



# HANDBOOK FOR CANDIDATE 2023



भारत निर्वाचन आयोग  
Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001





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<b>Abbreviations &amp; Acronyms</b>	
AC	Assembly Constituency
AIS	Additional Information Sheet
AERO	Assistant Electoral Registration Officer
ASD	Absentee, Shifted and Dead
BEL	Bharat Electronics Limited
BLO	Booth Level Officer
BU	Ballot Unit
ECI	Election Commission of India
ERO	Electoral Registration Officer
CAPF	Central Armed Police Force
CSV	Classified Service Voter
CU	Control Unit
DEO	District Election Officer
ECIL	Electronic Corporation of India Limited
EPIC	Elector's Photo Identity Card
EVM	Electronic Voting Machine
MO	Micro Observer
NOTA	None of the Above
PC	Parliamentary Constituency
PER	Photo Electoral Roll
PO1	First Polling Officer
PO2	Second Polling Officer
PO3	Third Polling Officer
PPS	Pink Paper Seal
PrO	Presiding Officer
PS	Polling Station
PV	Proxy Voter
RO	Returning Officer
SO	Sector Officer
VAB	Voter Assistance Booth
VIP List	Very Important Persons List
VIS	Voter Information Slip
VVPAT	Voter Verifiable Paper Audit Trail

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## CHAPTER 1: INTRODUCTION

Indian Electoral System has gained world-wide acclaim for successful conduct of elections year after year despite the diversity of its population, culture, language and geography. This has been possible due to the joint efforts of the Political Parties, Candidates and the Election Commission including its field machinery. The contesting candidate, being one of the main stake holders in the election process, should have adequate understanding of the process and extend necessary cooperation to the electoral machinery to have a free, fair and peaceful election in true sense. Through this handbook an attempt has been made to bring out the salient points, a candidate is expected to know about his roles and responsibilities vis-à-vis the election management and electoral machinery in the light of the latest guidelines of ECI.

First of all, the candidate must ensure that his/her name has been included in the current electoral roll on the basis of which the election will be held. The name and other details should be correctly registered along with correct photograph. He/She must possess all the requisite qualifications and be aware of the provisions for disqualifications. The candidate should have clear idea about the extent of the constituency for which he is intending to represent. He/she should familiarise himself/herself with the electoral roll of the constituency.

ECI has issued elaborate guidelines for filing of nomination papers. At the time of filing nominations candidates have to also file affidavits relating to assets and liabilities of self and family members, Government dues pending, criminal antecedents etc. Filing of correct and complete nomination form along with all the other documents and affidavits is of utmost importance. Filing of incomplete applications or non-submission of some of the mandatory documents/affidavits may result in rejection of nomination papers.

It has been the endeavour of the ECI to ensure preparation of error free and accurate photo electoral roll for conduct of free, fair and smooth elections. Apart from annual summary revision exercise ECI now permits continuous updation of electoral roll throughout the year. There are facilities for online applications through the Voter Help Line App and other gate ways like the National Voter's Service Portal [www.nvsp.in/](http://www.nvsp.in/) besides the traditional offline mode of application. Similarly, corrections of electoral details and entries as well as change of address due to shifting of residence can be made through a common **Form-8 under Registration of Electors Rules, 1960**. ECI has now also allowed four qualifying dates in a year by a recent amendment in RP, Act, 1950, these are the first day of every quarter, for the age qualification for enrolment

Model Code of Conduct (MCC) comes into operation from the date of announcement of elections. It is a set of guidelines/advisory or instructions issued by ECI which all the political parties & candidates are expected to follow. These are also applicable to Government servants as well as other stakeholders including media & press. A visible and rigorous enforcement of Model Code of Conduct enhances the credibility of the elections and gives confidence to the stakeholders. It is important that official machinery for the electoral purposes is not misused. It is also important

that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters is prevented by all means. Another important pre-condition for fair election is to curb the money power which undermines the level playing field. The Commission expects the candidate to co-operate with the election machinery for implementation of its various instructions relating to expenditure monitoring.

District Collectors who function as District Election Officers (DEO) is responsible for supervising and co-ordinating all election related work in his district. ECI notifies Returning Officer (RO) for each Parliamentary as well as Assembly Constituency who performs all the legal responsibilities relating to conduct of elections. Several other officers, designated as Assistant Returning Officers (AROs) are there to assist the RO.

The District Election Officer appoints sufficient number of Sectoral Officers and Sector Police Officers for coordinating personnel and material logistics for polling stations during elections. Usually, one sectoral officer remains in charge of 10-12 polling stations. They coordinate all logistic issues for the polling stations assigned to them. **Booth Level Officers (BLOs)** are appointed for each booth who are local Government /Semi-Government official, familiar with the local electors who assist the election machinery in updating the electoral roll. Services of BLOs are also utilised for assisting electors at polling stations on poll day.

The Electronic Voting Machine (EVM) is being used along with Voter Verifiable Paper Audit Trail (VVPAT) for all Elections to Parliamentary and Assembly Constituencies. With the help of VVPAT the elector can view the printed paper slip showing the details of the candidate, voted for. EVMs and VVPATs are allotted to the polling stations through a randomised process which is done in the presence of representative of recognised political parties/candidate or his election agent in a transparent manner.

Election Commission of India, provides for facility of Postal Ballot to four additional category of voters – PwD voters (benchmark disability), voters of 80+ age groups, Covid 19 suspect or affected persons as well as electors serving is notified essential services who cannot turn up in their polling stations on poll day due to their service compulsions. The voters have to exercise their options well in advance for availing the facility. The identified category of voters can now cast their votes from comfort of their homes. This is in addition to postal ballot papers facility available to the Service Voters for whom postal ballot is transmitted by the Returning Officer by electronic means (ETPBMS) and are received back through speed post. Postal ballot option is also available to electors on poll duty, electors on preventive detention, electors holding special offices like President, Governors etc.

The Commission deploys significant number of Central Armed Police Forces (CAPFs) into the election going states based on its assessment on the ground realities. This introduces another element of impartiality and neutrality in the election process apart from strengthening Law & Order machinery. In order to ensure free and fair elections, ECI has introduced the system of ‘Vulnerability Mapping’ to identify pockets where there is possibility of threat and intimidation to the voters. Special arrangements are made in these areas. In addition, webcasting facility is also provided so that all the activities inside the booth could be monitored at DEO/RO/

CEO level. Further Videography of critical events are made during the process of electioneering and on the day of poll for better monitoring of various activities.

ECI appoints Senior Officers from other states to act as General, Police and Expenditure Observers who become the eyes and ears of the Commission in conduct of elections. Their contact details during their stay in the constituency is made public for receiving complaints. The Commission also appoints Micro Observers at selected polling station who work directly under control and supervision of Observer. They are also deployed in the counting centres to assist the Election Observer in the counting process.

Every candidate is required to maintain correct and truthful accounts of his election expenditure in the prescribed registers of ECI handed over to him at the time of filing of nominations. A separate and dedicated bank account in any bank, including co-operative banks or post office is required to be opened by the candidate before the date of filing nominations. The account can be opened in the name of the candidate exclusively or even jointly with his Election Agent. All transactions are to be done through this account only.

It is mandatory for the candidate to get the accounts of Election Expenditure inspected by the Expenditure Observer (EO) of ECI from time to time. Non-cooperation in this regard may invite legal action. The candidate or his authorised agent should attend the Account Reconciliation meeting convened by the District Election Officer (DEO) to get the records updated before final submission. The candidate shall submit the Final Accounts of election expenditure within 30 days of declaration of the results. Failure in this regard may invite action from ECI for disqualification of candidature under section 10 A of R.P. Act, 1951.

The candidate may appoint appropriate persons as his/her Election Agent for helping in the process of electioneering. The Election Agent is the most important person who can handle almost all of its responsibilities. Similarly, Polling Agents can be appointed for the Polling Stations to watch the proceedings inside the polling station on the poll day. Also, counting agents can be appointed by the candidates to watch the proceedings in the counting centres.

**None of the above (NOTA)** provision has been introduced in compliance with the Directions of Hon'ble Supreme Court so that the electors who do not wish to vote for any of the candidates can exercise their right not to vote for any candidate without violation of the secrecy of their decision. A ballot panel with the words "None of the Above: NOTA" is available after the panel containing the name and particulars of the last candidate on the Ballot Papers.

Transparency is the key for an effective and efficient election management for transparency adds to the credibility of the election. It is the endeavour of the Commission that the election management should be transparent and there should not be any scope for complaint of partiality on the part of any official involved in the election management. The Commission takes very serious view about lack of neutrality on the part of any election official. Hence, Political parties and candidates are informed of the Commission's instructions issued in this behalf from time to time.

## Chapter 2: QUALIFICATION AND DISQUALIFICATION

### 2.1. INTRODUCTION

2.1.1. In order to contest, a candidate must possess certain qualifications and at the same time, he/she must not suffer from certain disqualifications. These qualifications and disqualifications are laid down both in the Constitution and the election statutes.

### 2.2. QUALIFICATION FOR ELECTION TO THE LOK SABHA

2.2.1. If a candidate wants to contest an election to the Lok Sabha (House of the People), he/she must possess each of the following qualifications:

1. He/she must be a citizen of India [Article 84(a) of the Constitution];
2. He/she must make and subscribe before the person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution [Article 84(a) of the Constitution and Form III/A in the Third Schedule];
3. He/she must not be less than twenty-five years of age on the date of scrutiny of nominations [Article 84(b) of the Constitution read with section 36(2) of the Representation of the People Act, 1951];
  - a. If a candidate is contesting for a seat reserved for the Scheduled Castes in a Lok Sabha Election, he/she must be a member of any of the Scheduled Castes whether of that State or of any other State, and in addition he/she must be an elector for any Parliamentary constituency;
  - b. If a candidate is contesting for a seat reserved for the Scheduled Tribes in a Lok Sabha Election, (other than those in the autonomous districts of Assam and the Lakshadweep(ST) PC), then he/she must be a member of any of the Scheduled Tribes, whether of that State, or of any other State (excluding the tribal areas of Assam) and in addition he/she must be an elector for any Parliamentary constituency.
  - c. If a candidate is contesting for a seat reserved for the Scheduled Tribes in the autonomous districts of Assam, he/she must be a member of any of those Scheduled Tribes and in addition he/she must be an elector for the Parliamentary constituency in which such seat is reserved or for any other Parliamentary constituency comprising any such autonomous district;

- d. If a candidate is contesting for the seat reserved for the Scheduled Tribes in the Union Territory of Lakshadweep, then he/she *must be a member of any of those Scheduled Tribes*, and in addition he/she must be an elector for the parliamentary constituency of that Union Territory.
- e. If a candidate is contesting for the seat allotted to the State of Sikkim, he/she must be an elector for the parliamentary constituency for Sikkim;
- f. If a candidate is contesting for a general seat, that is to say, for a seat not reserved for the Scheduled Castes or Scheduled Tribes as mentioned in the preceding sub- clauses, then he/she must be an elector for any parliamentary constituency (vide section 4 of the Representation of the People Act, 1951).

### **2.3. QUALIFICATIONS FOR ELECTION TO A LEGISLATIVE ASSEMBLY**

2.3.1. If a Candidate wants to stand for election to the Vidhan Sabha (Legislative Assembly) of a State or of a Union Territory (including the National Capital Territory of Delhi), he/she must possess each of the following qualifications:

1. A candidate must be citizen of India (Article 173(a) of Constitution) and must make and subscribe before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution or, as the case may be in the Government of Union Territories Act, 1963 or the Government of National Capital Territory of Delhi Act, 1991, or the Jammu & Kashmir Re-Organization Act, 2019 [Article 173 (a) and Form VII/A in the Third Schedule to the Constitution, Section 4(a) and Form 1 in the First Schedule to the Government of Union Territories Act, 1963, section 4(a) and Form 1 in the Schedule to the Government of National Capital Territory of Delhi Act, 1991, and Section 16(a) and Form 1 in the Fourth Schedule to the Jammu & Kashmir Re-Organization Act, 2019 ];
2. Candidate must not be less than twenty-five years of age on the date of scrutiny of nominations [Article 173(b) of the Constitution, section 4(b) of the Government of Union Territories Act, 1963 and section 4(b) of the Government of National Capital Territory of Delhi Act, 199, section 16(6) of J&K re-organisation Act, 1919 read with section 36(2) (a) of the Representation of the People Act, 1951];
  - a. If a candidate wants to contest for a seat in the Legislative Assembly of a State or Union Territory reserved for the Scheduled Castes or for the Scheduled Tribes of that State,

or that Union Territory, then he/she must be a member of any of those Castes or, as the case may be, of those Tribes I.e. SC/ST of that State/UT, and in addition, he/she must also be an elector for any Assembly Constituency in that State or that Union Territory;

- b. If a candidate wants to contest for a seat reserved for the Scheduled Tribes of an autonomous district of Assam, then he/she must be member of a Scheduled Tribe of any autonomous district and in addition, he/she must be an elector for the Assembly Constituency in which such seat or any other seat is reserved for that district;
- c. If a candidate wants to contest for a seat reserved for Sikkimese of Bhutia Lepcha origin in the Legislative Assembly of Sikkim, then he/she must be a person either of Bhutia or Lepcha origin, and in addition, he/she must also be an elector for any Assembly constituency in that State other than the constituency reserved for the Sanghas;
- d. If a candidate wants to contest for the seat reserved for the Sanghas in the Legislative Assembly of Sikkim, then he/she must be an elector for the Sangha Constituency in that State;
- e. If a candidate wants to contest for a general seat, that is to say, for a seat not reserved as aforesaid, then he/she must be an elector for any constituency in the State or Union Territory concerned.

2.3.2. The above are the various qualifications, which a candidate must possess if he/she want to stand as a candidate for election to Lok Sabha or a Vidhan Sabha. A candidate must be very careful about this. He/she is advised to take special care in respect of the following two matters.

#### **2.4. CORRECTION OF NAME, ETC., IN ELECTORAL ROLL**

2.4.1. A candidate must see that his/her name has been correctly registered and there is no mismatch of photo in the electoral roll. If there is any mistake in the spelling or in the description of his/her name or his/her father's/mother's/husband's name or in his/her address or in any other respect (including age & sex) or mismatch of photo, he/she must take immediate steps to get the mistake corrected. If the candidate does not get the mistake rectified in time, then at the time of scrutiny of nomination papers, other contestants may raise objections.

#### **2.5. OATH OF AFFIRMATION BY CANDIDATES**

2.5.1. A candidate must not forget to make and subscribe the oath or affirmation to which a reference has already been made

**(Annexure – 4).** The Election Commission has authorised a number of persons before whom the oath or affirmation can be made and subscribed. Relevant notifications of the Election Commission are reproduced in.

2.5.2. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officers for the constituency for the election. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. In the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the Medical Superintendent in-charge of the hospital or the medical practitioner attending on him is similarly authorized. In the case of a candidate, who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in the country where the candidate happens to be, or before any person authorized by such diplomatic or consular representative. Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or the Assistant Returning Officer, the oath or affirmation may be made and subscribed before any other person specially nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorised all stipendiary presidency magistrates, all stipendiary magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judges, as officers before anyone of whom, the candidate can make and subscribe the oath or affirmation.

