

SPEED POST

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No. 3/4/ID/2009/SDR

Dated: 6th April, 2009.

To

The Chief Electoral Officers of
all States and Union Territories.
(except Jammu & Kashmir).

Subject:- General Elections to the House of the People, 2009/State Legislative Assemblies and Bye-elections - 2009 – Commission's Order regarding use of Electoral Photo Identity Cards.

Sir,

I am directed to enclose herewith Order dated 6th April, 2009, regarding identification of electors at the General Elections to the House of the People/State Legislative Assemblies and bye-elections. The Commission has directed that all electors at the general election to the House of the People, State Legislative Assemblies of Andhra Pradesh, Orissa and Sikkim and the bye- elections to the Legislative Assemblies in Jharkhand, Karnataka, Mizoram, Nagaland and NCT of Delhi, shall bring the EPIC when they come for voting. Those who have not been issued their EPICs or those who have lost their EPICs can be identified by means of any of the alternative documents prescribed.

2. The Order may be brought to the notice of the Returning Officers and all Presiding Officers of the said constituency.

3. If an elector produces an Electoral Identity Card which has been issued by the Electoral Registration Officer of another Assembly Constituency, such cards shall also be taken into account provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting.

4. The Commission's Order dated 6th April, 2009, may be got published in the state Gazette immediately. This Order may be given wide publicity through print/electronic media for information of the general public and electors. This may also be brought to the notice of all candidates. It should be made clear that those who have been issued with EPIC should bring the EPIC and those who have not been issued with EPIC should bring any other alternative

documents prescribed by the Commission, at the time of voting. All political parties in your State may also be informed, in writing, of this direction of the Commission.

5. The Returning Officers shall be instructed to note the implications of this Order and explain the contents thereof to all Presiding Officers through special briefings. They should also ensure that a copy of this letter is available with the Presiding Officers at all polling stations / booths in the constituency.

6. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(NARENDRA N. BUTOLIA)
UNDER SECRETARY

Copy to Secretary/Under Secretary/Zonal Section.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 3/4/ID/2008/SDR

Dated : 6th April, 2009.

ORDER

1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under section 62 of that Act more effective, provisions may be made by rules under that Act for use of Identity Cards for electors as the means of establishing their identity at the time of polling; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electoral Identity Cards to electors bearing their photographs at State cost; and
3. Whereas, Rules 49H (3) and 49K (2) (b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Identity Cards under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electoral Identity Cards at the polling station and failure or refusal on their part to produce those Electoral Identity Cards may result in the denial of permission to vote; and
4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Identity Card, where provided by the Election Commission at State cost, and that both are to be used together; and
5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electors Photo Identity Cards (EPICs) to all electors, according to a time bound programme; and
6. Whereas, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPICs was taken up, the election machinery of the States and Union Territories have issued these cards to a substantially high number of

electors in all States and Union Territories and made all possible efforts, by way of repeated rounds of the constituencies and areas, with a view to issuing cards to the left-out electors; and

7. Whereas, electoral rolls containing photographs of the electors have been prepared and issued in all States and Union Territories except in the States of Assam, Jammu & Kashmir and Nagaland; and

8. Whereas, at the general election to the Legislative Assembly of Haryana held in January – March, 2000, and at all general and bye-elections held since then, the Commission had directed that all electors who were issued with EPICs should produce those cards to exercise their franchise at the said elections, and that it would permit the odd electors who have not obtained their EPICs to vote at the said elections, provided their identity is otherwise established by production of one of the alternative documents prescribed by the Commission; and

9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in the States and Union Territories who have been issued with their EPICs, shall produce these cards for establishing their identity before casting their votes at the current General Election to the Lok Sabha and at the general election to the Legislative Assemblies of the States of Andhra Pradesh, Orissa and Sikkim and at the bye-elections to the State Legislative Assemblies in Jharkhand, Karnataka, Mizoram, Nagaland and NCT of Delhi, which are being held simultaneously with the General Election to the House of the People and which have been notified/scheduled to be notified on 23rd March 2009, 28th March 2009, 2nd April, 2009, 11th April, 2009 and 17th April, 2009. If any elector fails to produce his/her EPIC, such electors shall have to produce any of the following alternative photo documents for establishing their identity:-

- (i) Passports,
- (ii) Driving Licences,
- (iii) Income Tax Identity (PAN) Cards,
- (iv) Service Identity Cards issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies with photographs,
- (v) Passbooks issued by Public Sector Banks/Post Office and Kisan Passbooks with photograph (accounts opened upto 28-2-2009),

- (vi) Property Documents such as Pattas, Registered Deeds, etc. with photograph,
- (vii) SC/ST/OBC Certificates issued by competent authority with photograph (issued upto 28-2-2009),
- (viii) Pension Documents such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates, Old Age Pension Order, Widow Pension Order with photograph (issued upto 28-2-2009),
- (ix) Freedom Fighter Identity Card, with photograph,
- (x) Arms Licenses (issued upto 28-2-2009),
- (xi) Certificate of Physical Handicap with photograph issued by the competent authority (issued upto 28-2-2009),
- (xii) Job Cards issued under NREGA with photograph (issued upto 28-2-2009),
- (xiii) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme, issued upto 28-2-2009),

10. Any of the abovementioned documents that is available only to the head of the family may be used for identifying the other members of the family provided all members come together and are identified by the head of the family.

By Order

(K.F. WILFRED)
SECRETARY

(Hindi version follows)