

**CAMP BAG**

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

**No. 3/4/ID/2006/J.S.II/(WB)**

**Dated:**

**To**

**The Chief Electoral Officer,  
West Bengal,  
Kolkata.**

**Subject:- General Elections to the Legislative Assembly of West Bengal  
– 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 294 Assembly Constituencies in the current general election to West Bengal Legislative Assembly, who have been issued with their Electoral 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 ----- 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 Identity Card as mentioned in the electoral roll shall be ignored.

(c) 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. 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 ----- may be got published in the State Gazette immediately. The Returning Officer, Presiding Officer 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. If any electors do not have EPIC or other prescribed documents, then such electors shall be required to submit certificate as permitted at item No. XIV of the Commission's Order dated-----issued by the Electoral Registration Officer as in the format annexed to this Order. The certificate shall be issued as per guidelines given below:

(i) The forms of the certificates, shall be printed at the level of the Electoral Registration Officer, and these forms shall be serially numbered at the time of printing, and shall bear on its face the facsimile signature of the

**Electoral Registration Officer. Each 'Booth Level Officer' shall give the list of electors who could not be provided with EPIC, to the Electoral Registration Officer. On receipt of such list, the ERO shall distribute sufficient number of printed forms to the 'Booth Level Officers', for issuing certificates to the electors who could not be provided with EPICs. While distributing the printed Forms for certificates, the ERO shall maintain proper record of Forms distributed to each 'Booth Level Officer. The Booth Level Officer shall issue the certificates to the electors who have not been issued with EPIC, carefully filling up the relevant details in the Form. The certificates shall be delivered to the elector concerned at his address as given in the electoral roll. Distribution of such certificates shall be completed by 15.4.2006 for the 1<sup>st</sup> Phase of poll. For subsequent phases, the distribution of certificates shall be completed three days before the poll. A list of the electors to whom certificates are issued, shall be maintained in the format annexed to this letter (Annexure 'A'). The elector is required to affix his/her signature/ thumb impression in the last column of the list, as acknowledgement of receipt. Further, the elector should also be asked to affix signature/thumb impression in the place earmarked for signature of the elector in the certificate, in the presence of the 'Booth Level Officer'. Immediately after the last date for distribution of certificates, the list, complete in all respects, alongwith undistributed forms should be sent to the Electoral Registration Officer concerned.**

- (ii) Along with the list of electors issued with the identification certificate mentioned above, the 'Booth**

**Level Officer' shall return the unused Forms to the Electoral Registration Officer. The Electoral Registration Officer shall verify the figures regarding the certificates issued and those returned unused and tally these with the total number of forms issued to each 'Booth Level Officer'. The Electoral Registration Officer will then immediately hand over the polling - station wise list of electors who have been issued with identification certificate by the 'Booth Level Officer', to the Returning Officer concerned. The Returning Officer shall then make sure that such lists are given to concerned Presiding Officers so that they can verify validity of certificates on the date of poll.**

- (iii) At the polling station, the elector concerned shall be asked to put his/her signature/thumb impression in the lower portion of the certificate and on being satisfied about the identity of the elector, he will be permitted to vote. Such identification certificate will be collected and retained by the Polling Officer in charge of identification of electors and after the close of poll, these certificates will be sealed in a separate cover superscribing "Identification Certificates issued by the Electoral Registration Officer/Assistant Electoral Registration Officer: Polling Station No.-----" and sent to the Returning Officer who in turn will keep them along with other non-statutory covers in safe custody.**
- (iv) In the case of any re-poll, those used certificates will have to be sent back to the respective polling station and at the fresh poll, the electors may be permitted to vote after obtaining another signature/thumb impression on the certificate.**

6. 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.

7. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(K.F. WILFRED)  
SECRETARY

Copy to Zonal Secretary/Under Secretary/ Section Officer.