## **2.6. NOMINATION BY OVERSEAS ELECTORS**

2.6.1. An overseas elector who wishes to contest election must have the qualifications given in the preceding Paragraphs. In the case of a candidate who is outside India, the oath can be made before the diplomatic or consular representative of India in the country where the candidate happens to be. An overseas elector may approach the authorized person in the Indian Mission of the country concerned for making oath or affirmation.

2.6.2. If an overseas elector who may file nomination papers is in India at the time of filing nomination, he may make the oath or affirmation before the RO/ARO. If a candidate who is an overseas elector appears before the RO/ARO to make the oath, the RO/ARO concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars in the passport of the person. Thus, such person will necessarily have to produce his/her original passport for verification by the RO/ARO at the time of making the oath or affirmation.

## 2.7. IMPORTANT POINTS ABOUT OATH OF AFFIRMATION

- 2.7.1. The oath or affirmation should be made and subscribed before the date fixed by the Election Commission for scrutiny of nomination papers at that election. In the case of Pashupati Nath Singh versus Harihar Prasad Singh [(1968) 2 SCR 812-AIR 1968 SC 1064], the Supreme Court has placed two limitations in the matter of making and subscribing the oath or solemn affirmation. In the first place, the Court has held that words “having been nominated” in the form of the oath or affirmation in the Third Schedule to the Constitution of India clearly show that the oath or affirmation can be made by a candidate only after she/he has filed the nomination paper, and NOT before filing nomination. Further, the Court has held that the expression “on the date fixed for scrutiny” in section 36(2) (a) of the Representation of the People Act, 1951 means that the oath or solemn affirmation must have been made before the commencement of the day of scrutiny of nominations. Such oath or affirmation cannot be made by a candidate on the day of scrutiny of nomination. The Supreme Court has confirmed this view in the subsequent case of Khader Khan Hussain Khan and others versus S. Nijalingappa (1970) I SCA 548. Therefore, the candidates are well advised to take the oath immediately after presenting their nomination papers and in any case by the day previous to the date of scrutiny.
- 2.7.2. The oath or affirmation is to be made in person before the authorised officer.
- 2.7.3. It is not necessary that the oath or affirmation should be taken more than once even if a candidate is nominated from more than one constituency at a general election. This view has been expressed by the Supreme Court in its judgement in the case of K.K. Khader Khan Hussain Khan and others versus S. Nijalingappa and another (1970) I SCA 548. The language of article 173(a) makes this clear; all that it requires is one oath or affirmation in accordance with the form set out in the Third Schedule to the Constitution so as to be qualified for being a candidate for election. The article does not mention that the making of the oath or affirmation is to be preliminary to the validity of candidature in each constituency, and recognizes the fact that once the necessary qualification is obtained that qualification removes the bar laid down by that article. If a candidate contests election from more than one constituency, it is desirable that he/she make and subscribe the oath in each constituency or he/she should have a satisfactory proof with him/her of having taken the oath at any of the places so as to avoid unnecessary objections at the time of scrutiny. The onus of proving that the candidate had made and subscribed the oath or affirmation before some other competent authority rests on the candidate. It is sufficient if he/she or his/her representative satisfies the Returning Officer at the time of scrutiny that he/she had made and subscribed the oath or affirmation before an authorised officer within the prescribed time limit.

- 2.7.4. The oath or affirmation has first to be made and then signed, by a candidate before the authorised person. It should be borne in mind that mere signing on the paper on which the form of oath is written out is not sufficient. A candidate must make the oath before the authorised person. He will ask the candidate to read out the oath and then to sign and give the date on the paper on which it is written. If the candidate is illiterate or unable to read the form, the authorised person should read out the oath and ask him/her to repeat the same and thereafter take his/her thumb impression on the form. The authorised person should endorse on the form that the oath or affirmation has been made and subscribed by the candidate on that day and hour.
- 2.7.5. The authorised person will forthwith give a certificate to the candidate that he/she has made and subscribed the oath before him on that day at a particular hour. If the certificate is not given, the candidate can demand the same from him and get it.
- 2.7.6. If the authorised person is the superintendent or commandant of the prison or detention camp, he should issue forthwith to the candidate, a certified copy of the oath for producing it as evidence before the Returning Officer at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send a written communication by the expeditious means of transmission to the Returning Officer indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send the original of the oath or affirmation made and signed by the candidate to the Returning Officer.
- 2.7.7. If the authorised person is a medical superintendent of a hospital or a medical practitioner or a diplomatic or consular representative of India in the country where a candidate happens to be or the district judge or person belonging to the judicial service of State other than District Judge or Stipendiary Presidency Magistrate or Stipendiary Magistrate of the first class or any other person nominated by the Election Commission, as soon as the candidate has made and subscribed the oath or affirmation, he should certify this fact on the form, keep a copy for his record and hand over the original to the candidate. It will be the responsibility of the candidate to see that the original oath or affirmation is produced before the Returning Officer at or before the time fixed for the scrutiny of nomination papers.
- 2.7.8. The forms for making oath or affirmation can be obtained from the Returning Officer or Assistant Returning Officer of the constituency.
- 2.7.9. A candidate should be careful to keep with him/her sufficient evidence which he/she should be in a position to produce before the Returning Officer at the time of scrutiny about his/her making and subscribing the oath or affirmation: otherwise, he/she may be in difficulty if somebody challenges that he/she has not made and subscribed the

requisite oath or affirmation and, therefore, he/she is not qualified to stand as a candidate.

## **2.8. DISQUALIFICATIONS FOR ELECTION TO HOUSE OF THE PEOPLE (LOK SABHA)**

If a candidate wants to stand for election to the House of the People (Lok Sabha), he/she must not suffer from any of the following disqualifications, Constitutional and Statutory:

### **2.8.1. Constitutional Disqualifications**

1. Candidate must not hold any office of profit under the Government of India or the Government of any State [Article 102(I) (a) of the Constitution]. To this general rule, there are some exceptions. The first exception is mentioned in Article 102 (2) itself, according to which the office of a Minister, either for the Union or for any State is not regarded as an office of profit under the Government of India or the Government of any State. The other exceptions are mentioned in the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959).
2. Candidate must not be a person of unsound mind and so declared by a competent court [Article 102 (1) (b) of the Constitution].
3. Candidate must not be an undischarged insolvent [Article 102(1) (c) of the Constitution].
4. Candidate will be disqualified if he/she is not a citizen of India or if he/she has voluntarily acquired the citizenship of a foreign State or if he/she is under any acknowledgment of allegiance or adherence to a foreign State. In simple words, a candidate must not be an alien and a foreigner or bear allegiance to any foreign country. [Article 102(1) (d) of the Constitution].
5. Lastly, a candidate must not be disqualified by or under any law made by Parliament [Article 102 (1) (e) of the Constitution].

### **2.8.2. Statutory Disqualifications**

The law made by Parliament as envisaged in Article 102 (1) (e) of the Constitution mentioned above is the Representation of the People Act, 1951. In addition to the above constitutional disqualifications, the Representation of the People Act, 1951 has laid down a number of disqualifications for being chosen as, or for being, a member of Parliament. These disqualifications are mentioned in section 8, section 8A, section 9, section 9A, section 10 and section 10A of the Representation of the People Act, 1951. These disqualifications may, therefore, be called statutory disqualifications to distinguish them from constitutional disqualifications described above. The total number of the statutory disqualifications is six.

1. The first statutory disqualification is laid down in section 8 of the Representation of the People Act, 1951. Candidates who have been convicted for offences should study the provisions of Section 8 of the 1951 Act. This Section is divided into three sub-sections. Under sub-section (1) of this section a person convicted of an offence punishable under any of the provisions of law mentioned therein, shall be disqualified for the period mentioned below:
  - (i) If the sentence is only fine (without any imprisonment), the disqualification under Section 8 will be for a period of six years from the date of conviction;
  - (ii) If there is a sentence of imprisonment, the convicted person will stand disqualified from the date of conviction and up to a period of six years after release from imprisonment.
2. As per sub-section (2) of Section 8, if a person has been convicted by a Court for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or any provision of the Dowry Prohibition Act, 1961, and sentenced to imprisonment for not less than six months, he shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of 6 years since his release from imprisonment.
3. A person convicted by a Court in India for any offence other than those mentioned in Para 1 and 2 above and sentenced to imprisonment for not less than two years is disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release from prison. It may be noted that in case of conviction of a person for more than one offence, in a common trial and with the sentences of imprisonment to run consecutively, for the purposes of Section 8(3) of the Representation of the People Act, 1951, the period of sentences of imprisonment of each offence should be added and if the total length of time for which a person has been ordered to remain in prison consequent upon such conviction and sentences is two years or more, the convicted person shall be disqualified under the said Section 8(3) of the Representation of the People Act, 1951. The Commission has clarified that the disqualification under the said section would commence from the date of conviction, regardless of any appeal filed against the conviction and regardless of whether the person intending to be a candidate is out on bail or not. However, if the conviction is also stayed, the disqualification will be suspended when the stay of conviction is in force.

4. The second statutory disqualification is contained in section 8A of the Representation of the People Act, 1951. It provides for disqualification for a corrupt practice at an election. A person found guilty of a corrupt practice at an election by a High Court in an election petition or by the Supreme Court in an election appeal may be disqualified for such period, not exceeding six years, as may be determined by the President in accordance with the opinion of the Election Commission.
5. The third statutory disqualification is contained in section 9 of the Representation of the People Act, 1951. It provides for disqualification for dismissal for corruption or disloyalty to the State. A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal. A certificate, issued by the Election Commission to the effect that a person having held office under the Government of India or the Government of any State has not been dismissed for corruptions or for disloyalty to the State shall be conclusive proof that the person concerned is not disqualified under this Section. Thus, if a person dismissed from the service of government intends to contest election within five years of dismissal, she/he has to first submit application before the Election Commission for a certificate as envisaged under Section 9A and Section 33(3) of the 1951 Act. This has to be done well in advance for the Commission to take appropriate action.
6. The fourth statutory disqualification is contained in section 9A of the Representation of the People Act, 1951. Under this section, a person is disqualified for being chosen as or for being a member of Parliament if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the Government of India for the supply of goods to, or for the execution of any works, undertaken by that Government. If, however, the candidate has entered into a contract of this nature, and has fully performed his/her part of contract, then the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.
7. The fifth statutory disqualification is the holding of an office under a Government company. This is contained in section 10 of the Representation of the People Act, 1951. A person is disqualified for membership of Parliament if, and for so long as he is a managing agent, manager or secretary of any corporation or company in the capital of which the Government of India has not less than 25 percent share. A co-operative society, however, is excluded from the purview of this rule.

8. The last statutory disqualification is contained in section 10A of the Representation of the People Act, 1951. It is a disqualification for failure to lodge account of election expenses within the time and in the manner required by and under the Representation of the People Act, 1951. There will be an order passed by the Commission under Section 10A in respect of the persons so disqualified. Disqualification in such case will be for a period of three years from the date of order of the Commission.

The above are all the disqualifications constitutional and statutory from which a candidate must not suffer if he/she want to stand as a candidate for election to the House of the People (Lok Sabha).

## **2.9. DISQUALIFICATIONS FOR ELECTION TO LEGISLATIVE ASSEMBLY (VIDHAN SABHA)**

If a candidate wants to stand for election to the Legislative Assembly of a State or of a Union Territory from an assembly constituency, he/she must not suffer from any of the following disqualifications, constitutional and statutory:

**2.9.1 Constitutional Disqualifications for Membership of the Legislative Assembly of a State (other than the Legislative Assembly of a Union Territory).** These are contained in Article 191 of the Constitution of India.

1. Candidate must not hold any office of profit under the Government of India or the Government of any State other than an office declared by the Legislature of the State by law not to disqualify its holder. The various State Legislatures have made laws declaring different offices of profit which will not disqualify a holder of any such office for being chosen as and for being a member of the Legislative Assembly of a State. Candidate may refer to the law applicable for the State/UT concerned.
2. Candidate must not be of unsound mind and must not stand so declared by a competent court.
3. Candidate must not be an undischarged insolvent.
4. Candidate will be disqualified if he/she is not a citizen of India or he/she has voluntarily acquired the citizenship of a foreign State or if he/she is under any acknowledgement of allegiance or adherence to a foreign State. In simple words, a candidate must not be an alien and a foreigner.

It would be seen that the above-mentioned constitutional disqualifications are similar for the Lok Sabha and Legislative Assembly elections. It may also be noted that in respect of the Union Territories, similar disqualifications as described above

are laid down in the Govt of Union Territories Act, 1963, the NCT of Delhi Act, 1991 and in the Jammu & Kashmir Re-Organisation Act, 2019.

5. The above provisions further provide that the candidate must not be disqualified by or under any law made by Parliament.

**2.9.2. Disqualifications for Membership of the Legislative Assembly of Union Territory of Puducherry, are contained in section 14 of the Government of Union Territories Act, 1963:** A candidate must not hold any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislative Assembly of the Union Territory not to disqualify its holder. The Pondicherry Legislative Assembly has passed the Pondicherry members of the Legislative Assembly (Prevention of Disqualification) Act, 1994. A candidate for election of that Assembly should study that Act carefully:-

**2.9.3. Statutory Disqualifications for Membership of the Legislative Assembly of a State or of Union Territory of Puducherry:** The statutory disqualifications for membership of the Legislative Assembly of a State or of a Union Territory are the same as the statutory disqualifications for membership of Parliament contained in section 8, section 8A, section 9, section 9A, section 10 and section 10A of the Representation of the People Act, 1951, with this difference that the reference “to the appropriate government” in section 9A and section 10 shall mean the State Government in the case of election to Legislative Assembly. In relation to the disqualification for membership of the Legislative Assembly of Union Territory of Puducherry, ‘appropriate government’ mean not only the Government of that Union Territory but it means, also the Central Government.

## **2.10. DISQUALIFICATIONS FOR MEMBERSHIP OF LEGISLATIVE ASSEMBLY OF THE NATIONAL CAPITAL TERRITORY OF DELHI**

**2.10.1.** For being chosen as, and for being, a member of the Legislative Assembly of the National Capital Territory of Delhi, a person must not be holding any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the National Capital Territory of Delhi or by any other Union Territory not to disqualify its holder. A person shall, however, not be deemed to hold any such office of profit by reason only that he is a Minister either for the Union or for a State or Union Territory section 15(1) (a) and section 15 (2) of the Government of National Capital Territory of Delhi Act, 1991.

- 2.10.2. A person shall also be disqualified if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of article 102(1) of the Constitution, or section 15(1) (b) and section 40(3) of the said Act.
- 2.10.3. In other words, the disqualifications for election to Parliament which have been discussed earlier in this chapter, will apply for election to the Legislative Assembly of the National Capital Territory of Delhi.
- 2.10.4. As regards the Legislative Assembly of Jammu & Kashmir also, there are similar provisions in Section 27(1)(a) of the Jammu & Kashmir Re-organization Act, 2019.

