.B. A deposit can be refunded only to the person in whose name it was made in the treasury or his legal representative if he is dead.

17.2 LEGAL PROVISIONS

17.2.1 Section 158 of the Representation of the People Act, 1951 lays down the method of disposal of the deposits made by the candidates. Its provisions should be carefully followed in the disposal of applications for the return of the deposit by the candidates or by the persons who made the deposits on their behalf.

17.3 CONDITIONS FOR RETURN OF DEPOSIT

17.3.1 The deposit made by a candidate shall be returned if the following conditions are satisfied: -

- i) the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdraws his candidature; or
- ii) he dies before the commencement of the poll; or
- iii) he is elected; or
- iv) he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

N.B.

- i) If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded.
- ii) If the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

17.3.2 The votes polled against the NOTA option is not to be taken into account for calculating

the total valid votes polled by the contesting candidates for the purpose of return of security deposit.

(ECI Instruction No. 576/3/2013/SDR dated 7th December, 2013)

17.4 DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY

17.4.1 Note that if a candidate was a contesting candidate at a general election to the House of the People or State Legislative Assembly in more than one Parliamentary or Assembly Constituency, he cannot get a return of more than one deposit made by him or on his behalf. Other deposits made by him or on his behalf will be forfeited to Government.

17.4.2 A contesting candidate at an election to the House of the People and also at an election to the State Legislative Assembly when simultaneously held, is entitled to the return of deposits made in both the elections, if he is otherwise entitled to such return, as the two elections are different.

17.4.3 Even if a declaration is made by the candidate to the effect that he was not a contesting candidate from more than one Parliamentary or Assembly Constituency, Returning Officer is entitled to satisfy himself/herself from such other materials and information as may be available to Returning Officer that he did not in fact, do so.

17.5 WHEN TO RETURN THE DEPOSIT

17.5.1 If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit should be returned as soon as practicable after the publication of the list or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as practicable after the result of election is declared.

17.6 FORM OF APPLICATION FOR REFUND

17.6.1 The law does not prescribe any form in which a candidate may apply to Returning Officer for the return of his security deposit. However, in order to facilitate the candidate in making the application and to enable Returning Officer to verify the claim for return easily, he may be asked to apply in the form given in **Annexure 41**. If the deposit was made by someone else on behalf of the candidate, the application may be obtained in the form given in **Annexure 42**.

17.6.2 If the candidate has died, his legal representative may make the application in the form given in **Annexure 43**.

17.6.3 The candidate or the legal representative should file his/her claim within 180 days from the date of declaration of result and the Returning Officer should make payment within 30 days from the date of claim. In the event of not being filed the claim within the prescribed

time, the deposit amount shall stand forfeited to the Government.

17.7 PROMPT SETTLEMENT OF APPLICATIONS FOR REFUND

17.17.1 In the past, the Commission used to receive complaints regards considerable delay in returning/refunding the deposit, possibly because the candidates did not comply with some formality or the other. The Commission impresses upon Returning Officer that all such cases should be promptly settled. Any discrepancy found in the application for return of deposit should be immediately brought to the notice of the candidate who should be given all help in the matter.

17.8 FORFEITURE OF DEPOSIT

17.8.1 Every deposit which is not refundable under any of the above paragraphs in this chapter should be forfeited to Government.

17.8.2 The forfeited amount of security deposit relating to elections to Legislative Assembly as well as to the House of the People shall be credited to revenues under the following head; "0070 Other Administrative Services – 02 – Elections – 104 – Fees, Fines and Forfeitures. Other receipts – Forfeited amount of security deposits".

17.9 REFUND TO A CANDIDATE BELONGING TO THE SCHEDULED CASTE OR SCHEDULED TRIBE

17.9.1 Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe contests an election from a general constituency, he is required under Section 34 (1) to make a deposit of only Rupees 12,500 instead of Rupees 25,000 in the case of an election from a Parliamentary Constituency and Rupees 5,000 instead of Rupees 10,000 in the case of an election from an Assembly Constituency. If he deposits by mistake or otherwise the full amount of Rupees 25,000 or Rupees 10,000 as the case may be instead of what he is required to deposit as above, he is always entitled to the refund of the excess amount actually deposited by him. Returning Officer should satisfy himself/herself of his being a member of a Scheduled Caste or a Scheduled Tribe before allowing such a refund.

17.9.2 As all the papers relating to nominations, scrutiny and withdrawals would have been sent by Returning Officer to the District Election Officer after the declaration of the result, Returning Officer may, before ordering refund, get the application and other details required for the purpose verified by the District Election Officer concerned.

18 MONITORING OF ELECTION EXPENDITURE AND ACCOUNTS OF CANDIDATES

18.1 LEGAL PROVISIONS

18.1.1 Under Section 77 of the Representation of the People Act, 1951, every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself/herself or by his/her election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him/her or by his/her election agent between the date on which he/she has been nominated and the date of declaration of result of the election, both dates inclusive.

18.1.2 The total of the said expenditure shall not exceed such amount as may be prescribed under Section 77(3) of R.P. Act 1951. Rule 90 of the conduct of Election Rules, 1961 prescribes varying limits of election expenditure for the Parliament and Assembly Constituencies of each of the States & UTs. The incurring or authorizing of expenditure in excess of the limits prescribed is a corrupt practice under Section 123 of the R.P. Act, 1951.

18.1.3 According to Section 78 of the said Act, every contesting candidate is required to lodge a true copy of the account of his/her election expenses with the District Election Officer within 30 days from the date of declaration of result of the election. Failure to lodge the account of election expenses within the time and in the manner required by law without good reason of justification may result in the disqualification of the candidate concerned by the Commission under Section 10A of R.P. Act, 1951.

18.1.4 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses and filling of their returns of election expenses in the manner and within the time required by law, Returning Officer shall invite the attention of each candidate to the above provisions of law in writing. (see para 5.30.3 of chapter 5) This should be done by addressing a letter to each candidate as in **Annexure 53**, as soon as he/she files his nomination paper.

18.1.5 Each candidate has to file his/her accounts of election expenses in the format prescribed in **Annexure 52**. The account shall contain such particulars as prescribed under section 77 (2) of R. P. Act, 1951.

18.1.6 A candidate is required to maintain the day to day account of election expenses in a Register giving the details of the expenditure incurred authorized by

- i) political party which has set him up, and
- ii) any other political party supporting him,
- iii) any other association/organization/body supporting him, and
- iv) any other individual supporting him.

18.1.7 The standard format of the Register of Day to Day account, Cash Register, Bank Register and the Abstract Statement comprising Part I-IV form of Affidavit, Acknowledgment and Schedules 1 to 9 have been given in **Annexure 52**. The candidates are advised to acknowledge the receipt of day to day Expenditure Register and to receive acknowledgement from the District Election Officer after lodging the account of election expenses with the District Election Officer in the format prescribed in **Annexure 52**.

18.1.8 The candidates, while maintaining their register of accounts of election expenditure, should also account for all expenditure including those incurred prior to the date of nomination for preparation of campaign materials etc. which are actually used during the post nomination period/in connection with the election.

(ECI No 76/2004/JSII dated 6.8.2004).

18.2 ELCTION EXPENDITURE INCURRED ON STAR CAMPAIGNERS

18.2.1 The law relating to expenditure incurred by a candidate in an election has been amended vide the "Election and Other related Laws (Amendment) Act, 2003. As per the explanations 1 and 2 inserted under Section 77(1), only the expenses on account of travel of star campaigners (leaders) of political parties covered under explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses incurred/authorized by the political parties, other associations, body of persons, individuals – are required to be included in the account of the candidate. Explanation 2 to Section 77(1) requires that the list of leaders of a political party (40 in the case of recognized parties and 20 in the case of registered unrecognized parties) is to be submitted by the political parties concerned within 7 days from the issue of notification to the Commission and to the Chief Electoral Officer of the State concerned for availing of the benefit of Clause (a) of Explanation. The Chief Electoral Officer and the Commission will communicate to the Returning Officer the names of such political leaders. Returning Officer shall not entertain any such list directly from any political party. To facilitate the communication, the Chief Electoral Officer will also place the list on his website. The list of leaders, referred to above, may also be downloaded from the Commission's website.

18.2.2 A political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1) of the RP Act, 1951. In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1) of that Act.

18.2.3 (a) If any attendant including security guard, medical attendant, or any other person including any member of the party, who is not a candidate in the constituency concerned, or any representative of the electronic or print media, travels with the leader (star-campaigner) of the political party in his vehicle/aircraft/helicopter etc., then the travel expenses of such leader shall be wholly booked to the account of political party, provided that such person(s) sharing the transport with the leader (star campaigner) does not play any role in election campaign for the candidate in any manner. However, if any such

person(s) sharing the transport with the leader plays any role in election campaign for the candidate(s) in any manner then 50% of the travel expenditure of the leader shall be apportioned to such candidate(s).

(b) The names of leaders of the political party (star campaigners), as defined in Explanation 2 of section 77 (1) of the R. P. Act, 1951 are to be communicated to the Election Commission of India and the Chief Electoral Officer of the State by the political party, within a period of seven days from the date of notification for such election and such leaders are entitled to the benefits provided under section 77 of the R. P. Act, 1951, from the date on which the list including his name is received by the Election Commission of India and by the Chief Electoral Officer of the State concerned.

(c) If the leader (star campaigner) is a part of any rally, organized outside his constituency, he is entitled to the exemption provided under Explanation 1 of section 77(1) of the R. P. Act, 1951. However, if the leader (star campaigner) is also contesting election in any constituency, then he is not entitled to any benefit u/s 77 of the said Act, for the travel expenses incurred within his own constituency and the expenses on meeting or rally organized by him in his constituency including the travel expenses are to be added to his account of election expenditure.

(d) If the rally/meeting is organized in the constituency of the leader (star campaigner), where the leader shares the dais with other contesting candidates, then the meeting expense is to be apportioned to the election expenditure of the leader and all such candidates. However, if, he (star campaigner) is taking part in a rally/ meeting, along with other contesting candidates of his party outside his constituency, then the meeting expense shall be apportioned to the election expenditure of all such candidates, for whose election campaign, such rally/meeting is organized and no part of such rally/meeting expense, organized outside his constituency shall be added to the election expense of the leader (star campaigner).

(ECI No. 76/Instructions/2012/EEPS Vol. I, dated 22.01.2014).

(e) If a star campaigner of another political party /a party in alliance with the party of the candidate attends the rally and takes the name of the candidate or shares dais with the candidate then the travel expense of that campaigner of allied party up to the constituency is not exempt and should be added to the candidate's expenses.

(ECI No.437/6/1/2008-CC & BE, dated 24.10.2008)

(f) All expenditure including lodging/boarding expenses of star campaigners in the constituency where they campaign for any candidate shall be included in the expenditure account of that particular candidate, provided that –

the Star Campaigners/Campaigners have actually campaigned for the candidate, and

the Star Campaigners/Campaigners have incurred such boarding and lodging expenditure while remaining in a commercial hotel or lodge for the purpose of election campaign of the

candidate irrespective of the fact whether the payment is made by such candidate or not.

The market value of such commercial boarding and lodging is to be calculated towards the election expenditure of the candidate, even if the boarding and lodging is provided as complimentary. If the star campaigner while availing the boarding and lodging in one constituency, travels to another constituency to campaign for other candidates, then the lodging and boarding expense will be proportionately distributed as the expense of those candidates. (ECI No.464/AP- HP & AP-LA/BE/2011/EEM dated 3.06.2011)

18.3 ELECTION EXPENDITURE ON ADVERTISEMENTS

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

- i) Expenditure on general party propaganda seeking support for the party and its candidates in general, but, without any reference to any particular candidate or any particular class/group of candidates:
- ii) Expenditure incurred by the party, in advertisements etc. directly seeking support and/or vote for any particular candidate or group of candidates;
- iii) Expenditure incurred by the party which can be related to the expenditure for promoting the prospects of any particular candidate or group of candidates.

18.4 THE ROLE OF RETURNING OFFICER BEFORE NOMINATION PROCESS STARTS

18.4.1 Returning Officer will take into his disposal the updated list of all the disqualified candidates, who have incurred disqualification u/s 8A and 11A (b) (for corrupt practices) and 10A (failure to lodge the account of election expenses in time and manner) of the R.P. Act, 1951. Returning Officer may get the updated list downloaded from Commission’s website www.eci.nic.in.

18.4.2 Returning Officer will ensure that the different formats for maintaining day- to-day accounts are ready at his/her office sufficiently in advance and he/she will acquaint himself/herself in detail with them.

18.4.3 Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 9, Format of Affidavit and Acknowledgement.

I. Shadow Observation Register

II. Video Cue Sheet

III. Reporting formats by Flying Squad / Static Surveillance Team

IV. Compendium of Election Expenditure guidelines in local language

V. Form 26A regarding criminal cases, assets and liabilities.

- 18.4.4 It is responsibility of Returning Officer to identify Expenditure Sensitive Pockets (ESPs) in the Constituency on the basis of the level of development, literacy and complaints received during the last General Assembly elections. Returning Officer will report about the Expenditure Sensitive Pockets, if any, to the District Election Officer for onward communication to the Chief Electoral Officer of the State and the Election Commission.
- 18.4.5 Returning Officer will oversee planning for deployment of manpower resources in teams of expenditure monitoring in different phases of election process. This will include planning of logistics and vehicles for manpower deployed at different levels. Returning Officer will organize meetings with the officers for better coordination and integration of functions.
- 18.4.6 It is the duty of the Returning Officer to ensure that the Flying Squads, Video Surveillance Teams, Media Certification and Monitoring Teams are functional from the date of announcement of elections. Returning Officer will ensure that the vehicles earmarked for the Flying Squads and the Video Surveillance Teams are fitted with GPRS and the Flying Squads attend all Model Code of Conduct and Expenditure cases within ½ an hour of receipt of complaint. SSTs will be made functional from the date of issue of notification.
- 18.4.7 Returning Officer will oversee that the Booth level Awareness Groups (BAGs) are formed by BLOs comprising of Booth level government functionaries, para workers, representatives of Local Bodies, Booth Level Agents, Booth level Volunteers, Heads/Representatives of local CSOs/NGOs ensuring that members other than BLAs are not aligned to any political party.
- 18.4.8 Other than its role in respect of electoral rolls, the specific responsibilities entrusted upon BAGs during elections are as follows:
- a. To spread messages of ethical voting among voters to abstain from any inducement of cash, gift, liquor or community feast organized for campaign purpose during election process.
 - b. To organize 'nukkad' meetings/rallies/group discussions against the evil effects of bribe during elections in their respective areas. Sector Officers may be invited to remain present in such meetings.
 - c. To associate senior citizens, retired officers, NSS or NCC Cadets, CSOs for spreading the message of ethical voting.
 - d. To popularize advertisements/posters/banners against bribery.
 - e. To encourage collection of evidence of malpractices either by mobile software developed by the Commission or otherwise, to train any member of the group or any citizen to capture such photos, videos, audios of malpractices and to upload to DEO website/CEO website and the District Complaint Monitoring Cell for necessary action. It should be remembered that the members of the BAGs will not take any action against malpractices.

AFTER THE NOMINATION PROCESS STARTS

- 18.4.9 As soon as the nomination is filed the Returning Officer will issue a copy of the standard letter, along with the Expenditure Register (Day to Day Account Register, Cash Register, Bank Register), Abstract Statement comprising Part I-IV-form of Affidavit & Acknowledgement and Schedules 1 to 9 as given in Annexure 52 to the candidate or his duly attested agent against a proper receipt thereof.
- 18.4.10 All the acknowledgements obtained from the candidates should be sent by Returning Officer to the District Election Officer for his record within one week from the expiry of the last date for the withdrawal of candidatures.
- 18.4.11 One day facilitation training program will be organised by the Returning Officer along with the Assistant Expenditure Observers for training all election agents of the candidate for explaining the procedure of maintaining registers on various expenses and dates of inspection.
- 18.4.12 Returning Officer shall hold a meeting of all candidates immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions. He also issues permission letters for vehicles/public meetings etc., promptly to the candidates as required under the law or rules. The Returning Officer shall ensure that the revised combined format of Affidavit for filing criminal records and asset and liability statement by the candidates is made available to all potential candidates. He shall also give the expenditure register, duly signed and page numbered, to the candidates at the time of filing of nomination.
- 18.4.13 The RO shall also give a copy of Compendium of Instructions on Election Expenditure Monitoring (available of ECI website) and notification of rates of items of election expenditure to each candidate. For advertisement in the local or national dailies/magazines (English/Regional), rates of the DAVP/DPIR rates shall also be communicated to the candidates. The Assistant Expenditure Observer or Expenditure Observer shall also attend this meeting along with the RO.

18.5 TRANSPARENCY MEASURES

- 18.5.1 Returning Officer will ensure that all documents required to be put up on the notice board of the RO under these or any other instructions, rules or law are put up on the notice board. It is necessary that the copies of documents, when demanded, are given immediately to members of the public on payment of the prescribed fees.
- 18.5.2 It has been decided by the Commission that the affidavits on declaration of assets and liabilities by the candidates of recognized political parties are put up on the website on the same day. The affidavits in respect of other candidates may be put within one day after scrutiny of nominations. The Commission has also provided additional facilities

for e-filing of affidavits (Form 26) of criminal cases, assets, liabilities and educational qualifications by the candidates. At present, e-filing can be done in Hindi and English and no amount is charged from the candidate for assisting him in this regard. Moreover, for the benefit of the candidates, an e-learning module is also available on the Commission’s website to assist them in filing accounts of election expenses along with the affidavit for assets and liabilities and also regarding criminal cases.

18.6 INTIMATION TO CONTESTING CANDIDATES REGARDING RESTRICTIONS ON THE PRINTING OF PAMPLETS OR POSTERS ETC

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

18.6.2 Section 127A of the RP Act, 1951 imposes restrictions on the printing of pamphlets, posters etc.:

- 1.) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.
- 2) No person shall print or cause to be printed any election pamphlet or poster: Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and Unless within a reasonable time after printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.
 - a. Where it is printed in the capital of the State, to the Chief Electoral Officer; and
 - b. In any other case, to the district magistrate of the district in which it is printed.
- 3) For the purposes of this section: -
 - a. Any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly, and
 - b. “election pamphlet or poster” means any printed pamphlet, and bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particular of an election meeting or routine instructions to election agents or workers.

18.6.3 As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.

- a. Pointing out to them the requirements of above-mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters such other material printed by them.
- b. Asking the printing presses to send the copies of the printed material (along with three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing.
- c. Impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the license of the printing press under the relevant laws of the State, would be taken.

18.6.4 The Chief Electoral Officers shall do likewise in respect of the printing presses located at the State capitals.

- I. Before undertaking the printing of any election pamphlets or posters, etc., printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the pro-forma prescribed by the Commission. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.
- II. The printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Along with such printed material and the declaration, the printer shall also furnish the information regarding number of copies of document printed and the price charged for such printing job. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

18.6.5 The Chief Electoral Officers and District Magistrates shall initiate prompt action for investigation forth with if any case of publication of election pamphlets, posters etc. in violation of the above-mentioned provisions of said section 127A and/or the Commission's above directions either comes or is brought to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.

18.6.6 If any officer who is responsible the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

18.6.7 It should be brought to the notice of all concerned that hoardings, flex boards etc containing any election related advertisement shall be treated as coming within the purview of "poster" as defined under Section 127A. The requirement for giving the name and address of the publisher should be followed in the case of hoarding, flex board including on hoardings of photos of party leaders.

18.6.8 In terms of directions of the Commission in the case of hoarding, flex board etc, prior permission is required to be obtained from the owner of the property before displaying them. In case of such materials whether in public place or private premises, the party/candidate concerned has to give information to the Returning Officer as per format attached with the Commission's letter no. 3/7/2008/J.S. II dated 7th October, 2008 along with two photographs of such hoardings/flex boards.

18.7 SINGLE WINDOW SYSTEM

Instructions regarding Single Window system for public meetings/ rallies/ Processing, use of loud speakers and use of vehicles for election campaigning as well as use of non-commercial / remote / uncontrolled airports / helipads.

18.7.1 Commission has directed to set up a Single Window System in the offices of the District Election Officer/Returning Officer of the parliamentary/assembly constituency to grant permissions to the political parties and candidates for:

- I. Usage of non-commercial/remote/uncontrolled airports/helipads
- II. Organizing public meetings/rallies/processions, use of loudspeakers, and
- III. Use of vehicles for election campaigning.

18.7.2 All DEOs/ROs shall set up and operationalize Single Window/Permission Cell in their offices, which will be equipped with necessary infrastructure such as photocopier machine, scanner, computer, telephone etc. and dedicated staff who will provide photocopies of applications received by Permission Cell in charge, to various Nodal Officers of other departments present in the office of the Returning Officer for prompt action at their end with regard to obtaining specific clearances from their respective department.

18.7.3 SSP/SP or equivalent level officer of different designations of district shall designate one officer of the rank of DSP as Permission Cell In charge for each RO office who shall camp in the office premises of the DEO/RO.

18.7.4 The political party/candidate seeking permission has to apply to the Permission Cell In charge in the office of the Returning Officer concerned at least 48 hours before the event along with details of expenditure plan in the prescribed format given in Compendium of Instructions on Election Expenditure Monitoring.

18.7.5 A political party/candidate may apply through an application for permission in respect of those events/rallies/processions scheduled to be organized within 7 days of making

the applications.

18.7.6 Separate application has to be filed for more than one event for a particular day.

18.8 COMPLAINT MONITORING SYSTEM

18.8.1 Returning Officer will also be required to supervise the complaint monitoring system and ensure that every Complaint lodged at the National Grievance Redressal System and SAMADHAN is inquired into within 24 hours of receipt. A prompt complaint redressal should be in place so that every complaint on MCC and illegal use of expenditure is attended by the Flying Squads within stipulated time.

18.8.2 The 24X7 Call Centre shall be established in the Control Room at the district level to operate from the date of announcement of election. The call centre shall be given a toll-free telephone number with 3 or 4 hunting lines which will be widely publicized for the public to inform the election monitoring machinery regarding corrupt practices related to the election. A senior officer shall be put in-charge of the control room and call centre that shall be responsible for receiving and recording the complaints and passing them on to the officer concerned or the flying squad for action without any delay. The call centre will be provided with sufficient staff to man the telephone lines round the clock.

18.8.3 All voice complaints made by any member of the public/whistle blower should be entered in the complaint register with timings noted against each complaint and should be entered into a register. The expenditure related complaints are to be passed on immediately to the officer concerned of the Flying Squad with intimation to the Expenditure Observer, and in case of MCC related complaints, a copy is to be passed on to the General Observer. The Expenditure Observer and General Observer shall inspect this register from time to time to ensure that the control room functions smoothly and the complaints are passed on instantly for further necessary action.

18.9 MEDIA CERTIFICATION AND MONITORING COMMITTEE (MCMC)

18.9.1 There is a Media Certification and Monitoring Committee (MCMC) in each district. If the MCMC finds any advertisement or advertorial published in print media, it shall bring it to the notice of Expenditure Observer and a copy of the same will be placed in the Folder of Evidence. The expenditure on this advertisement will be mentioned in the Shadow Observation Register and intimated to the candidate during inspection of his register.

18.10 PAID NEWS

18.10.1 The Commission has decided to go by the definition of the "Paid News" as given by the Press Council of India as 'any news or analysis appearing in any media (print and electronic) for a price in cash or kind as consideration'. The MCMC shall see all the newspapers, print media, electronic media, cable network, mobile network and other modes of mass communication, like bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews relating to the

candidates and parties.

- 18.10.2 The MCMC committee will submit a Daily Report with respect to each candidate in a prescribed format to the accounting team with copy to the Returning Officer and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of Paid News. This will be accompanied with supportive paper cuttings/clippings, recordings of relevant TV and radio advertisement. The entire cost that accrues upon it will be included in the Shadow Observation Register. The rate cards which exhibit DAVP/DPIR rates of advertisements in print and electronic media will help the accounting team for calculation of cost involved and showing it in the Shadow Observation Register.
- 18.10.3 The Returning Officer will issue notice to the candidate with regard to the incidents of Paid News in consultation with the Expenditure Observer for not showing the expenditure on such publication. The Expenditure Observer shall send a report of Paid News along with a copy thereof to the Election Commission within 24 hours. The copies of all such notices along with the paid news should be displayed on the notice board of R.O. and the District Election Website/ CEO Website. The copies of the same can be given to any member of public on payment of Rs.1/- per page.

18.11 STANDARD OPERATING PROCEDURE FOR SEIZURE AND RELEASE OF CASH AND OTHER ITEMS

18.11.1 For the purpose of maintaining purity of elections, the Election Commission of India issued the following Standard Operating Procedure for Flying Squads constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or in kind, movement of illegal arms, ammunition, liquor, or antisocial elements etc. in the constituency during election process:

18.11.2 FLYING SQUAD (FS)

1. There shall be three or more Flying Squads (FS) in each Assembly Constituency/Segment. The FS shall start functioning from the date of announcement of election and shall continue till completion of poll.
2. The Flying Squad shall (a) attend to all model code of conduct violations and related complaints; (b) attend to all complaints of threat, intimidation, movement of antisocial elements, liquor, arms and ammunition and large sum of cash for the purpose of bribing of electors etc.; (c) attend to all complaints regarding election expenditure incurred or authorized by the candidates / political party; (d) video graph with the help of Video Surveillance Team (VST), all major rallies, public meetings or other major expenses made by political parties after the announcement of election by the Commission.
3. In Expenditure Sensitive Constituencies (ESC), there shall be more FSs depending on requirement. The FS shall not be given any other work during the period. The names and mobile numbers of the Magistrate as head of the FS and other officials in FS shall be provided

to the Complaint Monitoring Control Room and Call Centre, RO, DEO, General Observer, Police Observer, Expenditure Observer and Assistant Expenditure Observer. In ESCs, CPF or State Armed Police may be mixed in the FS, depending on the situation and the DEO shall take necessary steps in this regard. The DEO shall constitute the FS with officers of proven integrity.

4. Whenever a complaint regarding distribution of cash or liquor or any other item of bribe or regarding movement of antisocial elements or arms and ammunition, is received, the FS shall reach the spot immediately. In case of suspicion of commission of any crime, the In-Charge Police Officer of FS shall seize cash or items of bribe or other such items and gather evidence and record statement of the witnesses and the persons from whom the items are seized and issue proper Panchnama for seizure as per provisions of Cr PC to the person from whom such items are seized. He shall ensure that case is submitted in the Court of competent jurisdiction within 24 hrs. The Magistrate of the FS will ensure that proper procedure is followed and there is no law and order problem.
5. The Magistrate of the FS shall send a Daily Activity report in respect of items of seizure of bribe or cash to the D.E.O. in a prescribed format, with a copy to R.O., S.P. and the Expenditure Observers, and shall also send Daily Activity report in respect of model code of conduct violations to RO, DEO, S.P. and General Observer in the prescribed format. The SP shall send daily activity report to the Nodal Officer at the Police Headquarters, who shall compile all such reports from the district and send a consolidated report in the same format on the next day by fax/e-mail to the Commission with a copy to the CEO of the state.
6. The entire proceeding shall be video recorded. The In-charge Officer of FS shall also file complaints/F.I.R. immediately against (i) the persons, receiving and giving bribe; and (ii) any other person from whom contraband items are seized, or (iii) any other antisocial elements found engaged in illegal activity. The copy of the complaint/FIR shall be displayed on the notice board of the R.O. for public information and be sent to the DEO, General Observer, Expenditure Observer and Police Observer. The Expenditure Observer shall mention it in the Shadow Observation Register, if it has links with any candidate's election expenditure.
7. In case, a complaint is received about distribution of cash, gift items, liquor or free food; or about threat/ intimidation of electors; or of movement of arms/ammunitions/ antisocial elements and it is not possible for the FS to reach the spot immediately, then the information shall be passed on to the Static Surveillance Team, nearest to the spot or to the police station of that area, who shall rush a team to the spot for taking necessary action on the complaint. All seizures made by the police authorities either on receipt of complaints forwarded by FS or received independently shall also be reported to the FS which shall incorporate such seizure reports in its Daily Activity Reports in relevant rows/columns and this is done to avoid duplication of reports of seizure.
8. Each FS shall announce through a Public-address system, fitted onto its vehicle, the following in local language in the area under its jurisdiction: "As per section 171 B of Indian Penal Code,

any person giving or accepting any gratification in cash or kind during election process, with a view to inducing the person to exercise his electoral right is punishable with imprisonment up to one year or with fine or with both. Further, as per section 171 C of Indian Penal Code, any person who threatens any candidate or elector, or any other person, with injury of any kind, is punishable with imprisonment up to one year or with fine or both. Flying Squads have been formed to register cases against both the giver and the taker of bribe and for taking action against those who are engaged in threat and intimidation of electors. All the Citizens are hereby requested to refrain from taking any bribe and in case, anybody offers any bribe or is having knowledge about the bribe or cases of threat/intimidation of electors, then he should inform on the toll-free number 1950 of the 24x7 Complaint Monitoring Cell of the district, set up for receiving the complaints”.

9. As per Commission’s instruction No. 23/1/2015-ERS, dated 21-02-2015, Booth Level Awareness Groups (BAGs) formed for purification and authentication of electoral rolls of the booth will also be associated in collecting the evidences of malpractices taking place in their area either by mobile software developed by the Commission or otherwise. Whenever the BAG provides any information, the Flying Squad should reach the spot within shortest possible time and take necessary action and gather corroborative evidences.
10. The DEO shall publish pamphlets quoting the above in English or Hindi or local language and distribute through the flying squad in prominent places. Press release should also be issued by the DEO on the election expenditure monitoring measures.
11. After the announcement of elections, DEO shall make an appeal as mentioned in para 8 above in print and electronic media for the benefit of general public about the monitoring mechanism, which is being put in place during election process.
12. All the vehicles used by the Flying Squads shall be fitted with the CCTV cameras/ webcams or shall have video cameras (keeping in view the availability and economic viability) for recording the interception made by the Flying Squads.

