

SPEED POST

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

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

Dated: 19th August, 2013

To

The Chief Electoral Officer,
Nagaland,
Kohima.

Subject:- Bye-Election to the State Legislative Assembly of Nagaland-Commission's Order regarding use of Electors Photo Identity Card.

Sir,

I am directed to enclose herewith Order dated 19-8-2013 regarding identification of electors at the bye-election to Nagaland Legislative Assembly. The Election Commission has directed that all electors in 51-Noksen (ST) Assembly Constituency in Nagaland, for the bye-election notified on 10-8-2013, shall produce their Authenticated Photo Voter Slip for establishing their identity before casting their votes. Electors who do not have Photo on the Voter Slip or whose photo does not match shall also have to produce any of the alternative photo documents mentioned in the Order for establishing their identity. 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 of the said constituency.

3. The Commission's Order dated 19-8-2013 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 bye-election may also be informed, in writing, of this direction of the Commission.

4. 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.

5. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated :. 19th August, 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, as the means of establishing their identity at the time of polling 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 revised the format of the electoral roll in the State of Nagaland to incorporate the photo of the elector alongside the other particulars of the elector and the photo electoral roll with photos of registered electors

will be used during the current bye-election to the Legislative Assembly of Nagaland; and

7. Whereas, the Commission has further directed preparation of **‘Authenticated Photo Voters Slip’** from the database of photo electoral roll and to distribute these **‘Authenticated Photo Voters Slips’** to the electors before the date of poll for the current bye-election to the Legislative Assembly of Nagaland for identification at the polling station on the day of poll;

8. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for the bye-election to the Nagaland Legislative Assembly notified on 10-8-2013 all electors in 51-Noksen (ST) Assembly Constituency in Nagaland shall produce their **‘Authenticated Photo Voter Slip’** for establishing their identity before casting their votes. Electors whose photograph are not available in the elector database and hence printed on the **‘Authenticated Photo Voters Slip’** or the photo in the **‘Authenticated Photo Voters Slip’** issued does not match, shall have to produce, in addition, any of the following photo documents for establishing their identity:-

- 1) Passports
- 2) Driving Licence
- 3) Income Tax Identity (PAN) Cards
- 4) Aadhaar Card issued by UIDAI
- 5) Smart Cards issued by RGI under the scheme of National Population Register (NPR).
- 6) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour’s Scheme, issued upto 31-7-2013)
- 7) Job Cards issued under NREGA scheme with photograph (issued upto 31-7-2013)
- 8) Service Identity Cards issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies with photograph
- 9) Passbooks issued by Public Sector Banks/Post Office and Kisan Passbooks with photograph (accounts opened on or before 31-7-2013)
- 10) Indigenous Naga Certificate with photograph
- 11) Permanent Resident Certificate with photograph
- 12) Student identity cards issued by Schools and Colleges (issued on or before 31-7-2013)
- 13) Ration cards issued to BPL families (issued on or before 31-7-2013)

- 14) Property Documents such as Pattas, Registered Deeds, etc. with photograph
- 15) SC/ST/OBC Certificates with photograph issued by competent authority with photograph (issued upto 31-7-2013)
- 16) 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 31-7-2013)
- 17) Freedom Fighter Identity Card, with photograph
- 18) Arms Licenses (issued upto 31-7-2013)
- 19) Certificate of Physical Handicap with photograph issued by the competent authority (issued upto 31-7-2013)

9. Notwithstanding anything in Para 8 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