### **2.11. DISQUALIFICATIONS FOR MEMBERSHIP CONSEQUENT ON DISQUALIFICATION FOR VOTING**

- 2.11.1. In this connection, candidate may refer to section 11A of the Representation of the People Act, 1951. The section provides for disqualifications for voting arising out of conviction and corrupt practice.
1. Any person convicted of an offence punishable under 171E or 171F of the Indian Penal Code or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of the Representation of the People Act, 1951 shall be disqualified for voting at any election. The period of such disqualification for voting is six years from the date of conviction.
  2. In the case of a person found guilty of a corrupt practice by an Order under section 99 of the Representation of the People Act, 1951, he will be disqualified for voting for the period as determined by the President under sub-section (1) of section 8A for disqualification for standing for election.
  3. If a person is, for the time being, disqualified for voting under the provisions explained above (in sub-paras 1 and 2 above), then he becomes disqualified for registration in an electoral roll and the name of any person who becomes so disqualified after registration is required to be forthwith struck off the electoral roll. These provisions are contained in section 16 of the Representation of the People Act, 1950. One of the qualifications for standing for election is that a candidate must be an elector as provided in section 4 and section 5 of the Representation of the People Act, 1951. But if he/she is disqualified for voting, then he/she cannot be an elector and, therefore, because of the disqualification for voting, he/she is not qualified for standing for election either from a parliamentary constituency or from an assembly constituency.

## Chapter 3: NOMINATION AND ALLOTMENT OF SYMBOLS

### 3.1. NOMINATION

3.1.1. Nomination of candidate is the process of putting forward a person as a candidate for membership of the legislative body to which the election is being held. The scheme of the law is that the name of a candidate for the election is proposed by an elector or a group of electors, as the case may be, and the person concerned, by assenting to the nomination agrees to be a candidate. The person being nominated must possess all the requisite qualifications and must not suffer any of the disqualifications. He/she has been given elaborate guidance in this direction in the earlier chapter.

3.1.2. The person cannot be nominated as a candidate for an election: -

- a) in the case of general election to the House of the People or to a legislative assembly (whether or not held simultaneously from all constituencies), from more than two Parliamentary/Assembly constituencies;
- b) Similarly, in the case of bye-elections to a House held simultaneously from two or more constituencies, a person cannot contest from more than two such constituencies;

**Explanation:** Two or more bye-elections shall be deemed to be held simultaneously where the notifications calling such bye-elections are issued by the Election Commission under Section 149 or 150 of RP Act, 1951 on the same date.

3.1.3. The steps for a general election are set in motion by the issue of one or more notifications (called in common parlance as election notifications) by the President of India in the case of House of the People and by the Governor of the State in the case of general election to the Legislative Assembly of that State. In the case of all bye- elections, such notifications are issued by the Election Commission. The election notification by the President/Governor is issued on the date as recommended by the Commission.

3.1.4. Simultaneously, the Election Commission by notification in the Official Gazette (issued on the same date) fixes the time-table of the election under section 30 of the Representation of the People Act, 1951.

- a) the last date for making nominations shall be the seventh day after the date of publication of the notification or writ calling the election, or if the seventh day is a public holiday, the next succeeding day which is not a public holiday; (Thus suppose the

notification or writ for the election is issued on the 1st of March, then the last date for making nominations will be the 8th of March (that is the seventh day), that being the seventh day after the publication of the notification or writ calling the election. But if the 8th of March is a public holiday, then the last date for making nominations will be the 9th of March. and so on);

- b) the date for scrutiny of nominations which shall be the day immediately following the last date for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday (thus if the last date for making nominations is the 8th of March, then the date for scrutiny of nominations will be 9th of March on the assumption that the 9th of March is not a public holiday);
- c) the last date for the withdrawal of candidatures which shall be the second day after the date for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday (thus suppose the date for scrutiny is the 9th of March, then the last date for the withdrawal of candidatures will be the 11th of March on the assumption that the 11th of March is not a public holiday); and
- d) the date on which a poll shall, if necessary, be taken which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures. Thus, if the last date for withdrawal of candidatures is the 11th of March, then the poll cannot be held before the 25th of March because the date of the poll cannot be earlier than the fourteenth day after the last date for the withdrawal of candidatures. The poll can be taken on more than one day also in a constituency. In such case, the first date of poll cannot be earlier than the 25th March in the above example.

**Note:** 'Public holiday' mentioned above means the public holiday declared as such under section 25 of the Negotiable Instruments Act, 1881 and not any other holiday.

3.1.5. On the issue of the notification by the Election Commission fixing the time-table of election under section 30 of the Representation of the People Act, 1951, a public notice of the intended election is issued by the Returning Officer under section 31 of the Representation of the People Act, 1951. By this public notice, the Returning Officer invites nominations of candidates for the election and specifies the place at which nomination papers are to be delivered. This public notice under section 31 is in Form 1 appended to the Conduct of Elections Rules, 1961. Generally, the public notice in Form 1 is published on the notice

board of the Returning Officer and at such other places as he considers necessary for giving wide publicity to the notice including the offices of Gram Panchayat, Panchayat Samitis, etc.

### **3.2. PERIOD OF NOMINATION**

3.2.1. It has already been mentioned above that only eight days (including the day on which the notification is issued) are available for the making of nominations. However, nomination cannot be filed on intervening public holidays.

In section 2 of RP Act, 1951, “public holiday” is defined as any day which is a holiday for the purposes of section 25 of Negotiable Instruments Act, 1881. Sunday is a public holiday. Further, the second and fourth Saturdays are also public holidays for this purpose. Thus, nomination cannot be filed on these days. In addition, if any other public holiday also happens to fall during the nomination filing period, nomination cannot be filed on such day either.

### **3.3. FORM OF NOMINATION PAPER**

3.3.1. The nomination paper must be in the prescribed form. The nomination of a candidate for election to the House of the People shall be made in Form 2A appended to Conduct of Elections Rules, 1961. Relevant Form for filing nomination of a candidate at an election to the State Legislative Assembly is Form 2B (Form 2A and 2B are reproduced in **Annexure – 1** and **Annexure – 2**. Printed copies of the Form of nomination paper can be obtained from the Returning Officer at a very nominal price. If the officially printed Forms are not available or cannot be obtained, a candidate may use a privately printed, type-written, cyclostyled Form; but he/she must take care to see that the Form used by him/her, exactly corresponds to the appropriate latest Form as appended to the Conduct of Elections Rules, 1961. A candidate must be very particular about every entry in the nomination form.

### **3.4. SEPARATE BANK ACCOUNT TO BE OPENED BY EACH CANDIDATE FOR ELECTION EXPENDITURE**

3.4.1. In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate’s own fund.

- 3.4.2. The bank Account can be opened either in the name of the candidate or in the joint name with his election agent for the purpose of election expenditure. The bank account should not be opened in the joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate.
- 3.4.3. The bank account can be opened anywhere in the State. The accounts can be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.

### 3.5. FILING OF AFFIDAVIT

- 3.5.1. Along with the nomination paper, every candidate is required to file an affidavit in Form 26 (**Annexure – 3**). The Affidavit should be sworn before a Magistrate of the First Class or before a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned. Each page of the Affidavits should be signed by the deponent concerned and in addition the affidavits should bear on each page the stamp of the Notary/Oath Commissioner /Magistrate before whom the Affidavit is sworn. The duly sworn affidavits should be on stamp paper of such denomination as prescribed under the State law of the State concerned.
- 3.5.2. Full disclosure of all particulars mentioned in Form 26 should be ensured. Candidates shall ensure that no column of the affidavit is left blank. Similarly, it is not permissible to give just tick/dash marking against any item. If the information asked for in a column is Nil or not applicable to the candidate then he/she should write 'Nil' or 'Not applicable' in that column [The Hon'ble supreme Court has held that in the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. If there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column Therefore, if the relevant columns of the Affidavit are not duly filled up, **the Returning Officer** will give a notice to the candidate to submit a fresh affidavit complete in all respect. If a candidate fails to file fresh affidavit complete in all respect even after reminder, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny of nomination].If a **Candidate has occupied Government Accommodation at any time during the past ten years, then the candidate is also required to attach with the Affidavit a "No Dues Certificate" in respect of the said govt Accommodation.**

- 3.5.3. The optional facility of e-filing of affidavit (**Form 26**) can be availed by the candidates by entering the information on logging into the ECI website. In such case, the printed copy has to be taken on stamp paper of appropriate denomination and sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public for filing the same before the Returning Officer. It may be noted that the notarized affidavit in physical form has to be filed latest by 3.00 PM on the last date of filing nomination. E-filing is not a substitute for the statutory requirement of having to file notarized affidavit in physical form.
- 3.5.4. Copies of the affidavits will be displayed in the premises of a public place within the constituency freely accessible to the general public. Displaying copies on the Returning officer's notice board will be done in all cases, even if the office is outside the boundary of the constituency.
- 3.5.5. The affidavit filed by all candidates, will be put up on the website soon after the candidates files the same and within 24 hours in any event. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.
- 3.5.6. In the judgement in Writ Petition (Civil) No. 536 OF 2011, the Hon'ble Supreme Court has, inter alia, given the following directions: -
- (i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.
  - (ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.
  - (iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
  - (iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.
  - (v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the criminal antecedents of the candidate and also give wide publicity in the electronic media.
- When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.
- 3.5.7. In pursuance of the abovementioned judgement, the Commission has given following directions to be followed by candidates at elections to the House of Parliament and House of State Legislatures who have criminal cases against them, either pending cases or cases of conviction in the past, and to the political parties that set up such candidates: -

- a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them – either pending cases or cases in which candidate has been convicted, shall publish details of such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in Format C-1 attached hereto (**Annexure - 27**) at least on three different dates from the day following the last date for withdrawal of candidatures and up to two days before the date of poll. The three publications will be in the following three blocks
- i. first publishing to be within first 4 days after withdrawal.
  - ii. Second publishing between 5<sup>th</sup> and 8<sup>th</sup> days.
  - iii. Third publishing to be done during the period from 9<sup>th</sup> day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date/or withdrawal is 10<sup>th</sup> of the month and poll is on 24<sup>th</sup> of the Month, the first block for publishing of declaration shall be done between 11<sup>th</sup> and 14<sup>th</sup> of the Month, second and third blocks shall be between 15<sup>th</sup> and 18<sup>th</sup> and 19<sup>th</sup> and 22<sup>nd</sup> of that Month, respectively.)

The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit.

- b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll. While publishing in TV channels, the matter shall remain on screen for at least seven seconds, and this should be done during the period between 8 am and 10 pm.
- c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form 26, the Returning Officer will give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3 (**Annexure - 27**). The candidates shall submit the report about publishing of declaration regarding criminal cases in Format C-4 to the District Election Officer, along with their account of election expenses.

### **3.6. CANDIDATE'S NAME IN THE NOMINATION PAPER**

3.6.1. In normal course, name mentioned in the nomination paper would be as it is entered in the electoral roll. However, if he/she consider that his/her name is incorrectly spelt or is otherwise incorrectly shown in the electoral roll, he/she should give his/her correct name in the nomination paper. The Returning Officer will overlook such mistake in the electoral roll. In such a case it would be advisable for candidate to submit also an application to the Returning Officer stating the above fact about the mistake of his/her name in the electoral roll along with his/her nomination paper.

### **3.7. THE DATE ON WHICH THE NOMINATION SHOULD BE FILED**

3.7.1. The nomination paper can be filed from the date of notification of election or any day thereafter up to the last date for making nomination, except on public holidays (as already explained).

### **3.8. TIME FOR FILING NOMINATION**

3.8.1. Nomination can be filed only between 11 O' clock in the forenoon and 3 O'clock in the afternoon on any of the above-mentioned days. Candidate should note that on the last date for making nominations, there is bound to see rush for filing nominations. They should ensure that they are inside the room/hall, where nominations are received, well before 3 pm along with requisite papers and should not leave the hall until all formalities related to filing of their nominations are duly completed. The Returning Officers are under instructions to close the door of the room/hall exactly at 3 pm. Thereafter R.O. will not allow any person to enter the room/hall or allow any papers to be brought into the room.

### **3.9. BY WHOM A NOMINATION PAPER CAN BE PRESENTED**

3.9.1. Nomination paper may be presented either by a candidate or by his/her proposers and by no one else. Wherever possible, it is advisable that a candidate should personally present the nomination paper so that no unforeseen hitch or difficulty may arise and endanger his/her candidature.

### **3.10. TO WHOM A NOMINATION PAPER SHOULD BE PRESENTED**

3.10.1. Candidate's nomination paper must be delivered to the Returning Officer of the constituency or to such Assistant Returning Officer as is authorized by the Returning Officer in this behalf. This authorized Assistant Returning Officer is specified in the public notice of election issued under section 31 in **Form 1** appended to the Conduct of Elections Rules, 1961.

### **3.11. WHERE A NOMINATION PAPER SHOULD BE DELIVERED**

3.11.1. The nomination paper must be delivered at the place specified in **Form 1** aforesaid and at no other place. Candidate or his/her proposer cannot send the nomination paper by post. The nomination paper cannot be delivered at the residence of the officer specified or outside the place mentioned in the notice in **Form 1**. If it is delivered at any other place, it will be rejected.

### **3.12. RESTRICTIONS ON NUMBER OF VEHICLES AND PEOPLE AT THE TIME OF NOMINATION**

3.12.1. The maximum number of vehicles in the convoy of a candidate or accompanying him to be allowed to come within a periphery of 100 meters of Returning Officer's or the Assistant Returning Officer's Office has been restricted to three and the maximum number of persons who can be allowed to enter the Office of Returning Officer or the Assistant Returning Officer at the time of filing nomination has been limited to five (including the candidate). Candidates shall ensure that they do not violate these instructions in any manner. It is the responsibility of the candidates to ensure that his/**her** supporters do not enter the nomination filing hall in excess of the specified number.

### **3.13. BY WHOM NOMINATION PAPER SHOULD BE SIGNED**

3.13.1. Nomination paper must bear the signature of proposer(s) as well as Candidate's own signature. The signature of the proposer(s) and candidate's own signature must be in the proper places shown in the Form of nomination paper for such signature. Candidate should be careful not to put his/her signature in the space indicated for the signature of the proposers. Similarly, the proposers should not sign in the space indicated for the signature of the candidate. There is no legal infirmity if a proposer signs more than one nomination paper of the same candidate or of different candidates.

### **3.14. NUMBER OF PROPOSERS**

3.14.1. Under Section 33 of the Representation of the People Act, 1951, the nomination of a candidate at election to the House of the People or a State Legislative Assembly shall be required to be subscribed by-

- i. One elector of the constituency, as proposer, if the candidate has been set up either by a recognized National party or by a recognized State party in the State or States in which it is recognized as State party (see Part-I of Forms 2A and 2B)
- ii. Ten (10) electors of the constituency, as proposers, if the candidate has been set up by a registered un-recognized political party or if he is an independent candidate (see Part-II of the Forms 2A and 2B).

3.14.2. If a State party recognised in one State is putting up candidate in another State in which it is not so recognised, the nomination of candidate(s) set up by that party in such other State will also be required to be subscribed by ten (10) electors of the constituency as proposers.

### **3.15. PROPOSER MUST BE AN ELECTOR OF THE CONSTITUENCY**

3.15.1. The proposer(s) must be an elector for the parliamentary constituency or for the assembly constituency from which candidate is seeking election. Make sure that the name of the proposer(s) is registered in the current electoral roll of the constituency from which the candidate is seeking election.

3.15.2. The Candidate is, therefore, advised to go thoroughly through photo electoral roll of the constituency in which he/she intends to contest the election to check the particulars of the electors who may be his/her proposer(s) whether the same are in order and there is no mismatch of photograph of such electors in the photo electoral roll.