18.11.3 STATIC SURVEILLANCE TEAM (SST)

1. There shall be three or more Static Surveillance Teams in each Assembly Constituency/ Segment with one executive magistrate and three or four police personnel in each team who shall be manning the check post. Depending on the sensitivity of the area, the CPF members will be mixed in the SSTs. The SSTs shall start functioning after issue of notification.
2. This team shall put check posts at Expenditure Sensitive pockets/hamlets, and shall keep watch on movement of illicit liquor, items of bribe, or large amount of cash, arms and ammunition and also movement of antisocial elements in their area. The entire process of checking shall be captured in video or CCTV.
3. The Magistrate of the SST shall send Daily Activity report to the D.E.O. with copy to R.O., S.P. and Expenditure Observer, General Observer, and Police observer in a prescribed format on the same day. The S.P. shall send daily activity update to Nodal Officer of Police Headquarter,

who shall compile all such reports from the district and send a consolidated report in the same format on the next day by fax/ e-mail to the Commission with a copy to the CEO of the state.

4. The checking by the SSTs shall be done in the presence of an Executive Magistrate and shall be video-graphed. No such checking shall take place without the presence of Executive Magistrate. The video/CCTV record with an identification mark of date, place and team number shall be deposited with the Returning Officer, on the next day that shall preserve the same for verification by the Commission at later point of time. It may also be widely advertised by the DEO that any member of the public can obtain a copy of the video/ CCTV record by depositing Rs. 300/-.
5. Whenever Check Posts are put at the borders of the district/State or at any other place by any agency, for any purpose, then the nearest SST shall be present there in such team, to avoid duplication of checking in the area and reporting of seizure of cash or items of bribe has to be done by the SST.
6. Checking by SST on the major roads or arterial roads shall commence from the date of notification of election. The SSTs shall be controlled by the DEO and S.P. in consultation with General Observer and Expenditure Observers and the mechanism shall be strengthened in last 72 Hrs. before the poll, particularly in vulnerable areas or in Expenditure sensitive pockets and during such period, the SST shall not be dismantled under any circumstances.
7. During checking, if any cash exceeding Rs. 50,000/- is found in a vehicle carrying a candidate, his agent, or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items which are valued at more than Rs. 10,000/-, likely to be used for inducement of electors or any other illicit articles are found in a vehicle, shall be subject to seizure. The whole event of checking and seizure is to be captured in a video/CCTV, which will be submitted to the Returning Officer, every day.
8. If any star campaigner is carrying cash up to Rupees 1 Lakh, exclusively for his/her personal use, or any party functionary is carrying cash with certificate from the treasurer of the party mentioning the amount and its end use, then the authorities in SST shall retain a copy of the certificate and will not seize the cash. If cash of more than 10 lakh is found in a vehicle and there is no suspicion of commission of any crime or linkage to any candidate or agent or party functionary, then the SST shall not seize the cash, and pass on the information to the Income-Tax authority, for necessary action under Income - Tax Laws.
9. During checking, if there is any suspicion of commission of crime, the seizure of cash or any item shall be done by the in-charge Police Officer of the SST as per provision of Cr PC in presence of the Executive Magistrate. The Police Officer in charge of SST shall file complaint/ FIR in the Court, having jurisdiction, within 24 hours.
10. FS and SST shall be polite, decent and courteous, while checking the baggage or vehicle. The purse held by the ladies shall not be checked, unless there is a lady officer. The FS shall also

supervise the functioning and proper conduct of SSTs during checking in their areas.

11. Advance training of FSs and SSTs should be done as per direction of the Commission. The DEO and the SP of the district shall ensure that the teams are constituted and properly trained. The Nodal officer at the Police Headquarters shall ensure that proper training and sensitization of the police force in this regard is done.
12. In case of any grievance about the conduct of the FS or SST, the Authority, whom the person can appeal for redressal of grievance on misconduct or harassment shall be the Dy. DEO of the district (in charge of the Expenditure Monitoring Cell).
13. After seizure, the seized amount shall be deposited in such manner as directed by the Court and a copy of seizure of cash, in excess of Rs. 10 lacs shall be forwarded to the Income Tax authority, engaged for the purpose. The DEO shall issue necessary instructions to the treasury units to receive the seized cash beyond office hours and on holidays also, in case it is required.
14. Wherever the FS or SST or police authorities receive information about any suspicious items in their area, including movement of huge amount of cash, they shall keep the respective Law enforcement agencies informed about such items.
15. All the vehicles, used by SSTs and FSs may be fitted with GPRS enabled tracking unit so that timely action by the teams can be monitored.

18.11.4 RELEASE OF CASH

- i. In order to avoid inconvenience to the public and genuine persons and also for redressal of their grievances, if any, a committee shall be formed comprising three officers of the District, namely, (i) CEO, Zila Parishad/CDO/P.D., DRDA (ii) Nodal Officer of Expenditure Monitoring in the District Election Office (Convener) and (iii) District Treasury Officer. The Committee shall suo-moto examine each case of seizure made by the Police or SST or FS and where the Committee finds that no FIR/Complaint has been filed against the seizure or where the seizure is not linked with any candidate or political party or any election campaign etc., as per Standard Operating Procedure, it shall take immediate step to order release of such cash etc. to such persons from whom the cash was seized after passing a speaking order to that effect. The Committee shall look into all cases and take decision on seizure.
- ii. The procedure of appeal against seizure should be mentioned in the seizure document and it should also be informed to such persons at the time of seizure of cash. The functioning of this committee should be given wide publicity, including telephone no. of the convener of the Committee.
- iii. All the information pertaining to release of cash, shall be maintained by the Nodal Officer expenditure monitoring in a register, serially date wise with the details regarding amount of Cash intercepted/seized and date of release to the person(s) concerned.
- iv. If the release of cash is more than Rupees 10 Lac (ten lakh), the nodal officer of Income Tax

shall be kept informed before the release is put in effect.

- v. All cases of seizure of cash etc., effected by FS, SST or Police authorities shall immediately be brought to the notice of the Committee formed in the District and the Committee shall take action as per para (i) mentioned above. In no case, the matter relating to seized cash/ seized valuables shall be kept pending in malkhana or treasury for more than 7 (Seven) days after the date of poll, unless any FIR/Complaint is filed. It shall be the responsibility of the Returning Officer to bring all such cases before the appellate committee and to release the cash/valuables as per order of the appellate committee. It is further informed that the EEMS software for Daily Activity Report, available in the Commission's website may be used for sending the report to the Commission.

18.12 TRAVEL EXPENSES ON VISITS TO FOREIGN COUNTRIES FOR PURPOSE OF CANVASSING

18.12.1 Under Rule 8A of the of the Registration of Electors Rules, 1960, Indian Citizens registered as overseas electors are entitled to vote in their respective native constituencies in India if they happen to be present in their native places on the day of poll in the constituency in which they are registered as overseas electors.

18.12.2 The Commission has clarified that seeking votes of overseas electors by going abroad by the candidates or their agents or party leaders is not prohibited under the law. However, all expenditure, incurred by those candidates, their agents or party leaders on their travel, boarding, and lodging while travelling in these countries would be deemed to be expenditure incurred or authorized by the candidates in connection with their election. All such expenditure would be considered expenses within the meaning of Section 77 (1) of the Representation of People Act, 1951 and will have to be included by the concerned candidates in their accounts of election expenses which are subject to the limits prescribed by Rule 90 of the Conduct of Election Rules, 1961.

18.13 ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS

18.13.1 Though under Section 77 of R.P. Act, 1951, every candidate is required to keep an account of his election expenses as aforesaid, under Section 78 of R.P. Act, 1951, it is only the contesting candidates who are required to lodge their accounts of election expenses.

18.14 ELECTION FROM MORE THAN ONE CONSTITUENCY

18.14.1 If a candidate contests election from more than one constituency he has to keep and also lodge a separate return of election expenses for each election which he contests. The election for each constituency is a separate election.

18.15 AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED

18.15.1 In every State and Union Territory, the account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested election lies. Where the Returning Officer is not

the District Election Officer, if any candidate approaches the Returning Officer for filing the account of his election expenses, the RO should direct the candidate to the DEO. The DEO shall designate a senior Official for receiving the accounts filed by the candidates. The accounts should be received only by such designated Officer or the DEO.

18.15.2 As some of the Assembly and Parliamentary Constituencies in some State extend over more than one district, the question may arise as to which District Election Officer should receive the accounts submitted by the candidates in such cases. It is clarified that the accounts of election expenses should be lodged with the District Election Officer of the District, who had provided the polling stations for the constituency. For the information of the candidates, the name and designation of the District Election Officer concerned should be published locally indicating the names of constituencies in respect of which he would receive the accounts.

18.15.3 The District Election Officer should also, for the convenience of the contesting candidates, issue a letter to all contesting candidates in every constituency within three days of the date of election of the returned candidate intimating the name designation and address of the District Election Officer with whom the account has to be lodged and also the last date before which the account should reach him.

18.16 CANDIDATES ELECTION EXPENSES ON ACCOUNT OF CANDIDATES KIOSKS (BOOTH) OUTSIDE POLLING STATIONS

18.16.1 Commission has directed that candidates' booths set up outside polling stations should be deemed to have been set up by the candidates as part of their individual campaign and not by way of general party propaganda. All expenditure incurred on candidates' booths set up outside polling stations on poll day shall be deemed to have been incurred/authorized by the candidate/his election agent so that it may be included in the account of the candidate's election expenses.

18.16.2 The District Election Officer will notify the rates of candidates' booths (kiosks) outside the polling stations (10feetX10feet enclosure with shade, two chairs and one table including the notional expenses on daily allowances and refreshment etc. to the party workers) after due consultation with the political parties along with other items of expenditure used for election campaign.

18.17 MAINTENANCE OF ACCOUNTS BY THE CANDIDATE AND THE REGISTERS OF ELECTION EXPENDITURE

18.17.1 Each candidate is required to maintain a day to day account of his election expenditure in a register (**Annexure 52**), given to him by the Returning Officer at the time of filing of nomination papers. This register consists of three parts:

- i) Register of day to day accounts in Part A, in white pages,
- ii) Cash Register as Part B, in pink pages and

iii) Bank Register as Part C, in yellow pages.

The candidate shall have to submit the above-mentioned registers for inspection by the Expenditure Observer at least three times during the campaign period. Every page of the register must be numbered and a certificate must be given by Returning Officer on the first and last page of the register about the total number of pages in the register. The register should have sufficient number of pages for the entire campaign period. However, if the register gets filled up earlier, the candidate can ask for a supplementary register and the Returning Officer shall issue a supplementary register to him in the same format. The candidate shall give an acknowledgement for having received these registers. Returning Officer will provide the District Election Officer with the receipts of the Registers of the Candidates.

18.17.2 MAINTENANCE OF THE DAY TO DAY ACCOUNT OF ELECTION EXPENDITURE

1. All cash, cheque, or draft or pay order received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.
2. If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses and an entry shall be made in the Bank Register. If the cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. After the cash is deposited in Bank, the Bank Register (Part C) will be updated.
3. If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said Bank account opened for election expenditure. If, it is cheque from his own bank account, then in the Bank Register, “Candidate’s own fund” is to be mentioned.
4. If any person party /body/association provides some goods or services in kind, for election campaigning of the candidate, then for these items, necessary entries shall be made in the Day to Day accounts register of the Candidate. Further, if the items in kind have been provided by the political party or any person/association, then the total value and name and address of the political party/person/association shall be mentioned in the register.
5. On the other hand, all election expenditure shall be entered in the Register of Day to Day Accounts. If the amount is paid by the candidate/ political party/person, then the amount and other details will be mentioned at appropriate columns in the Register with details of name and address of the payee. All the payments for expenses (except petty expenses up to Rs.20,000/- to a single party during the entire election process) are to be made only through A/c payee cheques. Payment of petty expenses may be made in cash only if the total amount paid to a person during whole period of campaigning does not exceed Rs. 20,000/-. After payment is made for the petty expense, such expenses shall be entered in the Register of the

Day to Day Accounts.

18.17.3 RECEIPT OF DONATIONS ETC BY CANDIDATES FOR PURPOSE OF ELECTION CAMPAIGN

Under the existing instructions, the candidate(s) shall also not receive any donation or loan in cash, in excess of Rupees 20,000/- from a single person or entity during the election process and all donations/loans in excess of Rupees 20,000/- shall be received by the candidate by A/c payee cheque or draft or by account transfer. The candidate(s) shall maintain the full name and address of such persons/entities, which shall be mentioned in relevant columns of day-to-day accounts and the abstract statement of election expenditure.

18.17.4 EXPENSES BY CANDIDATES IN CASH

1. All candidates, while maintaining their register of accounts of election expenditure, shall account for all expenditure incurred on the day of filing of nomination (i.e. from day 1) and also those incurred prior to the date of nomination like expenditure on campaign materials which are used during the post nomination period. All expenses relating to the rally or procession organized while filing nomination are included in the accounts of the candidates.
2. When members of public attend a public rally/procession/public meeting of candidate(s) by using their own personal vehicle, without receiving any payment or reimbursement from anybody, it shall not be included in the expenditure of the candidate. However, the personal vehicles used in the rally or public meeting for campaign purpose by putting flags or banners or poster for the benefit of any candidate(s) shall be included in the expenses of the candidate(s). If the commercial vehicles bearing commercial registration number are used for rally or public meeting of any candidate(s) the expenditure on such vehicles shall be included in the account of the candidate(s).
3. One personal vehicle owned and used by the candidate(s) for campaign purpose shall be treated as campaign vehicle and notional expenditure on fuel and driver salary as per the market rate shall be included in the accounts of the candidate(s). In case other vehicles, owned by the candidate(s), are used for campaign purpose, then the notional expenses as per the notified rate for hiring of such vehicles shall be calculated by the candidate(s).
4. The expense on the vehicle of the district level party office bearers/leaders (other than star campaigners) for the purpose of their visit to multiple ACs within the district for electioneering shall not be included in the accounts of candidate(s). If the district functionary himself is a candidate, contesting from the same district and such vehicle is used for his movement in the constituency from where he is contesting, or such vehicle is used for campaign for any particular candidate(s), then the hiring charges of the vehicle shall be included in the accounts of the candidate(s) using the vehicle for campaign purpose.
5. The expense on such items of flags, mufflers or caps with party symbol shall be accounted for by the party concerned as its election expense. If they bear the name(s) or photo(s) of candidate(s), it shall be added to the accounts of the candidate. However, supply and

distribution of main apparels like saree, shirt, T-shirt, dhoti etc. by party/candidate is not permitted as it is bribery of voters.

6. If during inspection, the seized cash or other items are found to be linked with a candidate, then a complaint /FIR will be lodged by the R.O or any other officer authorized by him. He will send the copy of complaints/FIR to the Expenditure Observer/Assistant Expenditure Observer who shall mention it in Shadow Observation Register. However, the seized amount will not be treated as election expenditure of the candidate till the case filed in the court is decided finally and till such time it shall not be entered in Shadow Observation Register. The Complaint/FIR copy shall be kept in the folder of evidence.

18.18 MAINTENANCE OF ACCOUNT AND PARTICULARS TO BE ENTERED IN ACCOUNT

18.18.1 All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorized shall be obtained from day to day as the expenditure is incurred or authorized and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.

18.18.2 the account of election expenses to be kept by a candidate or his election agent under Section 77 of the said Act shall contain the following particulars in respect of each item of expenditure from day to day, namely: -

- a) the date on which the expenditure was incurred or authorized;
- b) the nature of expenditure (as for example, travelling, postage or printing and the like);
- c) the amount of expenditure- (i) the amount paid; (b) the amount outstanding;
- d) the date of payment;
- e) the name and address of the payee;
- f) the serial number of vouchers, in case of amount paid;
- g) the serial number of bills, if any, in case of amount outstanding;
- h) the name and address of the person to who the amount outstanding is payable.

18.18.3 A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

18.18.4 All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

18.18.5 It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

18.19 ACCOUNT TO BE MADE AVAILABLE BY CANDIDATES FOR INSPECTION AND DISPLAY

- 18.19.1 The Commission has directed that the day-to-day account as maintained by a candidate in the aforesaid register together with the supporting documents shall be made available by the candidate for inspection on three occasions at least during the process of election to the Returning Officer/ Election Observer appointed by the Commission or any other official appointed for this purpose. The Returning Officer shall prepare a schedule of inspection for the candidates in the constituency and give advance intimation to the candidates about the dates on which they are to produce the accounts. The first date of inspection may be on or after the third day from the date of withdrawal of candidature and there shall be a gap of about 4 days between each inspection.
- 18.19.2 The RO shall prepare a schedule for inspection of Expenditure Register of each candidate, by the Expenditure Observer, or a senior officer designated by the R.O. in consultation with the Expenditure Observer for the purpose. The candidate is required to produce the register either in person or through his election agent or any other person duly authorized by him before the Expenditure Observer/designated officer for inspection at least three times during the campaign period.
- 18.19.3 The gap between two inspections should be at least three days. This schedule shall be given wide publicity through the press. For convenience, for each candidate the timing of inspection may be specified between 10 A.M to 5 P.M. Timings should be fixed in such a way that the work should be completed before 7 P.M. The inspection should be done either in Returning Officer's office room or any other conference room/office chamber. The last inspection should be fixed not before 3 days from the day of poll. After every inspection, during the election process, the day to day election account register of a candidate shall be scanned till the date of inspection and uploaded onto the DEO's portal with a link provided to the CEO's website besides displaying a photocopy on the notice board of the Returning Officer.
- 18.19.4 If a candidate or his agent does not produce his Election Expenditure Register for inspection on the day fixed for this purpose, a notice shall be issued to the candidate by the Returning Officer in writing, informing him that if he fails again to produce the Register for inspection on the day specified in the notice, it shall be presumed that he has failed to maintain a day to day account of election expenditure as required under Section 77 of RP Act 1951. This notice shall be given the widest possible publicity and a copy shall be displayed on Returning Officer's notice board. If, in spite of the notice, the candidate fails to produce the register of election expenditure for inspection, a complaint under Section 171-I of IPC shall be filed in the competent court. Besides this, the permission given to the candidate for use of vehicles during election should be withdrawn, if the candidate does not produce the register after three days of service of the notice. The withdrawal of permission for use of vehicles shall be intimated to all the Surveillance Teams and Flying Squads and displayed on Returning Officer's notice board.

- 18.19.5 While inspecting the accounts of the candidates as per the schedule of inspection fixed, Returning Officer will ensure that two photocopies of the relevant pages of the register are retained by the inspecting officer. One copy of the relevant pages will be displayed on Returning Officer's notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with Returning Officer and furnished to the District Election Officer on conclusion of the poll process. In this exercise, Returning Officer must ensure that the inspection does not become a source of harassment/oppresion to the detriment of the electioneering of the candidate which is his legal right.
- 18.19.6 Publicity should also be given that members of the public can be present during inspection of expenditure registers/ accounts and that anybody can obtain a copy of the expenditure register of any candidate, on payment of Rs.1 per page, from the Returning Officer. The inspection of registers should be done, as far as possible, by the Expenditure Observers only. Where the inspection of register is carried out by a designated officer, other than the Expenditure Observer due to some unavoidable reasons, the Expenditure Observer shall be kept apprised of the outcome of each such inspection and the reasons for such inspection by any other officer.
- 18.19.7 The Election Commission of India hereby issued the following order for maintaining the purity of election process:
1. If the Returning Officer or any officer authorized, by the District Election Officer/Returning Officer, is in receipt of information during election process that any candidate has incurred or authorized certain expenditure and has not shown either a part or whole of it in his day to day account of election expenditure, maintained by him under section 77(1) of the Representation of the People Act, 1951, or has not produced the said accounts for inspection on the scheduled date before the authorized officer or Expenditure Observer, then the Returning Officer shall issue a notice along with the evidence thereof to the candidate preferably within 24 hours of the date of receipt of information or inspection of accounts mentioning the details of expenses, which are not shown truly or correctly in day-to-day account or informing him that he failed to produce his account , as the case may be. However, in case of suspected Paid News items, where notice is issued or is being issued by the Returning Officer as per the recommendation of the Media Certifying and Monitoring Committee (MCMC), such items shall not be covered in this notice.
 2. Such candidate may reply to the notice within 48 hours, explaining the reasons for omission of default which is brought to his notice. In cases where the candidate accepts the fact of suppressed expense mentioned in the notice, the same shall be added to his election expenses.
 3. Where candidate fails to produce his day to day account for inspection and in spite of the notice, the failure continues, then FIR is to filed under section 171 (I) of Indian Penal Code, after 48 hours of service of such notice and the permission for use of vehicles etc. by the candidate for election campaign shall be withdrawn.

4. Where no reply is submitted by the candidate or his election agent within 48 hours of receipt of the notice, then the candidate shall be deemed to have accepted the suppressed amount mentioned in the notice and the same shall be added to the election expenses of such candidate.
5. If the candidate or his election agent disputes the suppressed expenditure, mentioned in the notice, he shall submit the reply mentioning the reasons for disagreement and the same shall be forwarded to the District Expenditure Monitoring Committee (DEMC) consisting of the following:
 - a) Expenditure Observer in charge of the Constituency
 - b) DEO
 - c) Dy. DEO/Officer in charge of Expenditure Monitoring of the District.
6. The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate thereto, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not to the election expenses account of the candidate.
7. The candidate shall be given another opportunity to reconcile the under stated amount of the election expenditure, if any, in the Account Reconciliation meeting, to be conducted by the DEO, on the 26th day of the declaration of the result.
- 18.19.8 Training: The DEO shall organize one-day facilitation program for all the candidates/ election agents and the personnel engaged for receiving the accounts within one week before the last date of submission of the account of election expenses.
 - a. The Nodal Officer of the Expenditure Monitoring Cell and Assistant Expenditure Observer should be associated in the training program to explain the procedure of e-filing of accounts, the forms and affidavits to be filed and the frequently noticed defects. Consequences of not filing or filing incomplete forms or not filing in the manner prescribed or not showing correct accounts shall also be explained to the candidates/agents.
 - b. In this training program they will also be apprised about the Account Reconciliation meeting, in which they should come prepared with all final accounts and registers.
 - c. The DEO shall notify the date and venue of training on procedure of lodging the final accounts and also about the date of Account Reconciliation meeting, positively on or by the date of declaration of result.

18.20 PREPARATION OF RATE CHARTS

- 18.20.1 The Commission has directed all District Election Officers to make available the rates of the under-mentioned items to all Election Observers immediately on their arrival in the constituency. The list of these items, not exhaustive but illustrative, are as follows: -

1. Hiring charges of Loudspeaker with amplifier and microphone, 2. Construction of podium / pandal (standard size to seat 4-5 persons), 3. Cloth Banner, 4. Cloth Flags, 5. Plastic Flags, 6. Hand Bills (cost to be calculated and print order ascertained from printer – refer 127A of R.P. Act, 1951), 7. Posters, 8. Hoardings, 9. Cut outs (wooden), 10. Cut outs (Cloth/Plastic), 11. Video Cassettes, 12. Audio Cassettes, 13. Erection of gates, 14. Erection of Arches, 15. Daily hiring charges of vehicles: (i) MPVs/LCVs/MCVs/Sedan/Hatchback, (ii) Three-Wheelers, (iii) Cycle-Rickshaw, 16. Hiring charges of hotel rooms / guest houses, 17. Charges of drivers' salary, 18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures, 19. Hiring charges of hoarding sites from municipal authorities, 20. Other items commonly used in a District.

18.21 EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.

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

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

18.21.3 The candidate/political party/organizer will deposit the estimated cost of barricades / rostrum in advance where the construction of the same are being done by the government agencies.

18.22 MANNER OF LODGING THE ACCOUNT

18.22.1 The Register supplied by the Returning Officer to each candidate in which the candidate has kept his account of election expenses shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law.

18.22.2 Further, the candidate is also required to furnish the abstract statement in Parts I to IV of the proforma (**Annexure 52**) given to him by the Returning Officer along with

the said Register(s). No column in the Register(s) or in the abstract statement of the proforma is to be left blank. If no expenditure has been incurred or authorized on any item listed therein, a ‘Nil’ entry should be made in the appropriate column.

18.22.3 Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma (**Annexure 52**) mentioned above.

18.22.4 The account filed should be a true and complete account kept by the candidate or his election agent and should be certified as such by the candidate himself. A certificate by the election agent of a candidate is not sufficient and hence, even if election agent certifies the account, it should again be certified by the candidate himself.

18.23 VOUCHERS TO BE FILED WITH ACCOUNTS

18.23.1 Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such that it is not practicable to obtain voucher, e.g., postage, travel by railway and the likes. All vouchers should be serially numbered by the candidate or his election agent.

18.24 VOUCHERS TO BE SIGNED

18.24.1 Parts I-IV of the Abstract Statement and Affidavit should be signed by the candidate himself in full while the bills, vouchers, certified copies of the bank statement may be signed by candidate or his election agent in full.

18.25 LAST DATE FOR FILING ACCOUNTS

18.25.1 The account should be lodged by the candidate within 30 days from the date of election of the returned candidate vide Section 78 of the Representation of the People Act, 1951.

[**N.B.** (i) In computing the period of 30 days, the date on which Returning Officer declared the returned candidate elected should be excluded.

(ii) If the 30th day so computed is a Sunday or other holiday and DEO’s office is closed on that day, the account of election expenses may be lodged on the next day on which Returning Officer’s office functions. The account will be deemed to have been lodged in time in such a case.]

18.26 MEANING OF DATE OF ELECTION

18.26.1 The “date of election” of a returned candidate is the date on which Returning Officer declares him to have been elected whether it was a contested or an uncontested election.

18.27 ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT

18.27.1 As soon as the account of election expenses is filed by a candidate, District Election

Officer should acknowledge its receipt in the prescribed proforma (**Annexure 52**). If the account is received by DEO by post, he/she should send the acknowledgement forthwith by post. One copy of the acknowledgement should be kept by the DEO/ Designated Official receiving the accounts.

18.28 NOTICE OF FILING ACCOUNTS

18.28.1 Within two days from the date on which the candidate lodges his account of election expenses, affix a notice on DEO's notice board specifying: -

- i) the date on which the account has been lodged;
- ii) the name of the candidate; and
- iii) the time and place at which the account can be inspected

18.29 INSPECTION AND COPIES

18.29.1 Any person can, on payment of a fee of rupee one, inspect the account lodged with Returning Officer by a candidate. According to Rule 88 of the Conduct of Election rules 1961, the Commission has fixed the fee of Rs.1 per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

18.29.2 If inspection of an account of election expenses has been applied for at any time during the period that the account is with the Election Commission, the application should be kept pending until the account is received back from the Commission after which the inspection will be allowed to the applicant.

18.30 REPORT TO THE COMMISSION

18.30.1 DEO shall scrutinize the statement of accounts of election expenditure submitted by each candidate after the declaration of results with the help of the Expenditure Monitoring Cell and with the assistance and support of the Expenditure Observer and submit a report to the Commission through the CEO within 45 days of the declaration of the results in the prescribed format along with the Summary Report. The comments of the Expenditure Observer should also be taken in the DEO's Report. The procedure to be adopted by DEO in preparation of Scrutiny report and Summary report in respect of accounts of election expenses of the candidates is explained in ECI No. 76/ Instructions/2015/EEPS/Vol. XIV dated 2nd June, 2016.

18.30.2 DEO's Report may be prepared meticulously scanned copy of the Abstract Statement (Part-I to Part- IV) of all the candidates along with copy of all notices issued by the RO, if any, and replies thereto, during the election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.

18.30.3 The DEO's scrutiny report has to be entered in EEMS software during seven days of its finalization.

18.31 SEPARATE REPORT FOR EACH CONSTITUENCY

18.31.1 Send a separate report in respect of each constituency. Each such report should cover all the contesting candidates in the constituency whether they have been elected or defeated at the poll. Care should be taken that in any such report, the names of the constituencies are spelt as in the Delimitation order and the names of the candidates spelt as in the list of contesting candidates.

18.32 ACCOUNTS FILED LATE

18.32.1 If a contesting candidate has lodged his account of election expenses after DEO has sent his/her report to the Commission, send a supplementary report in respect of him in the same Form.

18.33 NATURE OF EXAMINATION

18.33.1 Since the return of election expenditure filed by a candidate has to reflect the "correct" account of "all" election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report to the Commission as required under Rule 89 of the Conduct of Elections Rules, 1961, certify to the Commission with reference to the documents filed before him and as verified by him through an appropriate enquiry, that the statement of account is in the manner prescribed.

18.34 PUBLICATION OF REPORT

18.34.1 Returning Officer shall publish a copy of every report sent to the Commission by affixing a copy thereof to his/her notice board.

18.35 COMMISSION'S DECISION ON REPORT

18.35.1 The Commission will consider the report and decide whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law. In such a case the Commission will call upon the candidate to show cause why he should not be disqualified.

18.36 DELIVERY OF COMMISSION'S NOTICE TO CANDIDATES

18.36.1 In order to ensure that the notices issued by the Commission are served on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notices to the District Election Officer to cause the same to be delivered to the candidates concerned. Every effort should be made to effect the delivery of notice to the candidate concerned within three days of receipt of the same in DEO's office from the Commission.

18.36.2 The notice should be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same.

18.36.3 If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same may be pasted on the wall/door of the residence of the candidate in the presence of two witnesses preferably of the locality. A note to this effect must be recorded on the spot and the signatures of the witnesses along with their addresses obtained thereon.

18.37 REPRESENTATION BY DEFAULTING CANDIDATE

18.37.1 Any contesting candidate who has been called upon to show cause, may within twenty days of the receipt of such notice, represent in writing to the Election Commission, and shall, at the same time, send DEO a copy of his representation together with a complete account of his election expenses if he has not already furnished such an account.

18.38 SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER

18.38.1 The DEO should send his supplementary report along with the acknowledgement obtained from the candidate in token of his having received the notice to the Commission immediately, and in any case within one week, after the expiry of the period within which the candidate has been directed by the Commission to submit his representation with his account, if any.

18.38.2 The supplementary report should be sent even where the candidate has not filed any representation.

18.39 FINAL ORDER BY COMMISSION

18.39.1 If, after considering the representation submitted by the candidate and the comments made by the DEO and after such enquiry it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified under Section 10-A of the Representation of the People Act, 1951 for a period of three years from the date of the order and cause the order to be published in the official gazette.

18.40 REMOVAL OF DISQUALIFICATION

18.40.1 Under Section 11 of the Representation of the People Act, 1951, Election Commission may, for reasons to be recorded, remove any such disqualification or reduce the period thereof.

