

SPEED POST

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 3/4/ID/2013/SDR/(MEG)

Dated: 6th February, 2013

To

The Chief Electoral Officer,
Meghalaya,
Shillong.

Subject:- General-Election to the State Legislative Assembly, 2013– Commission's Order regarding use of Electors Photo Identity Cards.

Sir,

I am directed to enclose herewith Commission's Order dated 06-02-2013 regarding identification of electors at the current general-election to Meghalaya Legislative Assembly. The Commission has directed that the electors shall bring the EPIC when they come for voting. If any elector fails to produce his/her EPIC, such elector shall have to produce 'Authenticated Photo Voter Slip' issued by the election machinery. The overseas electors shall have to produce their original passport only for identification.

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

3. If an elector produces an Electors 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. Minor discrepancies in the entries in the EPIC should be ignored and the elector allowed to vote provided the identity of the elector can be established by means of the EPIC.

4. The Commission's Order dated 06-02-2013 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. All contesting candidates at the said general-election 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 constituencies.

6. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T.Bhunia)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/ID/2013/SDR/(MEG)

Dated : 06th February, 2013

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 Electors Photo Identity Card 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 Electors Photo Identity Card 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 Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card 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 Photo 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 Card (EPIC) 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 EPIC was taken up, the election

machinery of Meghalaya, have issued these cards to all the electors of the State of Meghalaya; 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 EPIC should produce those cards to exercise their franchise at the said elections, and that it would permit the electors who do not have EPIC to vote at the said election, provided their identity is otherwise established by production of alternative documents prescribed by the Commission; and

8. Whereas, electoral roll containing photograph of all electors have been prepared in Meghalaya and the Commission has introduced distribution of 'Authenticated Photo Voter Slips' to all the electors by election machinery before every election in Meghalaya;

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 each of the 60 Assembly Constituencies in Meghalaya, for the general election notified on 30th January, 2013, shall produce their EPIC for establishing their identity before casting their votes. Electors who fail to produce EPIC shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for identification in the polling stations;

10. Notwithstanding anything in Para 9 above, Overseas electors who are registered in the electoral rolls under Section 20A of the Representation of the People Act, 1950 based on the particulars in their passport, shall be identified on the basis of their original passport only (and no other identity document) in the polling station;

By order,

(Ashish Chakraborty)
Secretary