### **3.16. WHAT CANDIDATE SHOULD DO IF HE OR HIS PROPOSER ARE BOTH UNABLE TO SIGN THEIR NAMES**

3.16.1. Under the law [vide rule 2(2) of the Conduct of Elections Rules, 1961], if a candidate or his/her proposer is unable to sign, then he/she or his/her proposer shall be deemed to have signed the nomination paper, if he/she or his/her proposer have placed a mark or thumb impression on the nomination paper in the presence of the Returning Officer or the Assistant Returning Officer or such other officer as may be authorised in this behalf by the Election Commission and such officer has attested the mark/thumb impression as being the that of the candidate or his/her proposer. It should be noted that in such cases the mark/thumb impression should be put in the presence of RO/ARO or the authorized officer and they should attest the same then and there.

### **3.17. DECLARATIONS TO BE MADE BY CANDIDATE IN THE NOMINATION PAPERS**

3.17.1. While assenting to the nomination made by the proposer, a candidate is required to make all requisite declarations as required in the nomination paper. It would be seen that the declarations cover, among others, the following aspects:

- a. as to the fact that the candidate is a citizen of India and has not acquired citizenship of any other country,
- b. It has already been pointed out that for election to the House of the People or a State Legislative Assembly, a candidate must not

be less than twenty-five years of age. A candidate should give his/her correct age in the nomination paper. If any candidate find that his/her age is not correctly mentioned in the electoral roll, he/she should give only his/her present age in the nomination paper and not the wrong age as shown in the electoral roll; N.B.

c. If the candidate age is near the legal minimum, that is to say, if he/she is just twenty-five years of age or a little more than that and there is an apprehension that an objection may be raised by a rival candidate regarding his/her age, arm with sufficient proof of his/her age.

c. As to the candidate's political party, in case a candidate is set up by any political party;

**N.B.** But declaration as to being set up by a political party will not arise if the candidate stands as an independent candidate.

d. As to the choice of the three symbols in order of preference (for candidates of registered unrecognized parties and independent candidates).

e. As to the correct spelling of his/her name and the name of his/her father/mother/husband as given in the nomination paper;

f. As to the fact that candidate is qualified and that he/she is not disqualified for being chosen to fill the seat for which he/she is contesting the election, and

g. As to the fact that the candidate has not been, and shall not be nominated as a candidate at the present general election/bye-elections being held simultaneously to the House of the People or Legislative Assembly of a State from more than two Parliamentary/Assembly constituencies, as the case may be.

3.17.2. Apart from the declaration in respect of the matters mentioned above, a candidate is to make a further declaration in the nomination paper if he/she stands as a candidate for election from a constituency reserved for the Scheduled Castes or Scheduled Tribes. If the candidate belongs to a Scheduled Caste or a Scheduled Tribe, he/she should make a declaration to that effect in his/her nomination paper even if he/she contests an election from a general constituency as this will entitle him/her to the concessional amount of security deposit even in that general constituency. Be very particular in making the declaration accurately. Candidate may furnish, along with the nomination paper, copy of certificate/appropriate document in proof of the fact that he/she belongs to a Scheduled Caste or Scheduled Tribe. Returning Office may ask for such proof.

### **3.18. WHAT CANDIDATE SHOULD DO IF CONTESTING ELECTION WITHIN 5 YEARS OF DISMISSAL FROM OFFICE UNDER GOVT**

3.18.1.If a person was dismissed from service under Government of India or under the Government of a State, and wants to contest election within a period of five years from the date of dismissal, then he/she will not be deemed to be duly nominated as a candidate unless his/her nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he/she has not been dismissed for corruption or disloyalty to the State. Thus, in the case of a person dismissed from government service and desiring to contest election within five years of dismissal, he/she has to approach the Election Commission well in advance with an application for certificate as mentioned above. [please refer to sections 9 and 33(3) of RP Act, 1951].

### **3.19. PRODUCTION OF COPY OF ELECTORAL ROLL IF A CANDIDATE IS AN ELECTOR OF A DIFFERENT CONSTITUENCY**

3.19.1.If the candidate's name has been registered as an elector in the electoral roll of a constituency different from the constituency from which he/she stands as a candidate, then he/she must file along with his/her nomination paper either a copy of the entire electoral roll of the former constituency or, a copy of the relevant part of that electoral roll (relevant part means the part of the electoral roll in which his/her name appears) or, a certified copy of the relevant entries relating to his/her name in such roll. If for any reason it is not possible to file any of these documents along with the nomination paper, then the candidate must produce any of these documents before the Returning Officer at the time of the scrutiny of nomination; otherwise, his/her nomination paper will be rejected.

### **3.20. HOW MANY NOMINATION PAPERS CAN BE FILED BY A CANDIDATE FOR STANDING AS A CANDIDATE FROM THE SAME CONSTITUENCY?**

3.20.1.Under sub-section (6) of section 33 of the R.P. Act, 1951, maximum of four nomination papers only can be presented by candidate or on behalf of any candidate or received by the Returning Officer or Specified Assistant Returning Officer for election in the same constituency. These nomination papers can be filed either together or separately.

### **3.21. DEPOSITS**

3.21.1.The law requires that a candidate at an election must make the prescribed security deposit. The failure to make the deposit will invalidate his/her nomination. If he/she wants to stand as a candidate for election from a parliamentary constituency, the sum required to be deposited by him/her is Twenty-five thousand rupees (Rs 25000). But a

concession is given to a candidate who is member of a Scheduled Caste or a Scheduled Tribe. If a person who is member of a Scheduled Caste or Scheduled Tribe wants to stand as a candidate from a parliamentary constituency, he will have to make a deposit of twelve thousand five hundred rupees (Rs 12500); If he/she is a candidate from an assembly constituency, he/she is to make a deposit of Rupees ten thousand (Rs 10000) and if he/she is a member of a Scheduled Caste or Scheduled Tribe, he/she shall have to make a deposit of five thousand rupees (Rs 5000). Please note that a Scheduled Caste or a Scheduled Tribe Candidate need deposit only the lesser amount even if he contests the election for a seat not reserved for Scheduled Castes or Scheduled Tribes, i.e., a general seat.

- 3.21.2. It has already been pointed out that from the same constituency, a candidate can file as many as four nomination papers, but in such a case he/she shall not have to make four different deposits. It will be enough if he/she makes only one deposit in respect of the first nomination paper. In the case of other nomination papers, no deposit is necessary. Candidate is only to attach to the first nomination paper that he/she file, the original treasury receipt or challan for the deposit. A true copy of the original receipt or challan for the deposit may be attached to every subsequent nomination paper, which may be filed by him/her. Always retain the official duplicate of the treasury receipt or challan, which he/she receive from the Reserve Bank of India or the government treasury with him/her for his/her future reference and use.
- 3.21.3. The amount may be deposited with the Returning Officer in cash at the time of filing his/her nomination paper or he/she may deposit the amount in the Reserve Bank of India or in a government treasury. He/she must do so before he/she file his/her nomination paper with the Returning Officer and he/she must, as already pointed out, attach the treasury receipt or challan which he/she will receive in duplicate from the Reserve Bank of India or the Govt. treasury to his/her nomination paper. If the candidate does not deposit the amount in cash with the Returning Officer at the time of filing his/her nomination paper or if he/she do not attach to his/her nomination paper the treasury receipt or challan, then his/her nomination paper will be rejected.
- 3.21.4. The depo sit should be made under the following Head of Account for election to Parliament: “8443-Civil Deposits-121-deposits in connection with elections -2-Deposits made by candidates for Parliament” The deposit should be made under the following Head of account for deposits made by candidates for State Legislatures: “8443-Civil Deposits-121-deposits in connection with elections-1-Deposits made by candidates for State/Union Territories Legislatures”.

### 3.22. ELECTION SYMBOLS

- 3.22.1. On looking at the form of the nomination paper, a candidate not set up by a recognised National or State Party, will find that he/she is to make a choice, in order of preference, of three symbols out of a specified list of symbols. The Conduct of Elections Rules, 1961 require the Election Commission to specify by notification in the Gazette of India and the Official gazette of each State the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.
- 3.22.2. These rules also require that if a candidate has filed more nomination papers than one then the declaration as to symbols made in the nomination paper first filed, and no other declaration as to symbols, shall be taken into consideration at the time of allotment of symbols by the Returning Officer to the contesting candidates even if the nomination paper which has been first filed has been rejected by the Returning Officer. In other words, even if his/her first nomination paper is rejected but his/her second or third or fourth nomination paper is accepted by the Returning Officer as valid even then the choice of symbols made by him/her in his/her first nomination paper will be taken into consideration at the time of allotment of symbols.
- 3.22.3. These rules also require that after the time of withdrawal of candidatures is over and there are more candidates in the field than one whose nominations have been found to be valid, then the Returning Officer shall immediately after the expiry of the time of withdrawal prepare the list of contesting candidates and allot subject to any direction issued by the Election Commission, a different symbol to each contesting candidate in conformity, as far as practicable, with his choice as shown in the nomination paper first filed.
- 3.22.4. In pursuance of these rules, the Election Commission issued on 31st August, 1968 an Order providing for specification, reservation, choice and allotment of symbols at elections in parliamentary and assembly constituencies in all States and Union territories, and for the recognition of political parties in relation thereto and for matters connected therewith. This order is called the Election Symbols (Reservation and Allotment) Order, 1968.
- 3.22.5. That Order also makes provisions for the recognition of parties as National and State Parties. Under para 17 of this Order, the Commission notifies at regular intervals the names of the recognized National and State parties, the list of symbols respectively reserved for them, the list of registered unrecognized parties and the list of free symbols. No candidate can choose a symbol outside these lists. Even if he does, such choice cannot be approved by Returning Officer.

### 3.23. CHOICE OF SYMBOLS BY CANDIDATES

- 3.23.1. A candidate sponsored by a National or State Party shall choose and shall be allotted only the symbol exclusively reserved for that party and no other symbol, provided the requirement of filing **Form A and B (Annexure - 5)** etc. have been duly followed. In view of this, such a candidate need not indicate three symbols in order of preference in his nomination paper but must declare that he has been set up by the Party concerned in the relevant part of the nomination paper.
- 3.23.2. The candidates, other than these, shall choose three symbols in order of preference from out of the list of free symbols specified for the State/ Union Territory by the Commission and indicate such preference in the nomination paper.

### 3.24. ALLOTMENT OF SYMBOLS TO CANDIDATES

- 3.24.1. According to law, in every contested election a symbol shall be allotted to each contesting candidate in accordance with the provisions of the Commission's Symbols Order. Different symbols shall be allotted to different contesting candidates at an election in the same constituency.
- 3.24.2. From the Symbols Order, referred to above, Candidate will find that:
- a) There are two categories of symbols, namely:
    - (i) Reserved symbols, and
    - (ii) Free symbols.
  - b) A "reserved symbol" means a symbol reserved for a recognized (National or State) party and a "free symbol" means a symbol other than a reserved symbol.
  - c) There are three categories of political parties, namely:
    - (i) Recognised National Parties (which are recognised in all States and Union Territories)
    - (ii) Recognised State Parties (which are recognised only in the specified States or Union Territories)
    - (iii) Registered -unrecognized parties.

**N.B.-** The Election Commission issues a consolidated notification from time to time specifying the list of recognised National and State parties and the symbols respectively reserved for them, the list of registered unrecognized parties and lists of free symbols for each State and Union Territory. Candidate should mention the correct name of the political party as per the name listed in the notification issued by the Commission. Translated or

abbreviated version of name of the Party may not be accepted. Similarly name of the symbol should be mentioned correctly. The above said notification will be available on the Commission website.

- d) A candidate set up by a National or State Party (in the State in which it is recognized) shall choose in his nomination paper and shall be allotted by the Returning Officer, only the reserved symbol of that party and no other symbol. This means that if he has been duly set up by a National or State Party, then, in his nomination paper, he can choose only the symbol reserved for that party and no other symbol.
- e) A reserved symbol can be allotted only to the candidate duly set up by the party for which the symbol is reserved. Such symbols cannot be allotted to other candidates in any constituency even if the party concerned has not put up any candidate in that constituency.
- f) If a political party, which is recognised as a State Party in some State or States, sets up a candidate at an election in a constituency in ~~any~~ another State or Union Territory, in which it is not a recognised State Party, then such Party has the option of making an application to the Commission for allotment of its reserved symbol to the candidates being set up by the Party in another State/ UT (under paragraph 10 of the Symbols Order). Such application has to be submitted to the Commission within 3 days after the date of election notification. If the Commission allows such a request, the candidates duly set up by the Party in the other State/UT will be allotted the reserved symbol of the Party. In such cases, it should be noted that that the said candidate concerned has to make the requisite declaration in his nomination paper that he has been set up by that party at the election and that the party has to submit Forms A and B as required under paragraph 13 of the Symbols Order.
- g) Where elections are held simultaneously in a parliamentary constituency and in the assembly constituencies comprised in such parliamentary constituency, then– (i) If a symbol has been exclusively allotted under paragraph (g) to a candidate set up by a State Party in another State at the election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said component assembly constituencies unless such candidate is a candidate set up by that political party; and (ii) If a symbol has been exclusively allotted under paragraph (g) to a candidate set up

by the said party at any election in any of the said component assembly constituencies that symbol shall not be allotted to any candidate at the election in the said parliamentary constituency unless such candidate is a candidate set up by that political party.

- h) Any association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of the Representation of the People Act, 1951 may apply to the Election Commission for registration as a political party by furnishing such information as is required under section 29A of that Act and as per the requirements specified in the guidelines for registration issued by the Commission. The Commission may on the satisfaction of the various requirements register it as a political party. The party so registered under section 29A of the Representation of the People Act, 1951 shall be deemed to be a registered political party for the purposes of the Election Symbols (Reservation and Allotment) Order, 1968. Such registered party may then be a recognised National or State Party or a registered unrecognised party depending upon the poll performance at a general election.
- i) Candidates not set up by a National or State Party, i.e., candidates set up by registered unrecognised political parties and independent candidates can make a choice of symbols in their nomination papers only out of the free symbols shown against the State from where they are seeking election and no other symbol

3.24.3. The Commission may on an application made to it under para 10A of Symbols Order allow a political party, which is unrecognized at present but was a recognized National or State party in any State or Union Territory not earlier than six years from the date of notification of the election, and which sets up a candidate at an election in a constituency in any State or Union Territory, whether such party was earlier recognized in that State or Union Territory or not, the use of the symbol reserved earlier for that party when it was a recognized National or State party.

3.24.4. Candidates set up by a party recognized as a State Party in another State or by a registered unrecognized party which was a recognized party not earlier than six years may be allotted the reserved symbol of the State party/ the symbol which was its reserved symbol when it was a recognized party if and only if the Commission has issued a specific direction under paragraph 10 or 10A.

3.24.5. Under paragraph 10B of the Symbol order, 1968, a registered un-recognized Party may submit application to the Commission for allotment of a common symbol from the list of free symbols, at a general election to the Lok Sabha or Legislative Assembly. For seeking common symbol under para 10B in a State, a Party should be contesting election from at least 5% of the seats in that State in the case of general election of Legislative Assembly. In Lok Sabha general election, a Party seeking common symbol in a State should be contesting from at least 2 PCs in that State. If the application is made to the Commission as per the requirements of para 10 B, the Commission will issue directions for allotment of common symbol to the candidates of such Parties. In such cases, the candidates set up by such Parties shall be allotted the symbol specified in the Commission's directions in the Constituencies mentioned in the direction. In the other constituencies such symbol will be open for allotment to other candidates as per the provisions of para 12 of the Symbol Order, 1968. Even in those cases in which a registered party has been allotted any particular symbol under Para 10B, but the party does not set up candidate or the nomination of the party's candidate is rejected, then also the symbol concerned can be allotted to other candidates who may have opted for the said symbol.