18.41 TIME LIMITS TO BE STRICTLY ADHERED

18.41.1 All such time limits as specified in the foregoing paragraphs for submission of reports to the Commission, service of notice on the defaulting candidates, forwarding of their representations with DEO's comments to the Commission, etc. should be strictly adhered to. The Commission takes serious exception to any lapse in this regard.

19 MISCELLANEOUS

19.1 SIGNING BY ILLITERATE PERSONS

19.1.1 Sub-rule (2) (e) of Rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall be deemed to have signed on instrument or a paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission. The Commission has, accordingly, specified every officer belonging to an administrative service not below the rank of a Sub-Divisional Officer as an officer in whose presence such mark may be placed.

19.2 MANUSCRIPT, TYPEWRITTEN, PRIVATELY PRINTED FORMS TO BE ACCEPTED

19.2.1 Rule 2(1) (g) of the above-mentioned Rules defines "form" as a form appended to the said Rules, including a translation thereof in any of the languages used for official purposes of the State. As sufficient number of any particular form printed officially by Government may not always be available to satisfy public demand, the public would be put to a lot of inconvenience if officially printed forms are insisted upon by election officers. In order to avoid any such inconvenience, the Election Commission has specified that although forms may have been printed by the Government, Returning Officers, Electoral Registration Officers, Presiding Officers and other Election Officers shall freely accept manuscript, typewritten, cyclostyled photo copied or privately printed copies of every form so long as they have been correctly copied and such officers shall not reject any document merely because it has not been drawn up on a form printed by the Government.

19.3 SUBMISSION OF REPORT BY THE RETURNING OFFICER

19.3.1 Immediately after the declaration of the result in the constituency, Returning Officer should, through the Chief Electoral Officer of the State, forward to the Election Commission two copies of his/her report on the various item as shown in **Annexure 48** for preparation of the Report on the elections by the Commission. Returning Officer should advise the Presiding Officers working under him/her to give detailed information on the various items with which they are concerned namely, items 13, 15, 16, 17, 18, 23, 24, 26, 30, 33, 34, 36, 37, 39, 40, 41, 43, 44 and 45 of the said Annexure in their Diary. (Please ensure that this information is furnished by Returning Officer to the Chief Electoral Officer within a fortnight from the declaration of the result. If someone is Returning Officer for more than one constituency, he/she should submit a separate report for each constituency). Returning Officer should not, however, delay the submission of the report on the ground that any particular information is not readily available. Any information which could not be included in the report before the due date for submission should be sent by a supplementary report.

19.4 INDEX CARD

19.4.1 The Commission desires to prepare the statistical part of the report as early as possible after the completion of election. Returning Officer shall provide the required information

by filling in the 'Index Card' of **Annexure 50** as early as possible but not later than 15 days after the poll and send it through the Chief Electoral Officer of the State/Union Territory.

19.5 SAFE CUSTODY OF EVM, VVPAT AND ELECTION PAPERS

19.5.1 The District Election Officer concerned shall be responsible for the safe custody of all the voting machines used at an election, the packets containing registers of voters in Form 17A and all other packets containing election papers referred to in sub-rule (1A) and (2) of Rule 92 of the Conduct of Elections Rules, 1961. The list is as follows: -

1. All the voting machines used at the election;
2. The packets of unused ballot papers supplied for use as tendered ballot papers;
3. The packets of tendered ballot papers and postal ballot papers, whether valid or rejected (this also includes packets in which covers containing postal ballot papers received late are kept);
4. The packets of the counterfoils of used postal ballot papers;
5. The packets of the marked copies of the electoral roll;
6. The packets containing register of voters in Form 17A;
7. The packets of the declarations by electors and the attestation of their signatures; and
8. All other papers relating to the election which include the packets containing all papers and proceeding relating to nomination, scrutiny and withdrawal of candidature.

19.5.2 Under the said rule when an Assembly or Parliamentary Constituency extends over more districts than one, the election papers of that constituency will be kept in the custody of such one of the District Election Officers having jurisdiction over the constituency as the Election Commission may direct. Under this arrangement, normally, the District Election Officer who had under the law provided the polling stations for the constituency will be responsible for the safe custody of these papers.

19.6 ARRANGEMENT FOR SAFE CUSTODY OF ELECTION RECORDS

19.6.1 According to the direction of the Commission, the District Election Officer will have to keep voting machines and the steel trunks containing papers referred to at items (2) to (7) under double lock in the District Treasury or Sub-Treasury, as may be convenient.

19.6.2 One set of keys of the sealed steel trunks kept in the Treasury/Sub-Treasury will be entrusted with the Treasury Officer or an officer in the Treasury authorized in the Treasury code. The other set of keys will be kept by the District Election Officer himself or by a senior officer nominated by him.

19.6.3 A date-wise logbook about the movement or disposal of the election records from the Treasury should be maintained. All these security arrangements are necessary because these election papers may be summoned at any time during the trial of an election position by the High Court or by the Supreme Court or other competent Court.

19.6.4 The boxes containing the election records mentioned at item (8) in para (19.5) above should be kept by the District Election Officer in his own safe custody.

19.6.5 For proper maintenance and safe custody of these records, the Commission feels that the election records should be kept in separate and properly secured store rooms. A suitable register should be introduced to ensure that whenever an official is required to carry out his official duties in the record room in question, he makes an entry showing the purpose for which a particular record was required and signs his name. The State Government may provide separate store rooms for election records where there are not already available. If separate rooms cannot be provided, arrangements should be made to store the records in steel almirahs in the charge of a responsible officer.

19.6.6 Special care is necessary with regard to the safe custody of the election records in respect of an election called in question by an election petition which is pending. In order to guard against any tampering or theft of such election records, they would be kept in a Government Treasury till the final disposal of the election petition.

19.7 PRODUCTION AND INSPECTION OF VOTING MACHINES

19.7.1 Sub-rule (1A) of Rule 93 of the Conduct of Elections Rules, 1961, provides that the Control Units of the voting machines which are sealed under Rule 57C after the counting of votes and kept in the custody of the District Election Officer shall not be inspected by or produced before, any person or authority except under the orders of a competent court.

19.8 PRODUCTION AND INSPECTION OF ELECTION PAPERS

19.8.1 Sub-rule (2) of Rule 93 of the Conduct of Elections Rules, 1961, provides that all papers relating to an election, other than those referred to in sub-rule (1) thereof, shall be open to public inspection subject to conditions and to the payment of such fee, if any, as the Election Commission may direct.

19.8.2 In pursuance of the said sub-rule read with Section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions:

1. Inspection:

- a. Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection required;
- b. An inspection of the documents shall be allowed to any person applying for the same on payment of fee of Rs. 5 per hour of inspection or part thereof, unless inspection is required to be made urgently in which case the fee shall be Rs. 10 per hour or fraction thereof.
- c. Inspection on an ordinary application shall be allowed on the day following the date on which the application is made or on a subsequent day and inspection on an urgent application, shall be allowed on the same day. Instructions for inspection of account of election expenses and supply of copies thereof are contained in Chapter XVIII.

2. **Certify Copy:** A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Officer. The procedure to be followed in respect of an application for it shall be the same as for a similar application made in respect of a case dealt with by a Revenue Officer.
 3. The application should establish the right of the applicant for inspection or for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.
 4. No fee shall be charged when inspection or certified copy of a document is required for official purposes.
- 19.8.3 Effective supervision by officials is necessary when election records are inspected by any interested person soon after the completion of the election. Simultaneous inspection by a large number of persons should not be allowed to avoid removal of any paper from the records

19.9 SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS

- 19.9.1 Copies of result sheet in Form 20 may be supplied, if asked for, on payment of fee as charged for supply of certified copies of other election records.
- 19.9.2 Copies of election return in Form 21-E may be supplied by the Returning Officer, District Election Officer, the Chief Electoral Officer, or the Election Commission on a payment of Rupees 2 for each copy under sub-rule (3) of Rule 93 of the Conduct of Election Rules, 1961.

19.10 STORAGE AND SUPPLY OF CCTV RECORDINGS

- 19.10.1 Video-graphy/CCTV footage of various stages of election process like nomination, scrutiny, withdrawal, polling and counting process etc. should be kept in the safe custody of the District election Officer till the expiry of 45 days from the date of declaration of result of the election. If anyone applies for copies of such recordings, during the said period of 45 days, copy may be made available to him on payment of Rs. 50/- per CD (fees as per Right to Information Rules, 2012).
- 19.10.2 The video recordings of election campaign activities of candidates and political parties made by the election expenditure monitoring teams, flying squads, SSTs etc. the recorded version there of shall be kept in the custody of District Election Officer till the expiry of 8 months from the date of the declaration of result of the election. If anyone applies for copies of such recordings, during the said period, copy may be made available to him on payment of Rupees 50/- per CD.
- 19.10.3 In case no election petition or any other petition/complaint etc. is pending, the CCCTV/ Video recording should be destroyed after expiry of the prescribed period of 45 days

or 8 months, as the case may be, following the usual procedure prescribed for the purpose. If there is any election petition filed in respect of the election or any other petition etc. in any court in respect of which the recording would be relevant, then the recorded version shall be retained in safe custody of DEO till the disposal of such matter.

19.11 DISPOSAL OF ELECTION PAPERS

19.11.1 The Commission has made the following direction under Rule 94 of the Conduct of Elections Rules, 1961 for the disposal of election papers. The election papers may be disposed of as indicated subject to any direction to the contrary by the Commission or by a competent Court in any case and subject to the instructions contained in para 12 below:

19.12 DIRECTION UNDER RULE 94 (A)

- i The packets of unused ballot papers, returned by Presiding Officers after the poll is over, shall be retained in the Treasury for a period of six months after the completion of the election and then destroyed.
- ii The stock of undistributed ballot papers left with the Returning Officers should be returned to the Chief Electoral Officer immediately after the poll and the latter should retain such ballot papers for six months.
- iii Where the Chief Electoral Officer has not got sufficient space to store the undistributed ballot papers, these may be kept in Treasuries/Sub-Treasuries under his orders.

19.13 DIRECTIONS UNDER RULE 94(AA)

Clause (aa) of Rule 94 provides that the voting machines kept in the custody of the District Election Officer under sub-rule (1A) of Rule 92 shall be retained intact for such period as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission. Accordingly, the District Election Officer should seek the express direction of the Commission in each case as soon as may be after the period for filing the election petition is over.

19.14 DIRECTION UNDER RULE 94 (B)

- i. The sealed packets of used ballot papers (except the packets containing the counterfoils of used ballot papers) whether valid, tendered or rejected, the packet of the paper slips of the printer under the provisions of Rule 57 c, the packets of the marked copies of the electoral roll and the packets of declarations by elector and the attestation of their signatures, which are contained in the sealed steel trunks under the double lock and kept in the Treasury should be retained for a period of one year after the completion of the election and then destroyed.
- ii. The packets containing counterfoils of used ballot papers and Register of Voters in Form 17A shall be retained for a period of one year after the completion of the election and shall

be destroyed thereafter in all cases except those in respect of which election petitions or election appeals or prosecutions for impersonation are pending.

19.15 DIRECTION UNDER RULE 94 (C)

- i. Papers specified in **Annexure 49** should be destroyed at the expiry of six months from the date of the declaration of the result.
- ii. The list of challenged votes (Form 14) and the receipt book used for collection of challenge fee, the dispatch register of postal ballot papers and forms of nomination papers should not be destroyed before the expiry of 5 years from the date of declaration of the result or till they are audited and audit objections, if any, settled whichever is earlier.
- iii. Every order appointing a person as a Presiding Officer or Polling Officer should not be destroyed before the expiry of three years from the date of the election to which the appointment relates.
- iv. Final Result Sheet (Form 20), Declaration of Result of Election (Forms 21, 21-A, 21-B, 21-C, 21-D, 23 and 23-A) and Return of Election (Forms 21-E and 23-B) should be kept as permanent records of election.
- v. The register of deposits may be destroyed in the same manner as revenue registers provided that in no case shall the register be destroyed before ten years.
- vi. All records relating to the account of election expenses of a candidate who has lodged it within the time and in the manner required by the Act and the Rules shall be destroyed at the end of one year from the date the return ought to have been lodged.
- vii. All records relating to the account of election expenses of a candidate who has failed to lodge it within the time and/or in the manner required by or under the Act and the Rules and thereby disqualified under Section 10A of the Representation of the People Act, 1951, shall be destroyed on the expiry of three years from the date on which the Commission's decision under sub-rule (8) of rule 89 of the Conduct of Elections Rules, 1961, is notified. If the disqualification has been removed by the Commission under Section 11 of the said Act, the records shall be destroyed on the expiry of one year after such removal.
- viii. If any candidate applies for the return of any vouchers filed with his account of election expenses, the vouchers may be returned to him after keeping a certified copy in the record; provided there is no election petition or recrimination petition pending in respect of the election in which the question of the applicant's election expenses is at issue.

19.16 PERIOD OF RETENTION OF THE AFFIDAVITS IN FORM 26 AND THE NOMINATION PAPERS FILED BY THE CANDIDATES

- 19.16.1 In the case of Nomination Papers and Affidavit (Form 26), the same shall be retained for a period of 06 (six) years after the completion of elections or till disposal of election petition, if any, or any other suit/petition in any court in which any of the declarations made in any of these documents is under challenge. All the supporting documents filed

by the candidates along with their nomination papers shall also be likewise retained for the same period.

19.17 RETENTION OF PAPERS WHERE ELECTION PETITION IS PENDING

19.17.1 Where an election petition is pending trial before a High Court or any other matter in respect of an election is pending adjudication by a Court, the papers relating thereto should not be destroyed until the expiry of three months from the date of disposal of such petition or the matter finally.

19.18 MODE OF DISPOSAL OF ELECTION PAPERS

19.18.1 All election papers including restricted or confidential papers such as used and unused ballot papers and their counterfoils, copies of electoral rolls, etc., except surplus and waste ballot papers should be shredded.

19.18.2 The shredding operation must be completed in Govt. premises where the election records are kept under safe custody. The entire shredding process should be done in the presence of a senior Gazetted Officer of the Office of Chief Electoral Officer at the place of storage and not at any private premises. The shredding of used ballot papers should be done in the presence of a Class-I officer of the Office of District Election Officer; while election papers of other categories shall be shredded in the presence of a senior Gazetted Officer of the Office of Chief Electoral Officer. After completion of the shredding process, the officer concerned should certify that the entire process of shredding has been completed in his presence and that no unshredded paper has gone out of the campus. It should be strictly ensured that under no circumstance, any unshredded paper leaves the campus where these are kept.

19.18.3 Whenever shredders are not available, the District Election Officer should purchase a shredder out of his office expense budget.

19.18.4 The sale price of the shredded election papers to be charged from the purchasing companies and the shredding charges to be paid, if any, to the companies where they used their shredders should be settled separately by the Chief Electoral Officer himself after following the prescribed procedures under the relevant financial rules. If the cost of transport of shredded papers to the nearest paper-pulp making unit is more than the likely return of selling the shredded papers, the District Election Officer will have the discretion to sell the shredded papers to waste paper purchasers locally or dispose the same of by any other cost-effective method.

19.19 DISPOSAL OF SURPLUS AND WASTE BALLOT PAPERS

19.19.1 The following instruction should be strictly followed in regard to the manner of disposal of surplus and waste ballot papers:

1) As soon as the poll in a constituency is over and it is ascertained that there is no need for an adjourned poll or a fresh poll in any polling station in that constituency, the surplus

ballot paper(s), if any, and waste ballot papers along with the waste paper on the floor of the Government Press should be shredded and made into pulp instead of burning in the presence of the Chief Electoral Officer himself, or of a senior officer duly authorized in writing by the Chief Electoral Officer for the purpose. If the printing of the ballot papers is done at a Government Press situated at a District Headquarters, away from the State Capital, the destruction of the surplus and waste ballot papers by shredding and making into pulp should be done in the presence of the District Collector/District Magistrate/Deputy Commissioner or a senior officer duly authorized in writing by him for the purpose.

- 2) The Officer in whose presence the surplus and waste ballot papers are destroyed in the manner given above should record a certificate regarding the number/quantity of such surplus and waste ballot papers destroyed in his presence. He should also obtain the counter signature of the superintendent of the Government Press on the certificate.
- 3) After the declaration of the result, as soon as practicable and in any case within ten days thereof, a report should be sent to the Commission by the Chief Electoral Officer certifying that all surplus and waste ballot papers printed for the election, have been destroyed in the manner indicated above.

19.20 FACILITIES ALLOWED BY THE POSTAL DEPARTMENT FOR THE CONDUCT OF ELECTIONS

- 19.20.1 The Postal Department has been requested to extend special facilities during period of elections for receipt and delivery of letters and other communications.
- 19.20.2 Ministry of Home Affairs have issued instructions that police wireless facilities may be used wherever postal facilities are not available.
- 19.20.3 For receipt and issue of urgent communications, Fax machines are installed in the office of the Commission. Returning Officer can also send the fax messages to the Secretary to the Commission concerned with his/her State or communicate with him through his e-mail which is available on the website of the Commission i.e. www.eci.gov.in.

19.21 TWO UNUSED BALLOT PAPERS FOR RECORD OF THE COMMISSION

- 19.21.1 Two un-issued ballot papers each in the case of General Election to the House of the People and the state Legislative Assembly should be sent to the Commission for its record. The Chief Electoral Officer should direct the Returning Officers in his State/ Union Territory to send two such un-issued ballot papers in respect of each constituency to him with the words "Cancelled for record in the Election Commission" written on the reverse of each ballot paper under the signature of the Returning Officer as soon as possible, after election is over. The Chief Electoral Officer should then send the same to the Commission without delay.
- 19.21.2 The ballot papers in respect of bye-elections should also be sent to the Commission. The words "Cancelled for record in the Election Commission" should be written on the reverse of each ballot paper.

ANNEXURE 1

(CHAPTER 1, PARA 1.1)

NUMBER OF SEATS IN LOK SHABHA

S. No.	State/UT	Total	SC	ST
1	Andhra Pradesh	25	4	1
2	Arunachal Pradesh	2	-	-
3	Assam	14	1	2
4	Bihar	40	6	-
5	Chhattisgarh	11	1	4
6	Goa	2	-	-
7	Gujarat	26	2	4
8	Haryana	10	2	-
9	Himachal Pradesh	4	1	-
10	Jammu & Kashmir	6	-	-
11	Jharkhand	14	1	5
12	Karnataka	28	5	2
13	Kerala	20	2	-
14	Madhya Pradesh	29	4	6
15	Maharashtra	48	5	4
16	Manipur	2	-	1
17	Meghalaya	2	-	2
18	Mizoram	1	-	1
19	Nagaland	1	-	-
20	Orissa	21	3	5
21	Punjab	13	4	-
22	Rajasthan	25	4	3
23	Sikkim	1	-	-
24	Tamilnadu	39	7	-
25	Telangana	17	3	2
26	Tripura	2	-	1
27	Uttarakhand	5	1	-
28	Uttar Pradesh	80	17	-
29	West Bengal	42	10	2
	TOTAL	530	83	45
30	Andaman & Nicobar Islands	1	-	-
31	Chandigarh	1	-	-
32	Dadra & Nagar Haveli	1	-	1
33	Daman & Diu	1	-	-
34	NCT of Delhi	7	1	-
35	Lakshadweep	1	-	1
36	Puducherry	1	-	-
	TOTAL	13	1	2
	GRAND TOTAL	543	84	47

ANNEXURE 2

(CHAPTER 1, PARA 1.1)

NUMBER OF SEATS IN STATE LEGISLATIVE ASSEMBLIES

S. No.	State/UT	Total	SC	ST
1	Andhra Pradesh	175	29	7
2	Arunachal Pradesh	60	-	59
3	Assam	126	8	16
4	Bihar	243	38	2
5	Chhattisgarh	90	10	29
6	Goa	40	1	-
7	Gujarat	182	13	27
8	Haryana	90	17	-
9	Himachal Pradesh	68	17	3
10	Jammu & Kashmir	87	7	-
11	Jharkhand	81	9	28
12	Karnataka	224	36	15
13	Kerala	140	14	2
14	Madhya Pradesh	230	35	47
15	Maharashtra	288	29	25
16	Manipur	60	1	19
17	Meghalaya	60	-	55
18	Mizoram	40	-	39
19	Nagaland	60	-	59
20	Orissa	147	24	33
21	Punjab	117	34	-
22	Rajasthan	200	34	25
23	Sikkim	32+	2	12++
24	Tamilnadu	234	44	2
25	Telangana	119	19	12
26	Tripura	60	10	20
27	Uttarakhand	70	13	2
28	Uttar Pradesh	403	85	-
29	West Bengal	294	68	16
	TOTAL	4020	597	553
30	NCT of Delhi	70	12	-
31	Puducherry	30	5	-
	TOTAL	100	17	-
	GRAND TOTAL	4120	614	553

Notes: @ Excludes 24 seats for Pakistan occupied territory.

+Includes 1 seat reserved for Sangha Constituency.

++Reserved for Sikkimese of Bhutia Lepcha Origin.

**Includes 12 seats reserved for Sikkimese of Bhutia-Lepcha origin.

ANNEXURE 3

(CHAPTER 2, PARA 2.7.1)

LIST OF POLLING STATIONS

For..... (Assembly Constituency comprised within the)
..... Parliamentary Constituency.

S. N. of Polling Station	Locality	Building in which it will be located	Area of the Polling station	Whether there is a separate entrance and exit, if not, reasons	Polling* area	Whether all voters are men only or women only	Total number of voters assigned	Max distance that a voter will have to travel to reach the PS	Remarks
1	2	3	4	5	6	7	8	9	10

1. Total numbers of voters
2. Total number of polling stations proposed.
3. Average number of voters per polling station

Date

District Election Officer/Returning Officer

*Here give names of villages, wards, streets, localities and house numbers and part number of the electoral roll assigned. In case part is split into two polling station, then the serial numbers (not the house numbers) of the voters assigned should be mentioned.

*will not apply in case of Union Territories (1) Andaman and Nicobar Islands, (2) Chandigarh (3) Dadra and Nagar Haveli (4) Lakshadweep (5) Daman and Diu.

ANNEXURE 4

(CHAPTER II, PARA 2.8.7)

SCRUTINY SHEET FOR LIST OF POLLING STATIONS

..... Assembly Constituency of

.....State/UT

1. Date of Poll
2. Total number of voters in the Constituency
 - (a) Men
 - (b) Women
 - (c) Service VotersTotal
3. Number of polling stations required on the basis of an average of 1000 voters per PS.
4. Total number of Polling stations actually provided.
5. Average number of voters per polling station.
6. Numbers of polling station to each of which more than 1200 voters have been assigned indicating the highest number of voters assigned to a polling station.
7. The lowest number of voters assigned to a polling station.
8. Whether the number of voters in respect of each component village or other unit of the polling area has been shown in the list/map.
9. Number of polling station for which the maximum distance that a voter will have to travel is more than 2 kilometres.
10. Whether all the polling areas have been clearly demarcated:
11. Whether serial number of polling stations has been done in a systematic manner:
12. (a) Whether there are any areas predominantly inhabited by electors belonging to SC/ST and other weaker sections of the society
 - (b) If so, the number of polling stations set up separately for them and the total number of electors assigned to each of them
13. Whether any polling station has been proposed to be located in any
 - (a) Private building
 - (b) Temporary structure and if so whether the exact site chosen for the location of the polling station has been clearly indicated in the list
14. Number of polling stations which have less than 20 square meter area:

15. Whether it has been certified that the private buildings do not belong to any of the Candidates, his active workers or known sympathizers.
16. Details of polling stations where more than 4 polling stations in urban areas and more than 2 polling stations in rural areas have been located in the same building
17. Whether it has been certified that all the polling areas within the constituency are covered by the proposed polling stations.
18. (a) Serial numbers of separate polling station provided for women voters
(b) In case of (a) above, whether polling stations for men and women voters of a particular area have been located in the same building
19. Serial number of polling stations which have not been situated in the villages having the largest number of voters
20. Serial number of polling stations which have not been located in any of the villages attached to it:
21. Whether the list has been informally published and discussed with the political parties, etc.
22. When the electoral roll of the Constituency was last intensively revised and whether there is any proposal of such revision again during the year
23. Any other remarks

District Election Officer

Note: Please specify the serial numbers in addition to total number of polling stations against items 6, 7, 12(b), 13, 14, 16, 18, 19 and 20.

ANNEXURE 5

(CHAPTER 2, PARA 2.8.7)

CERTIFICATE TO BE FURNISHED ALONG WITH LIST OF POLLING STATIONS

- (i) That the draft, list was duly published, objections and suggestions were invited, and discussed with the party representatives and legislators on the lines indicated in the Commission's directions;
- (ii) That all the polling areas within the constituency have been covered in the list;
- (iii) That no building, public or private, which is a temple, church, mosque, Gurudwara or has any religious significance or in respect of which any section of the public may have any legitimate objection or enter, has been proposed as a polling station;
- (iv) That no police station, hospital or dispensary is proposed as a polling station;
- (v) That separate polling stations have been set up in areas electors of which are predominantly SC/ST and other weaker sections of the society and that no such area has been either left out or linked with areas where electors predominantly belong to forward communities.
- (vi) Where the usual limit of 1500 voters per polling station or the limit of two kilometres beyond which a voter should not ordinarily be required to walk has not been maintained, no better arrangement is practicable;
- (vii) That no private building in the list of polling stations belongs to any political party or is known to belong to any prominent or active member of any of the political parties; and
- (viii) In cases where private buildings have been selected as polling stations, the written consent of the owner for the purpose has been obtained.

Place:

Date:

Signature of District Election Officer /
Returning Officer

ANNEXURE 6

(CHAPTER 2, PARA 2.9.1)

NOTICE FOR PUBLICATION OF LIST OF POLLING STATIONS

In pursuance of the provisions of the section 25 of the Representation of the People Act, 1951, I, District Election Officer of District in the State/UT of /Returning Officer hereby provide for Parliamentary / Assembly Constituency with the previous approval of the Election Commission, the polling stations specified in the appended list for the polling areas or groups of voters noted against each.

District Election Officer / Returning Officer
Constituency

Date:

List of polling stations for (Assembly Constituency comprised within the) Parliamentary constituency.

Serial No.	Locality of Polling Station	Building in which it will be located	Polling Area	Whether for all voters or men only or women only
1	2	3	4	5

District Election Officer / Returning Officer

Date:

Place:

Note: Will not apply in the case of Union Territories of (1) Andaman and Nicobar Islands (2) Chandigarh (3) Dadra and Nagar Haveli (4) Lakshadweep (5) Daman and Diu.

ANNEXURE 7

(CHAPTER 3, PARA 3.9.3)

ORDER OF APPOINTMENT OF PRESIDING OFFICER AND POLLING OFFICER

(To be made in duplicate at General Election)

General/ Bye-election 20-- to the House of the people Legislative Assembly of.....
state/UT

In pursuance of sub-section (1) and sub-section (3) of section 26 of the Representation of the People Act, 1963 (43 of 1951), I hereby appoint the officers specified in column 2 and 3 of the Table below as Presiding Officer and Polling Officers respectively for the polling station specified in the corresponding entry in column 1 of the Table provided by me for *
Assembly Constituency/forming part of Parliamentary Constituency.

I also authorize the Polling Officer specified in column 4 of the Table against that entry to perform the functions of the Presiding Officer during the unavoidable absence, if any, of the Presiding Officer.

Table

*Polling station number and name with complete particulars of its location	Name of the Presiding Officer	Name of the Polling Officers	Polling Officer authorized to perform the functions of the Presiding Officer in the latter's absence
1	2	3	4

The poll will be taken ondate) during the hours..... to The Presiding Officer should arrange to collect the polling materials from (full address of the place) and after the poll, these should be returned to collecting centre at (full address of the place).

* Omit if not applicable.

Place

Signature

Date

District Election Officer / Returning Officer#

Place

District Assembly Constituency

Note: The order will be signed by the District Election Officer/Returning Officer, as the case may be.

ANNEXURE 8

(CHAPTER 4, PARA 4.1.1)

LIST OF POLLING MATERIALS FOR A POLLING STATION WHERE EVM AND VVPAT IS USED

S. No	Items	Quantity
1	Control Unit	1
2	Balloting Units	1 or more depending on number of candidates (including NOTA)
3	VVPAT	1
4	Register of Voters (Form 17A)	1/as per actual requirement
5	Voter's slips	As per requirement
6	Marked copy of electoral roll	1
7	Working copies of electoral roll	3
8	Copy of list of contesting candidates (Form 7A)	1
9	Ballot papers (for tendered votes)	20
10	List of CSV, if any	1
11	Photo copy of signature of Candidates/agents	1
12	Indelible ink	2 phials of 10 cc
13	Common Address tag for Balloting Unit, Control Unit and VVPAT	14
14	Special tag	3
15	Green paper seals for EVM	3
16	Strip seal	3
17	Rubber stamp with arrow cross mark	1
18	Stamp pad (purple)	1
19	Metal seal for presiding officer	1
20	Match box	1
21	Presiding Officer diary	1
22	Distinguishing mark rubber stamp	1
23	Commission order of identification of electors through alternate documents	1
24	Forms	
i.	List of contesting candidates	1
ii.	List of challenged votes (Form 14)	2
iii.	List of blind and infirm voters (Form 14A)	2

"No voter to be left behind"

iv.	List of tendered votes (Form 17B)	2
v.	Account of votes recorded	10
vi.	Record of paper seals used	2
vii.	Receipt book for deposit of challenged votes fee	1
viii.	Letter to SHO	4
ix.	Declaration by the Presiding Officer before the commencement of poll and at the end of the poll (Part I to IV)	2
x.	Declaration by elector about age	2
xi.	List of electors who voted after giving declaration / refused to give declaration	4 / 4
xii.	Declaration by the companion of blind and infirm voter	10
xiii.	Entry passes for polling agents	As per requirement
xiv.	Format for presiding officer's additional 16-point report to be submitted to constituency observer/ Returning Officer	2
xv.	Visit sheet	2
xvi.	Receipts of return of election records and materials after poll	2
25	ENVELOPES	
i.	For smaller envelopes (statutory covers) (SE-8)	1
ii.	For marked copy of electoral rolls (SE-8)	1
iii.	For other copies of electoral rolls (SE-8)	1
iv.	For tendered ballot paper and tendered voters list	1
v.	For declaration by the Presiding Officer before and after the poll	1
vi.	For account of votes recorded (Form 17C) (SE-5)	1
vii.	For list of challenged votes (SE-5)	1
viii.	For unused and spoiled paper seals (SE-5)	1
ix.	For appointment letters of polling agents (SE-6)	1
x.	For list of blind and infirm voters (SE-5)	1
xi.	For presiding officer's diary report (SE-6)	1
xii.	For election duty certificate (SE-5)	1
xiii.	For receipt book and cash forfeited (SE-6)	1
xiv.	For declaration of companions (SE-5)	1
xv.	For smaller envelopes (others) (SE-7)	1
xvi.	For register of voters having signatures of voters (17A) (SE-8)	1
xvii.	For other relevant papers (SE-5)	1
xviii.	For smaller envelopes (SE-8)	1
xix.	Cover for presiding officer's brief record under rule 40 (SE-6)	1
xx.	Plain envelopes (SE-7)	2

xxi.	Plain envelopes (SE-8)	3
xxii.	For unused ballot papers (SE-7)	1
xxiii.	For any other paper that the RO has decided to keep in the sealed cover	1
xxiv.	Cover for unused and damaged special tags (SE-7)	1
xxv.	Cover for unused and damaged strip seal (SE-7)	1
26	SIGN BOARDS	
	Presiding officer	
	Polling officer	
	Entry	
	Exit	
	Polling agent	
	Miscellaneous notice specifying area etc. as required by rule 30 (1)(a)	
27	STATIONARY	
i.	Ordinary pencil	1
ii.	Ball pen	3 blue + 1 red
iii.	Blank paper	8 sheets
iv.	pins	25 pieces
v.	Sealing wax	6 sticks
vi.	Voting compartment	As per requirement
vii.	Gum paste	1
viii.	Blade	1
ix.	Candle sticks	4
x.	Thin twine thread	20 meters
xi.	Metal rule	1
xii.	Carbon paper	3
xiii.	Cloth or rag for removing oil etc.	3
xiv.	Packing paper sheets	2 sheets
xv.	Cup/empty tin/plastic box for holding indelible ink bottle	1
xvi.	Drawing pins	24 pieces
xvii.	Check lists	2
xviii.	Rubber bands	20 pieces
xix.	Cello tape	1

LIST OF POLLING MATERIALS TO BE RETURNED BY THE PRESIDING OFFICER TO THE SECTOR OFFICER SEPARATELY WHO IN TURN WILL DEPOSIT THEM IN STORE AT THE OFFICER OF THE CEO/DEO.