# **ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.3/4/ID/2006/J.S.II/(WB)

Dated :

## **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 West Bengal, has 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, many of whom might have been dead or might have moved out of the constituencies and obtained their Electoral Identity Cards elsewhere; 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;

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 294 Assembly Constituencies in the current general election to the Legislative Assembly of West Bengal, notified/to be notified on 24-3-2006, 28-3-

2006, 1-4-2006, 5-4-2006 and 13-4-2006, who have been issued with their EPICs, shall have to produce the EPICs to exercise their franchise, when they come to the polling stations for voting at the current General Election to the Legislative Assembly of West Bengal.

9. The Commission will, however, permit the electors who have not obtained 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,
- (ii) Driving Licences,
- (iii) Income Tax Identity (PAN) Cards,
- (iv) Service Identity Cards with photograph issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks with photograph issued by Public Sector Banks/Post Office and Kisan Passbooks (Accounts opened on or before 28-2-2006,
- (vi) Student Identity Cards with photograph issued by Recognised Educational Institutions on or before 28-2-2006,
- (vii) SC/ST/OBC Certificates issued by competent authority on or before 28-2-2006,
- (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,
- (ix) Railway Identification Cards with photographs, issued on or before 28-2-2006,
- (x) Freedom Fighter Identity Cards,

- (xi) Arms Licenses issued on or before 28-2-2006,
- (xii) Certificate of Physical Handicap by Competent Authority issued on or before 28-2-2006,
- (xiii) Identity Cards issued to Bidi Workers by Ministry of Labour, Govt. of India.
- (xiv) Certificate issued by the Electoral Registration Officer in the prescribed format annexed to this Order ( annexure-1).

10. The above alternative documents for identification will also apply in respect those electors who have been supplied with Electoral Identity Cards, but are not able to produce them for reasons beyond their control.

11. In the 46 Assembly Constituencies where photo electoral rolls have been prepared and published, identification of the electors shall be done primarily on the basis of their photograph in the electoral roll. However, in the case of those electors, whose identity cannot be established by means of the photograph in electoral roll, on account of the photograph being not available in the roll, or not being clear, or for any other similar reason, such electors shall have to produce their EPICs to exercise their franchise, when they come to the polling stations for voting. If any of such electors have not been issued with EPIC or are not able to produce them for any genuine reason, they will have to produce any of the abovementioned alternative documents for establishing their identity.

By Order,

(K.F.WILFRED)  
SECRETARY

**ANNEXURE - 1**  
**ERO-----AC**  
**(Facsimile to be affixed)**

**CERTIFICATE NO.-----**

**CERTIFICATE FOR NON-EPIC ELECTOR**  
**General Election to the WBLA'06**

\_\_\_\_\_  
**(TO BE ISSUED TO ONLY THOSE  
ELECTORS TO WHOM EPIC  
COULD NOT BE ISSUED)** A/C

**Name of Elector** :  
**Address of Elector** :  
**Relation's Name** :  
**Relationship** :  
**Part No. of Electoral Roll** :  
**Serial No.** :

\_\_\_\_\_  
**Signature/Left Thumb Impression of Elector**  
**(To be affixed in the presence of Booth Level Officer**  
**at the time of issue)**

**Date:** \_\_\_\_\_

**Place:** **Signature of Booth Level Officer**  
**(full name & designation to be given)**

**Signature/Left thumb impression**  
**(to be affixed before 1<sup>st</sup> Polling Officer**  
**at the polling station)**

**[The Non-EPIC Elector should submit this certificate to the concerned Polling Officer in original before casting vote]**

**ANEXURE- A**

**Polling Station wise list of electors to whom certificates have been issued  
by the Booth Level Officer.**

**Part Number :**

**Name of Polling Station:**

| <b>Sl.No.</b> | <b>Name and Address of<br/>elector</b> | <b>Certificate No.</b> | <b>Signature/Thumb<br/>impression of<br/>elector</b> |
|---------------|--|------------------------|--|
|               |  |                        |  |
|               |  |                        |  |
|               |  |                        |  |

**Signature of Booth Level Officer.....**

**Full Name and Designatio:.....**

**Signature of ERO/AERO: .....**