3.24.6. Candidates not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the list of free symbols and no other symbol except for the candidates of party allowed the concession under Para 10 or 10A of the symbols order, 1968.

Allotment of election symbol for candidates of registered un-recognized parties (which have not been allotted common symbol under paragraph 10B of the Symbols Order) and for independent candidates is governed by the provisions of paragraph 12 of the Order.

3.24.7. Where any free symbol has been chosen by only one candidate at such election, Returning Officer will allot that symbol to that candidate and to no one else.

3.24.8. Where the same free symbol has been chosen by several candidates at such election, then

(1) If of those several candidates, only one is a candidate set up by a registered unrecognized political party and all the rest are independent candidates, Returning Officer shall allot that free symbol to the candidate set up by the registered- unrecognized political party. This could mean that candidate of registered party gets preference over Independents.

(2) If two (or more) candidates of registered unrecognized parties have chosen the same free symbol then if any one of them

was a sitting member of the previous house of the People or Legislative Assembly, as the case may be, then that candidate will get preference over the others and shall be allotted the symbol concerned. If no one among them was a sitting member then Returning Officer will draw lots among them and allot the symbol to the winner of that draw of lot.

- (3) If the independent candidates are seeking the same free symbol, and one of them was a sitting member of the previous house and further was allotted that particular free symbol at the previous election when he elected as member, Returning Officer shall allot that free symbol to that candidate. He gets the preference over the other independents in such case.
- (4) If none of the independents opting for the same free symbol was sitting member of the previous house then allotment of the free symbol is to be decided by draw of lots.

3.24.9. From the form of nomination paper, a candidate will find that if he/she is a party candidate, he/she is required to make a declaration to that effect in the nomination paper itself. Now, he/she may be set up by a recognised party, that is to say, a National Party or State Party, or he/she may be set up by a registered unrecognised party. The Symbol Order of the Commission lays down clearly that a candidate shall be deemed to be set up by a particular party, if, and only if, -

- (a) the candidate has made the prescribed declaration to that effect in his/her nomination paper. The candidate is a member of that political party and his/her name is borne on the rolls of members of the party.
- (b) a notice by the political party in writing, in Form B, to that effect has been delivered to the Returning Officer of the constituency by 3 pm on the last date for making nominations.
- (c) the said notice in Form B is signed by the president, the secretary or any other office bearer of the party, and the president, secretary or such other office bearer sending the notice has been authorised by the party to send such notice;
- (d) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the State or Union Territory concerned, by 3 p.m. on the last date for making nominations; and
- (e) Forms A and B bear signature in original of the **authorized** office bearer of the party. No facsimile signature or signatures

by means of rubber stamp, etc., of any such office bearer or authorised person shall be accepted and no form transmitted by fax, emails etc shall be accepted.

3.24.10. In Form B, there is an option for the party to nominate a substitute candidate also in addition to the main candidate. If a substitute candidate has been nominated, the substitute will be treated as the party's candidate only in the event of nomination of main candidate being rejected on scrutiny, or on the withdrawal of the candidature by the main candidate (and if the nomination of the substitute candidate was otherwise valid and accepted and he is still in the field). If the nomination paper filed by the main candidate of a recognized National/State party is accepted, and if the nomination of the substitute candidate of that party is signed by only one proposer then the nomination of the substitute candidate shall be rejected. If his nomination paper is subscribed by ten proposers and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate.

3.24.11. Political parties are, permitted to cancel the authorization in Form B given in favour of one candidate and give a revised notice in Form B, in favour of another candidate subject to following conditions namely:

- (1) Such revised notice in Form B cancelling or substituting the authorization in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations;
- (2) Such revised notice in Form B is signed by the authorized office-bearer referred to in clause (d) of paragraph 13 of Symbols Order;
- (3) The Returning Officer is satisfied about the genuineness of the revised notice; and
- (4) The candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.

3.24.12. If a political party submits notice in Form B in respect of more than one candidate for the same constituency and the party does not state in such notices that the earlier notice(s) has/have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted to Returning Officer shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that party.

- 3.24.13 Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular Political Party, he shall not be deemed to have been set up by that party even if that party gives Returning Officer intimation to that effect in Forms A and B, and he shall not be allotted the symbol reserved, if any, for that party.
- 3.24.14. Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party and Form A and B in his favour have been filed by the other party within the prescribed time limit.
- 3.24.15. It must also be noted by a candidate that the Symbols Order does not recognise electoral alliances which are sometimes entered into by political parties. Therefore, a symbol reserved for a National or State Party shall not be allotted to any candidate other than the candidate set up by such National or State Party itself.

**3.25. PRELIMINARY SCRUTINY**

- 3.25.1. On the presentation of a nomination paper, the Returning Officer will satisfy himself that the name and the electoral roll number of the candidate and his proposal has entered in the nomination paper are the same as those in the electoral rolls.
- 3.25.2. The Returning Officer will check whether the affidavit in **Form 26 (Annexure - 3)** is duly filled up and attached along with the nomination paper. If not attached, the Returning Officer will bring it to the candidate’s notice about this requirement through the check list given below.
- 3.25.3. In respect of each candidate, Returning Officer or the specified Assistant Returning Officer should maintain in duplicate, the check list of the documents or requirements to be fulfilled by the candidates. The check list is given below: Original/ duplicate (Original to be kept with nomination paper and Duplicate to be handed over to (candidate)

**Check List of documents in connection with filing of nomination**

- Name of constituency .....
- Name of the candidate .....
- Date and time of filing nomination paper .....
- Sl. No. of nomination paper .....

## HANDBOOK FOR CANDIDATE

S No	Documents	Whether filed (Write Yes/ No) (if there is any defect / shortcoming in the documents, the same should be specified.
1	Affidavit in Form 26 (a) Whether all columns are filled up (b) If not, which are blank column(s) please specify). (c) Whether the affidavit is sworn before an oath Commissioner or Magistrate of First Class or before a notary Public.	
2	Certified extract of electoral roll (when candidate is an elector of a different constituency)	
3	Forms A and B (applicable in the case of candidates set up by political parties)	
4	Copy of caste/tribe certificate (if the candidate claims to belong to SC/ST)	
5	Security deposit (whether made)	
6	Oath/affirmation (whether taken)	

The following documents which have not been filed should be filed as indicated below: -

- (a) \_should be filed latest by\_.
- (b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a fresh affidavit with columns duly filled up before the commencement of scrutiny of nominations, failing which the nomination paper will be liable to be rejected.
- (c) should be filed latest by\_\_.

(Signature of candidate)

Signature of RO/ARO

Date & time:

Place:

**N.B.**

1. The Affidavit in Form 26, Forms A & B have to be filed latest by 3.00 P.M. on the last date of filing nominations.
2. If columns have been left blank in the affidavit in Form 26, this should be specified against item 1, and candidate should be asked to submit an affidavit complete in all respect, latest by the time fixed for commencement of scrutiny

of nominations. Failure to submit revised affidavit complete in all respects, even after reminder by RO will be a ground for rejection of the nomination paper.

3. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.

4. Certified extract of electoral roll can be filed up to the time of scrutiny.

3.25.4. Both the copies of checklist with all requirements indicated therein shall be signed by the RO as well as the candidate. The duplicate copy of the checklist will be handed over to the candidate/proposer who files nomination paper, while retaining the original with the nomination paper filed by the candidate.

3.25.5. If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued by the Returning Officer, clearly mentioning the date and time at which it is filed.

### **3.26. PHOTOGRAPH OF THE CANDIDATE**

3.26.1. At every election, the candidates shall be required to submit their photograph conforming to the requirements and specifications in addition to the photographs affixed on the nomination papers and, in any case, latest by the date fixed for scrutiny of nominations. The two photographs should be identical. The photograph should bear the signature of the candidate/election agent on the reverse side of the photograph. The specifications for the photograph are as follows:

- i. It should be a recent photograph (taken during the preceding period of 3 months before the date of notification).
- ii. Photograph should be of stamp size 2 cm X 2.5 cm. (2 cm in breadth and 2.5 cm in height) in white/off white background, with full face view directly facing the camera, neutral facial expression with eyes open. The photo may be in colour or black and white as may be convenient for the candidate.
- iii. Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/hats should be avoided. Dark glasses should also to be avoided.

3.26.2. When the photograph is submitted, the candidate / election agent/ proposer submitting the photograph shall be asked to give a declaration stating that the photograph being submitted is that of the candidate (mentioning the name and address) taken during the period of preceding 3 months. Format for declaration is given below:

(ECI Instruction 576/3/2015/SDR dated 16.03.2015 & 576/3/ 2015/ SDR Vol II dated 21.05.2015).

**Declaration by Candidate/Election agent/ Proposer while submitting the photograph of the Candidate**

Subject: Election to (mention the name of the House) from

..... (name of the constituency)/election to Council of States/Legislative Council by Assembly Members.

I ..... (name and address), son/daughter/wife of Shri , nominated as candidate for the abovementioned election, am submitting herewith my photograph for the purpose of printing the same on the ballot paper. I declare that the photograph has been taken during the last 3 months before the date of notification of election.

(fill up this part when the candidate himself is submitting the photograph).

OR

I ..... (name), election agent/proposer of Shri ..... (name and address of the candidate), son/daughter/wife of Shri ....., a candidate for the abovementioned election, hereby submit the photograph of the said candidate for the purpose of printing the same on the ballot paper. I declare that the photograph has been taken during the last 3 months before the date of notification of election.

(fill up this part when the election agent/proposer is submitting the photograph).

Date: .....

Name: .....

Address: .....

Tel No. ....

**3.27. MISTAKES, PRINTING ERRORS ETC. IN ELECTORAL ROLL OR IN NOMINATION PAPER**

3.27.1. The law says that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his/her proposer or any other person, or in regard to any place mentioned either in the electoral roll or in the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of the candidate or his/her proposer or any other person in the electoral roll or in the nomination paper shall affect the full operation of the electoral roll or the nomination paper. The law also requires the Returning Officer to permit any such misnomer, inaccurate description or error to be corrected or to overlook, where necessary, such misnomer, inaccurate description or error in the electoral roll or the nomination paper.

Still a candidate is well-advised to take particular care that no such misnomer or inaccurate description or clerical, technical or printing error in regard to his/her name or the name of his/her proposer or any other person or in regard to any place remains in the electoral roll or in the nomination paper, a candidate is well advised to look into the electoral rolls in which his/her name and the name of his/her proposer appear well in advance before the writ for election is issued because it is presumed that he/she must have decided well in time to stand as a candidate. And if after looking into the electoral roll well in advance of the issue of the writ for election, he/she finds that there is any misnomer, inaccurate description or any error in the electoral roll either in relation to himself/herself or his/her proposer or any other person (e.g. father's name) or mismatch of photo or any other matter, then he/she must take immediate steps for the correction of the error, etc. under section 22 and for the inclusion of his/her name and or the name of his/her proposer, etc., under section 23 of the Representation of the People Act, 1950.

### **3.28. RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY AND ALLOTMENT OF SYMBOLS**

3.28.1. A candidate will find from the form of nomination paper that a part of it requires the Returning Officer or the Assistant Returning Officer before whom it is filed to fill in and sign a certificate of delivery. While filing the nomination paper make sure that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed enters in his/her presence its serial number and properly fills in and signs the form of certificate of delivery of nomination paper.

3.28.2. A candidate will also find from the nomination paper that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed, is required to hand over to him/her or his/her proposer presenting the nomination paper a receipt for the same which also contains a written notice of the date, time and place fixed for the scrutiny of nomination papers. Do not forget or overlook to obtain the receipt for nomination paper containing also the notice of the time, date and place fixed for the scrutiny. All these are statutory requirements contained in section 35 of the Representation of the People Act, 1951. Therefore, do see that the certificate of delivery in the form given on the nomination paper is duly made in his/her presence by the Returning Officer or the Assistant Returning Officer to whom he/she has delivered the nomination paper and do not hesitate to ask from him for the receipt of nomination paper which he is bound to give to the candidate or his/her proposer before leaving the place where the nomination paper is filed.

3.28.3. The Commission has directed that Returning Officer should also give him/her along with the above notice about the scrutiny of nominations, another notice about the date, time and place of allotment of symbol to contesting candidates. Candidate should take that notice so that he/she may be present at the time of allotment of symbols, if his/her name is included in the list of contesting candidates.

### **3.29. EXAMINATION OF THE NOTICES OF NOMINATIONS**

3.29.1. The Returning Officer under section 35 is required to cause to be fixed in some conspicuous place in his office a notice of the nominations received by him on each of the dates fixed for making of nominations. This notice is in Form 3A appended to the Conduct of Elections Rules, 1961. Candidate is well advised to study and examine the notices of the nominations.

## Chapter 4: SCRUTINY OF NOMINATIONS

### 4.1. WHO CONDUCTS SCRUTINY OF NOMINATION PAPERS

- 4.1.1. The Returning Officer is required by law to hold the scrutiny of all nomination papers received by him on the date fixed for scrutiny in the election time table issued under section 30 of the Representation of the People Act, 1951.
- 4.1.2. The scrutiny of nomination papers takes place on the day immediately following the last date for filing nominations. Thus, if today is the last date for filing nominations, then tomorrow will be the date for scrutiny of nominations. But if tomorrow is a public holiday, then the scrutiny of nominations will take place day after tomorrow provided it again is not a public holiday. In other words, scrutiny of nomination papers cannot be held on a public holiday.
- 4.1.3. Scrutiny of nomination papers can be done only by Returning Officer. (See the proviso to section 22 (2) of the Representation of the People Act, 1951.

### 4.2. WHO MAY ATTEND SCRUTINY OF NOMINATIONS

- 4.2.1. Provisions governing scrutiny of nomination have been given under section 36 of RP Act, 1951. Only four persons in the case of each candidate may attend the place of scrutiny: (1) the candidate himself, (2) the candidate's election agent, (3) one proposer of the candidate and (4) one other person authorized in writing by the candidate. It will be helpful for the candidate if the fourth person to be authorized by him/her in writing at the time of scrutiny is a person conversant with election law, so that he may adequately protect his/her interests at the time of scrutiny.-It will also be to interest of the candidate if he/she can present himself/herself at the scrutiny.

### 4.3. REASONABLE FACILITIES FOR EXAMINATION OF NOMINATION PAPERS

- 4.3.1. The four persons (including candidate), who can be present on the candidate behalf at the time of scrutiny, have a right to have all reasonable facilities for examining the nomination papers of all the candidates which are taken up for scrutiny by the Returning Officer.

### 4.4. OBJECTIONS WHICH MAY BE RAISED

- 4.4.1. The candidate should not raise any flimsy or technical objections in regard to any nomination paper. Section 36(4) of the Representation of the People act, 1951 clearly lays down that the Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character. Rule 4 of the Conduct of Elections Rules

1961 lays down that the failure to complete or defect in completing a declaration regarding symbols in the nomination paper is not a defect of substantial character. Any misnomer or any inaccurate description or clerical or technical or printing error in regard to the candidate's name or the name of his/her proposer or any other person or in regard to any place mentioned in the electoral roll or nomination paper, etc., should not ordinarily be a ground for objection if such description in regard to any name and place is such as to be commonly understood.