“No voter to be left behind”

S. No.	Items
1	Arrow cross mark rubber stamp
2	Metal seal of presiding officer
3	Stationary bag containing documents
(i)	Self-inking pad
(ii)	Material for voting compartment
(iii)	Metal rule
(iv)	Container for holding indelible ink bottle
(v)	All other unused items

Additional Items of Polling Materials to be Provided to the Polling Party with VVPAT.

S. No.	Item	Quantity
1	Envelope made of thick black paper (for sealing printed paper slips of Mock Poll)	2
2	Plastic Box for Black paper envelope sealing	1
3	Pink Paper seal for sealing Plastic Box	2
4	Forms for declaration by elector under rule 49MA	10
5	Operational manual of VVPAT	1
6	Mock Poll Slip Stamp	1
7	Poster on How to cast vote on EVM & VVPAT	1
8	Brochure for Presiding Officer on use of EVM & VVPAT	1
9	Trouble shooting on use of EVM & VVPAT	1

ANNEXURE 9

(CHAPTER 5, PARA 5.2.1)

FORMS RELATED TO NOMINATION UNDER CONDUCT OF ELECTION RULES, 1961

FORM 1

(See rule 3)

NOTICE OF ELECTION

Notice is hereby given that -

(1) an election is to be held of a member to the House of the People /.....Legislative Assembly/.....Legislative Council in the constituency;

OR

(1) an election is to be held of a member(s) to the Council of State /..... legislative Council/ by the elected members of theLegislative Assembly.

(2) nomination papers may be delivered by a candidate or any of his proposers to the Returning Officer or to Assistant Returning Officer, at between 11 A.M. and 3 P.M. on any day (other than public holiday) not later than the;

(3) forms of nomination paper may be obtained at the place and times aforesaid;

(4) nomination paper will be taken up for scrutiny at.....on at

(5) notice of withdrawal of candidature may be delivered either by a candidate or by any of his proposers or by his election agent who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at his office before 3 P.M. on the

(6) in the event of the election being contested, the poll will be taken on between the hours of and.....

Date:

Place:

Returning Officer

"No voter to be left behind"

FORM 3A

(See rule 7)

NOTICE OF NOMINATIONS

Election to the *House of the People/Legislative Assembly from the constituency.

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. today: -

Serial no. of nomination paper	Name of candidate	Name of father / mother / husband	Age of candidate	Address
1	2	3	4	5

Party affiliation	Particulars of castes, or tribes for candidates belonging to scheduled castes or scheduled tribes	Electoral roll number of candidates	Name of proposers	Electoral roll number of proposers
6	7	8	9	10

Place

Date

.....

Returning Officer

*Strike off the inappropriate alternative.

FORM 4

(See rule 8)

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the*

Sl. No.	Name of candidate	Name of **father/ mother/ husband	Address of candi- dates	@Party affiliation
1	2	3	4	5

- (i) Candidates of recognised National and State Political Parties.
- (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
- (iii) Other candidates.

Place

Date

Returning Officer

*Appropriate particulars of the Election to be inserted here.

**Strike off the inappropriate alternative.

@Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N.B. - Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

FORM 5

[See Rule 9(1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the*

The Returning Officer,

I,, a 1[candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Place

Date

Signature of 1[validly nominated candidate]

This notice was delivered to me at my office at.....(hour) on.....(date) by
..... (name), the +

Date:

Returning Officer

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by, a 1[validly nominated candidate] at the election to the* was delivered to me by the+ at my office at.....(hour) on (date).

Returning Officer

* Here insert one of the following alternatives as may be appropriate: -

- (1) House of the People from the constituency.
- (2) Legislative Assembly from theconstituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....
..... (State).
- (4) Council of States by the members of the electoral college of (Union territory)
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

+Here insert one of the following alternatives as may be appropriate:

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorised in writing by the candidate to deliver it.

FORM 6

[See Rule 9(2)]

NOTICE FOR WITHDRAWAL OF CANDIDATURES

Election to the*

Notice is hereby given that the following 1[validly nominated +candidate]/candidates at the above election withdraw this +candidature/their candidatures today.

Name of 1[validly nominated candidate]	Address of 1[validly nominated candidate]	Remarks
1.		
2.		
3.		
etc.		

Date

Returning Officer

*Appropriate particulars of the election to be inserted here.

+Strike off the inappropriate alternative.

FROM 7A

[See rule 10(1)]

LIST OF CONTESTING CANDIDATES

Election to the House of the People/Legislative Assembly from the
constituency

Sl. No.	Name of candidate	Address of candidate	*Party affiliation	Symbol allotted
1	2	3	4	5

- (i) Candidates of recognised National and State Political Parties.
- (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
- (iii) Other candidates.

Place

Date

Returning Officer

*Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N.B.- Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

ANNEXURE 10

(CHAPTER 5, PARA 5.5.1)

FORM 2A

FORM 2A

(See rule 4)

NOMINATION PAPER

Election to the House of the People

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be attached.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the House of the People from the..... Parliamentary constituency.

Candidate's name..... Father's/mother's/husband's name..... His postal address His name is entered at S.No..... in Part No..... of the electoral roll for..... *(Assembly constituency comprised within) Parliamentary Constituency.

My name is..... and it is entered at S.No..... in Part No..... of the electoral roll for *(Assembly constituency comprised within) Parliamentary constituency.

Date

.....
Signature of Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the House of the People from the.....
..... Parliamentary Constituency.

Candidate's name.....Father's/mother's/husband's name.....
.....His postal address.....

His name is entered at S. No.....in Part No.....of the electoral roll
for.....+(Assembly constituency comprised with-
in).....Parliamentary constituency.

We declare that we are electors of the above Parliamentary Constituency and our names are
entered in the electoral roll for that Parliamentary Constituency as indicated below and we append
our signatures below in token of subscribing to this nomination: -

Particulars of the proposers and their signatures

S. No.	Name of compo- nent Assembly constituency	Elector roll no. of Pro- poser		Full Name	Signature	Date
		Part No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

N.B. – There should be ten electors of the constituency as proposers.

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this
nomination and hereby declare that -

- (a) I am a citizen of India and have not acquired the citizenship of any foreign State or country.
- (b) I have completed.....years of age;

[STRIKE OUT c(i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(c) (i) that I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(c) (ii) I am set up at this election by theparty, which is a registered-unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are: -

(i).....(ii).....(iii).....

(d) my name and my Father's/Mother's/Husband's name have been correctly spelt out above in (name of the language);

(e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

*I further declare that I am a member of the.....**Caste/tribe which is a scheduled **caste/tribe of the State of.....in relation to..... (area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date.....

Signature of Candidate

+Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

N.B.—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IIIA

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (1); or

(b) for contravention of any law specified in sub-section Yes/No

(2), of section 8 of the Representation of the
People Act, 1951 (43 of 1951); or

- (ii) has been convicted for any other offence(s) for which
He has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

- (i) Case/first information report No./Nos.
- (ii) Police station(s).....District(s)..... State(s).....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has
been convicted.....
- (iv) Date(s) of conviction(s)
- (v) Court(s) which convicted the candidate.....
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine
(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)..... Y e s /
No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are
pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
(a) Date(s) of disposal.....
(b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State
Government?..... (Yes/No)
-If Yes, details of the office held.....
- (3) Whether the candidate has been declared insolvent by any Court?..... (Yes/No)
-If Yes, has he been discharged from insolvency.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/
No)
-If Yes, give details.....

- (5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?..... (Yes/No)
-If Yes, the period for which disqualified.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?(Yes/No)
-If Yes, the date of such dismissal.....
- (7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?..... (Yes/No)
-If Yes, with which Government and details of subsisting contract (s).....
- (8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share?..... (Yes/no)
-If Yes, with which Government and the details thereof
- (9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act..... (Yes/No)
-If yes, the date of disqualification.....

Place

Date

Signature of Candidate

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer. (name of proposer.....)

Date.....

Returning Officer

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951(43 of 1951) and decide as follows:—

.....

.....

Date.....

Returning Officer

.....(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the.....
..... Parliamentary constituency was delivered to me at my office at.....(hour) on.....
(date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at.....
(hour) on.....(date) at.....(Place).

Date.....

Returning Officer

*Score out the word not applicable.

ANNEXURE 11

(CHAPTER 5, PARA 5.5.1)

FORM 2B

(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of (State)

Recent stamp size
(2cm X 2.5cm) pho-
tograph in white/off
white background
with full face view

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly from
the..... Assembly constituency.

Candidate's name..... Father's/mother's/husband's name.....
.....His postal addressHis name is entered at Sl. No.
.....in Part No..... of the electoral roll for.....Assembly constitu-
ency.

My name is..... and it is entered at Sl. No.....in Part No.of
the electoral roll forAssembly constituency.

Date

Signature of Proposer

PART II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the Legislative Assembly from the.....
..... Assembly Constituency.

Candidate's name.....Father's/mother's/husband's name.....
.....His postal address.....His name is entered at Sl. No.
.....in Part No.of the electoral roll for.....Assembly constitu-
ency.

"No voter to be left behind"

We declare that we are electors of the above Assembly Constituency and our names are entered in the electoral roll for that Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination: -

Particulars of the proposers and their signatures

S. No.	Elector Roll no. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B. – There should be ten electors of the constituency as proposers.

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare—

- (a) that I am a citizen of India and have not acquired the citizenship of any foreign State/country.
- (b) that I have completed.....years of age;

[STRIKE OUT c(i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(c) (i) that I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(c) (ii) that I am set up at this election by theparty, which is a registered unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:—

(i).....(ii).....(iii).....

(d) that my name and my Father's/Mother's/Husband's name have been correctly spelt out above in..... (name of the language); and

(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

*I further declare that I am a member of the.....**Caste/tribe which is a scheduled **caste/tribe of the State of.....in relation to..... (area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the Legislative Assemblyof (State) from more than two Assembly Constituencies.

Date.....

Signature of Candidate

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

N.B.—A “recognised political party” means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

PART IIIA

(To be filled by the candidate)

Whether the candidate

- (i) has been convicted
 - (a) of any offence(s) under sub-section (1); or
 - (b) for contravention of any law specified in sub-section (2), Yes/No of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is “Yes”, the candidate shall furnish the following information:

- (i) Case/first information report No./Nos.....
- (ii) Police station(s).....District(s)..... State(s).....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted.....

- (iv) Date(s) of conviction(s)
- (v) Court(s) which convicted the candidate.....
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine (s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s).....
Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
(a) Date(s) of disposal.....
(b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government?..... (Yes/No)
-If Yes, details of the office held.....
- (3) Whether the candidate has been declared insolvent by any Court?..... (Yes/No)
-If Yes, has he been discharged from insolvency.....
- (4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)
-If Yes, give details.....
- (5) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President?..... (Yes/No)
-If Yes, the period for which disqualified.....
- (6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?(Yes/No)
-If Yes, the date of such dismissal.....
- (7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?..... (Yes/No)

-If Yes, with which Government and details of subsisting contract (s).....

(8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share?..... (Yes/no)

-If Yes, with which Government and the details thereof

(9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act..... (Yes/No)

-If yes, the date of disqualification.....

Place

Date

Signature of Candidate

PART IV

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer. (Name of proposer.....)

Date.....

Returning Officer

~~*Strike out the word not applicable.~~

PART V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951(43 of 1951) and decide as follows:—

.....
.....

Date.....

Returning Officer

.....(Perforation).....

PART VI

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the.....
..... Assembly constituency was delivered to me at my office at.....(hour) on.....
(date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at.....
(hour) on.....(date) at.....(Place).

Date.....

Returning Officer

*Score out the word not applicable.

ANNEXURE 12

(CHAPTER 5, PARA 5.5.2)

FORM 26

(See rule 4A)

Please affix your recent passport size photograph here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOE ELECTION

TO (NAME OF THE HOUSE)

FROM CONSTITUENCY (NAME OF THE CONSTITUENCY)

PART-A

I.....**son/daughter/wife ofAged.....years, resident of..... (mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under: -

(1) I am a candidate set up by (**name of the political party)/**am contesting as an Independent candidate. (**strike out whichever is not applicable)

(2) My name is enrolled in (Name of the constituency and the State), at Serial Noin Part No.....

(3) My contact telephone number(s) is/are and my email id (if any) is and my social media account(s) (if any) is /are

(i)

(ii)

(iii)

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(4) Details of Permanent Account Number (PAN)* and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-Tax return (in Rupees) for the last five Financial Years completed (as on 31st March)	
1.	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent-1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
5.	Dependent-2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent-3			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN it should be clearly stated “No PAN allotted”.

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me.

(Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, the tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table Below)

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved <i>(give no. of the Section, e.g. Section of IPC, etc.)</i>			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			

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(g)	Whether any Appeal / Application for revision has been filed against the proceedings (<i>Mention YES or NO</i>)			
-----	---	--	--	--

(6) Cases of conviction

(i) I declare that I have not been convicted or any criminal offence.

(Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(if the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Section(s) of Acts/Codes involved (<i>give no. of the Section, e.g. Section of IPC, etc.</i>)			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			

(g)	Whether any Appeal has been filed against conviction order <i>(Mention YES or NO)</i>			
(h)	If answer to (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOTAPPLICATION IN VIEW OF ENTRIES IN 5(i) and 6 (i), above]

Note:

1. Details should be entered clearly and legibly in **BOLD** letters.
2. Details to be given separately for each case under different columns against each item.
3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.
4. Additional sheet may be added if required.
5. Candidate is responsible for supplying all information in compliance of Hon’ble Supreme Court’s judgment in W.P. (C) No.536 of 2011.

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given

Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. ‘Dependent’ means parents, son(s), daughter(s) of the candidate or spouse and any other person related to be candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation - For the purpose of this Form, the expression “offshore assets” includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

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Sl. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, debentures/ shares and units in companies/ Mutual funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/ advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount						
(vi)	Motor Vehicles/ Aircrafts/Yachts/Ships (Details of Make, registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims / interest						
(ix)	Gross Total Value						

B. Details of Immovable Assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note: 2. Each land or building or apartment should be mentioned separately in this format.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land						
	Location(s)						
	Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self- acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						

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(ii)	Non-Agricultural Land: Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						

(iii)	Commercial Buildings (including apartments)						
	-Location(s)						
	-Survey number(s)						
	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
Approximate current market value							

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(iv)	Residential Buildings (including apartments)						
	-Location(s)						
	-Survey number(s)						
	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
Approximate current market value							
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial institution, Amount outstanding, Nature of Loan						
	Loan or dues to any Other individuals/entity other than mentioned above Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

<p>(ii)</p>	<p>Government dues: Dues to departments dealing with government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely: -</p> <p>(i) The address of the Government accommodation:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on _____</p> <p>(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note -- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above <u>Government accommodation</u> should be submitted.</p>	<p>YES/NO</p> <p><i>(Pl. tick the appropriate alternative)</i></p>
<p>(iii)</p>	<p>Dues to department dealing with government transport (including air-crafts and helicopters)</p>		

		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income tax dues						
(v)	GST Dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

- (a) Self
- (b) Spouse

(9A) Details of source(s) of income:

- (a) Self
- (b) Spouse
- (c) **Sources of income, if any, of dependents,**

(9B) Contracts with appropriate Government and any public company or companies

- (a) details of contracts entered by the candidate**
- (b) details of contracts entered into by spouse**
- (c) details of contracts entered into by dependents**
- (d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest**
- (e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners**
- (f) details of contracts entered into by private companies in which candidate or spouse or dependents have share**

(10) My educational qualification is as under:-

.....

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:

1.	Name of the Candidates			Sh./ Smt./Kum.		
2.	Full postal address					
3.	Number and name of the constituency and State					
4.	Name of the political party which set up the candidate (otherwise write 'Independent')					
5.	Total number of pending criminal cases					
6.	Total number of cases in which convicted					
7.		PAN of		Year for which last income Tax return filed	Total income shown	
	(a) Candidate					
	(b) Spouse					
	(c) HUF					
	(c) Dependents					
8.	Details of Assets and Liabilities (including offshore assets) in Rupees					
	Description	Self	Spouse	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)					
B.	Immovable Assets					
	I. Purchase Price of self-acquired im- movable property					
	II. Development/ con- struction cost of immovable prop- erty after purchase (if applicable)					

	III.	Approximate Current market price - a) self-acquired assets (Total Value) (b) inherited assets (Total Value)					
9.		Liabilities					
	(i)	Government dues (Total)					
	(ii)	Loans from Bank, Financial Institutions and others (Total)					
10.		Liabilities that are under dispute					
	(i)	Government dues (Total)					
	(ii)	Loans from Bank, Financial Institutions and others (Total)					
11.		<p>Highest educational qualification:</p> <p>(Give details of highest School/ University education mentioning the full form of the certificate/diploma/ degree course, name of the School/College/University and the year in which the course was completed.)</p>					

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified atthis theday of

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.

Note: 4. The Affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

ANNEXURE 13

(CHAPTER 12, PARA 12.7.1)

STEP-BY-STEP OPERATIONS DURING SEALING OF EVM BY THE RETURNING OFFICER

1. Arrange all the Balloting Units (BU) and Control Units (CU) required for the polling stations as well as the reserve quantities under the tables in order of polling stations. If space is a constraint, take-up the operations round wise.
2. Remove the BU from the carrying case.
3. Place a plastic bubble sheet on the table.
4. Place the BU in face down position on the plastic bubble sheet.
5. Tally the serial number on the BU with that on the carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.
6. Note down the serial number of the BU in the issue register.
7. Note down the machine serial number on the four (4) address tags of the BU. The four tags will be required at the time of the Returning Officers (RO) sealing, which are placed as follows:
 - (i) A tag for sealing after inserting ballot paper under the Ballot paper Screen.
 - (ii) A tag for sealing the BU at the right top side after closing.
 - (iii) A tag for sealing the BU at the right bottom side after closing.
 - (iv) A tag on the carrying case after placing the BU. This may not be sealed but only tied to one corner hole of the carrying case using a thread.
8. Affix the Distinguishing Mark on the address tags.
9. Place the address tags for each polling station near the corresponding BU.
10. Place the BU in face up position on the table.
11. Open the top cover of the BU.
12. Put the slide switch in M2 BU (thumbwheel switch in M3 BU) to the proper position (set to 1 (01 in M3 BU), if the number of the candidates are 16 including NOTA or less).
13. Open the transparent acrylic Balloting Paper Screen.
14. Place the Ballot Paper (this should already be signed on the reverse by the RO) under the

- transparent acrylic cover and ensure that the lines are aligned (IMPORTANT).
15. Unmask (Blue) all the used Candidate Buttons and mask (White) all the unused buttons.
 16. Close the transparent acrylic Balloting Screen.
 17. Remove the Control Unit (CU) from its carrying case and place it on the left side of the corresponding BU.
 18. Tally the serial number of the CU with that on its carrying case. In case these numbers do not tally, such units cannot be sealed and are to be kept aside and another unit substituted in its place.
 19. Note down the serial number of the CU and BU the issue register.
 20. Note down the serial number on two (2) address tags for the CU. The two tags are required at the same time of RO sealing, which are placed as follows:
 - (i) A tag for sealing the Candidate Set Section and
 - (ii) A tag on the carrying case. This may not be sealed but only tied on the carrying case using thread.
 21. Affix the distinguishing mark on the address tags. Place the address tags for each polling station near the corresponding CU.
 - 22.. Interconnect the BU(s) with the CU as per pairing.
 23. Place a new battery in the Candidate Set Section in the CU. In case of M3 EVM, Insert Battery pack in 5th, 9th, 13th, 17th and 21st BUs, if more than four BUs are used in the election.
 24. Switch ON the power switch in the bottom compartment of the CU.
 25. Check that the serial number displayed matches with the metallic number on the rear side of the Unit.
 26. Clear the unit by pressing "CLEAR" button.
 27. Press the button marked "Cand. Set" in the Candidate Set Section of the CU. Thereupon, display panel will flash "SET CANDIDATE - -". Set the number of contesting candidates by pressing the last unmasked button on the BU (the candidate button against NOTA option).
 28. Press the "Total" button and ensure that the number of candidates are correctly set and the total number of votes is ZERO.
 29. Switch OFF the CU (IMPORTANT).
 30. Disconnect the BU from the CU and close the rear cover of the CU.
 31. Close and seal the Candidate Set Section (also battery section in M3 CU) of the CU with an Address Tag.

32. Put a long thread (about 1 meter) through the two inner seals of the ballot paper screen.
33. Attach an address tag to the long thread and position it towards the bottom side by putting another hole in the address tag.
34. Put Lac on the knot at the address tag and affix the Returning Officer's seal.
35. Close the BU(s) top cover.
36. Affix the seals on the address tags placed at the right top and right bottom latch covers of the BU(s).
37. Arrange the interconnecting cable of the BU in the proper fold with the rubber band.
38. Place the BU inside the plastic cover and place it in its carrying case.
39. Place the CU inside the plastic cover and place it in its carrying case.
40. Tie the respective address tags on the carrying cases with threads.

Note: Put a Card board while sealing with the Lac. Put Cello tape for fixing the address tags properly.

VALUABLE TIME WILL BE SAVED BY COMPLETING SEVERAL PRELIMINARY PROCEDURES LISTED BELOW BEFORE OPENING THE MACHINES:

1. Preparation of Issue Register with serial numbers columns for the Units left blank as per prescribed Proforma.
2. Preparation of address tags-four (4) for BU and two (2) for the CU with all the relevant data excepting the serial number of the machine and the Distinguishing Mark filled in. Use rubber stamp for filling in (1) Name of the constituency (2) Assembly segment (3) Date of poll.
3. Cutting of thread about 1 meter and 20 cm length (six) of the requisite numbers.
4. Heating arrangements for the Lac. Lac to be used for sealing can be melted in a pot while one person put it on the sealing places another can mark the Returning Officer's seal on that.
5. Returning Officer's signature on the reserve side of the ballot papers.
6. Procuring 5-10 numbers of blades for cutting off excess thread.
7. Procuring of one of two tubes of adhesive (like Fevikwik) for any on the spot repairs of break-ages.

IMPORTAT GUIDELINES:

1. Please handle the machine carefully as these are liable to be damaged if not handled gently.
2. Ensure that the ballot paper screen is not scratched while handling.
3. Always place a new battery inside the machine during Returning Officer sealing.
4. Ensure that the top side of the mating connector of BU is kept on top while connecting it to the CU. Any attempt to force the connection in the opposite direction will bend the sensitive pins inside the connector.
5. Never leave the machine switched in 'ON' condition after sealing is over.
6. Place the machine for safe custody after Returning Officer sealing.

IMPORTANT POINT - SEAL OF THE RETURNING OFFICER

While preparing the Control Unit and Ballot Units by the Returning Officer, it has been mentioned at various places that the machines shall be sealed with the seal of the Returning Officer. In this connection, it is clarified that while preparing the CUs and BUs for the polling, the Returning Officer shall not use the Secret Seal supplied by the Election Commission. He should use his own seal. The Secret Seal of the Commission should be used to seal the machines after counting is over and before the machines are stored in the Treasury.

ANNEXURE 14

(CHAPTER 5, PARA 5.18.1)

FORM OF OATH OR AFFIRMATION

[ARTICLE 84(A) OF THE CONSTITUTION OF INDIA]

(To be made by a candidate for election to Parliament)

I..... having been nominated as a candidate to fill a seat in the Council of States (*House of the People) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimatiat ..
..... (Place) at(hour) this the.....day of200
..... before me.

Signature of authorized person

Name and designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Council of States (*or the House of the People) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at (hour) on (date).

Signature of authorized person

Name Designation and Seal

Date: _____

*Score out which is not applicable.

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

FORM OF OATH OR AFFIRMATION

[Article 173 (A) of the Constitution of India]

(To be made by a candidate for election to the Legislature of a State)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly (*or Legislative Council) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimatiat
..... (Place) at(hour) this the.....day of200
..... before me.

Signature of authorized person

Name, designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Legislative Assembly (*or Legislative Council) has made and subscribed the oath / affirmation as required by the Constitution of India before me at (hour) on (date).

Signature of authorized person

Name Designation and Seal

Date: _____

*Score out which is not applicable.

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

FORM OF OATH OR AFFIRMATION

**SECTION 4 (A) OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT,
1991 (NO. 10F 1992)**

(To be made by a candidate for election to the Legislative Assembly of the NCT of Delhi)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimatiat
..... (Place) at(hour) this the.....day of200
..... before me.

Signature of authorized person

Name, designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi has made and subscribed the oath / affirmation as required by the Government of National Capital Territory of Delhi Act, 1991 before me at my office at (hour) on (date).

Signature of authorized person

Name, Designation and Seal

Date: _____

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the National Capital Territory of Delhi.

FORM OF OATH OR AFFIRMATION

SECTION 4 (A) OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963 (NO. 20 OF 1963)

(To be made by a candidate for election to the Legislative Assembly of the Union Territory of Puducherry)

I..... having been nominated as a candidate to fill a seat in the Legislative Assembly of Puducherry do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimatiat
..... (Place) at(hour) this the.....day of200
..... before me.

Signature of authorized person

Name, designation and Seal

(CERTIFICATE FOR RECEIPT OF OATH)

(To be handed over to the candidate by the authorized person)

Certified that (name) a candidate for election to the Legislative Assembly of Puducherry has made and subscribed the oath / affirmation as required by the Government of Union Territory Act, 1963 before me at my office at (hour) on (date).

Signature of authorized person

Name, Designation and Seal

Date

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the Union Territory.

ANNEXURE 15

(CHAPTER 5, PARA 5.18.2)

NOTIFICATIONS

Notification 1.: For Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council.

Dated the 18th March 1968

NOTIFICATION

No 3/6/68 /(1) – In pursuance of clause (a) Article 84 and clause (a) of article 173 of the Constitution of India and in supersession of its notification No.3/3/66, dated the 25th April 1967, the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) All stipendiary presidency Magistrates of all first class, and all (iii) District judges and all persons belonging to the judicial service of a State other than District judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council shall make and subscribe the oath or affirmation in form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said Article 84 and clause (a) of the said Article 173, the Election Commission hereby also authorizes as the person before whom the candidate may make and subscribe the said or affirmation,
 - (a) Where the candidate is confined in a prison, the superintendent of the prison.
 - (b) Where the candidate is under preventive detention the commandant of the detention camp.
 - (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.
 - (d) Where the candidate is out of India the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative.
 - (e) Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on application made to it in this behalf.

Explanation: - In this notification

- (1) The expression "The Returning Officer concerned" means -
 - (a) where a person has been nominated as a candidate for election to fill a seat in the House of

the People from a Parliamentary Constituency or a seat in the Legislative Assembly of a State from an Assembly Constituency or a seat in the Legislative Assembly of State from an Assembly Constituency, or a seat in the Legislative Council of a State from a Council Constituency, the Returning Officer for that constituency;

- (b) where a person has been nominated as a candidate for election to fill a seat in the Council of States by the elected members of the Legislative Assembly of a State the Returning Officer for that election.
- (c) where a person has nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of State the Returning Officer for that election.
- (1-A) the expression "district judge" and "judicial service" shall have the meanings respectively assigned to them in Article 236 of the Constitution of India.
- (2) the expressions "Parliamentary Constituency" "Assembly Constituency" "and Council Constituency" shall have the meanings respectively assigned to them in the Representation of the People Act, 1950(43 of 1950).

By order Secretary to the Election Commission of India

Notification 2. For Legislative Assembly of a Union Territory

Dated the 18th March 1968

NOTIFICATION

No.3/6/68(2). In pursuance of clause (a) of section 4 of the Government of Union Territories Act, 1963 (20 of 1963) and in supersession of its notification No.3/3/66, dated the 2nd May 1967, the Election Commission hereby authorizes (i) the Returning officer concerned and all the Assistant Returning Officers subordinate to him, (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly of a Union Territory shall make and subscribe the oath or affirmation in the form set for the purpose in the First Schedule to said act.

- 2. Notwithstanding anything contained in paragraph 1 in pursuance of clause (a) of the said section 4 the Election commission hereby also authorizes as the person before whom the candidate may make and subscribe the said oath or affirmation.
 - (a) Where the candidate is confined in a prison, the Superintendent of the prison.
 - (b) Where the candidate is under preventive detention, the commandant of the detention camp.
 - (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical superintendent in charge of the hospital or the medical practitioner attending on him.

