

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

No. 3/4/ID/2007/J.S.II/(GUJ)

Dated: 7<sup>th</sup> December, 2007.

To

The Chief Electoral Officer,  
Gujarat,  
Gandhi Nagar.

Subject:- General Election to the Gujarat Legislative Assembly, 2007 –  
Commission's Order regarding use of Electoral Photo Identity Cards.

Sir,

I am directed to say that the Commission has directed that all electors in each of the 182 Assembly Constituencies in the current general election to the Legislative Assembly of Gujarat, who have been issued with their Electoral Photo Identity Cards, shall have to produce these cards to exercise their franchise, when they come to the polling stations for voting.

2. A copy of the Order dated 7<sup>th</sup> December, 2007, issued in this behalf is enclosed. Attention of all Presiding Officers may be specifically drawn to the directions in paragraph 9 of the order.

3. The Presiding Officers shall be clearly instructed to note the following instructions when the electors produce their Electoral Photo Identity Cards at the time of exercising their franchise:-

- (a) Minor discrepancies in the entries relating to elector's name, father's/mother's/ husband's name, sex, age or address in the Electoral Identity Card shall be ignored and the elector allowed to cast his vote so long as the identity of the elector can be established by means of that card.
- (b) Any discrepancy in the serial number of the Electoral Photo Identity Card as mentioned in the electoral roll shall be ignored.

(c) If an elector produces an Electoral Photo 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. But in such cases, it should be ensured that the elector does not vote at more than one place by thoroughly checking the left forefinger of the elector to see that there is no indelible ink mark thereon, and by applying the indelible ink on the left forefinger properly while allowing him to vote.

4. The Commission's Order dated 07.12.2007 may be got published in the State Gazette immediately. The Returning Officers, Presiding Officers appointed for the current general election and all other election authorities concerned may be informed of the Commission's directions urgently. **This Order may be given wide publicity through print/electronic media for information of the general public and electors.** 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 of the 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,

(S.R. KAR)  
UNDER SECRETARY

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

No. 3/4/ID/2007/J.S.II/(GUJ)

Dated : 7<sup>th</sup> December, 2007.

**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 Electoral 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 Electoral 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 Electoral 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 28<sup>th</sup> August, 1993, directing the issue of Electoral 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 Gujarat, have issued these cards to a substantially high number of electors 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, 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

8. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in each of the 182 Assembly Constituencies in the current general election to the Legislative Assembly of Gujarat, notified on 15<sup>th</sup> November, 2007 and 21<sup>st</sup> November, 2007, who have been issued with their EPICs, shall have to produce these cards to exercise their franchise, when they come to the polling stations for voting at the current general election in the State of Gujarat.

9. The Election Commission will, however, permit the electors who have not been issued their EPICs to vote at the current general election, provided their identity is otherwise established by the production of any of the following alternative documents:-

- (i) Passports with photograph,
- (ii) Driving Licences with photograph,
- (iii) Income Tax Identity ( PAN ) Cards with photograph,
- (iv) Service Identity Cards with photograph issued to its employees by State/Central Government, Public Sector Undertakings or Public Limited Companies
- (v) Passbooks with photograph issued by Public Sector Banks and Post Office (Accounts opened on or before 31-8-2007),
- (vi) Student Identity Cards with photograph issued by Recognised Educational Institutions on or before 31-8-2007,

- (vii) Property Documents such as Pattas, Registered Deeds etc. with photograph,
- (viii) SC/ST/OBC Certificates issued by competent authority on or before 31-8-2007,
- (ix) 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,
- (x) Freedom Fighter Identity Cards issued by Central Govt./Gujarat Govt.
- (xi) Arms Licenses with photograph issued on or before 31-8-2007,
- (xii) Certificate of Physical Handicap issued by Competent Authority, on or before 31-8-2007,
- (xiii) Job cards with the photograph issued under NREGS. (National Rural Employment Guarantee Schemes) (issued on or before 31-8-2007),
- (xiv) Cards with photograph issued under Employees State Insurance Scheme.

10. It is clarified that EPIC or any photo- document, as enumerated above, which is available only for the Head of Family, shall be allowed for the purpose of identification of his/her spouse and unmarried daughters, provided they come together and are identified by the Head of the Family.

By Order

(K.F. WILFRED)  
SECRETARY