4.4.2. When any objection is raised against nomination paper of a candidate, he/she should try to impress upon the Returning Officer that he should not reject the nomination paper on any flimsy or technical ground. Objection may be raised by any candidate or representatives or even *suo moto* by the Returning Officer.

#### 4.5. GROUND FOR REJECTION OF NOMINATION PAPER

4.5.1. Remember that the Returning Officer will be justified in rejecting nomination paper of a candidate on any one of the following grounds namely,

- (i) If the candidate is clearly not qualified in law to be a member of the House of the People or of State Legislative Assembly (as on the date fixed for scrutiny), or
- (ii) If the candidate is clearly disqualified in law to be such member, or
- (iii) If the candidate has not taken the oath or affirmation as required by the Constitution; or
- (iv) If nomination paper **and other requisite documents** of the candidate have not been delivered in time; or
- (v) If the candidate's nomination paper has been delivered to the Returning Officer or to an authorized Assistant Returning Officer by a person other than the candidate or his/her proposer; or
- (vi) If the candidate's nomination paper has not been delivered at the place specified in the public notice issued by the Returning Officer; or
- (vii) If the candidate's nomination paper has been delivered to a person other than the Returning Officer or any of his authorized Assistant Returning Officer; or
- (viii) If the candidate nomination paper is not substantially in the prescribed form; or
- (ix) If the candidate's nomination paper has not been subscribed by

the required number of proposers or has not been signed either by the candidate or by his/her proposer(s) or by both in the places meant for such signatures in the nomination paper; or

- (x) If proper security deposit has not been made by the candidate in accordance with the law already explained; or
- (xi) If the candidate's signature or the signature(s) of his/her proposer(s) on the nomination paper is/are not genuine; or
- (xii) If the candidate does not belong to the class of persons for whom the seat in his/her constituency is reserved, e.g. if a candidate does not belong to Scheduled Caste and he/she files nomination paper to contest a seat reserved for the Scheduled Castes; or
- (xiii) If the proposer is not an elector of the constituency
- (xiv) If the candidate fails to furnish with his/her nomination papers, the affidavit in the prescribed formats/manner.
- (xv) If the candidate fails to specify his/her age.
- (xvi) where the candidate is not an elector of the constituency for which he has filed nomination paper and he has neither filed a copy of the electoral roll of the constituency in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll along with the nomination paper nor produced the same at the time of scrutiny as required under Section 33(5) of the said Act.
- (xvii) Columns were left blank in the affidavit and fresh affidavit not filed in spite of notice.

4.5.2. If a candidate's nomination paper is rejected for any reason by the Returning Officer, that candidate must get certified copy of the order of the Returning Officer immediately containing reasons for such rejections. According to the Commission's instructions, the candidate is entitled to get a copy immediately after the Returning Officer has passed an order rejecting his /her nomination paper for which he/she need not to pay any fee or charges.

4.5.3. The candidate may apply for time to rebut any objection, if he/she finds that any objection has been raised against his/her nomination as a candidate and to rebut that objection he/she require some time. The candidate may immediately apply to Returning Officer for time. In such a case the Returning Officer may allow adjournment as per the proviso to sub-section (5) of Section 36, which states that in such cases candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny.

**4.6. OATH OR AFFIRMATION BY THE CANDIDATE**

4.6.1. The oath or affirmation by a candidate must be made after he has been nominated and before the date fixed for scrutiny.

**4.7. REJECTION OF ONE NOMINATION PAPER NOT TO AFFECT THE NOMINATION IF ANY OTHER NOMINATION PAPER IS FOUND VALID**

4.7.1. It has already been mentioned that from the same constituency, the candidate can file as many as four nomination papers. If any of these four nomination papers is found to be valid, then that itself will be enough for his/her valid nomination even though the other three are rejected.

**4.8. INDICATIVE LIST OF DOCUMENTS AND OTHER MATERIALS WITH WHICH THE CANDIDATE SHOULD BE PRESENT AT THE TIME OF SCRUTINY**

4.8.1. To meet possible objections against nomination, candidate should take with him/her to the place of scrutiny the following documents, namely:

- a) Copy of checklist given by RO at the time of filing of nomination;
- b) Satisfactory evidence regarding his/her age;
- c) Where deposit has been made in cash, the receipt given to the candidate by Returning Officer or an authorized Assistant Returning Officer and, where deposit has been made in a government treasury or in the Reserve Bank of India, the duplicate copy of the treasury receipt or challan;
- d) The receipt for nomination paper and notice of scrutiny which was handed over to the candidate by the Returning Officer or the authorized Assistant Returning Officer on presenting the nomination paper; and
- e) A copy of the affidavit filed in Form 26;
- f) A copy of the SC/ST certificate issued by the competent authorities; if applicable, and
- g) Any other evidence or material, which may be necessary to repeal and rebut any objection which has been or may be raised against the candidate's nomination.

**4.9. CORRECTION IN THE NAMES OF CANDIDATES**

4.9.1. Each candidate or in his absence, his election agent or his proposer, may be required to give the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, in writing either at the time of filing the nomination or immediately after the scrutiny of nominations is over or at the time of the allotment of

symbols. If a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to Returning Officer the proper form and spelling of his name along with evidence to support the claim and Returning Officer shall, on being satisfied as to the genuineness of the request make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates. Such request will not be entertained after list of contesting candidates is prepared.

#### **4.10. DO'S AND DON'TS FOR CANDIDATES**

4.10.1. The election law of our country is quite comprehensive and the procedure quite elaborates. It is upon their due observance that the purity of the elections depends. Some of the Do's/Don'ts are suggested for the candidate in **SECTION-III Dos' and Don'ts**. It should be noted that these are not exhaustive but are only illustrative.

#### **4.11. CODE OF CONDUCT – DO'S AND DON'TS FOR POLITICAL PARTIES AND CANDIDATES**

4.11.1. Apart from the Model Code of Conduct (**Annexure - 10**), the Commission has issued another set of Code of Conduct - Do's and Don'ts for political parties and candidates to be observed from the announcement of an election and until the completion of the process of election. A copy of these Code of Conduct - Do's and Don'ts is also given in **SECTION-III**. It is the responsibility of the candidate to ensure that neither he/she nor the political party which has set him/her up, his/her agents, workers, supporters sympathizers indulge in any act of commission or omission which may amount to violation of the said Code of these Do's and Don'ts.

## Chapter 5: WITHDRAWAL OF CANDIDATES

### 5.1. WITHDRAWAL OF CANDIDATURE

5.1.1. If the candidate's nomination paper is accepted, he/she becomes a validly nominated candidate. But even then, he/she may like to withdraw from the contest. The candidate may kindly note that the withdrawal of his/her candidature can be done only after the scrutiny of nominations is over and not at any stage before.

### 5.2. NOTICE OF WITHDRAWAL

5.2.1. If a candidate has decided to withdraw his/her candidature, then he/she must do so by a notice in writing and such notice shall be in Form 5 appended to the Conduct of Election Rules, 1961 (**Annexure - 6**). The candidate should fill all requisite particulars in Form 5 and affix her/his signature therein.

### 5.3. REQUIREMENTS FOR VALID WITHDRAWAL

5.3.1. The notice of withdrawal shall be in the prescribed Form (**Form 5**)

5.3.2. It must be signed by candidate only and by no one else on his/her behalf.

5.3.3. It must be delivered to the Returning Officer not later than 3 O'clock in the afternoon on the last date for withdrawal of candidature; and.

5.3.4. Such delivery must be made either by the candidate in person or by one of her/his proposers or by her/his duly appointed election agent, but if it is delivered by the proposer or by election agent, then such proposer or election agent must be authorised by the candidate in writing in this behalf. Without the written authorization, the withdrawal notice will not be valid. The notice of withdrawal **cannot be sent by post or by any other mode.**

### 5.4. NOTICE OF WITHDRAWAL TO BE FINAL

5.4.1. The candidate must also note very carefully that once she/he has validly given a notice of withdrawal of candidature to Returning Officer, it becomes final under section 37 (2) of the Representation of the People Act, 1951 and **there is no provision of law to take back the notice.**

5.4.2. But if the candidate has decided to withdraw from the contest, he/she has to take a particular care that all the conditions mentioned above are fulfilled. Otherwise, the withdrawal of his/her candidature will not be regarded as withdrawal in the eye of law and his/her name will be included by the Returning Officer in the list of contesting candidates prepared by him under section 38 of the Representation of the People

Act, 1951 with the result that even if the candidate does not actually contest, his/her name will appear on the Ballot, he/she cannot get a refund of the money which he/she deposited along with his/her nomination paper and he/she will be required to file his/her account of election expenses. But if the notice of withdrawal is a good and valid one and accepted by the Returning Officer, then the candidate will be entitled to get back the money he/she deposited along with his/her nomination paper and he/she need not file the account of election expenses.

## 5.5. RECEIPT FOR NOTICE OF WITHDRAWAL

5.5.1. After the notice of withdrawal has been delivered to the Returning Officer, please wait there for some time to have the receipt for the notice of withdrawal. This receipt will be handed over by the Returning Officer. Do not leave the Office of the Returning Officer without getting this receipt because this receipt will help the candidate in getting back his/her deposit money.

## 5.6. LIST OF CONTESTING CANDIDATES

5.6.1. Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures and after completing the symbol allotment, Returning Officer will then draw a list of contesting candidates which will comprise the names of validly nominated candidates who have not withdrawn their candidature, their addresses, their photographs, and the symbol allotted. The list of contesting candidates is to be drawn in **Form 7A**.

5.6.2. Immediately after the preparation of the list of contesting candidates a copy of the list will be affixed in some conspicuous place in Returning Officer's office. Returning Officer also supply a copy of the list of contesting candidates to each such candidate or to the election agent.

5.6.3. Sub-rule (1) of Rule 31 of Conduct of Election (Rules), 1961, requires a copy of the list of contesting candidates to be displayed outside each polling station.

5.6.4. The list will also be published in the Gazette of India in the case of a parliamentary election, and in the State Gazette concerned in the case of an assembly election.

## 5.7. ARRANGEMENT OF NAMES IN THE LIST OF CONTESTING CANDIDATES

5.7.1. As per the section 38 of the Representation of the People Act, 1951 and **Form 4** (List of validly nominated candidates) and Form 7A (List of contesting candidates), names of candidates in the said lists are required to be arranged under three categories, i.e. (i) candidates of recognised National parties and State political parties in the State concerned, (ii) candidates of other registered political parties and (iii) Independent

candidates. Therefore, names of candidates will be arranged in the said lists and also on the ballot papers in the said order under these categories. It may be noted that names will be arranged alphabetically in each of the above mentioned three categories separately. (However, the headings of the above mentioned three categories as given in the revised **Form 7A** shall not appear on the ballot papers). The serial numbering will however be continuous for all three categories.

- 5.7.2. The Returning Officer will determine the arrangement of the names of candidates in alphabetical order in each of the three categories in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of name irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of a candidate shall be ignored for the aforesaid purpose. Thus, in the case of a candidate giving his name as “T.K. Reddy”, the place of that candidate according to alphabetical order shall be determined with reference to the letter “R” and not “T”. However, if two candidates in the same category have the same names but different initials, for example P.S. Reddy and T.K. Reddy then the two names will be arranged inter-se with reference to the first letter of the initials. Further, if two or more such candidates have the same names but different surnames, then their names shall be arranged inter-se in alphabetical order with reference to the surnames.
- 5.7.3. Rules 22(3) and 30(3) of the Conduct of Elections Rules, 1961 provide that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In such cases, the arrangement of names of those candidates if falling under the same category in the list of validly nominated candidates and contesting candidates and in the Ballot Paper will be with reference to the distinguishing names of the candidates.
- 5.7.4. There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title shall on no account be taken into consideration, in the arrangement of names in alphabetical order in the list of validly nominated candidates or contesting candidates and in ballot paper.
- 5.7.5. The Returning Officer will arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of the language as specified by the Commission.

## **5.8. ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES**

- 5.8.1. After the finalization of the list of contesting candidates, issue an identity card to each contesting candidate in the form given below:

**CANDIDATE'S IDENTITY CARD**

Photograph

Shri/Srimati..... is a contesting candidate for election to the ..... from the constituency and is set up by the ..... party.

(Signature of the candidate)

Attested by

Place:

Date:

Returning Officer

(Seal)

[N.B. If the candidate is set up by a National party or a State party or an unrecognized party registered with the Commission, he/she should enter the name of the party, otherwise last portion in the form indicating the party should be scored out].

- 5.8.2. The Commission has decided that in all elections, the identity cards issued to contesting candidates shall carry their photographs. All candidates should therefore be instructed by the Returning Officer to furnish two copies of their recent photographs as soon as the list of contesting candidates is finalized on the last date for withdrawal of candidatures. The identity cards of all candidates will be prepared in duplicate, so that the duplicate copy is kept by the Returning Officer as office copy for the purposes of record.
- 5.8.3. The candidate should not fail to collect his/her identity card from the Returning Officer and he/she should always keep it with him/her. During the election campaign, on the day of the poll and on the date of counting, there will arise various occasions, on which the identification as a candidate will be necessary and this identity card will readily establish the identity as a candidate.

## Chapter 6: ELECTION AGENTS

### 6.1. APPOINTMENT OF ELECTION AGENTS

6.1.1. A candidate may appoint any person to be his/her election agent. Note that under the law, it is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time after the nomination as a candidate or not at all. Every such appointment has to be made by a formal communication by the candidate in **Form 8** (Under Rule 12 of Conduct of Election Rules, 1961) (**Annexure – 7**) in duplicate, which has to be submitted to Returning Officer. The Returning Officer will retain one copy thereof and return the second copy to the candidate/election agent after affixing thereon his seal and signature in token of his approval of the appointment.

#### 6.1.2 Important points to note

- Any person who currently stands disqualified under the Constitution or under the Representation of the People Act, 1951, for being a member of either House of Parliament or either House of the Legislature of a State or for voting at elections is disqualified for being an election agent so long as the disqualification subsists.
- No person with security cover can be allowed to surrender the security cover to enable him to become an election agent.
- No sitting Minister either of Union Government or of a State Government, sitting Member of Parliament, sitting Member of Legislative Assembly/Legislative Council, Chief/Head/Chairperson of Urban Local Bodies, viz., Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, Chairperson/Vice-Chairperson of District level/Block level/Mandal Parishad, Panchayat samiti etc., shall be allowed to act as Election agent, Polling Agent, or Counting Agent of any candidate during an election. (Latest instruction to be referred)
- Chairpersons and members of Central PSUs/State PSUs, Govt. Bodies/Corporation, Cooperatives.
- Persons receiving any honorarium or aid from Government or Persons working on part time in any Govt. / Govt. Aided Institutions shall not act as Election agent.
- Para Medical/Healthcare staff working in Govt/Govt. Aided institutions, Fair Price Shop dealers, Anganwadi Employees.