- (d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative.
- (e) Where the candidate is for any reason unable to appear or prevented from appearing before the Returning Officer concerned or any other Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation - In this notification -

- (1) the expression "the Returning Officer concerned" means and Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly.
- (1-A) the expressions "district judge" and "judicial service" shall have the meanings respectively assigned to them in, Article 236 of the Constitution of India and
- (2) the expression "Assembly Constituency" shall have the meaning assigned to it in clause (c) of sub section (1) of section 2 of the Government of Union Territory Act 1963, (20 of 1963)

By order Secretary to the Election Commission of India

Notification 3: For Legislative Assembly of the National Capital Territory of Delhi

Dated the 18th March 1968

NOTIFICATION

No .3/6/68 (3) - In pursuance of clause (a) section 4* of the Govt. of National *Capital Territory of Delhi Act 1991 (1 of 1992) and in supersession of its notification No. 3/3/66(1), dated 2nd May, 1967 the Election Commission hereby authorizes (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him, (ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the First class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the * Legislative Assembly of the National Capital Territory of Delhi shall make and subscribe an oath or affirmation in the form set out for the purpose in the Schedule to the said Act.

- 2. Notwithstanding anything contained in paragraph 1. in pursuance of clause (a) of the said section 4, the Election Commission here by also authorizes as the person before whom the candidate may make and subscribe the said oath or affirmation-
 - (a) Where the candidate is confined in a prison, the Superintendent of the prison,
 - (b) Where the candidate is under preventive detention, the Commandant of the detention camp,
 - (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the medical Superintendent in charge of the hospital or the medical Practitioner attending on him,
 - (d) Where the candidate is out of India the diplomatic or consular representative of India in the

country where the candidate happens to be or any person authorized by such diplomatic or consular representative,

- (e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation – In this notification–

- (1) The expression “the Returning Officer concerned” means the Returning Officer for the Assembly Constituency from which a person has been nominated as a candidate for election to fill a seat in the *Legislative Assembly of National Capital Territory of Delhi.
- (1-A) the expression “district judge” and “judicial service” shall have the meaning respectively assigned to them in Article 236 of the Constitution of India; and
- (2) The expression “Assembly Constituency” shall have the meaning assigned to it in clause (b) of section 2 of the Govt. of National Capital Territory of Delhi Act., 1991.

By order Secretary to the Election Commission of India

Notification 4: For Legislative Assembly or Council of the State of Jammu and Kashmir

Dated the 18th March 1968

NOTIFICATION

No. 3/4/J&K/68 - In pursuance of clause (a) section 51 of the Constitution of Jammu and Kashmir and in supersession of its notification No. 3/4/J&K/65, dated the 14th May, 1965, the Election Commission hereby authorizes-

- (i) The Returning Officer concerned and all the Assistant Returning Officers subordinate to him.
- (ii) All stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class, and
- (iii) all District Judges and all person belonging to the judicial service of the State of Jammu and Kashmir other than District Judges, as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Legislative Assembly or in the Legislative Council of the State of Jammu and Kashmir, shall make and subscribe the oath or affirmation in the form set up for the purpose in the Fifth schedule to the said constitution.
2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (a) of the said section 51, the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation: -
- (a) Where the candidate is confined in a prison, the Superintendent of the prison,
- (b) Where the candidate is under preventive detention, the Commandant of the detention camp,
- (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical Superintendent in charge of the hospital or the medical practitioner attending on him,

- (d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative,
- (e) Where the candidate is for any other reason unable to appear or prevented from appearing, before the Returning Officer concerned or any Assistant Returning Officers as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation – In this notification–

- (1) The expression “the Returning Officer concerned means–
 - (a) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly Constituency or in the Legislative Council from a Council Constituency, the Returning Officer of that constituency,
 - (b) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Assembly, the Returning Officer for that election,
- (1-A) the expression “district judge” and “judicial service” shall have the meanings respectively assigned to them in Section 112 of the Constitution of Jammu and Kashmir.
- (2) The expression “Assembly Constituency” and “Council Constituency” shall have the meanings respectively assigned to them in the Jammu and Kashmir Representative of the People Act, 1957.

By order Secretary to the Election Commission of India

ANNEXURE 16

(CHAPTER 6, PARA 6.14.2)

STATES AND LANGUAGES IN AC

As per direction No. 3/4/2018/SDR dated 31st October 2018 and direction No. 3/4/2008/JS.II, dated 16th September, 2008 and in pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules 1961, the Election Commission directed that the list of contesting candidates in Form 7A, at an election to the Legislative Assembly of the State/UT mentioned in column (1) of the Table below, from the Assembly Constituencies mentioned under column (2) of the Table shall be prepared in the language or languages specified against that constituency in column (3) of the said table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in column (3) :-

When any such list is forwarded to the Election Commission, it shall, if not in English, be accompanied by a translation in English

S.No.	State/Union Territory	No. and Name of Assembly	State/Union Territory
	1	2	3
1	Andhra Pradesh	All Assembly Constituencies	Telugu
2	Arunachal Pradesh	All Assembly Constituencies	English

3	Assam	1-Ratabari (SC)	Bengali
		2-Patharkandi	
		3-Karimganj North	
		4-Karimganj South	
		5-Badarpur	
		6-Hailakandi	
		7-Katlichera	
		8-Algapur	
		9-Silchar	
		10-Sonai	
		11-Dholai (SC)	
		12-Udharbond	
		13-Lakhipur	
		14-Barkhola	
		15-Katigora	
		16-Haflong (ST)	English
	All other assembly constituencies	Assamese	
4	Bihar	All assembly constituencies	Hindi
5	Chhattisgarh	All assembly constituencies	Hindi
6	Goa	All assembly constituencies	English and Konkani/ Marathi in Devanagari script
7	Gujarat	All assembly constituencies	Gujarati
8	Haryana	All assembly constituencies	Hindi
9	Himachal Pradesh	All assembly constituencies	Hindi
10	Jharkhand	All assembly constituencies	Hindi

11	Karnataka	1-Nippani	Kannada and Marathi
		2-Chikkodi - Sadalga	
		11-Belgaum Uttar	
		12- Belgaum Dakshin	
		13- Belgaum Rural	
		14-Khanapur	
		47-Basavakalyan	
		51-Bhalki	
		52-Aurad (SC)	
		76-Karwar	
		44- Gulbarga Dakshin	Kannada and Urdu
		45- Gulbarga Uttar	
		146- Kolar Gold Fields (SC)	Kannada and English
		154-Rajarajeshwarinagar	
		156- Mahalakshmi Layout	
		157-Malleshwaram	
		159-Pulakeshinagar (SC)	
		160-Sarvagnanagar	
		161- C. V. Raman Nagar (SC)	
		162-Shivajinagar	
		163-Shanti Nagar	
		164-Gandhi Nagar	
		165-Rajaji Nagar	
		166-Govindaraj Nagar	
167-Vijay Nagar			
168-Chamrajpet			
169-Chickpet			
170-Basavanagudi			
173-Jayanagar			
All other assembly languages	Kannada		
12	Kerala	1-Manjeswar	Malayalam and Kannada
		2-Kasaragod	
		88-Devikulam (SC)	Malayalam and Tamil
		All other assembly constituencies	Malayalam

13	Madhya Pradesh	150-Bhopal Uttar	Hindi and Urdu
		151-Narela	
		152-Bhopal Dakshin-Paschim	
		153-Bhopal Madhya	
		180-Burhanpur	
		All other assembly constituencies	Hindi
14	Maharashtra		Marathi and English
		53-Nagpur South	
		54-Nagpur East,	
		55-Nagpur Central	
		56-Nagpur West	
		57-Nagpur North (SC)	
		146-Ovala Majiwada	
		147-Kopri Pachpakhadi	
		148-Thane	
		149-Mumbra Kalwa	
		150-Airoli	
		151-Belapur	
		152-Borivali	
		153-Dahisar	
		154-Magathane	
		155-Mulund	
		156-Vikhroli	
		157-Bhandup West	
		158-Jogeshwari East	
		159-Dindoshi	
		160-Kandivali East	
		161-Charkip	
		162-Malad West	
		163-Goregaon	
		164-Versova,	
		165-Andheri West	
		166-Andheri East	
		167-Vile Parle	
		168-Chandvali	
		169-Ghatkopar West	
		170-Ghatkopar East	
		171-Nankhurd Shivaji Nagar	
		172-Anushakti Nagar	
		173-Chembur	
		176-Vandre East	

177-Vandre West	
178-Dharavi (SC)	
179-Sion Koliwada	
180-Wadala	
182-Worli	
183-Shivadi	
185-Malabar Hill	
187-Colaba	
205-Chinchwad	
206-Pimpri (SC)	
207-Bhosari	
208-Vadgaon Sheri	
209-Shivajinagar	
210-Kothrud	
211-Khadakwasala	
212-Parvati	
213-Hadapsar	
214-Pune Cantonment (SC)	
215-Kasba Peth	
86-Nanded North	Marathi and Urdu
87-Nanded South	
106-Phulambri	
107-Aurangabad Central	
108-Aurangabad West (SC)	
109-Aurangabad East	
114-Malegaon Central	
115-Malegaon Outer	
136-Bhiwandi West	
137-Bhiwandi East	
174-Krula (SC)	Marathi, English and Urdu
175-Kalina	
181-Mahim	
184-Byculla	
186-Mumbadevi	
250-Akkalkot	Marathi and Kannada
251-Solapur South	
271-Chandgad	
280-Shirol	
288-Jat	
All other assembly constituencies	Marathi

15	Manipur	41-Chandel (ST)	English
		42-Tengnoupal (ST)	
		43-Phunyar (ST)	
		44-Ukhrul (ST)	
		45-Chingai (ST)	
		46-Saikul (ST)	
		47-Karong (ST)	
		48-Mao (ST)	
		49-Tadubi (ST)	
		50-Kanpokpi	
		51-Saitu	
		52-Tamei (ST)	
		53-Temenglong (ST)	
		54-Nungba (ST)	
		55-Tipaimukh (ST)	
		56-Thanlon (ST)	
		57-Henglep (ST)	
		58-Churachandpur (ST)	
		59-Saikot (ST)	
60-Singhat (ST)			
	All other assembly constituencies	Manipuri	
16	Meghalaya	All assembly constituencies	English
17	Mizoram	All assembly constituencies	English
18	Nagaland	All assembly constituencies	English
19	Orissa	127-Chhatrapur (SC)	Oriya and Telugu
		133-Berhampur	
		137-Paralakhemundi	
		138-Gunupur (ST)	
		140-Rayagada (ST)	
			All other assembly constituencies
20	Punjab	All assembly constituencies	Punjabi

21	Rajasthan	All assembly constituencies	Hindi
22	Sikkim	All assembly constituencies	English
23	Tamil Nadu	3-Tiruttani	Tamil and Telugu
		11-Dr. Radhakrishnan Nagar	Tamil and English
		12-Perambur	
		13-Kolathur	
		14-Villivakkam	
		15-Thiru-Vi-ka-Nagar (SC)	
		16-Egmore (SC)	
		17-Royapuram	
		18-Harbour	
		19-Chepauk Thiruvallikeni	
		20-Thousand Lights	
		21-Anna Nagar	
		22-Virugampakkam	
		23-Saidapet	
		24-Thiyagarayanagar	
		25-Mylapore	
		26-Velachery	
54-Veppanahalli	Tamil, Telugu and Kannada		
55-Hosur			
56-Thalli			
109-Gudalur (SC)	Tamil and Malayalam		
232-Padmanabhapuram			
233-Vilavancode			
234-Killiyoor			
		All other assembly constituencies	Tamil

24	Telangana	8-Boath (ST)	Telugu and Marathi
		10-Mudhole	
		13-Jukkal (SC)	
		17- Nizamabad (urban)	Telugu and Urdu
		57- Musheerabad	Telugu, English and Urdu
		58-Malakpet	
		59-Amberpet	
		60-Khairatabad	
		61-Jubilee Hills	
		62-Sanathnagar	
		63-Nampally	
		64-Karwan	
		65-Goshamahhal	
		66-Charminar	
		67-Chandrayangutta	
		68-Yakutpura	
		69-Bahadurpura	
70-Secunderabad			
71-Secunderabad Cantt. (SC)			
All other assembly constituencies	Telugu		
25	Tripura	All assembly constituencies	Bengali
26	Uttar Pradesh	3-Saharanpur Nagar	Hindi and Urdu
		4-Saharanpur	
		7-Gangoh	
		8-Kairana	
		14-Muzaffar Nagar	
		17-Najibabad	
		18-Nagina (SC)	
		19-Barhapur	
		20-Dhampur	
		21-Nehtaur (SC)	
		22-Bijnor	
		23-Chandpur	
		24-Noorpur	
26-Thakurdwara			

	27-Moradabad Rural	
	28-Moradabad Nagar	
	29-Kundarki	
	30-Bilari	
	31-Chandausi (SC)	
	32-Asmoli	
	33-Sambhal	
	34-Suar	
	35-Chamraua	
	37-Rampur	
	40-Naugawan Sadat	
	41-Amroha	
	47-Meerut Cantt.	
	48-Meerut	
	49-Meerut South	
	60-Garhmukteshwar	
	75-Koil	
	76-Aligarh	
	97-Firozabad	
	115-Badaun	
	124-Bareilly	
	125-Bareilly Cantt	
	127-Pilibhit	
	135-Shahjahanpur	
	171-Lucknow West	
	174-Lucknow Central	
	213-Sishamau	
	214-Arya Nagar	
	278-Tanda	
	286-Bahraich	
	313-Khalilabad	
	356-Mau	
	All other assembly constituencies	Hindi

27	Uttarakhand	All assembly constituencies	Hindi
28	West Bengal	22-Kalimpong	Bengali and Nepali
		23-Darjeeling	
		24-Kurseong	
		25-Matigara Naxalbari (SC)	
		26-Siliguri	
		27-Phansidewa (ST)	
		29-Islampur	Bengali and Hindi
		30-Goalpokhar	
		31-Chakulia	
		115-Rajarhat New Town	English
		116-Bidhannagar	
		149-Kasba	
		153-Behala Purba	
		154-Behala Paschim	
		157-Metiaburaz	
		158-Kolkata Port	
		159-Bhabanipur	
		160-Rashbehari	
		161-Ballygunge	
		162-Chowrangee	
		163-Entally	
		164-Beleghata	
		165-Jorasanko	
		166-Shyampukur	
		167-Maniktala	
		168-Kashipur Belgachhia	
		224-Kharagpur Sadar	Bengali and English
		All other assembly constituencies	Bengali

"No voter to be left behind"

29	NCT of Delhi	20-Chandni Chowk	Hindi, Urdu and English
		21-Matia Mahal	
		22-Ballimaran	
		54-Okhla	
		63-Seemapuri (SC)	
		65-Seelampur	
		69-Mustafabad	
		All other assembly constituencies	Hindi and English
30	Puducherry	29-Mahe	Malayalam
		30-Yanam	Telugu
		All other assembly constituencies	Tamil

ANNEXURE 17

(CHAPTER 6, PARA 6.14.2)

STATES AND LANGUAGES IN PC

As per direction No. 3/4/2018/SDR dated 31st October 2018 and direction No. 3/4/2008/JS.II, dated 06th February, 2009, and in pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules, 1961, the Election Commission of India directed that at an election in a Parliamentary Constituency specified in column 2 of the Table below, the list of contesting candidates shall be prepared in Form 7A in the languages specified against that constituency in column 3 of the said Table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in the said column.

When any such list is forwarded to the Election commission it shall, if not in English, be accompanied by a translation in English.

S.No.	State / UT	Parliamentary Constituency	Language / Languages
1	Andhra Pradesh	All Parliamentary Constituencies	Telugu
2	Arunachal Pradesh	All Parliamentary Constituencies	English
3	Assam	1-Karimganj (SC)	Bengali
		2-Silchar	
		3-Autonomous District (ST)	Assamese and English
		All other Parliamentary Constituencies	Assamese
4	Bihar	All Parliamentary Constituencies	Hindi
5	Chhattisgarh	All Parliamentary Constituencies	Hindi
6	Goa	All Parliamentary Constituencies	Konkani in Devanagari script, Marathi and English

7	Gujarat	All Parliamentary Constituencies	Gujarati
8	Haryana	All Parliamentary Constituencies	Hindi
9	Himachal Pradesh	All Parliamentary Constituencies	Hindi
10	Jammu and Kashmir	5-Udhampur	Urdu and Hindi
		6-Jammu	
		All other Parliamentary Constituencies	Urdu
11	Jharkhand	All Parliamentary Constituencies	Hindi
12	Karnataka	1-Chikkodi	Kannada and Marathi
		2-Belgaum	
		7-Bidar	
		12-Uttara Kannada	
		23-Bangalore (Rural)	Kannada and English
		24-Bangalore North	
		25-Bangalore Central	
		26-Bangalore South	
		28-Kolar (SC)	
		All other Parliamentary Constituencies	Kannada
13	Kerala	1-Kasaragod	Malayalam and Kannada
		14-Idukki	Malayalam and Tamil
		All other Parliamentary Constituencies	Malayalam
14	Madhya Pradesh	19-Bhopal	Hindi and Urdu
		All other Parliamentary Constituencies	Hindi

15	Maharashtra	10-Nagpur	Marathi and English
		25-Thane	
		26-Mumbai North	
		27-Mumbai North-West	
		28-Mumbai North-East	
		29-Mumbai North-Central	
		30-Mumbai South-Central	
		31-Mumbai South	
		34-Pune	
		All other Parliamentary Constituencies	Marathi
16	Manipur	1-Inner Manipur	Manipuri
		2-Outer Manipur (ST)	Manipuri and English
17	Meghalaya	All Parliamentary Constituencies	English
18	Mizoram	Entire Parliamentary Constituency	English
19	Nagaland	Entire Parliamentary Constituency	English
20	Orissa	All Parliamentary Constituencies	Oriya
21	Punjab	1-Gurudaspur	Punjabi and Hindi
		2-Amritsar	
		4-Jalandhar	
		6-Hoshiarpur	
		8-Patiala	
		9-Ludhiana	
		13-Firozpur	
		All other Parliamentary Constituencies	Punjabi

22	Rajasthan	All Parliamentary Constituencies	Hindi
23	Sikkim	Entire Parliamentary Constituency	English
24	Tamil Nadu	2-Chennai North	Tamil and English
		3-Chennai South	
		4-Chennai Central	
		7-Arakkonam	Tamil and Telugu
		9-Krishnagiri	Tamil, Telugu and Kannada
		19-The Nilgiris (SC)	Tamil and Malayalam
		39-Kanniyakumari	
		All other Parliamentary Constituencies	Tamil
25	Telangana	1-Adilabad (ST)	Telugu and Marathi
		5-Zahirabad	
		4-Nizamabad	Telugu, English and Urdu
		7-Malkajgiri	
		8-Secunderabad	
		9-Hyderabad	
		All other Parliamentary constituencies	Telugu
26	Tripura	All Parliamentary Constituencies	English
27	Uttar Pradesh	1-Saharanpur	Hindi and Urdu
		4-Bijnor	
		5-Nagina (SC)	
		6-Moradabad	
		7-Rampur	
		8-Sambhal	
		9-Amroha	
		10-Meerut	
		All other Parliamentary Constituencies	Hindi

28	Uttarakhand	All Parliamentary Constituencies	Hindi
29	West Bengal	4-Darjeeling	Bengali and Nepali
		5-Raiganj	Bengali and Hindi
		17-Barasat	Bengali and English
		21-Diamond	
		34-Medinipur	
		23-Kolkata Dakshin	English
		24-Kolkata Uttar	Bengali
		All other Parliamentary Constituencies	
30	Andaman and Nicobar Island	Entire Parliamentary Constituency	Hindi and English
31	Chandigarh	Entire Parliamentary Constituency	Hindi and Punjabi
32	Dadra and Nagar Haveli	Entire Parliamentary Constituency	Gujarati, Marathi and English
33	Daman and Diu	Entire Parliamentary Constituency	Gujarati
34	NCT of Delhi	All Parliamentary Constituencies	Hindi and English
35	Lakshadweep	Entire Parliamentary Constituency	Malayalam
36	Puducherry	Entire Parliamentary Constituency	Tamil, Telugu and Malayalam

ANNEXURE 18

(CHAPTER 7, PARA 7.6.1)

FORMAT FOR PUBLICATION OF LIST OF CONTESTING CANDIDATES IN GAZETTE (FOR USE AT GENERAL ELECTION)

ELECTION COMMISSION OF INDIA

To be published in an Extraordinary Issue of the Gazette of India Part II, Section 3(ii), immediately

Dated the

NOTIFICATION

No In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES

[SEE RULE 10(1)]

Election to the

Serial No.	Name of Candidate	Address of Candidate	Party Affiliation	Symbol allotted
1	2	3	4	5
(i) Candidates of recognized National and State political parties				
(ii) Candidates of registered political parties (other than recognized national and state political parties)				
(iii) other candidates.				
Place:				
Date:				
Returning Officer***				

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

**Indicate name in capitals.

***Indicate designation in capitals.

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

ANNEXURE 19

(CHAPTER 7, PARA 7.6.1)

FORMAT FOR PUBLICATION OF LIST OF CONTESTING CANDIDATES IN GAZETTE (FOR USE AT BYE ELECTION)

ELECTION COMMISSION OF INDIA

To be published in an Extraordinary Issue of the Gazette of India Part, Section,
immediately

Dated the

NOTIFICATION

No In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961,
the following is published for general information:

FORM 7-A

LIST OF CONTESTING CANDIDATES

[SEE RULE 10(1)]

Election to the

Serial No.	Name of Candidate	Address of Candidate	Party Affiliation	Symbol allotted
1	2	3	4	5
(i) Candidates of recognized National and State political parties				
(ii) Candidates of registered political parties (other than recognized national and state political parties)				
(iii) other candidates.				
Place:				
Date:				
Returning Officer***				

Applicable in the case of candidates mentioned under categories (i) and (ii) above.

**Indicate name in capitals.

***Indicate designation in capitals.

N.B. Under Col. 1 above, the serial number of candidates of all the three categories shall be given consecutively and not separately for each category.

ANNEXURE 20

(CHAPTER 7, PARA 7.9.1)

NOTICE TO CONTESTING CANDIDATES REGARDING PENAL PROVISIONS IN THE ELECTION LAW

Please take note that following are the provision relating to the corrupt practice and electoral offences in the Representation of the People Act, 1951, and the offences relating to elections in Chapter IX-A of the IPC. The list enumerated below is not to be taken an exhaustive. You are advised to study also relevant provisions in the law. The proof of the Commission of these corrupt practices and electoral offences may entail as per law the election being declared void and/or also award of punishment as laid down in the law.

I. REPRESENTAION OF THE PEOPLE ACT, 1951

A. CORRUPT PRACTICES

Section 123- (i) Bribery, (ii) undue influence, (iii) appeal on the ground of religion, race, caste, community or language or the use of, or appeal to religious or national symbols, (iv) promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language (v) publication of false statement in relation to the personal character or conduct of a candidate or his candidature, (vi) the hiring or procuring of vehicles or use of such vehicle for the free conveyance of voters, (vii) the incurring or authorizing of election expenses in excess of the prescribed limit, and (viii) the obtaining or procuring of assistance from specified categories of Government Servants, and (ix) booth capturing.

B. ELECTORAL OFFENCES

1. Section 125 - Promoting enmity between different classes in connection with election.
2. Section 126 - Prohibition of public meetings during the prohibited period.
3. Section 127-Disturbance at election meetings.
4. Section 127-A Restrictions on the printing of pamphlets, posters, etc.
5. Section 128 - Maintenance of secrecy of votes.
6. Section 130 - Prohibition of canvassing in or near polling stations.
7. Section 131-Disorderly conduct in or near polling stations.
8. Section 132-Misconduct at polling station.
9. Section 133-Illegal hiring or procuring of conveyances at elections.
10. Section 134-B Prohibition of going armed to or near to polling station.

11. Section 135 - Removal of ballot papers from polling stations.
12. Section 135-A offence of booth capturing.
13. Section 135-C Liquor not to be sold, given or distributed on polling day.
14. Section 136-Fraudulent or unauthorized destruction of election papers, documents, ballot papers, ballot boxes etc.

II. INDIAN PENAL CODE

15. Section 171-B-Bribery.
16. Section 171-C-Undue influence at elections.
17. Section 171-D-Personation at elections.
18. Section 171-G-False statement in connection with an election.
19. Section 171-H-Illegal payments in connection with an election.
20. Section 171-I-Failure to keep election accounts.

ANNEXURE 21

(CHAPTER 5, PARA 5.29.1)

FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND THEIR ELECTION AGENTS

*General/Biennial/Bye-election.....(Month/Year)

No. & Name of *Assembly

Lok Sabha Constituency

(*Delete whatever is not applicable)

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll:

Name of the Contesting candidate	Specimen Signature	Name of his/her election agent	Specimen Signature
1. Shri/Smt./Ms		Shri/Smt./Ms	
2. Shri/Smt./Ms		Shri/Smt./Ms	
3. Shri/Smt./Ms		Shri/Smt./Ms	
4. Shri/Smt./Ms		Shri/Smt./Ms	

Place:

Date:

SIGNATURE

(SEAL)

RETURNING OFFICER

ANNEXURE 22

(CHAPTER 8, PARA 8.4.2)

FORM A

Communication with regard to Authorized Persons to intimate names of the candidates set up by recognized National or State political party or Registered un-recognized political party.

To

1. The Chief Electoral Officer,
..... (State/Union Territory).
2. The Returning Officer for the
.....Constituency.

Subject: General Elections to from (State/Union Territory) – Allotment of Symbols – Authorization of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorized by the party, which is National Party/State Party in the State of/Registered Un-recognized Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorized to send notice	Name of office held in the party	District(s)/area (s) constituency/ constituencies in respect of which he has been authorized.
1	2	3
1.		
2.		
3.		
4.		

2. The specimen signatures of the abovementioned person (s) so authorized are given below:

1. Specimen signatures of Shri (i) (ii)
..... (iii)
2. Specimen signatures of Shri (i) (ii)
..... (iii)

"No voter to be left behind"

3. Specimen signatures of Shri (i) (ii)
..... (iii)

Yours faithfully,

Place:

Date:

President/Secretary

Name of the Party

(Seal of the Party)

NB.

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

PART III

FORM B

NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY

(see paragraphs 13(b), (c) and (e) and 13A of the Election symbols (Reservation and Allotment) Order 1968)

To

The Returning Officer for the

.....Constituency.

Subject: General/bye Election to from (Name of the Constituency) in.....(State/Union Territory) – setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of _____(party)

- (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named, and
- (ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye election from this constituency:

Name of the Constituency	Name of the approved candidate	Father's/ Mother's/ Husband's name of approved candidate	Postal address of approved candidate	Name of the Substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	F a t h e r ' s / Mother's/ Husband's name of substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

- *2. The notice in Form 'B' given earlier in favour of Shri/Smt./ Sushri.....as party's approved candidate/Shri/Smt./ Sushri as Party's substitute candidate is hereby rescinded.
3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the
authorized person of the Party)

(Seal of the Party)

Place

Date

* Score off, if not applicable.

N.B.

1. This must be delivered to the Returning Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

ANNEXURE 23

(CHAPTER 11, PARA 11.11.1)

APPOINTMENT OF PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE

I(name of the classified service voter) aged abouts/o, d/o, w/o r/opresently working asand posted at....., am entitled to appoint proxy under sub-rule (2) of rule 27N of the Conduct of Election Rules, 1961. I hereby appoint(name of the proxy) aged about.....s/o, d/ o, w/or/oas my proxy to give vote on my behalf and in my name in*[..... Assembly constituency] and/or Parliamentary constituency of the State/ Union territory of in which I am entitled to give vote under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

(Signature of proxy)	(signature of classified service voter)
Serial number of his name	Serial number of his name in the last
And part no. of electoral roll of	part of electoral roll of the
the concerned constituency	concerned constituency
	service identity card no.....
	name of the force to which belongs.

*Not applicable in Union Territories having no Legislative Assembly

Note:

- (1) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act 1950 (43 of 1950).
- (2) The signature of the classified service voter and the proxy shall be made before a First-Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter.
- (3) Score out the words not applicable.

RECEIPT OF FORM 13F FOR THE APPOINTMENT OF PROXY BY CLASSIFIED SERVICE VOTER

Serial No.....

Received Form 13F of Shri / Smt. / Kum.

Returning Officer

FORM 13G [SEE RULE 27N (4)]

REVOCAION OF APPOINTMENT OF PROXY OR REVOCATION OF APPOINTMENT OF PROXY AND APPOINTMENT OF SUBSTITUTE PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE

I(name of the classified service voter) aged abouts/o, d/o, w/o.....
.....r/opresently working as and posted at
had appointed(name of the proxy) aged abouts/o, d/o, w/o
r/oas my proxy to give vote on my behalf and in my name in the *{..... Assembly
constituency and}.....Parliamentary constituency of the State/ Union territory of
.....

I hereby revoke the appointment of my said proxy and do not wish to appoint any substitute proxy.

OR

Whereas such proxy has died/ I hereby revoke appointment of the said proxy and being entitled to appoint substitute proxy under sub-rule (4) of rule 27N of the Conduct of Election Rules, 1961, hereby appoint(name of the substitute proxy) aged about s/o, d/o, w/o..... r/oas substitute proxy who shall hereafter give vote on my behalf and in my name in the aforementioned Assembly and Parliamentary constituency(ies)..... of the State/Union territory ofin which I am entitled to give vote under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

(Signature of proxy)

(Signature of classified service voter)

Serial No. in ER

Serial no. in ER

Service identity card no.....

Name of the force to which belongs

*Not applicable in Union Territories having no Legislative Assembly

Note:(I) The person to be appointed as proxy shall be of not less than eighteen years of age and ordinarily resident in the constituency concerned and shall not be disqualified for registration as an elector in an electoral roll under section 16 of the Representation of the People Act1950 (43 of 1950).

(2) The signature of the classified service voter and the proxy shall be made before a First-Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the identity card of the classified service voter to authenticate veracity of the classified service voter."

(3) Score out the word (s) which are not applicable.

RECEIPT OF FORM 13G FOR REVOCATION OF APPOINTMENT OF PROXY OR REVOCATION OF APPOINTMENT OF PROXY AND APPOINTMENT OF SUBSTITUTE PROXY BY CLASSIFIED SERVICE VOTER TO GIVE VOTE

Serial No.....

(To be handed over to the person depositing the said form)

Received Form 13F of Shri / Smt./Kum. R/o..... dated

(Signature and Seal)

Returning Officer

ANNEXURE 24

(CHAPTER 11, PARA 11.11.2)

LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

1. Name of State
2. No. and Name of Constituency

S no.		Name of the force to which he belongs and Service Id no.	Age	Father's/ Husband's/ Mother's name	Address	S. No. of his name in the last part of the electoral roll of the constituency		Age of the proxy	Father's/ Husband's/ Mother's name	Full address of the proxy	Date on which	
											Intimation about appointment was received by the R.O.	Intimation about revocation, if any, was received by R.O.
1	2	3	4	5	6	7	8	9	10	11	12	13

Signature of the Returning Officer

ANNEXURE 25

(CHAPTER 11, PARA 11.10.2)

POLLING STATION-WISE LIST OF CLASSIFIED SERVICE VOTERS AND PROXIES

(See Rule 27P (3) of Conduct of Elections Rules 1961)

1. No. and Name of Constituency:

2. Part number of Electoral Roll:

S no.	Name of CSV	Name of the force to which he belongs and Service Id no.	Age	Father's/ Husband's/ Mother's name	Address	S. No. of his name in the last part of the electoral roll of the constituency	Name of the proxy	Age of the proxy	Father's/ Husband's/ Mother's name	Full address of the proxy
1	2	3	4	5	6	7	8	9	10	11

ANNEXURE 26

(CHAPTER 11, PARA 11.15.1)

ACCOUNT REGISTER OF POSTAL BALLOT PAPERS ISSUED TO PERSONS DRAFTED FOR ELECTION DUTY

S.No.	Name of the person drafted for election duty and who has submitted Form-12 for Postal Ballot Paper	Whether the person is registered as an elector in the constituency (Yes/No)	If yes, Part no & serial no in electoral roll	Date on which postal ballot paper issued and entry made in the marked copy of the Electoral roll	Whether the person collected the postal ballot paper in person (Yes/No)	If yes, sign of the person with date token of receipt of P.B.	If no, whether RO has taken action to deliver the P.B. at the person address (Date of Delivery)	Remark
1	2	3	4	5	6	7	8	9

ANNEXURE 27

(CHAPTER 12, PARA 12.5.1)

REGISTER FOR PREPARATION OF EVM

Name of State/UT:

Name of District:

Name of Assembly/Parliamentary Constituency:

Address of Preparation of EVM hall:

Date:

S. No.	Name of Candidate	Name of Representative of candidates with party affiliation, if any	Identity document No. with date	Signature of Candidates/his representatives	Remarks, if any

Note: If a candidate or his representative is absent the proof of due service of notice to the candidate should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

ANNEXURE 28

(CHAPTER 12, PARA 12.5.7)

REGISTER FOR SEALING OF BALLOTING UNIT OF EVM USING PINK PAPER SEAL

Name of State/UT:

Name of District:

Address of FLC hall:

Date:

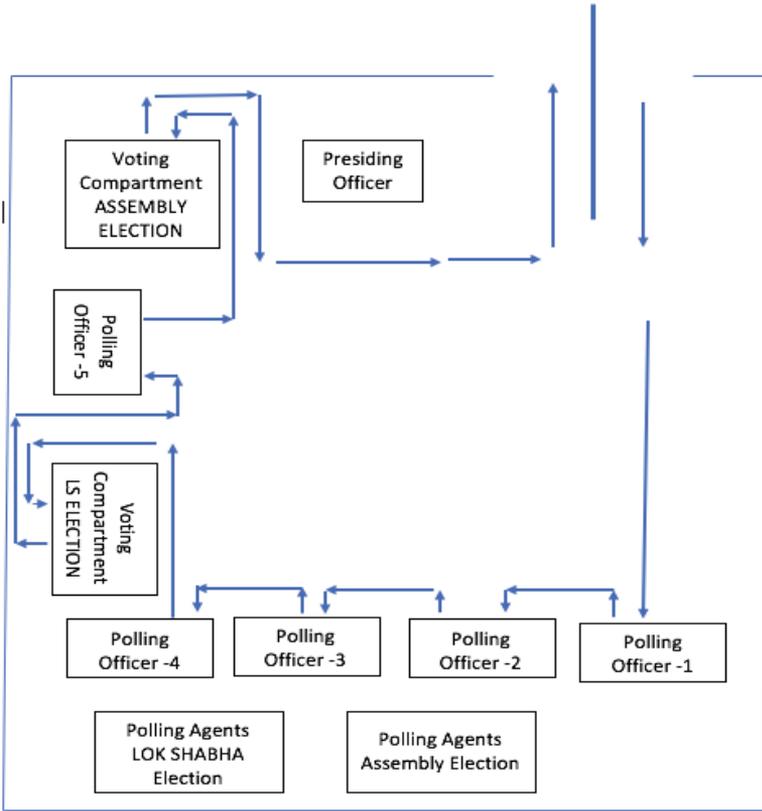
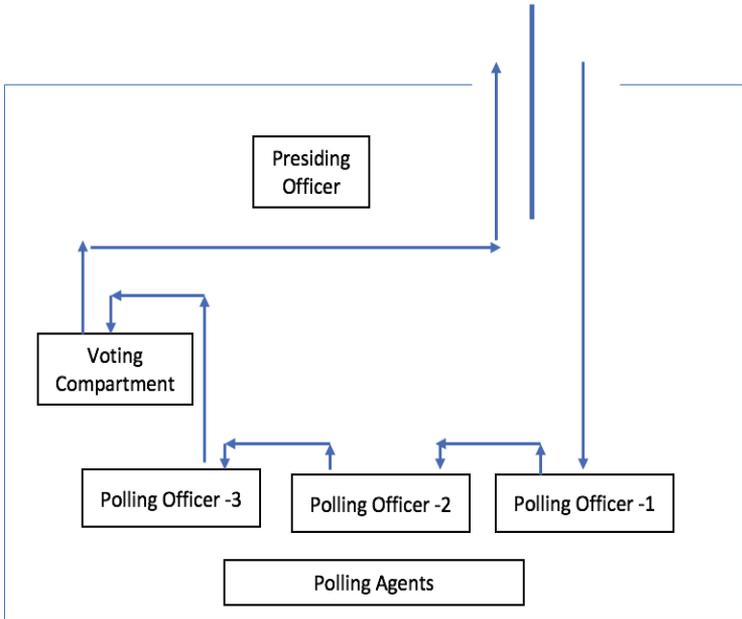
It is certified that the sealing of the Balloting Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Balloting Units and I am satisfied with the sealing of the Balloting Units.

S. No.	Unique ID No. of Balloting Unit	Pink Paper Seal Number

S. No.	Name of Candidate	Name of Political party with party affiliation, if any	Identity documents No. with date	Signature of Candidate/his representative

ANNEXURE 29

(CHAPTER 13, PARA 13.7.1)



S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

OR

At the time scheduled for the mock poll, no polling agent was present/the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff at AM.

Signature of Micro-Observer (if posted at the polling station)

Date:

Time:

Name and signature of the Presiding Officer

Polling Station No.....

Polling Station Name

ANNEXURE 31

(CHAPTER 13, PARA 13.44.1)

MICRO OBSERVER REPORT ON POLL DAY

S.N.	Point	Remarks
1	Whether mock poll has been conducted in presence of micro Observer?	Yes or No
2	Whether data of mock poll from the Control Unit was cleared and the EVM count was set to zero after the mock poll and before the beginning of real poll?	Yes or No
3	How many polling agents and of which political party, were present during the mock poll	
4	Whether Basic Minimum facilities were available at the polling station?	
5	Whether more than one polling agent from the same political party were present inside the polling station at any time?	Yes or No
6	Whether polling agents were allowed to note the serial numbers of balloting unit and Control Unit and green paper seal?	Yes or No
7	Whether the entry pass system was enforced properly? Whether any unauthorized person was inside the polling station at any point of time?	Yes or No
8	Whether marking of indelible ink on left forefinger was done properly?	Yes or No
9	Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17A)?	Yes or No
10	Whether the list of voters 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? Whether any person cast a vote on the basis of EDC?	Yes or No
11	Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?	Yes or No
12	Whether the Presiding Officer or Polling Officer was going towards voting compartment or giving any undue instructions to the voters?	Yes or No
13	Whether the scrutiny of voters in the Absentee, Shifted and Dead list was done meticulously by the Presiding Officers in accordance with ECI Guidelines?	Yes or No
14	Whether copies of accounts of votes recorded in Form 17C have been given to the polling agents?	Yes or No

15	Whether voting compartment was properly placed to ensure secrecy of voting?	Yes or No
16	Whether sealing of voting machine was done according to instructions?	Yes or No
17	Whether any complaint by polling agent, election agent or any political party was received? If yes, its substance	Yes or No
18	Any other incident or issue that you would like to highlight.	

(Signature of the Micro Observer)

Name (in Full):

Designation:

Phone No:

Date and Time:

ANNEXURE 32

(CHAPTER 13, PARA 13.62.1)

PROFORMA FOR SUBMISSION OF THE REPORTS BY RETURNING OFFICER ON THE DAY OF POLLING

Name of State

Name of Constituency

Time of Report

1. Interruption or obstruction of poll due to riots, open violence, natural calamity or any other cause.
2. Vitiating of the poll by any of the EVMs having been unlawfully taken out of the custody of the Presiding Officer, accidentally or unintentionally lost or destroyed or damaged or tampered with.
3. Votes having been unlawfully recorded by any person in the EVMs.
4. Booth capturing.
5. Serious complaints.
6. Violence and breach of law and order.
7. Mistakes and irregularities, which have a bearing on the elections.
8. Weather conditions.
9. Poll percentage.
10. Whether all the diaries of Presiding Officers have been scrutinized and irregularities, if any detected.
11. Recommendations regarding repoll/fresh poll, if any.
12. Any other remarks.

Place

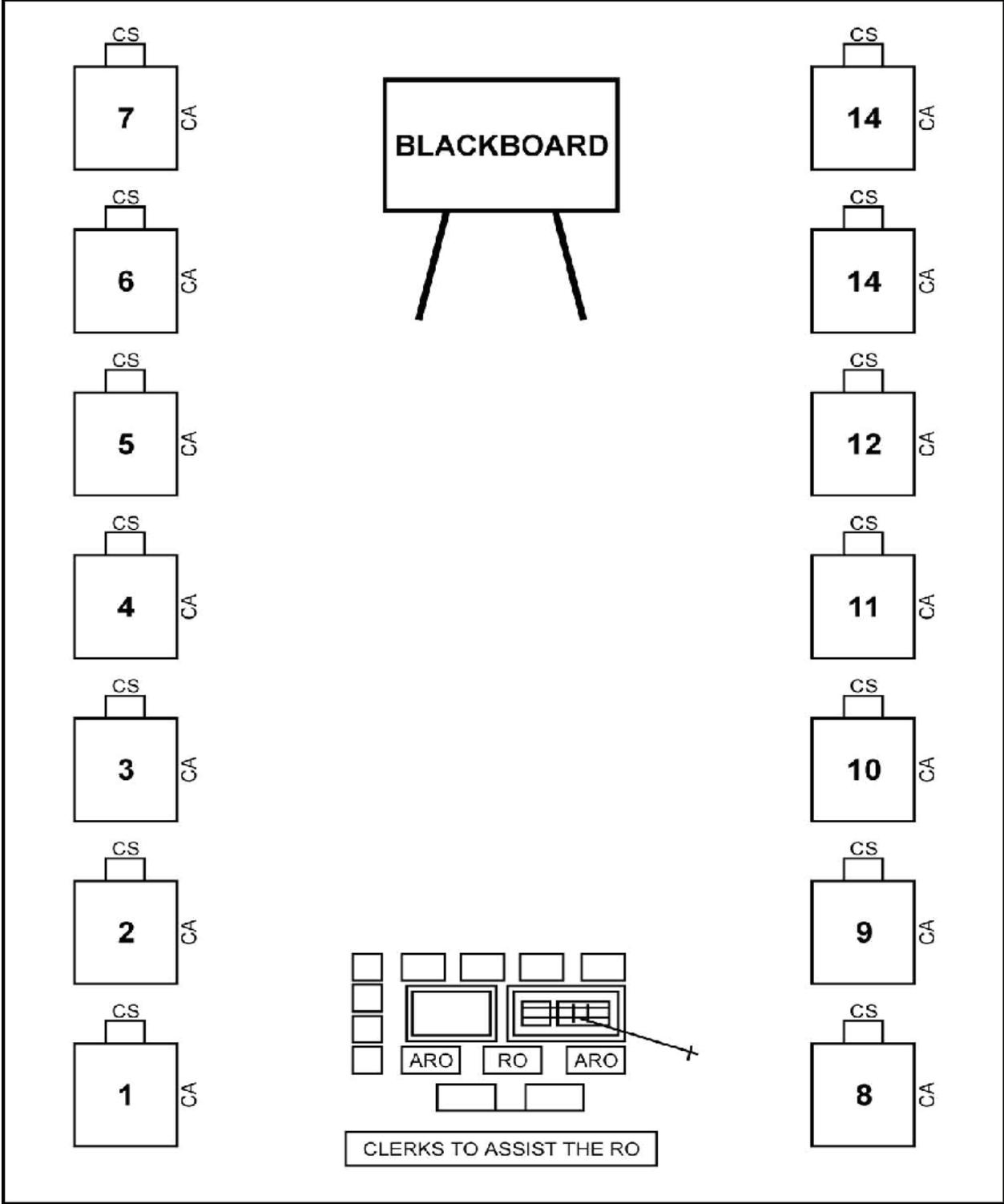
Date

Signature of Returning Officer

ANNEXURE 33

(CHAPTER 15, PARA 15.5.10)

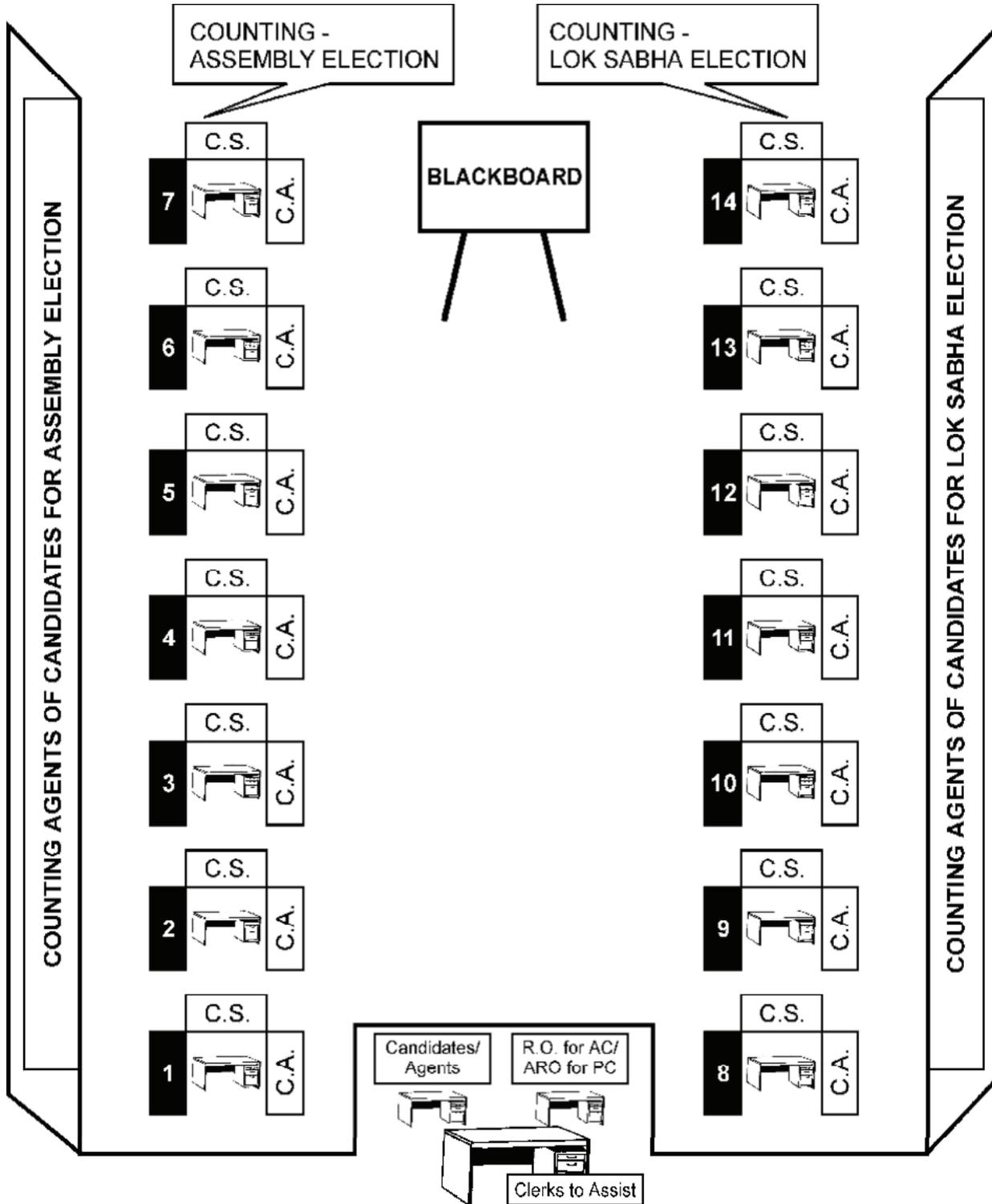
LAYOUT OF COUNTING HALL



ANNEXURE 34

(CHAPTER 15, PARA 15.5.10)

LAYOUT OF COUNTING HALL



ANNEXURE 35

(CHAPTER 15, PARA 15.5.10)

INFORMATION SHEET ON COUNTING CENTRES

State/UT Code :	State/UT Name :				
A. Basic Information					
(a) Counting Centre No.			(b) Category : Urban/Rural		
(c) No. of Parliamentary Constituencies proposed to be covered in this Centre :					
Sl. No.	PC No.	PC Name	PC Type (Gen/SC/ST)	Whether PC covered in whole or part	
1.					
2.					
3.					
(d) Building					
(e) Area-ID (Particulars of the Street/locality/ area in which the building is situated):					
(f) Village/Town/Metro Name* ¹ :					
(g) Police Station No.:		(h) Police Station Name :		(k) Pin Code	
(i) District No. :		(j) District Name :			
(l) Confirm is the Strong Room for storing Polled Ballot Boxes After the Poll is located in the counting centre itself : Yes/No					
(m) If the answer in (1) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this location :					
(n) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidates to keep watch : Yes/No (Please give details in item E(b)).					
(o) Distance From Police Station of which the Counting Centre forms a part (in Kms.) :					
(p) ECI's approval date :					
(q) Attached Media Centre No. & Name :					
B. Facilities/Infrastructure Available (Please Tick)					
(a) Type of Structure : Pucca/Kuchcha		(b) Adequate Storage Space :		Yes/No	
(c) Water : Yes/No		(d) Toilet :		Yes/No	
(e) First-aid facilities : Yes/No		(f) Regular electricity availability :		Yes/No	
(g) Arrangements proposed for emergency lighting :					
(h) fire-fighting arrangements proposed :					

*¹ Strike out whatever is not applicable.

C. Information on Counting Halls						
No. of halls available for Counting :						
Halls No.	Dimension of the Hall (in Mtrs.)		No. of Doors	AC Nos. of Assembly Segments proposed to be covered* ²		No. of tables proposed to be places in the Hall
	Length	Width		In whole* ³	In part* ³	
Note : Please use continuation sheets, if required, for Giving information on all counting halls.				No. of continuation sheets added : ____		
				No. of continuation sheets added : ____		

*² Not applicable for UTs without Legislative Assemblies.

*³ AC Nos. should be given in the order in which the counting is proposed to be taken up.

D.	Communication Facilities proposed to be installed*⁴			(a) STD Code :
	(b) Tel : (1)	(2)	(3)	(c) Fax :
E.	Verification Report of RO			(a) Date of Verification :
(b) Remarks/Recommendations (covering the aspects of law and order, security, public address system, media and place for crowds etc.):				
Continued on continuation sheet no. ____ No. of continuation sheets added : ____				
Verifying Officer's				Date :

(c) Name : (d) Designation : (e) Full Address : (use stamp, if available)	Place :
	Signature :
F. For use by CEO	
(a) Remarks :	
Continued on continuation sheet no. _____ No. of continuation sheets added : ____	
(b) Name : (c) Address : (use stamp, if available)	Date :
	Place :
	Signature :

*⁴ Phone/fax nos. should be obtained in advance, even though these may be made operational later.

Continuation Sheet for CEO's Comments

State/UT Code :	State/UT Name :
A. (a) Counting Centre No.:	

F.	For use by CEO	
	(b) Remarks (contd.) :	
	Continued on continuation sheet no. _____ No. of continuation sheets added : __	
	(b) Name:	Date:
	(c) Address:	Place:
	(Use stamp, if available)	Signature

Explanatory Notes

Item No.	Item	Explanation
	State/UT Code	Code assigned to the State/UT: S01 to S29 and U01 to U07 for UTs in alphabetical order (List of codes enclosed)
A(a)	Counting Centre No.	No. assigned to the Counting Centre. Within each State/UT, Running Serial numbers for Counting Centres have to be given, starting from 1
A(b)	Building	Name of the Building of the Counting Centre
A(c)	Area-ID (Particulars of Street/locality/area in which the building is situated)	Geographical Identification details like Street, Mohalla, Locality, Area etc. where the building of the Counting Centre is situated. This should help to quickly locate the building.
A(d)	Police Station No.	No. assigned to the Police Station within the District. Running Serial Number, starting from 1, should be assigned to Police Stations within each district.
A(e)	District No.	No. assigned to the Revenue District within the State/UT. Running serial nos., starting from 1, should be assigned to the districts in a State/UT.

Note: The Police Station No. and the District No. should be the same as assigned to these units in the control tables defined in the detailed data structures, which were circulated to the States/UTs in connection with the Computerization of Electoral Roll, 1998 vide Commission's letter No.23/97/PLN.II dated 29th September, 1997. If these unique identification nos. for the various units have not been assigned so far, the verifying officers may leave the respected fields blank, but the names of the different units must invariable be filled up in the form.

State/ UT Code	Name of State/ UT	Short Name of State/ UT
S01	Andhra Pradesh	AP
S02	Arunachal Pradesh	AR
S03	Assam	AS
S04	Bihar	BR
S05	Goa	GA
S06	Gujarat	GJ
S07	Haryana	HR
S08	Himachal Pradesh	HP
S09	Jammu & Kashmir	JK
S10	Karnataka	KT

S11	Kerala	KL
S12	Madhya Pradesh	MP
S13	Maharashtra	MT
S14	Manipur	MR
S15	Meghalaya	MG
S16	Mizoram	MZ
S17	Nagaland	NG
S18	Orissa	OR
S19	Punjab	PB
S20	Rajasthan	RJ
S21	Sikkim	SK
S22	Tamil Nadu	TN
S23	Tripura	TP
S24	Uttar Pradesh	UP
S25	West Bengal	WB
S26	Chhattisgarh	CG
S27	Jharkhand	JH
S28	Uttarakhand	UT
S29	Telangana	TL
U01	Andaman and Nicobar Islands	ANI
U02	Chandigarh	CHND
U03	Dadra and Nagar Haveli	DNH
U04	Daman and Diu	D&D
U05	NCT of Delhi	DL
U06	Lakshadweep	LKD
U07	Puducherry	POND

ANNEXURE 36

(CHAPTER 15, PARA 15.5.13)

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE OF COUNTING

Election to Lok Sabha.....Legislative Assembly Constituency (When Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in accordance with the said rule, fixed the.....day of (month).....20.....a.m./p.m. as the date and time for the counting of votes in the Constituency and (Place) in.....as the place for such counting.

Place

Date

Signature of Returning Officer

To,

All candidates or their election agents

ANNEXURE 37

(CHAPTER 15, PARA 15.5.3)

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE OF COUNTING

Election to Lok Sabha.....Legislative Assembly Constituency (When Counting takes place at more than one place) In pursuance of rule 51 of the Conduct of Elections Rules, 1961.

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below:

Name of the Assembly Constituency	Date and Time	Place of Counting

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....(Place) on.....(date) at.....(time).

Place

Date

Signature of Returning Officer

To

All candidates or their election agents

ANNEXURE 38

(CHAPTER 15, PARA 15.8.4)

APPOINTMENT OF COUNTING SUPERVISOR/ASSISTANTS

ORDER

No.

Dated:

Election to the House of the People / Legislative AssemblyConstituency

I.....(name).....(designation) appoint the persons whose names are specified below to act as Counting Supervisors/Assistants and to attend at.....
.....for the purpose of assisting me in the counting of votes at the said election.

1.

2.

Place

Date

Signature of Returning Officer

ANNEXURE 39

(CHAPTER 15, PARA 15.28.8)

FORM 20

FORM 20

FINAL RESULT SHEET

[SEE RULE 56C(2)(C)]

ELECTION TO THE HOUSE OF THE PEOPLE FROM THE 56 PARLIAMENTARY CONSTITUENCY PART I

(To be used both for Parliamentary and Assembly Election)

Total No. of Electors in Assembly Constituency/Segment87,725

Name of the Assembly/Segment... 275AB..... (in the case of election from a Parliamentary
Constituency)

Serial No. Of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of rejecte d votes	NOTA	Total	No. of tendered votes
	A	B	C	D					
1	2	3	4	5	6	7		8	9
1.	5	135	205	403	5	748	N	748	1
2.	6	170	145	340	118	765	N	765	—
3.	6A	405	70	105	230	810	N	810	—
4.	7	240	120	215	362	937	N	937	2
5.	8	72	269	142	319	802	N	802	—
6.	9	72	142	347	92	653	N	653	—
7.	10	240	267	142	115	764	N	764	—

.....And so on.....

.....

(LAST PAGE)

Serial No. of Polling Station	No. of valid votes cast in favour of				Total of valid votes	No. of Rejected votes	NOTA	Total	No. of Tendered votes
	A	B	C	D					
1	2	3	4	5	6	7	8	9	
.....									
.....									
.....									
78	93	127	347	349	916	N i	916	—	
79	368	40	197	215	820	N i	820	—	
Total No. of votes recorded	21,059	19,178	12,358	18,753	71,340	N i	71,340	3	

at Polling Stations

No. of votes recorded on postal ballot papers Not applicable

(To be filled in the case of election from an assembly Constituency)

Total votes polled	21,059	19,178	12,358	18,753	71,340	Nil	71,340	3
--------------------	--------	--------	--------	--------	--------	-----	--------	---

Place : Sub-Division Office AB

Assistant Returning Officer

Date : 27th July, 1992

PART II

(To be used for Parliamentary Election only)

Name of Assembly Segment	No. of valid votes cast in favour of				Total of valid votes	No. rejecte s	NOT A	Total	No. of tendered votes
	A	B	C	D					
	2	3	4	5					
275 AB	18,697	15,353	10,974	8,458	53,482	Nil	53,482	3	
276 CD	21,059	19,170	12,358	18,753	71,340	Nil	71,340	9	
277 EF	21,610	13,448	23,117	9,321	67,496	Nil	67,496	—	
278 GH	11,822	23,731	13,728	6,540	55,821	Nil	55,821	1	
280 IJ	17,523	17,399	16,055	18,835	69,812	Nil	69,812	2	
281 KL	21,937	16,756	17,080	11,921	67,694	Nil	67,694	—	
Grand Total	112,648	105,857	93,312	73,828	385,645	8,770	385,645	15	
No. of votes recorded on postal ballot papers	47	13	22	5	87	17	104	15	

Place

Date : 28th July, 1992

(Signed) QRS

Returning Officer

ANNEXURE 40

(CHAPTER 16, PARA 16.4.1)

FORM 21

[See rule 11(1)]

(For use in General Election when seat is uncontested)

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the †.....

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name) (Address) sponsored by (name of the recognised / registered political party) has been duly elected to fill the seat in that House from the above constituency.

Place

Date

Signature

Returning Officer

*Score out, if inappropriate.

†Here insert one of the following alternatives as may be appropriate: —

- (1) House of the People from the.....Parliamentary constituency in the State/Union territory of.....
- (2) Legislative Assembly of the State/Union territory of.....from the Assembly constituency.
- (3) Metropolitan Council of the Union territory of Delhi from the..... Metropolitan Council constituency.

FORM 21A

[See rule 11(1)]

(For use in Biennial Election when seat is uncontested)

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the †

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

..... (Name) sponsored by(Address) sponsored by
.....(name of the recognised / registered political party)

..... (Name) sponsored by(Address) sponsored by
.....(name of the recognised / registered political party) has been/have been duly
elected to fill the seat(s) in that House of** member(s) retiring on.....(date,
month and year) on the expiration of their term of office.

Place

Date

Signature

Returning Officer

*Score out, if inappropriate.

†Here insert one of the following alternatives as may be appropriate:-

- (1) Council of States by the elected members of the Legislative Assembly of.....
(State).
- (2) Council of States by the members of the electoral college of.....(Union territo-
ry).
- (3) Legislative Council of.....(State) by the members of the Legislative Assembly.
- (4) Legislative Council of.....(State) from the(Local Authorities'/Gradu-
ates'/Teachers') constituency.

**Fill up the number of members retiring.

FORM 21B

[See rule 11(1)]

(For use in Election to fill a casual vacancy when seat is uncontested)

Declaration of the result of Election under sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951.

Election to the †.....

In pursuance of the provisions contained in sub-section (2)* / sub-section (3)* of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name) (Address) sponsored by (name of the recognised/ registered political party) has been/have been duly elected to fill the vacancy caused in that House by the

*resignation of

*death of

*election of having been declared void.

*seat of *having become / *having been declared vacant.

Place

Date

Signature

Returning Officer

*Score out, if inappropriate.