- No person in the service of the Government can act as an Election agent. This is an offence and Under Section 134-A of the R.P. Act 1951, such appointees are punishable with imprisonment for a term which may extend to 3 (three) months, or with fine, or with both.
- 6.1.3. A candidate may revoke the appointment of election agent in writing in **Form 9 (Annexure – 8)** under his/her signature by submitting the same with the Returning Officer. It shall operate from the date from which it is lodged with the Returning Officer. In the event of such revocation or the death of an election agent, the candidate may appoint another election agent in his place.
- 6.1.4. An election agent may perform such functions in connection with the election as are authorized by the Representation of the People Act, 1951 and the rules made thereunder. In particular, the candidate or his/her election agent must keep a full day to day account of his/her election expenses incurred on each item duly supported by vouchers which should be lodged along with the account of election expenses. It is also pointed out that any corrupt practice (mentioned in section 123 of the R.P. Act, 1951) committed by election agent will be regarded in law as having been committed by the candidate and that will vitiate his/her election. Therefore, a candidate should take proper care in selecting the election agent. Candidate should ask his/her election agent to carefully go through the provisions of section 123 of the Act regarding corrupt practices. The candidate is responsible for the actions done by the election agent on his/her behalf.
- 6.1.5. Every candidate is also permitted to appoint an additional agent for assisting the candidate in various expenditure related matters. The appointment is to be made in the Format prescribed by the Commission. This additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties, the election agent is authorized to perform on behalf of the candidate, can be performed only by the election agent appointed under Section 40 of the Representation of the People Act, 1951 read with Rule 12 of the Conduct of Elections Rules, 1961.
- 6.1.6 A person who is disqualified for being an election agent under the law as explained in Para 6.1.2 above, should not be appointed as such additional agent. The general prohibition in the case of Minister/ MP/ MLA/ MLC/ Mayor of Corporation/ Chairman of Municipality/ Zilla Parishad, and persons provided security cover, would also apply for such additional agent.

- 6.1.7 Candidates of large parliamentary constituencies spread over the entire state or more than one district find it difficult to monitor the process of election in the entire parliamentary constituency with only one Election Agent permitted under the law. The Commission has decided to permit appointment of "Authorised Nominees" in addition to the Election Agent in such cases. Such appointment has to be made in the prescribed Format. Such "Authorised Nominees" will not have the legal status of Election Agent but may represent the candidates for meeting with officials and may perform non-statutory functions on behalf of the candidate. The number of such Authorised Nominees shall not be more than the number of Assembly segments in the parliament constituency, and in the case of smaller States with one or two Parliamentary constituencies, the number of Authorised Nominees shall not be more than the number of districts falling in the parliamentary constituency. The Authorised Nominees may be issued vehicle permit for the particular area for which he is nominated by the candidate up to the end of the campaign period. Needless to mention that the expenditure on the vehicles used by the Authorised Nominee, shall be booked to the account of election expenses of the candidate.
- 6.1.8 All the conditions laid down under section 41 of the Representation of the People Act, 1951 for appointment of Election Agent and the general prohibition against appointing Minister/MP/MLA/MLC/Mayor of Corporation /Chairman of Municipality/ Zilla Parishad, as any agent for a candidate, would also apply for such Authorised Nominee.
- 6.1.9. The Commission has decided that Identity Cards shall also be issued to election agents. The letter of appointment of election agent in **Form 8** itself will serve the purpose of such identity card. The candidate should affix the photographs also of his/her election agent on the right top portion of both the copies of his appointment letter in Form 8. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of the candidates in previous Chapter.

## Chapter 7. CAMPAIGN PERIOD

### 7.1. INTRODUCTION

7.1.1 The election law provides for an interval of not less than thirteen clear days between the last date(s) fixed for the withdrawal of candidatures and the poll. This period should be properly utilized for canvassing and educating the voters and for training the large number of workers and agents that the candidate will have to employ.

7.1.2. A contesting candidate should utilize this period fully for educating the voters as to how they have to record their votes by means of voting machines. Similarly, the persons proposed to be appointed by the candidate as his/her polling and counting agents should also be asked to thoroughly acquaint themselves with the voting and counting procedure to be followed while using these machines. For their guidance, the Commission has brought out separate handbooks for them which they should study carefully.

### 7.2. CORRUPT PRACTICES AND ELECTORAL OFFENCES

7.2.1. While undertaking the electioneering campaign, the candidate should ensure that the highest standard of morality and purity are maintained, as that would in turn ensure free and fair election. The most potent cause which tends to mar the smooth conduct of an election and disturb the atmosphere of friendly contest that should prevail during the elections, is the violation of the statutory provisions of election law relating to corrupt practices and electoral offences. The election law has enumerated various corrupt practices and electoral offences in sections 123 to 136 of the Representation of the People Act, 1951 and chapter IX-A of IPC. For the candidate's convenience, the above-mentioned provisions are reproduced in **Annexure – 9**. The commission of any such corrupt practices and offences by the candidate's agents and workers may vitiate his/her election. The candidate should, therefore keep in check his/her overenthusiastic agents and workers from indulging in any objectionable activities. Even a single proved instance of corrupt practice may be enough to unseat the candidate, if he/she is successful in the election.

7.2.2. In particular, the candidate does not permit, on his/her behalf:

- i. Any bribery or undue influence by way of coercion or intimidation of voters or otherwise or personation;
- ii. Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport (this is also a criminal offence);
- iii. Any act to promote or attempt to promote on grounds of religion, caste, community, or language, feeling of enmity or hatred

between different classes of citizens of India is a corrupt practice and which may render the candidate's election void and entail disqualification for membership and which is also an electoral offence punishable with imprisonment for a term which may extend to three years, or with fine or both;

- iv. Any assistance from any government servant to help the candidate's prospects in the election, except that a government servant may, if he so desires, cast his vote for him/her;

**N.B.** Such assistance on the part of a government servant is a corrupt practice as well as an offence. If the candidate instigates him to do so, he/she will be liable criminally for abetment. Provided that where any person in the service of the Government and belonging to any of the specified classes in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities, or does any other act or thing, for or in relation to any candidate, or his election agent, or any other person, acting with the consent of the candidate, or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

- v. The candidate's election expenses to exceed the legal maximum;
- vi. any removal of ballot paper or voting machine from the polling station or tampering with the ballot boxes or voting machines by use of force or otherwise (these are criminal offences);
- vii. any appeal by the candidate or by his/her agent or any other person with his/her consent or with the consent of his/her election agent to vote or refrain from voting for any person on grounds of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of or appeal to National Symbols such as National flag or the National emblem which is a corrupt practice under the law. (However, no symbol allotted to a candidate shall be deemed to be a religious symbol or a National symbol);
- viii. The publication of any statement of fact which is false in relation to the personal character or conduct of any candidate;
- ix. Booth capturing as defined in section 135A of the Representation of the People Act, 1951. Booth capturing is both a corrupt practice and an electoral offence punishable with imprisonment of not less than six months and up to two years and with fine.

**Section 135A. Offence of booth capturing:** Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may

extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.]

### **7.3. MODEL CODE OF CONDUCT AND ITS OBSERVANCE**

- 7.3.1. Apart from the abovementioned corrupt practices and electoral offences, the election campaigns may take different forms, which may create feelings of bitterness, irritation, confrontation and resentment among the various political parties and candidates and vitiate the atmosphere. To enable a conducive atmosphere for ensuring a free and fair election, the Commission has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates.
- 7.3.2. The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in the constituency. The Model code shall also apply to the content being published. The Model Code is reproduced at **Annexure – 10**.
- 7.3.3. If this code is scrupulously followed by political parties and contesting candidates and by their workers, there will be hardly any cause for ill-will or friction among them and the election can be conducted by the Officers charged with the task smoothly and fairly. These officers would thus require the candidate's co-operation in this noble task.

### **7.4. STANDING COMMITTEES**

- 7.4.1. For ensuring compliance of the model code by all political parties and contesting candidates and for considering specific cases of violation of that code, the Commission has issued instructions in the past that a standing committee should be constituted in each district under the chairmanship of the head of the district administration i.e. Deputy Commissioner, District Magistrate etc. and besides the senior police officer of the district, the representative of National and State parties in the district should be associated with such committees.
- 7.4.2. The Commission has also instructed that, in addition to the aforesaid district Committees, there should be constituted a similar committee in each constituency. This committee will function under the Returning Officer and will consist of all contesting candidates or their authorized representatives, beside the senior police officers. The committee will meet quite frequently, if possible, from day to day. It will act as a watchdog to see that the Model Code of Conduct is followed. If candidate notices any instances of violation of such code, he should report to the committee for such remedial or punitive action as is considered necessary.

## 7.5. PROCESSION AND MEETINGS

- 7.5.1. The candidate or his/her party should obtain well in time the required permission from the proper authority for the holding of a meeting at any public or private place. The Commission has issued instruction that all public maidans, meeting halls, etc. should be made available to all candidates equally and no undue favour or preference should be shown in this regard to the candidates of any particular political party. Temples, mosques, churches or other places of worship should not be used as forum for such meeting or for any election propaganda. Similarly, permission should also be obtained for conducting processions. The application should be made in time to enable the local police authorities to make necessary traffic and security arrangements. Taking out processions on the same roads or routes on which some other candidate is also taking out a procession on the same day should be avoided. Pictorial representations should be sober and moderate and of real educative value to voters. A high standard of decency and decorum should be maintained while making speeches or raising slogans. No Loudspeakers should be used for any such meetings or processions or for general propaganda without prior written permission of the authorities concerned and beyond the hours fixed by the Commission in this behalf.
- 7.5.2. A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purposes, shall not be used at night between 10.00 PM and 6.00 AM.
- 7.5.3. No Loudspeaker fitted on vehicles of any kind or in any other manner whatsoever should be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area.
- 7.5.4. There is no restriction of number of vehicles which the candidate may use for election campaign. However, no vehicle can be used without obtaining valid permission. The candidate should submit the details of all such vehicles that he/she may be using in the election campaign before the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences and should obtain permits in respect of such vehicles. Any further deployment of additional vehicles by the candidate can take place only after he/she or his/her election agent have submitted details of such additional vehicles and obtain permits such additional vehicles well before the actual deployment. While submitting the details of the vehicles that are being deployed for election campaign the details of the areas in which such vehicles would operate, should also be furnished. Expenditure incurred on all such vehicles which are used for election campaign shall be booked against the election expenditure of the candidate.

- 7.5.5. Any vehicle which has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.
- 7.5.6. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/ Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.
- 7.5.7. The candidate should ensure that vehicles for the campaign purpose ply only with the prior approval of the Returning Officers and must display the permit issued in original (not photocopy) prominently on the windscreen. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.
- 7.5.8. The candidate should intimate to District Administration 3 days prior to landing of Helicopter and persons traveling therein and obtain prior permission for the landing of such Helicopter.
- 7.5.9 To provide online facilities for different types of permission/facilities to candidates/political parties, Suvidha Portal has been introduced. Candidate Permissions module allows the candidates, political parties, or any representatives of the candidate to apply online for the permission for meetings, rallies, loudspeakers, temporary offices, and others through SUVIDHA Portal <https://suvidha.eci.gov.in/>. The Candidates can also track their application status through the same portal.

## **7.6. DEFACEMENT OF PUBLIC AND PRIVATE PROPERTY**

Many of the State/Union territories have laws to prevent the defacement of property, which term includes any building, structure, hut, wall, tree, fence, post, pole or any other erection. Defacement includes impairing or interfering with the appearance of beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever. The offence is cognizable and punishable with imprisonment or with penalty or with both. The candidate must ensure that he/she or his/her agents, etc. do not violate the provisions of this law and/or the general law relating to defacement of private or public property. The Election Commission of India issued, from time to time, instructions on defacement of Public and Private Properties. The candidate should familiarize with the local law on defacement of properties and also following instructions of the Commission in the matter-

### **I. DEFACEMENT OF PUBLIC PLACES:**

1. No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cut-outs, hoardings, banners flags etc. shall be permitted on any Government

premise (including civil structures therein). For this purpose, a government premise would include any Govt. office and the campus wherein the office building is situated.

2. If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premises) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party (ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.
3. If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

## **II. DEFACEMENT OF PRIVATE PLACES**

1. In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.
2. If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law about prevention of defacement of property.
3. Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of

the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the following proforma. The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidate's expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

Statement showing the details of wall-writings / posters / hoardings / banners, etc. displayed by Shri / Smt. / Ms. ...., contesting candidate in..... Parliamentary Constituency / Assembly Constituency Name of the Village / Town / Locality .....

S. No.	Name and address of the owner of the private property from whom written permission has been obtained	Details of Wall-writing or Hoardings or Banners or Poster (Size of wall writing / hoarding/ banner / poster shall be indicated)	Expenditure incurred or likely to be incurred on the wall writing/ hoarding/ banner/ posters etc.(Rupees)
			<b>Total</b>

4. Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or

special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

### **III. DEFACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES**

1. In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/ PSUs/ Cooperatives, if the law/ guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/ individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises.
2. If any political party/ association/ candidate/ person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association/ candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing wilful damage to the property of others)

**IV. DEFACEMENT OF VEHICLES**

1. In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.
2. On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.
3. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

**V. OTHER CAMPAIGN RELATED ITEMS**

Subject to accounting for the expenditure, the following may be permitted:

1. In processions and rallies etc., flags, banners, cut-outs etc. can be carried subject to local laws and prohibitory orders in force;
2. In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.
3. Educational institutions including their grounds {whether Govt. aided, private or Govt.} shall not be used for political campaigns and rallies. It is contradictory to MCC Manual 2019

**VI. OPERATION OF TEMPORARY CAMPAIGN OFFICE**

For the purpose of local campaign, the candidate will be allowed to set up and operate temporary campaign office subject to the following conditions:

1. No such office will be opened by way of any encroachment either of public or private property.

2. No such offices will be opened in any religious places or campus of such religious places.
3. No such offices will be opened contiguous to any educational institution / hospital.
4. No Such offices will be opened within 200 meters of an existing polling station.
5. Such offices can display only one party-flag and banner with party symbols/photographs.
6. The size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc.; then the lower size prescribed by local law shall prevail. Details mentioned under the outside Polling station instruction to be added or not clarity

## **7.7. VULNERABILITY MAPPING**

7.7.1. The threat and intimidation to the voters particularly, the voters from vulnerable sections of the society in some parts of the country has been a cause of concern. Vulnerability in the context of elections is defined as the susceptibility of any voter or section of voters, whether or not living in a geographical identifiable area, to being wrongfully prevented from or influenced upon in relation to the exercise his/her right to vote in a free and fair manner, through intimidation or use of any kind of undue influence or force on the voter. With a view to meet this challenge, the Election Commission has introduced the system of 'Vulnerability Mapping'. The concept of 'Vulnerability Mapping' is followed by identifying vulnerable areas, hamlets and pockets, along with the identification of vulnerable persons/intimidate and of intimidators, in order to cast a safety net around vulnerable persons and to track the intimidators.

A free and fair election can be conducted only in a conducive atmosphere from the law and order point of view. Hence, it becomes imperative to keep track of the law and order situation during the run up to the election and on the poll day. Taking due cognizance of the role being played by the muscle power in the elections and taking into account of certain prevailing socio-economic realities of the electoral politics, the Election Commission has issued various instructions to curb the menace of threat and intimidation at elections by identifying the locations within a polling station area vulnerable for such threat and intimidation.