†Here insert one of the following alternatives as may be appropriate: —

- (1) House of the People from the..... Parliamentary constituency in the State/Union territory of.....
- (2) Legislative Assembly of the State/Union territory of..... from the.....Assembly constituency.
- (3) Metropolitan Council of Delhi from the.....Metropolitan Council constituency.
- (4) Council of States by the elected members of the Legislative Assembly.....(State).
- (5) Council of States by the members of the electoral college of.....(Union territory).
- (6) Legislative Council of.....(State) by the members of the Legislative Assembly.
- (7) Legislative Council of.....(State) from the.....(Local Authorities'/Graduates'/Teachers') constituency.

FORM 21C

(See rule 64)

(For use in General Election when seat is contested)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the.....Parliamentary constituency in..
.....(State/Union territory).

*Election to the Legislative Assembly of.....(State/Union territory)
from.....Assembly constituency.

*Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name).....(Address) sponsored
by.....(name of the recognised /registered political party) has been duly
elected to fill the seat in that House from the above constituency.

Place

Date

Signature.....

Returning Officer

*Score out, if inappropriate.

FORM 21D

(See rule 64)

(For use in Election to fill a casual vacancy when seat is contested)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the..... Parliamentary constituency in.....
..... (State/Union territory).

*Election to the Legislative Assembly of..... (State/Union territory) from.....Assembly
constituency.

*Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name)(Address) Sponsored by.....
..... (name of the recognized/registered political party) has been duly elected to fill the vacancy caused in that House by the

*resignation of

*death of.....

*election of.....having been declared void.

*seat of having become./having been declared vacant.

Place

Date

Signature

Returning Officer

*Score out, if inappropriate.

FORM 21E

(See rule 64)

Return of Election

Election to the.....from the.....constituency

Return of Election

Serial No.	Name of Candidate	Party affiliation	Number of votes polled

Total number of electors.....

Total number of valid votes polled.....

Total number of votes for 'None of the Above'.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that—

.....(Name)of.....
..... (address)has been duly elected to fill the seat.

Place

Date

Returning Officer

FORM 22

(See rule 66)

Certificate of Election

I, Returning Officer for the.....Parliamentary/Assembly constituency in the State of.....
.....hereby certify that I have on the.....day of 20..... declared
Shri..... of.....sponsored by.....(name of the recognised/reg-
istered political party) to have been duly elected by the said constituency in the General Election/
Bye-election to be a member of the House of the People/Legislative Assembly and that in token
thereof I have granted to him this certificate of election.

Place

Date

.....

Returning Officer,

for the.....

Parliamentary /Assembly constituency

SEAL

ANNEXURE 41

(CHAPTER 17, PARA 17.6.1)

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 BY A CANDIDATE

From

Name.....

Address.....

To

The Returning Officer -----, Parliamentary/Assembly Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951

Sir,

1. I was a candidate for election to the.....from the Constituency.
2. I made a deposit of Rs.....for that election in the.....Treasury under receipt No..... on
3. My nomination paper was *accepted / rejected by the Returning Officer.
4. I *withdrew my candidature in time. / did not withdraw.
5. I *was..... elected and *secured.....more than one - sixth of the total number*was not elected and did not secure of valid votes polled in the election.
- 6.A I did not stand as a candidate at the General Election from any other constituency]
- 6.B (a) I stood as a candidate at the General Election also from the- (i) H.P./L.A. Constituency
(ii) H.P./L.A. Constituency
(iii) H.P./L.A. Constituency
(b) I have not applied for the return of my deposit in any of these other constituencies. The deposits made in these other constituencies may be forfeited.
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Candidate)

* Strike off the words not applicable in your case Omit the portions within [] as necessary.

ANNEXURE 42

(CHAPTER 17, PARA 17.6.1)

APPLICATION FOR REFUND OF DEPOSIT

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 BY THE DEPOSITOR WHEN HE IS NOT THE CANDIDATE

From,

Name.....

Address.....

To

The Returning Officer..... Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951. Sir,

1. I (name of the candidate) was a candidate for election to.....
.....from the..... Constituency.
2. On behalf of the said candidate, I made a deposit of Rs..... for that election in
theTreasury under receipt No.....on.....
3. His nomination paper was *accepted /rejected /..... by the Returning Officer.
4. He *withdrew. /did not withdraw *his candidature in time.
5. He *was /*was not elected and *secured /did not secure more
than one-sixth of the total number of valid votes polled in the election.
6. He did not stand as a candidate at the General Election from any other constituency.

OR

6.(a) He stood as a candidate at the General Election also from the-

(i) H.P./L.A. Constituency

(ii) H.P./L.A. Constituency

(iii) H.P./L.A. Constituency

(b) No application has been made for the return of the deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.

"No voter to be left behind"

- 7. I request that the deposit referred to in paragraph 2 may be returned to me.
- 8. I hereby declare that I have verified all the statements made in this application, and they are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Applicant)

I.....the abovementioned candidate at the election to the..... from the
.....Constituency hereby certify that the statements contained in paragraphs 2 to
6 of this application are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Candidate)

Omit the portions within [] as necessary.

ANNEXURE 43

(CHAPTER 17, PARA 17.6.2)

APPLICATION FOR REFUND OF DEPOSIT

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 BY THE LEGAL REPRESENTATIVE OF THE CANDIDATE

From,

Name

Address.....

To

The Returning Officer..... Constituency

Subject : Return of deposit under section 158 of the Representation of the People Act, 1951.

Sir,

1. The late Shriwas a candidate for election to the from the..... Constituency. He died on the and I am his legal representative.
2. He made a deposit of Rs.....for that election in the..... Treasury under receipt No..... on
3. His nomination paper was *accepted/ rejected. by Returning Officer.
4. He *withdrew / did not withdraw his candidature in time.
5. He *was/ *was not elected and *secured /did not secure more than one-sixth of the total number of valid votes polled in the election.]
6. He did not stand as a candidate at the General Election from any other constituency.]

OR

- 6.(a) He stood as a candidate at the General Election also from the-
 - (i) H.P./L.A. Constituency
 - (ii) H.P./L.A. Constituency
 - (iii) H.P./L.A. Constituency
- (b) No application has been made for the return of the deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.]
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place

Date

(Signature of Applicant)

* Strike off the words not applicable in your case Omit the portions within [] as necessary.

ANNEXURE 44

(CHAPTER 13, PARA 13.58.2)

MODEL FORM FOR REPORT U/S 57 OF R.P. ACT 1951

FAX/WIRELESS MESSAGE

To:

From: Returning Officer for Parliamentary/assembly constituency

Secretary

Election commission of India

New Delhi

Repeated

To:

Chief Electoral officer of

No..... (.) Date.....

Reference General/Bye-Election to the house of People Legislative assembly fromparliamentary/Assembly Constituency (.) Reports Have Been Received and Verified that poll taken on at following station(s) was Adjourned under Section 57 (1) of the Representation of the people act 1951 Because of Circumstances Indicated Against EACH.

Sl.No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Poll ADJOURNED
1	2	3	4
1.			
2.			
3.			
4.			

Commission's Directions Solicited Under Section 57 (2) of the said act (.) It is Recommended that Adjourned poll may be held on Between to Hours of the above polling Station(s) At the Same Location(s) (.)

Not to be transmitted:

Place Date Returning Officer for PC/AC

Copy by post, in confirmation forwarded to the:

1. Secretary, Election Commission of India, New Delhi.
2. Chief Election Officer

RETURNING OFFICER FORPC/AC

ANNEXURE 45

(CHAPTER 13, PARA 13.59.2)

MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951

FAX/WIRELESS MESSAGE

To:

From: Returning Officer for Parliamentary/assembly constituency

Secretary

Election commission of India

New Delhi

Repeated

To:

Chief Electoral officer of

No..... (.) Date.....

Reference General/Bye-Election to the house of People Legislative assembly fromparliamentary/Assembly Constituency (.) Reports Have Been Received and Verified that poll taken on at following station(s) was vitiated to such an extent that the result of poll there at cannot be ascertained for reasons indicated against each polling station:

Sl.No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Vitiating
1	2	3	4
1.			
2.			
3.			
4.			

Matter is reported under sub-section (1) of section 58 of the representation of the people act 1951 (.) Further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted:

Place Date Returning Officer for PC/AC

1. Secretary, Election Commission of India, New Delhi.

2. Chief Election Officer

RETURNING OFFICER FORPC/AC

ANNEXURE 46

(CHAPTER 13, PARA 13.66.2)

MODEL FORM FOR REPORT U/S 58 OF R.P. ACT 1951

FAX/WIRELESS MESSAGE

To:

From: Returning Officer

For Parliamentary/assembly constituency

Secretary

Election commission of India

New Delhi

Repeated

To:

Chief Electoral officer of

No..... (.) Date.....

Reference General/Bye-Election to the house of People/ Legislative assembly fromparliamentary/Assembly Constituency (.) Reports Have Been Received and Verified That Booth Capturing has taken place at the following station(s) in such a manner that the result of poll there at oncannot be ascertained (.) Details of booth Capturing are given BELOW against each such polling station (.)

Sl.No.	No. & Name of Polling Station	Name/Designation of Reporting Authority	Circumstances under which Poll Vitiating
1	2	3	4
1.			
2.			
3.			
4.			

Matter is reported under sub-section (1) of section 58A of the representation of the people act 1951 (.) Further directions of commission in terms of sub-section (2) of said section 58 are solicited (.)

Not to be transmitted:

Place Date Returning Officer for PC/AC

1. Secretary, Election Commission of India, New Delhi.

2. Chief Election Officer

RETURNING OFFICER FORPC/AC

ANNEXURE 47

(CHAPTER 19, PARA 19.14)

PERFORMA FOR SUBMISSION OF THE REPORTS TO THE COMMISSION ON THE DAY OF POLLING

Name of State

Name of Constituency

Time of Report

1. Interruption or obstruction of poll due to riots, open violence, natural calamity or any other cause.
2. Vitiating of the poll by any of the EVMs having been unlawfully taken out of the custody of the Presiding Officer, accidentally or unintentionally lost or destroyed or damaged or tampered with.
3. Votes having been unlawfully recorded by any person in the EVMs.
4. Booth capturing.
5. Serious complaints.
6. Violence and breach of law and order.
7. Mistakes and irregularities, which have a bearing on the elections.
8. Weather conditions.
9. Poll percentage.
10. Whether all the diaries of Presiding Officers have been scrutinized and irregularities, if any detected.
11. Recommendations regarding repoll/fresh poll, if any.
12. Any other remarks.

Place

Date

Signature of Returning Officer

ANNEXURE 48

(CHAPTER 19, PARA 19.3.1)

REPORT ON THE ELECTION BY THE RETURNING OFFICER

1	Name of the constituency	
2	Date or dates of poll in the constituency:	
3	Number of the polling parties deployed in the Constituency, the composition of each party including police or similar officers employed for maintaining order at the polling station:	
4	Nature of the Polling programme, -Single-day poll. Constituency divided into zones and polling completed one after another with one/two days interval for transit or single party took up polling in adjacent polling station on successive 2/3 days of alternative days:.....	
5	Total number of electors in the Constituency - Men women; Number of electors in the part relating to Service Voters;	
6	Names of candidates nominated and the choice of symbols expressed by each in the nomination paper first delivered by or on his behalf:	
7	Number of nomination papers filed on behalf of each candidate:	
8	Names of candidates whose nomination papers were rejected with brief reasons:	
9	Names of candidates who withdraw their nominations	
10	Names of contesting candidates together with the description of the symbol allotted to each and party affiliation:	
11	Names of candidates who renounced their party after allotment of symbols:	
12	Names of candidates (independents), subsequent to the last date of withdrawal joined some other party, or some party claims that its candidate is contesting the elections as a party candidate	
13	Number of polling stations located- (i) in Government and Quasi- Government buildings: (ii) in private buildings: (iii) in temporary structures: Total:	

14	Number of postal ballot papers-..... Issued..... Returned back..... Undelivered in time after prescribed hour	
15	1-Service votes and their wives: 2-Voters on Election Duty: 3-Special voters and their wives: 4-Electors subjected to preventive detention: Date of issue of postal ballot papers to Service Voters:	
16	CSVs and Proxy Voters (a) Total Number of CSVs: (b) Number of Proxies who voted:	
17	Names of polling stations, if any, where poll was adjourned and repoll was ordered and reasons for such adjournment or repoll:	
18	Number of ordinary Electors who voted at polling stations	
19	Numbers of persons who voted on production of Election Duty Certificate:	
20	Number of blind or infirm voters who voted with the help of companions	
21	Percentage of votes polled to total electorate	
22	Date and time of commencement of counting	
23	Number of valid votes polled by each contesting candidate	
24	Number of votes rejected: (Postal Ballot Papers)	
25	Challenged vote Total: Number allowed: Number rejected: Amount forfeited:	
26	Tendered votes-Total:	
27	Date and time of declaration of result:	
28	Number of Polling Officers recruited locally:	

"No voter to be left behind"

29	Number of candidates: party wise (also independents and others)	
30	(a) forfeited deposit (b) amount of deposit forfeited:	
31	Number of candidates who were their own election agents:	
32	Number of election agents appointed	
33	Number of polling agents appointed:	
34	Number of candidates who appointed polling agents	
35	Number of counting agents appointed by candidates	
36	Number of Voting Machines used: (i) Number of Control Units: (ii) Number of Balloting Units; (iii) Number of Voting Machines kept in reserve stock: (a) Number of Control Units (b) Number of balloting Units (iv) Whether any machine from the reserve stock was used: if so, how many Control Units and how many balloting units	
37	Number of paper seals used:	
38	Number of indelible ink phials supplied to each polling party	

39	Number of Electoral Offences with their details- Number of cases of- (a) disorderly conduct at election meetings (b) convening, holding or attending public meetings within the constituency on a polling day: (c) illegal hiring or procuring of conveyances for the transport of voters: (d) canvassing within one hundred meters of a polling station: (e) impersonation of voters: (f) fraudulent defacing, destroying or removal of a list or notice or other document at a polling station: (g) bribing of voters: (h) intimidation of voters (and other persons): (i) booth capturing	
40	Mistakes and irregularities committed by Presiding Officers	
41	Highest and lowest polling-polling station-wise:	
42	(a) No. of votes cast- from 7.00 a.m. to 9.00 a.m.: from 9.00 a.m. to 11.00 a.m.: from 11.00 a.m. to 1.00 p.m.: from 1.00 p.m. to 3.00p.m.: from 3.00 p.m. to 5.00 p.m. (b) Number of slips issued at the closing hour of the poll:	
43	Serious complaints, if any, made by the candidates	
44	Number of cases of breach of law and order	
45	Recounting of votes- (i) Number of applications received for recounting in part or in toto: (ii) Number of applications allowed for recounting in part or in toto: (iii) Result before recounting and after recounting of votes:	

"No voter to be left behind"

46	Was the poll interrupted or obstructed by? (1) riot (2) open violence (3) natural calamity (4) failure of voting machine (5) any other cause Please give details of the above.	
47	Was the poll vitiated by? (1)any ballot box used at the polling station having been unlawfully taken out of the custody of the Presiding Officer- (a) accidentally or intentionally destroyed or lost: (b) damaged or tampered with: (2) Booth capturing	
48	Whether declarations have been made by all the Presiding Officers before the commencement of the poll and at the end of poll as necessary:	

ANNEXURE 49

(CHAPTER 19, PARA 19.14)

LIST OF THE PAPERS FOR DESTRUCTION – SIX MONTHS AFTER THE DECLARATION OF RESULT

1. Form of Notice (Form 1).
2. Notice of nominations (Form 3-A).
3. List of validly nominated candidates under rule 8 (Form 4).
4. Form of Notice of withdrawal (Form 5).
5. Notice of withdrawal of Candidates (Form 5).
6. List of contesting candidates (Form 7-A).
7. Appointment of election agents (Form 8).
8. List of tendered votes (Form 15).
9. Appointment of polling and counting agents (Form 10 and 18).
10. Office copies of Form 18.
11. Revocation of the appointment of election agents, polling agents and counting agents (Form 9,11, 19).
12. Used electoral rolls at a polling station other than the marked copy [Rule 31(3) / 49C (3)].
13. Record kept by the Presiding Officers regarding voting by blind and infirm electors (Form 14-A).
14. Packet containing cancelled ballot papers [Rules 39(7) and 41.]
15. Notes and records maintained by the Presiding Officer, the declarations made by the polling agents and any other paper directed by the Returning Officer to be kept in a sealed packet.
16. List containing names of persons under preventive detention (Rule 21).
17. List of electors permitted to vote by postal ballot.
18. Applications made by persons subjected to preventive detention for permission to vote by postal ballot received by the Returning Officers.
19. Applications for postal ballot papers by electors employed on election duty (Form 12 and Form12-A).
20. Postal ballot papers returned undelivered.
21. Applications made for reissuing of postal ballot papers.
22. Applications for the recount of votes (Rule 63).
23. Unused postal ballot papers with counterfoils.

24. Notice of counting of votes-time, place and date, etc.
25. Notice of inspection of accounts of election expenses.
26. Correspondence between the Returning Officer and the candidates and the election or counting agents.
27. Application for allotment of symbols.
28. Damaged paper seals and unused paper seals including those received back from the Presiding Officers by the Returning Officers.
29. General reports, diaries and memo, note-books from the Presiding Officers.
30. Notices under clauses (a) and (b) of sub-rule (i) of rule 31/49C.
31. Packets containing objections by candidates and agents etc., in the course of poll and counting of votes.
32. A Sealed packet containing the proceedings drawn by the Returning Officer after counting of votes.
33. Sealed packets containing check memos for counting of votes.
34. Certified extract of electoral rolls filled along with the nomination papers.
35. Forms of account of ballot papers/account of votes recorded.
36. Paper seal account.
37. Publicity material such as wall posters, handbills and open statements issued by the candidates at the election.
38. Election duty certificates (Form 12-B)
39. Declarations under rule 40 (1)/49N.

ANNEXURE 50
 (CHAPTER 19, PARA 19.4.1)
INDEX CARD
ELECTIONINDEXCARD
FORLOK SABHA ELECTIONSONLY

General/Bye Election

State..... District..... YearofElection.....

Number&Nameof Parliamentary ConstituencyType ofConstituency(Gen./SC/ST)

I	CANDIDATES	MALE	FEMALE	THIRD GENDER	TOTAL
1.	Nominated				
2.	Nominations Rejected				
3.	Withdrawn				
4.	Contested				
5.	Deposit Forfeited				
II.	ELECTORS	GENERAL		SERVICE	TOTAL
		Other than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender (Not applicable to service electors)				
4.	Total				
III.	VOTERS TURNED UP FOR VOTING	General		TOTAL	
		Other than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender				
4.	Total [Male+Female+Third Gender]				
IV.	DETAILS OF VOTES POLLED ON EVM				
1.	Total votes polled on EVM				
2.	Test votes under Rule 49 MA				

“No voter to be left behind”

3.	Votes not retrieved from EVM	
4.	Rejected votes (due to other reasons)	
5.	Votes polled for 'NOTA' on EVM	
6.	Total of test votes + votes not retrieved+ votes rejected (due to other reasons)+ 'NOTA' [2+3+4+5]	
7.	Total valid votes counted from EVM [1-6]	
V. DETAILS OF POSTAL VOTES		
1.	Postal votes counted for Service Voters under sub-section (8) of Section 20 of R.P. Act, 1950	
2.	Postal votes counted for Govt. Servants on election duty (including all police personnel, drivers, conductors, cleaners)	
3.	Postal votes rejected	
4.	Postal votes polled for 'NOTA'	
5.	Total of postal votes rejected + NOTA [3+4]	
6.	Total valid postal votes [1+2-5]	
VI. COMBINED DETAILS OF EVM & POSTAL VOTES		
1.	Total votes polled [IV(1) + V(1+2)]	
2.	Total of test votes + votes not retrieved + votes rejected + 'NOTA' [IV (6) + V (5)]	
3.	Total valid votes [IV(7) + V(6)]	
4.	Total votes polled for 'NOTA' [IV (5) + V (4)]	
VII. MISCELLANEOUS		
1.	Proxy votes	
2.	Tendered votes	
3.	Total number of polling stations set up in the Constituency	
4.	Average number of Electors per polling station in a constituency	
5.	Date(s) of Poll	
6.	Date(s) of Re-poll, if any	
7.	Number of Polling Stations where Re-poll was ordered (mention date of Order also)	
8.	Date(s) of counting	
9.	Date of declaration of result	
10.	Whether this is Bye election or Countermanded election? Yes/No	
11.	If yes, reasons thereof	

Note: Please read the instructions supplied with the Index Card before filling up

VIII. DETAILS OF VALID VOTES POLLED BY EACH CANDIDATE

	Name of the Contesting Candidates (in Block Letters)	Sex (Male/Female/Third Gender)	Age (years)	Category (Gen./SC/ST)	Full name of the Party	Election Symbol Allotted	Valid Votes Counted from Electronic Voting Machine								Valid Postal Votes	Total Valid Votes		
							AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name	AC No. & Name			AC No. & Name	AC No. & Name
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		
11																		
12																		
13																		
14																		
15																		
16																		
Total																		

1. Arrange serially contesting candidates in descending order of valid votes polled.
2. If the numbers of Assembly Segments are more than 8, use additional Cards as per requirement.
3. Indicate names of recognized and Un-recognized parties as registered with the Election Commission in full.

IX DETAILS OF ELECTORS - ASSEMBLY SEGMENT WISE

Total Electors	AC No.& Name	Total									
1	-	Male									
		Female									
		Third Gender									
		Total									
2	-	Male									
		Female									
		Third Gender									
		Total									
3- Service		Male									
		Female									
		Total									
4- Total		Male									
		Female									
		Third Gender									
		Total									

Certified that the Election Index Card has been checked with Forms 3A, 4, 7A, 20 and 21C or 21 D or 21 E and R.O.'s Report etc. and that there is no discrepancy. Further it is certified that the Party Affiliations and symbols allotted have been verified from the list of contesting candidates in Form 7 A.

Date:	प्रेसनोटकीतारीख Date of Press Note	Signature (Seal) Returning Officer
	अधिसूचनाकीतारीख Date of Notification	
(signature & Seal) Chief Electoral Officer		

ELECTION INDEX CARD

FOR LEGISLATIVE ASSEMBLY ELECTIONS ONLY

State..... District..... Year of Election.....

Number & Name of Assembly ConstituencyType of Constituency (Gen./SC/ST)

I	CANDIDATES	MALE	FEMALE	THIRD GENDER	TOTAL
1.	Nominated				
2.	Nominations Rejected				
3.	Withdrawn				
4.	Contested				
5.	Deposit Forfeited				
II.	ELECTORS	GENERAL		SERVICE	TOTAL
		Other than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender (Not applicable to Service electors)				
4.	Total				
III.	VOTERS TURNED UP FOR VOTING	General		TOTAL	
		Other Than NRIs	NRIs		
1.	Male				
2.	Female				
3.	Third Gender				
4.	Total [Male+Female+Third Gender]				
IV.	DETAILS OF VOTES POLLED ON EVM				
1.	Total votes polled on EVM				
2.	Test votes under Rule 49 MA				
3.	Votes not retrieved from EVM				
4.	Rejected votes (due to other reasons)				
5.	Votes polled for 'NOTA' on EVMs				
6.	Total of test votes + votes not retrieved+ votes rejected (due to other reasons)+ 'NOTA' [2+3+4+5]				
7.	Total valid votes counted from EVM [1-6]				

"No voter to be left behind"

V.	DETAILS OF POSTAL VOTES	
1.	Postal votes counted for Service Voters under sub-section (8) of Section 20 of R.P. Act, 1950	
2.	Postal votes counted for Govt. Servants on election duty (including all police personnel, drivers, conductors, cleaners)	
3.	Postal votes rejected	
4.	Postal votes polled for 'NOTA'	
5.	Total of postal votes rejected + NOTA [3+4]	
6.	Total valid postal votes [1+2-5]	
VI.	COMBINED DETAILS OF EVM & POSTAL VOTES	
1.	Total votes polled [IV(1) + V(1+2)]	
2.	Total of test votes + votes not retrieved + votes rejected + 'NOTA' [IV (6) + V (5)]	
3.	Total valid votes [IV(7) + V(6)]	
4.	Total votes polled for 'NOTA' [IV (5) + V (4)]	
VII.	MISCELLANEOUS	
1.	Proxy votes	
2.	Tendered votes	
3.	Total number of polling stations in the Constituency	
4.	Average number of Electors assigned to a polling station	
5.	Date(s) of Poll	
6.	Date(s) of Re-poll, if any	
7.	Number of Polling Stations where Re-poll was ordered (mention date of order also)	
8.	Date(s) of counting	
9.	Date of Declaration of result	
10.	Whether this is Bye election or Countermanded election? Yes/No	
11.	If yes, reasons thereof	

Note: Please read the instructions supplied with the Index Card before filling up

Sl.No.	Names of the Contesting Candidates (In Block Letters)	Sex (Male/ Female/ Third Gender)	Age (Years)	Category (Gen./SC/ST)	Full name of the Party	Election Symbol Allotted	Valid Votes Polled			
							Counted from EVM	Postal	Total	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
TOTAL										

VIII. DETAILS OF VOTES POLLED BY EACH CANDIDATE

Note: Arrange serially contesting candidates in descending order of valid votes polled.

Certified that the Election Index Card has been checked with Forms 3A, 4, 7A, 20 and 21C or 21 D or 21 E and R.O.'s Report etc. and that there is no discrepancy. Further, it is certified that the Party Affiliations and symbols allotted have been verified from the list of contesting candidates in Form 7 A.

Date: (Seal) Chief Electoral Officer	पं.समोदकीतारीख Date of Press Note अ.सं.सु.समोदकीतारीख Date of Notification	Signature (Seal) Returning Officer
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Note Before printing all fields must be compare with physical card.

ANNEXURE 51

(CHAPTER 5, PARA 5.16.5)

FORMATS C-1 TO C-3

FORMAT C-1

(for candidate to publish in Newspapers, TV)

Declaration about Criminal Cases

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate:

Name of political party:

(Independent candidates should write "Independent" here)

Name of Election:

*Name of Constituency:

I (name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

Sl. No.	Pending criminal cases			Details about cases on conviction for criminal offences	
	Name of Court	Case No. and status of case	Section(s) of Acts concerned and brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note: (i) Details should be given separately for each case in separate rows.

(ii) The matter in newspapers should be in font size of at least 12.

FORMAT C-2

(For political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgement dated 25th September, 2018 of Hon’ble Supreme Court in WP (Civil) No. 536 of 2011 (Public interest Foundation & Ors. Vs. Union of India & Anr.)

Name of Political Party:

*Name of Election:

Name of State/ UT:

1	2	3	4		5	
Sl. No.	Name of candidate	Name of constituency	Pending criminal cases		Details about cases of conviction for criminal offences	
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note: (i) The above information shall be published State wise for each State/UT.

(ii) The matter in newspapers should be published in font size of at least 12.

FORMAT C-3

Officer of Returning Officer

Name of Constituency:

Name of State:

Name of Election:

It is informed that as per the Judgement dated 25th September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr., and the directions in the Commission's letter No. 3/ER/2018/SDR dated 10.10.2018, all candidates with criminal cases – either pending cases or case of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the period from the day following the last date for withdrawal of candidature and two days before the date of poll. Publishing declaration in TV channels should be completed before the period of 48 hours ending the hour fixed or conclusion of poll.

Since you, Sh/Smt./Ms. (mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form 26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on atleast three occasions each as mentioned above. The Format for publishing the information is enclosed herewith. It is also informed that copies of the newspapers publishing the information about criminal cases should be submitted to the District Election Officer along with the account of election expenses under Section 78 of Representation of the People Act, 1951.

Date:

Signature

Name of the RO/ARO

Signature of Candidate

Note: One copy of this should be given to candidate and one copy retained with RO.

ANNEXURE 52

(CHAPTER 5, PARA 5.30.3)

(Part A)

REGISTER FOR MAINTENANCE OF DAY TO DAY ACCOUNTS OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

Total expenditure incurred / authorized:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Date of expenditure / event	Nature of Expenditure			Total amount in Rupees (paid + outstanding)	Name and address of payee	Bill no. / voucher no. and date	Amount incurred / authorized by candidate or his election agent	Amount incurred / authorized by political party and name of political party	Amount incurred / authorized by other individual / association / body / any other (mention full name and address)	Remark, if any
	1	2	3							
	de- scrip- tion	Quan- tity	Rate per unit							

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

Signature of the candidate

Note:

1. This register must be maintained on a daily basis and shall be subject to inspection at any time by the Observer appointed by the Election Commission, the District Election Officer/ Returning Officer or by any other officer authorized in this behalf.

2. The register must be lodged in original with the District Election Officer as the return of Election Expenditure under Section 78 of the Representation of the People Act, 1951. It must be accompanied by an abstract statement (Part I to IV and schedules 1 to 9) of election expenses and supporting affidavit in the prescribed formats. No return of expenditure will be accepted as complete without the abstract statement of election expenses and the affidavit.
3. Vouchers may not be attached only in respect of those items which are listed in Rule 86(2) of the Conduct of Election Rules, 1961, like postage, travel by air. For any voucher not attached vide this rule, an explanation to the effect why it was not practicable to obtain the required vouchers must be given in the prescribed register.
4. The account and abstract statement shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be the correct copy of the account kept. The affidavit should be sworn by the candidate himself.
5. Apart from the expenses incurred or authorized by the candidate/election agent directly, all expenditure incurred or authorized by the political party, other associations, bodies of persons, individuals in connection with the election of the candidate with his consent are also required to be included in the account. The only exception is the expenses incurred on travel of specified leaders of the political party on account of their travel for propagating the programme of the party. (See Explanation 1 and 2 of Section 77(1) of the Representation of the People Act, 1951).
6. If the expenditure on any item shown above in columns 2 and 3 above is incurred/authorized by any political party/association/body of persons/any individual (other than the candidate or his election agent), its / his name and complete address must be shown in columns 7 and 8.
7. The total expenditure referred in columns 2 and 3 of the above table should include all expenditure in cash and the value of all goods and services received in kind by the candidate or his election agent from any source.
8. This register should include Day to Day Account Register as is Part A in White Pages, Cash Register as mentioned in Part-B in Pink pages and Bank Register as mentioned in Part-C in Yellow pages, as per the formats prescribed.

(Part B)

Cash Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				Payment				Balance amount	Remarks, if any
Date	Name and address of person / party / association / body / any other from whom the amount received	Receipt No.	Amount	Bill No. / Voucher No. and Date	Name of payee and address	Nature of Expenditure	Amount	Places at which or persons with whom the balance is kept (if cash is kept at more than one place / person, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of the table of Part A should be clarified here.
1	2	3	4	5	6	7	8	9	10

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

Signature of the Candidate

(PartC)

Bank Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent: Name of the Bank:

Branch Address:

Account No.:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				Payment				Balance	Remarks, if any
Date	Name and address of person / party / association / body / any other from whom the amount received / deposited in Bank	Cash / cheque No., Bank name and Branch	Amount	Cheque No.	Name of payee	Nature of Expenditure	Amount		Any expense mentioned in column 7 of this table and not mentioned in column 2 of the table of Part A should be clarified here.
1	2	3	4	5	6	7	8	9	10

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

Signature of the Candidate

Guidelines for Maintenance of the Day-to-Day Accounts of Election Expenditure:

All cash, cheque, or draft or pay order received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.

1. For Cash received

1.1 For candidate's own cash to be used for election expenditure: - If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses. Then entry has to be made in Bank Register (Part C of day to day account register) by writing "Candidate's own Fund" in column 2, "Cash" in Column-3 and the amount in Column 4.

1.2 Cash received by candidate from any other person/party/association/ body :- If cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side by writing date in Column-1, name and address of the person/party etc. from whom cash received in Column-2, receipt No. (if any) in Column-3 and amount of cash in Column-4. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. Once the amount is deposited in bank accounts, entries for the same have to be made in the cash register on payment side by writing date in Column-5, Account Number of bank A/c where cash deposited in Column-6, and "deposit" in Column-7 and amount in Column-8.

1.3 After the cash is deposited in Bank, the Bank Register (Part C) has to be updated, by writing date in Column-1, "Candidate's own cash" in Column-2, Cash in Column-3, amount in Column-4. This has to be done so that the bank balance can be drawn, to tally with the bank passbook.

2. For Cheques/Drafts/Pay-orders received

2.1 Cheques/Draft/Pay order received from any person/party/association etc. or from candidate's own bank account: If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said Fs opened for election expenditure. He shall make entry on the deposit side of bank register by mentioning date in Column-1, name and address of the person/party from whom the cheque received in Column-2, Cheque /Draft/ Pay order No. and Bank name/branch in Column-3 and amount of cheque/draft/payorder in Column-4. If, it is cheque from his own bank account, then in Column-2 of Bank Register, "Candidate's own fund" is to be mentioned.

3. For Goods or Services received in kind

3.1 If some goods or services are received in kind like vehicles, posters, pamphlets, media advertisement, helicopters, aircrafts etc. from party or any person/body/association: If any person party /body/association provides some goods or services in kind, for election campaigning etc., of the candidate, then for these items, necessary entries are to be made in Part A of Day to Day accounts register by mentioning date in Column-1, description, quantity, rate per unit in Column-2, nature of expenditure and total value (Notional value of the items) in

Column-3 of the said Register. Further, if the items in kind have been provided by the political party, then the total value and name of political party for that should be written in Column-7 and if such items have been given by any other person/association etc. then that amount and name, address of such persons/associations etc. shall be mentioned in Column-8 of this register.

4. For all Election Expenses

4.1 All election expenditure shall be entered in Register of Day to Day Accounts (Part-A). Whenever any expense is incurred, say, a taxi is requisitioned, then entry has to be made in Register of Day to Day accounts (Part A) as under: Date in Column-1, nature of expenditure like "taxi" No. ____" under description total hours/days for which requisitioned and rate per hour/day in Column-2 and total amount in Column-3, name and address of the taxi provider in Column-4, bill/voucher No. in Column-5. If the amount is paid by the candidate, then the amount is mentioned in Column-6. If the amount is paid by political party directly to the taxi provider then name of party and amount is to be written in Column-7. If it is paid by any other person, amount and name and address of such person shall be written in Column-8.

4.2 For Payment for expenses made through cheques: All the payments for expenses (except petty expenses up to Rs.20,000/- to a single party during the entire election process) are to be made only through A/c payee cheques. For, making payment in cheques, the following entry has to be made in Bank Register (Part C):Cheque No. in Column-5, name of the payee to whom cheque issued in Column-6, nature of expenditure in Column-7 and amount in Column-8 is to be written.

4.3 For Payments of petty expenses made in cash: if any payment of petty expenses are to be made in cash (that too if total amount paid to a person during whole period of campaigning shall not exceed Rupees 20,000/-) then cash is to be withdrawn from the said bank account opened for election expense. For this, entries are to be made in Bank Register (Part C) mentioning cheque No. for withdrawal in Column-5, "self" column-6 nature of expenditure "withdrawal for petty expenses" in Column-7 and the amount in Column-8 of the Bank Register. After the withdrawal, this cash is to be introduced in cash Register (Part B) by making entry in the receipt side. For this, date is to be mentioned in Column-1, "self" in Column-2 withdrawal from Bank in Column-3 and amount in Column-4. If such petty cash is given to different branch offices or agents to incur petty expense, then the amount and names of persons/places are to be entered in Column-9. After payment is made for the petty expense, such expenses are also to be entered in Day to Day Accounts (Part A) as follows: date in Column-1, Nature of payment in Column-2, Total amount in Column-3, Name and Address of Payee in Column-4, Bill/voucher No. in Column-5 and "self" in Column-6.

(ECI No. 76/Instructions/2014/EEPS/Vol. I dated 23.01.2014)

ABSTRACT STATEMENT OF ELECTION EXPENSES		
PART - I		
I	Name of the Candidate	Sh. / Smt. /Kum.
II	Number and name of Constituency	
III	Name of State / Union Territory	
IV	Nature of Election (Please mention whether General Election to State Assembly / Lok Sabha / Bye-election)	
V	Date of declaration of result	
VI	Name and address of the Election Agent	
VII	If candidate is set up by a political party, please mention the name of the political party	
VIII	Whether the party is a recognised political party	Yes/ No

Date:

Place:

Signature of the Candidate

Name

"No voter to be left behind"

PART II: ABSTRACT OF STATEMENT OF ELECTION EXPENDITURE OF CANDIDATE					
S. No.	Particulars	Amount incurred / authorized by Candidate / Election agent (in Rupees)	Amount incurred / authorized by political party (in Rupees)	Amount incurred / authorized by others (in Rupees)	Total Election expenditure (3)+(4)+(5)
1	2	3	4	5	6
I	Expenses in public meeting, rally, procession etc: I. a: Expenses in public meeting, rally, procession etc. (other than the ones with Star Campaigners of the Political party) (Enclose as per Schedule- 1)				
	I. b: Expenditure in public meeting, rally, procession etc. with Star Campaigner(s) (i.e. other than those for general party propaganda) (Enclose as per Schedule-2)				
II	Campaign materials other than those used in the public meeting, rally, procession etc. mentioned in S. No. 1 above (Enclose as per Schedule-3)				
III	Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media (Enclose as per Schedule-4)				

IV	Expenditure on campaign vehicle(s), used by candidate (Enclose as per Schedule-5)				
V	Expenses of Campaign workers / agents (Enclose as per Schedule-6)				
VI	Any other campaign expenditure				
	Grand Total				

PART III: ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE

S. No.	Particulars	Amount (in Rupees)
1	2	3
I	Amount of own fund used for the election campaign (Enclose as per Schedule -7)	
II	Lump sum amount received from the party(ies) in cash or cheque etc. (Enclose as per Schedule-9)	
III	Lump sum amount received from any person / company / firm / associations / body (Enclose as per Schedule-9)	
	Total	

PART- IV

FORM OF AFFIDAVIT

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

Affidavit of Shri/Smt./Ms. (S/o, W/o, D/o)
..... I son/wife/daughter of
aged years, r/odo hereby solemnly and sincerely state and de-
clare as under: -

- (1) That I was a contesting candidate at the general election/bye election to the House of the People / Legislative Assembly of from Parliamentary/ Assembly constituency, the result of which was declared on
.....
- (2) That I/my election agent kept a separate and correct account of all expenditure incurred / authorised by me / my election agent in connection with the above election between (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.
- (3) That the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.
- (4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election, and nothing has been concealed or withheld/suppressed therefrom (other than the expense on travel of leaders' covered by Explanations 1 and 2 under section 77 (1) of the Representation of the People Act, 1951).
- (5) That the Abstract Statement of Election Expenses annexed as Annexure II to the said account also includes all expenditure incurred or authorised by me, my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election.
- (6) That the statements in the foregoing paragraphs (1) to (5) are true to the best of my knowledge and belief, that nothing is false and nothing material has been concealed.

Deponent

Solemnly affirmed/sworn by at this day of 201 before me.

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

ACKNOWLEDGEMENT FORM

To
THE RETURNING OFFICER,

Sir,

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

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

Yours faithfully,

(Signature of Candidate with date)

~~* Strike off whichever is inapplicable.~~

ACKNOWLEDGEMENT (To be filled up by Office)

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

District _____

District Election Officer

Office Seal

Schedule 1 to 9: Details of Election Funds and Expenditure of Candidate

Schedule- 1					
Expenses in public meeting, rally, procession etc. (i.e.: other than those with Star Campaigners of the Political party)					
S. No	Nature of Expenditure	Total Amount in Rupees	Source of Expenditure		
			Amt. incurred / Auth. by Candidate / agent	Amt. incurred / by Pol. Party with name	Amt. incurred by others
1	2	3	4	5	6
1	Vehicles for transporting visit ors				
2	Erecting Stage, Pandal & Furniture, Fixtures, poles etc.				
3	Arches & Barricades etc.				
4	Flowers/ garlands				
5	Hiring Loud speakers, Microphone, amplifiers, comparers etc.				
6	Posters, hand bills, pamphlets, Banners, Cut-outs, hoardings				
7	Beverages like tea, Water, cold drink, juice etc.				
8	Digital TV –boards display, Projector display, tickers boards, 3D display				
9	Expenses on celebrities, payment to musicians, other artists remuneration etc.				
10	Illumination items like serial lights, boards etc.				
11	Expenses on transport, Helicopter/ aircraft / vehicles/ boats etc. charges (for self, celebrity or any other campaigner other than Star Campaigner)				
12	Power consumption/ generator charges				
13	Rent for venue				
14	Guards & security charges				
15	Boarding & lodging expenses of self, celebrity, party functionary or any other campaigner including Star Campaigner				
16	Others expenses				
	Total				

Schedule- 2						
Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) as apportioned to candidate (i.e.: other than those for general party propaganda)						
S. No	Date and Venue	Name of the Star Campaigner(s) & Name of Party	Amount of Expenditure on public meeting rally, procession etc. with the Star Campaigner(s) apportioned to the candidate (As other than for general party propaganda) in Rupees			Remarks, if any
1	2	3	4			5
			Source of Income			
			Amount by candidate / Agent	Amount by Political Party	Amount by Others	
1						
2						
3						
4						
Total						

Schedule-3						
Details of expenditure on campaign materials, like handbills, pamphlets, posters, hoardings, banners, cut-outs, gates & arches, video and audio cassettes, CDs/ DVDs, Loud speakers, amplifiers , digital TV/ board display, 3 D display etc. for candidate's election campaign (i.e.: other than those covered in Schedule- 1 & 2)						
S. No.	Nature of Expenses	Total Amount in Rupees	Sources of Expenditure			Remarks, if any
			Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others	
1	2	3	4	5	6	7
1						
2						
3						
4						
Total						

Schedule- 4							
Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media, new items / TV / Radio channels etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news appearing in privately owned newspapers / TV / radio channels etc.							
S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rupees Col. (3) + (4)	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Schedule -4A							
Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media, new items / TV / Radio channels etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news appearing in newspapers / TV / radio channels etc. owned by the candidate or by the political party sponsoring the candidate.							
S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid / payable, if any	Total Amount in Rupees Col. (3) + (4)	Sources of Expenditure		
					Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Schedule -5									
Details of expenditure on campaign vehicle (s) and poll expenditure on vehicle(s) for candidate's election campaign									
S. No	Registrati on. No. of Vehicle & Type of Vehicle	Hiring Charges of vehicle			No. of Days for which used	Total amt. incurred/ auth. in Rupees	Source of Expenditure		
		Rate for Hiring of vehicle / maintenance	Fuel charges (If not covered under hiring)	Driver's charges (If not covered under hiring)			Amt. By candidat e/ agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	4	5	6	7	8
1									
2									
3									
4									
Total									
Schedule- 6									
Details of expenditure on Campaign workers / agent s and on candidates' booths (kiosks) outside polling stations for distribution of voter's slips									
S. No	Date and Venue	Expenses on Campaign workers			Total amt. incurred/ auth. In Rupees	Sources of Expenditure			
		Nature of Expenses	Qty.	No. Of workers / agents / No. of Kiosks		Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others	
1	2	3a	3b	3c	6	7	8	9	
1		Candidates' booths (kiosks) set up for distribution of voter's slips							
2		Campaign workers honorarium/ salary etc.							
3		Boarding							
4		Lodging							
5		Others							
Total									

Schedule- 7					
Details of Amount of own fund used for the election campaign					
S. No.	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rupees	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
Total					

Schedule- 8						
Details of Lump sum amount received from the party (ies) in cash or cheque or DD or by Account Transfer						
S. No.	Name of the Political Party	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rupees	Remarks , if any
1	2	3	4	5	6	7
1						
2						
3						
4						
	Total					

Schedule- 9							
Details of Lump sum amount received from any person/company/firm/associations/body of persons etc. as loan, gift or donation etc.							
S. No.	Name and address	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Mention whether loan, gift or donation etc.	Total Amount in Rs.	Remarks
1	2	3	4	5	6	7	8
1							
2							
3							
4							
	Total						

Note:

1. In Schedule 5: -

(a) copy of the order containing list of all vehicles for which permit issued by the Returning Officer to be enclosed.

(b) If the vehicle is owned by the candidate/his relative/agent are used for election purpose, notional cost of hire of all such vehicles, except one vehicle if owned and used by the candidate, notional cost of fuel and driver’s salary for such vehicle, shall be included in total amount of expenditure in the above table.

2. In all schedules if any expenditure on goods and services, provided by the Political Party; or provided by any person/ company/ firm /associations/ body of persons etc. on behalf of the candidate, then the notional market value of such goods or services are to be indicated, in respective columns.

3. In Part -III, the Lump-sum amount of fund received from the political party or others or the candidate’s own funds, should be mentioned date wise. In all such cases such amounts are required to be first deposited in the bank account of the candidate, opened for election expenses.

4. Each page of the Abstract Statement should be signed by the candidate.

(ECI No. 76/ECI/INST/FUNC/EEM/EEPS/2016/Vol. IX dated 13.01.2017)

ANNEXURE 53

(CHAPTER 18, PARA 18.1.4)

No.

Dated:

To

(Name)

And Address of Candidate)

Subject: Maintenance of account of election expenses and lodging of true copy thereof

Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself/herself or by his/her election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he/she has been nominated and the date of declaration of the result thereof, both the dates inclusive.

2. Your invitation is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him/her or by his/her election agent under Section 77 of R.P Act 1951.
3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit, etc., he/she is required by law to lodge his/her account of election expenses.
4. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951 for a period of three year.
5. The amount of election expenses to be kept by a candidate or his/her election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred / authorized from day to day, as prescribed under rule 86 of the Conduct of Election Rules, 1961.
6. An Expenditure Register having day to day account Register, Cash Register, Bank Register, Form of Affidavit, Abstract Statement (Part I to IV) and acknowledgement form is being furnished to you herewith. You are requested to maintain your day to day account of election expenses in this very Register and in no other document. All supporting voucher, bills etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election in Part I to IV of the format enclosed herewith.
7. all documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure incurred or authorized shall be obtained on day to day basis and shall be maintained in the correct chronological order along with the Register showing the day-to-day account.

ANNEXURE 54

(CHAPTER 5, PARA 5.36.6)

CHECKLIST FOR RO

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions in Compendium of Instructions on Election Expenditure Monitoring]

A. Before announcement of elections: -

1. To have the updated list of all the disqualified candidates, who have incurred disqualification u/s 8A and 11 A (b)(for corrupt practices) and 10 A (failure to lodge the account of election expenses in time and manner) of the R.P. Act, 1951, which may also be viewed on Commission's website. www.eci.gov.in
2. To ensure that the following formats are ready at the o/o the DEO/RO:
 - (i) Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 9, Format of Affidavit and Acknowledgement
 - (ii) Shadow Observation Register
 - (iii) Video Cue Sheet
 - (iv) Reporting formats by Flying Squad / Static Surveillance Team
 - (v) Compendium of Election Expenditure guidelines in local language
 - (vi) Form 26 regarding criminal cases, assets and liabilities.
3. To identify Expenditure Sensitive Pockets (ESPs), in the Constituency on the basis of level of development, literacy and complaints received during the last Assembly elections and to report to Commission.
4. To identify the Master Trainers of State Police and State Excise Department of the district for Expenditure Monitoring Team.
5. To pursue all pending cases of last election, where FIR was filed and take them to their logical conclusion.
6. To identify officers who will be notified as Executive Magistrate for the Flying Squad / Static Surveillance Team.
7. To prepare plan for training of all manpower to be deployed in Expenditure Monitoring Teams in 2/3 phases.
8. To arrange vehicles for all teams and the logistics.
9. To interact with BAGs and sensitize them about their role in ethical voting campaign and provide information on malpractices during election.

B. After announcement of election

10. To ensure that FS, VST, VVT, MCMC and Accounting team are functional from the date of announcement of election.
11. To ensure that GPRS is fitted in all FS/SST vehicles and the Flying Squads shall attend both the MCC cases and expenditure related cases within ½ an hour of receipt of complaint.
12. The expenses incurred by the political parties shall be observed from the date of announcement of election till completion of election and reported to CEO party wise, after declaration of result.
13. To file FIR in appropriate cases, as detected by FS, SST or E.O.

C. After issuance of notification of elections: -

14. To ensure that SSTs are functional from the date of issue of notification.
15. Take note of the list of Star Campaigners received by the CEO and ECI within 7 days of notification of election.
16. To scan the affidavit of assets and liabilities submitted by the candidates and upload on to the CEO's website within 24 hours of its receipt.
17. To hold a meeting of all the candidates or agents immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions.
18. To notify dates for inspection of accounts by the Expenditure Observer during the campaign period and issue notices to the defaulting candidates as directed by the Expenditure Observer.
19. To supervise complaint monitoring system and ensure that every complaint is enquired within 24 hours of its receipt.
20. To ensure that all the documents required are put on his website and copies of the same, if requested, are given immediately to the members of public on payment of prescribed fee.
21. To ensure that after seizure by FS/SST, FIR/Complaint is filed promptly in appropriate cases.
22. To interact with Expenditure Observers/Assistant Expenditure Observers and to ensure that all teams are working smoothly.
23. To issue notice to the candidate, when any defect is pointed out by the EO/DEO and received reply from the candidate/agent.
24. To issue notice to the candidate, preferably within 24 hrs. of the date of receipt of information about suppression/omission of the expenditure incurred by the candidate or if the candidate has not produced his account of election expenses for inspection on scheduled date or if the expenses incurred in election campaign are not correctly shown by the candidate.
25. To ensure that the reply of the notices issued to the candidates are received within 48 hrs.

ANNEXURE 55

DECLARATION BY PRESIDING OFFICER

PART-I

Declaration by the Presiding Officer before the commencement of the poll

Election from..... Parliamentary/Assembly Constituency

Serial No. and name of polling station.....

Date of Poll.....

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present -
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as a represent and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....
Presiding Officer

Signature of polling agents:

- 1.....(of candidate.....) 2.....(of candidate.....)
- 3..... (of candidate.....) 4. (of candidate.....)
- 5..... (of candidate.....) 6. (of candidate.....)
- 7..... (of candidate) 8. (of candidate.....)
- 9..... (of candidate.....)

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- 1.....(of candidate) 2.....(of candidate.....)
- 3.....(of candidate.....) 4..... (of candidate.....)

Signature.....
Presiding Officer

Date.....

PART II

DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT VOTING MACHINE, IF ANY,

ElectionParliamentary/Assembly Constituency

Serial No. and Name of Polling Station.....

Date of poll.....

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present –
 - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
 - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
 - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as a represent and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the backside of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....

Presiding Officer

Signature of polling agents:

- | | |
|---------------------------|-----------------------------|
| 1.....(of candidate.....) | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4. (of candidate.....) |
| 5.....(of candidate.....) | 6. (of candidate.....) |
| 7.....(of candidate | 8. (of candidate.....) |
| 9.....(of candidate.....) | |

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- | | |
|---------------------------|---------------------------|
| 1.....(of candidate | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4.....(of candidate.....) |

Signature.....

Presiding Officer

Date.....

PART III
DECLARATION AT THE END OF POLL

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part-I- Account of Votes Recorded' of Form 17C as required under rule 49-S (2) of the Conduct of Elections Rules, 1961.

Signature.....

Presiding Officer

Date.....

Time.....

Received an attested copy of the entries in the accounts of votes recorded (Part I of Form 17C)

Signature of polling agents:

- | | |
|-----------------------------|---------------------------|
| 1. (of candidate.....) | 2.....(of candidate.....) |
| 3.....(of candidate.....) | 4.....(of candidate.....) |
| 5.....(of candidate.....) | 6..... (of candidate ..) |
| 7. (of candidate.....) | 8.....(of candidate.....) |
| 9..... (of candidate.....) | |

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 17C and to give a receipt therefor and so an attested copy of that Form was not supplied to them.

- | | |
|---------------------------|----------------------------|
| 1.....(of candidate.....) | 2.....(of candidate ..) |
| 3.....(of candidate ..) | 4..... (of candidate.....) |
| 5.....(of candidate ..) | 6.....(of candidate.....) |
| 7.....(of candidate ..) | 8.....(of candidate ..) |
| 9.....(of candidate.....) | |

Signature.....

Presiding Officer

Date.....

Time.....

PART IV

DECLARATION AFTER THE SEALING OF THE VOTING MACHINE

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the Control Unit and balloting units of the voting machine.

Signature.....

of Presiding Officer

Date.....

Time.....

The following polling agents have affixed their seals. Signature of polling agents:

- | | |
|----------------------------|---------------------------|
| 1..... (of candidate.....) | 4.....(of candidate.....) |
| 2..... (of candidate.....) | 5.....(of candidate.....) |
| 3.....(of candidate.....) | 6.....(of candidate.....) |

The following polling agents refused or did not want to affix their seals.

- | | |
|----------------------------|---------------------------|
| 1.....(of candidate.....) | 3.....(of candidate.....) |
| 2..... (of candidate | 4.....(of candidate.....) |

Signature.....

Presiding Officer

Date.....

ANNEXURE 56

PRESIDING OFFICER'S DIARY

1. Name of the constituency (in block letters):
2. Date of poll:
3. Number and Name of the polling station:
Whether located in –
 - (i) Government or quasi-government building;
 - (ii) Private Building;
 - (iii) Temporary structure;
4. Number of Polling Officers recruited locally, if any:
5. Appointment polling officer made in the absence of duly appointed polling officer, if any, and the reasons of such appointment:
6. Electronic Voting Machine –
 - (i) Number of Control Units used:
 - (ii) S. No.(s) of Control Units used:
 - (iii) Number of balloting units used:
 - (iv) S. No.(s) of balloting units used:
7.
 - (i) Number of paper seals used:
 - (ii) S. Nos. of paper seals used:
- 7A.
 - (i) Number of special tags supplied:
 - (ii) S. No.(s) of special tags supplied:
 - (iii) Number of special tags used:
 - (iv) S. No.(s) of special tags used:
 - (v) S. No.(s) of special tags returned as unused:
- 7B.
 - (i) Number of Strip Seals supplied:
 - (ii) S. No.(s) of Strip Seals supplied:
 - (iii) Number of Strip Seals used:
 - (iv) S. No.(s) of Strip Seals used:
 - (v) S. No.(s) of Strip Seals returned as unused:
- 7C. Applicable in the polling stations where VVPAT system is used
 - (i) No. of Printers used:
 - (ii) S. No.(s) of printer(s):
8. Number of candidates who had appointed polling agents at the polling stations:
9.
 - (i) Number of polling agents present at the commencement of poll:
 - (ii) Number of polling agents who arrived late:
 - (iii) Number of polling agents present at the close of the poll:

10.

- (i) Total number of voters assigned to the polling station:
- (ii) Number of electors allowed to vote according to marked copy of the electoral roll:
- (iii) Total number of electors as entered in the Register of Voters (Form 17A):
- (iv) Number of votes recorded as per the voting machine:
- (v) Number of voters deciding not to record vote, if any:

Signature of the first Polling Officer

Signature of Polling Officer

In-charge of Register of Voters

11. Number of electors who voted –

Men.....

Women.....

Third Gender.....

Total.....

12. Challenged vote –

Number allowed.....

Number rejected.....

Amount forfeited Rs.....

13. Number of persons who have voted on production of Election Duty Certificate (EDC):

13A. Number of overseas electors who voted:

14. Number of electors who voted with the help of companions:

15. Number of voters cast through proxy:

16. Number of tendered votes:

17. No. of electors –

(a) From whom declarations as to their age obtained.....

(b) Who refused to give such declaration.....

18. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment:

19. Number of votes cast in every two hours –

From 7 a.m. to 9 a.m.

From 9 a.m. to 11 a.m.

From 11 a.m. to 1 p.m.

From 1 p.m. to 3 p.m.

From 3 p.m. to 5 p.m.

(Necessary changes may be made depending on the hours fixed for commencement and close of poll)

20.

- (a) Number of slips issued at the closing hour of the poll to electors standing in the queue:
- (b) Time at which poll finally closed after the last such elector cast his/her vote:

21. Electoral offences with details:

Number of cases of –

- (a) Canvassing within one hundred meters of the polling station:
- (b) Impersonation of voters:
- (c) Fraudulent defacing, destroying or removal of the list of notice or other documents at the polling station:
- (d) Bribing of voters:
- (e) Intimidation of voters and others persons:
- (f) Booth capturing:

22. Was the poll interrupted or obstructed by –

- (1) Riot:
- (2) Open violence:
- (3) Natural calamity:
- (4) Booth capturing:
- (5) Failure of voting machine:
- (6) Any other cause:

Please give details of the above.

23. Was the poll vitiated by any voting machine used at the polling station having been –

- (a) Unlawfully taken out of the custody of the Presiding Officer:
- (b) Accidentally or intentionally lost or destroyed:
- (c) Damaged or tampered with:

Please give details.

24. Serious complaints, if any, made by the candidate/agents:

25. Number of cases of breach of law and order:

26. Report of mistakes and irregularities committed, if any, at the polling station:

27. Whether the declarations have been made before the commencement of the poll and if necessary during the course of poll when a new voting machine is used and at the end of the poll as necessary:

Place:

Date:

Presiding Officer

This diary should be forwarded to the Returning Officer with the voting machine, Visit Sheet, 16-Point Observer's Report and other sealed papers.

ANNEXURE 57

FORMAT FOR PRESIDING OFFICER'S ADDITIONAL REPORT TO BE SUBMITTED TO CONSITU- ENCY OBSERVER/RO

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 seal 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 5PM by receiving the token at the end of polling hours
16	Whether any significant incident took place during the poll? Y/N

ANNEXURE 58

FORM 17C

[See rules 49S and 56C (2)]

PART I – ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union Territory
from..... constituency.

Number and Name of Polling Station:

Identification Number of voting Machine used at the Polling Station:

Control Unit.....

Balloting Unit.....

VVPAT

1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17A)
3. Number of voters deciding not to record votes under rule 49-0
4. Number of voters not allowed to vote under rule 49M
5. Test votes recorded under rule 49MA (d) required to be deducted-
- (a) total number of test votes to be deducted:

Total No.	Sl. No.(s) of elector(s) in Form 17A
.....

- (b) Candidate(s) for whom test vote(s) cast:

Sl. No.	Name of candidate	No. of votes
.....
.....

6. Total number of votes recorded as per voting machine.....
7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4(i.e. 2-3-4) or any discrepancy noticed.....
8. Number of voters to whom tendered Ballot papers were issued under rule 49P.....
9. Number of tendered Ballot papers:

	Sl. No.	
	Total	From To
(a) received for use
(b) issued to electors
(c) not used and returned

10. Account of papers seals

Signature of polling agents

1. Paper seals supplied for use: Total No..... 1.....
Sl. No. from..... To
2. Paper seals used: Total No..... 2.....
Sl. No. from..... To

"No voter to be left behind"

3. Unused paper seals returned to
Returning Officer: Total No..... 3.....
Sl. No. from..... To
4. Damaged paper seal, if any: Total No..... 4.....
Sl. No. from..... To
- 5.....
6.....

Date.....
Place.....

Signature of Presiding Officer
Polling Station No.....

PART II- RESULT OF COUNTING

Sl. No. of candi- date	Name of candi- date	Number of votes as displayed on Control Unit	Number of test votes to be deduct- ed as per item 5 of Part I	Number of valid votes.
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
N.	NOTA			
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place.....
Date.....

Signature of Counting Supervisor

Name of candidate/election agent/counting agent

Full signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Place.....
Date.....

Signature of Returning Officer

ANNEXURE 59

DECLARATION UNDER RULE 49MA

General/Bye-Election to.....

Sl. No. and Name of Parliamentary/Assembly Constituency.....

No. and Name of Polling Station.....

FORM OF DECLARATION BY ELECTOR UNDER RULE 49MA OF CONDUCT OF ELECTIONS RULES, 1961

(1) I hereby solemnly declare and affirm under sub-rule (1) of Rule 49 MA of the Conduct of Elections Rules 1961 that the paper slip generated by the printer attached to the Balloting Unit has shown the name and/or symbol of a candidate other than the candidate for whom I voted by pressing the concerned blue button against the name and symbol of the candidate of my choice on the Balloting Unit. I am ready to cast a test vote again to show that the allegation made by me is true and bonafide.

(2). I am aware of the penal provisions of Section 177 of the IPC that I shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if the declaration given by me in para 1 above to the Presiding Officer appointed under Section 26 of the RP Act, 1951 is found to be incorrect.

Signature/Thumb impression of the Elector

Name of the Elector.....

Father/Mother/Husband's Name.....

Part No. of elector roll.....

Sl. No. of elector in that Part.....

Sl. No. in Register of Voters (Form 17A)

Dated.....

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

Signature of the Presiding Officer

Dated.....



"No voter to be left behind"

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भारत निर्वाचन आयोग ELECTION COMMISSION OF INDIA

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