## **7.8. PROHIBITION OF PUBLIC MEETINGS AND PROCESSIONS DURING 48 HOURS IMMEDIATELY BEFORE THE CLOSE OF THE POLL**

- 7.8.1. Section - 126 of the Representation of the People Act, 1951, provides for Prohibition of public meetings during period of 48 hours ending with hour fixed for conclusion of poll and no person shall –
- a. Convene, hold, attend, join, or address any public meeting or procession in connection with an election; or
  - b. Display to the public any election matter by means of cinematograph, television, or other similar apparatus; or
  - c. propagates any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- 7.8.2. Any person who contravenes the above provisions shall be punishable with imprisonment for a term, which may extend to two years or with fine, or with both.
- 7.8.3. The expression "election matter" means any matter intended or calculated to influence or affect the result of an election.
- 7.8.4. The candidate should keep these provisions in view while holding public meetings, or taking on any processions, etc.
- 7.8.5 It also covers opinion polls which states that displaying any election matter including results of any opinion poll or any other poll survey, in any electronic media, is prohibited during the period of 48 hours ending with the hours fixed for the conclusion of the poll in connection with the General Election.

## **7.9. DISTURBANCE IN THE PUBLIC MEETINGS**

- 7.9.1. If any supporter of a rival candidate or any one opposed to the candidate or his/her party creates disturbance in any of his/her election meetings, the chairman of the meeting may request any police officer who may be present to ascertain the name and address of the person who disturbs the meeting. The police will take action to prosecute the offender under section 127 of the Representation of the People Act, 1951 which has been reproduced at **Annexure – 9**. The offence under section 127 is cognizable.
- 7.9.2. Similarly, the candidate's workers, agents and supporters should also be told not to disturb public meeting of rival candidates.

## 7.10. STRICT OBSERVANCE OF CODE OF CONDUCT – DO’S AND DONT’S FOR OBSERVANCE OF POLITICAL PARTIES AND CANDIDATES

7.10.1. As already mentioned in previous Chapters, the Commission has given two sets of Do’s and Don’ts for guidance of political parties and candidates for ensuring free, fair and peaceful elections as prescribed under Section-IV “DO’s and DON’Ts”. Ensure that not only the candidate but also the political party, if any, which has set up the candidate, his/her agents, workers, supporters and sympathizers also observe those Do’s and Don’ts strictly from the time the elections are announced and till their completion.

## 7.11. RESTRICTIONS ON PRINTING AND PUBLISHING OF PAMPHLETS ETC

7.11.1. The candidate’s attention is also invited to section 127-A of the Representation of the People Act, 1951 which imposes restrictions on the printing and publishing of election pamphlets and posters. This section provides that–

- a. Every election pamphlet, hand-bill, placard, or poster, which is printed or multigraph by any process (except copying by hand), must bear on the front the name and address of the printer and the name and address of the publishers:
- b. The printer of any such document must obtain from the intending publisher a declaration (in duplicate) regarding his identity signed by him and attested by two persons to whom he is personally known (**Annexure - A of Annexure - 11**).
- c. As soon as the document is printed the printer must send one copy of the declaration and one copy of the document to the Chief Electoral Officer, if the document is printed at the capital of the State, and to the District Magistrate of the district in which it is printed in any other case;
- d. Contravention of any of the provisions of the section is punishable with imprisonment up to six months or fine up to two thousand rupees or with both;
- e. These restrictions however do not apply to any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

7.11.2. In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law, the Commission has issued detailed order on 2.9.94 (**Annexure - 11**). The order mainly provides as follows:

- a. The printer should send four copies of the printed material, instead of one as mentioned in sub-para (c) above and one copy of the declaration of the publisher to the chief electoral Officer/ District Magistrate within 3 days of its printing, the failure of which should be treated as a violation of the above provisions.
  - b. The printer should furnish along with the declaration and copies of the printed material, full particulars regarding number of copies of the pamphlets, etc., printed and the price charged for such job in the proforma prescribed by the Commission, duly signed, and authenticated by such printer. A copy of the proforma prescribed for the purpose is reproduced in **Annexure-B of Annexure – 11**.
  - c. The District Magistrates shall exhibit at some conspicuous place in their office all the election posters, pamphlets, etc., received by them from the printing press so that the candidates and other interested persons may be able to check in respect of which documents the requirements of law have been complied with so as to enable them to bring to the notice of the authorities concerned the cases of other election posters, pamphlets etc., in respect of which the above requirement of law have been violated.
  - d. The Chief Electoral Officers shall also do like-wise in respect of such documents received by them.
  - e. The District Magistrates and other authorities charged with the detection and investigation of offences have been instructed that they should initiate prompt action and investigation, if any case of publication of election poster, pamphlet, etc. in violation of the abovementioned provisions of section 127-A of the Representation of the People Act, 1951 either comes, or is brought, to their notice. In all such cases, prosecutions should be launched against the offenders expeditiously.
- 7.11.3. In recent times, the Election Commission of India has observed the trend that the advertisements are brought out in print media, especially newspapers, for and against political parties and candidates, some surrogate and some under the name of some organization during the election period. In order that there is strict observance of and compliance with, the requirement of the provisions of Section 127- A of Representation of People Act, 1951, the Commission has issued following orders –
- a. In the case of advertisements, the source of which is traceable, the following action shall be taken:
    - i. if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized

by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s);

ii. if the advertisement is not with the authority from the candidate, then action shall be taken for prosecution of the publisher for violation of Section 171 H of IPC - (incurring expenditure in advertisement without written authority from the candidate(s) concerned).

b. If the identity of the publisher is not indicated in the advertisement, then the District Election Officer/Returning Officer shall contact and get the information from the Newspaper concerned, and shall take appropriate action, as above.

7.11.4. The candidate must see that all the above requirements of law and the Commission's directives are invariably complied with in respect of the election pamphlets and posters printed and published by him/her or on his/her behalf. This is essential for ensuring healthy election campaigns and maintaining purity of elections. Also, the candidate should not hesitate to report to the authorities concerned any instances, which come to his/her notice or knowledge about the publication of any election posters or pamphlets in contravention of the above provisions of law.

## **7.12. PROHIBITION OF MISUSE OF SHORT MESSAGE SERVICES (SMS)/IVRS calls**

7.12.1. In recent times, the Election Commission of India has also observed a trend of transmitting certain objectionable messages on Short Message Services (SMSs) by some persons with vested interests during the elections by violating the provisions of election law, model code of conduct and its directions/instructions issued in this behalf. By the aforesaid acts, the atmosphere for free, fair and peaceful elections process gets vitiated. Political advertisements through bulk SMS/Voice messages shall have to be pre-certified by the designated MCMC. The Election Commission of India has issued the following directions in the matter:

i. For objectionable SMSs, which are violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf, the Police Authorities shall advertise special mobile numbers on which the receiver of such SMS can forward the said SMS (along with the number of the sender of the objectionable SMS). The Police Authorities shall initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation

of the People Act 1951, the Conduct of Election Rules, 1961, instructions/directions issued thereunder by the Commission and any other law applicable in the case.

- ii. Bulk SMSs transmitted during the campaign period as an alternative electioneering, as and when noticed by Returning Officer or District Election Officer will be brought to the notice of Chief Electoral Officer, who in turn, will find out the cost involved from the Service Provider and apportion it to the candidate or candidates concerned as the case may be.
- iii. There shall be prohibition of transmitting bulk SMSs/IVRS calls of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll.

### **7.13. PRE-CERTIFICATION OF POLITICAL ADVERTISEMENT**

- 7.13.1. As per the Supreme Court order dated 13.04.2004, all political advertisement by any registered political party or by any group of organization/association or by any contesting candidate/individual shall be certified by Media Certification and Monitoring Committee before telecast/ broadcast on TV and Cable network/Cable Channels. This includes advertisements to be displayed in Cinema Halls, Radio including private FM channels, audio-visual displays in public places, advertisements in e-newspapers, use of bulk SMS/ voice messages, advertisements on social media and internet websites.
- 7.13.2. Pre-certification of political advertisements is applicable on print media as well for pre-poll and poll day.
- 7.13.3. District MCMC entertains application for certification of an advertisement by an individual or candidate contesting election from the Parliamentary Constituency concerned or candidate contesting in Assembly Constituency falling within that Parliamentary Constituency.

### **7.14. PAID NEWS**

- 7.14.1. “Any news or Analysis appearing in any media (print and electronic) for a price in cash or kind as consideration” is termed as Paid News. Candidates are advised to refrain themselves from Paid News activities. Such activities are monitored by Designated MCMC from the date of filing of nomination by the candidate.
- 7.14.2. On reference from District MCMC, RO gives notice to the candidates within 96 hrs of publication/ broadcast/ telecast/ receipt of complaint to explain/disclose the expenditure incurred for publishing the ‘news’ or similar matter, or state why expenditure should not be computed as per standard rate (based on DIPR/DAVP rates). and added to the

candidate's expenditure. The reply of the show cause notice shall be addressed to R.O. and in case no reply is received by R.O. from the candidate within 48 hrs of serving of notice, the decision of MCMC will be final.

- 7.14.3. The candidate may appeal against the final decision of District level MCMC to State level MCMC within 48 hrs of receipt of the decision, with information to the District level MCMC. Further, the candidate may appeal against the decision of State level MCMC to ECI within 48 hrs of receiving an order from State Level MCMC.

#### **7.15. GUIDELINES ON SOCIAL MEDIA**

- 7.15.1. Candidates are required to furnish details of their authentic social media accounts in **Form-26** while filing nominations.
- 7.15.2. Candidates and political parties are required to incorporate expenditure of social media campaigning including expenditure on political advertisements, cost of maintaining the accounts, developing content and salaries of the employees who manage the accounts in the election expenditure account of the candidate.
- 7.15.3. Provisions of Model Code of Conduct and related instructions are applicable to the content posted on social media platforms by candidates and political parties.
- 7.15.4. Social Media by definition falls under the category electronic media thus, all political advertisements on social media fall under the purview of pre-certification.
- 7.15.5 Any Political content in the form of messages/comments/photos/videos posted/uploaded on the blogs/self-accounts on website will not be treated as political advertisement and therefore would not require pre-certification even if the same is posted/uploaded by the political parties/candidates.

#### **7.16. RESTRICTIONS ON PRESENCE OF POLITICAL FUNCTIONARIES IN A CONSTITUENCY AFTER THE CAMPAIGN PERIOD ARE OVER**

- 7.16.1. The candidate's attention is also invited to Section 126 of the Representation of the People Act, 1951, which imposes restrictions for campaigning during the period of 48 hours ending for the close of poll. Hence, the Commission has issued an instruction that after the campaign period is over, the district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. However, it has been decided by the Commission that the elected MP or elected MLAs of poll going PC/AC should not be asked to leave their constituency during the election to Lok Sabha/State Legislative

Assembly, even if he/she is not an elector of the poll going PC/AC constituency. However, such MP/MLA shall not be allowed to carry out any campaign in the constituency after the campaign period is over, i.e., 48 hours before the time of close of poll. Further MLA shall stay only in his own constituency and not visit any other assembly segment of a Parliamentary Constituency in the case of election from a Parliamentary Constituency.

**7.17. UNOFFICIAL IDENTITY SLIPS**

7.17.1. The political parties and candidates may issue unofficial identity slips containing the following information to the voters;

- i. Name and serial number of the voter in the electoral roll;
- ii. Part number of the electoral roll; and
- iii. The serial number and name of the polling station.

7.17.2. The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station, which is not permissible. The circulation of any slip containing any such slogan or exhortation within 200 meters of the polling station would amount to canvassing which is not permissible under the law. The content of slips, which may be issued by the candidates, are as given below:

- PC/AC name .....
- Polling Station number and name .....
- (Location detail) .....
- Voter’s Sl. No. in Electoral Roll.....
- Part No.....
- Name: .....

**7.18. POLLING REHEARSALS**

7.18.1. The candidate may arrange for his/her polling agent to attend polling rehearsals in their respective areas so that they may get familiar with the polling procedure and the operation of voting machines.

**7.19. DUMMY BALLOT PAPERS**

7.19.1. There is no objection to a candidate printing a dummy ballot paper using his own name and symbol indicating the place where they would appear in the ballot paper to be used at the election. But it should not

contain the names and symbols of any other contesting candidates in the constituency. The dummy ballot paper may be printed in any colour such as brown, yellow or grey, but not pink and white, and should not resemble the genuine ballot paper in size or colour.

## **7.20. DUMMY BALLOTING UNITS**

7.20.1. There is also no objection to the candidates/ political parties preparing dummy Ballot Units for the purpose of educating the voters. The dummy Balloting Units may be made of wooden, plastic or ply board boxes, half the size of the official Balloting Units and may be painted brown, yellow or grey. These dummy Balloting Units may have provision for showing the serial number, name and symbol of the candidate as in the dummy ballot paper. It may also have a battery-operated button and a lamp which may lit on the button being pressed.

## **7.21. PRINTED SAMPLE OF EVM AT POLLING STATION**

7.21.1. In order to explain to the illiterate voters about how to use the EVM, the Commission has issued the following instructions:

- a. A printed sample of EVM Ballot Unit pasted on a cardboard (real size) will be supplied to all the presiding officers. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in colour so that 'blue button' 'green light' and 'red light' etc are clearly represented.
- b. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.
- c. The Presiding Officer or other polling staff shall not frequent the voting Compartment as that may give scope for complaints.
- d. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time inspect the Ballot Unit (BU) but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

## **7.22. SYMBOL**

7.22.1. For the convenience of the voters, the candidate may print copies of his/her symbol and distribute them, but the voters cannot carry with them the paper containing the symbol to the polling station.

## **7.23. LIST OF DEAD, ABSENTEE, SHIFTED AND DUPLICATE VOTERS**

7.23.1. In recent time, the Election Commission of India has noticed that on the day of poll, sometime persons come to the polling station to vote in the name of voters who are dead or shifted to other places. In the course of canvassing for votes on the candidate's behalf, his/her workers and agents may find that some of the voters whose names appear in the electoral roll are dead, that some voters may have more or less permanently left the locality. The candidate may ask his/her workers to prepare a list of such dead, absentee, or shifted and duplicate voters for each polling station separately. If possible, get a list of such voters agreed to by all the contesting candidates and arrange to deliver the agreed list to the Returning Officer at least 7 days before the first day of the poll in the constituency. Even if the list cannot be agreed to by all the contesting candidates, get as many of them to agree as possible, or, failing even that, supply the Returning Officer with his/her own list.

7.23.2. In order to prevent impersonation at the time of poll, the Commission has issued the following directions in respect of Absentee, Shifted and Dead electors.

- A List of ASD voters should be prepared polling station wise and it should be ensured that each Presiding officer is provided with a separate list of Absentee, Shifted and Dead electors (ASD List).
- On the day of poll, in order to cast vote, the elector, whose name appears in such a list, shall have to produce prescribed identification document personally. The Presiding Officer shall verify the identification document personally and the details should be properly registered by the Polling Officer concerned in the register of voters in Form 17A.
- Thumb impression of such electors shall also be obtained in addition to signature against the column of "signature/thumb impression" of Register of voters (Form 17A). The thumb impression shall be in addition to the signature even in the case of an elector who is a literate and can sign.
- Presiding Officer shall maintain a record and give a certificate in the prescribed format at the end of the poll (to be kept with

Form 17A for scrutiny) that so many electors from the ASD list were allowed to vote after proper scrutiny.

- If videography/ photography is being done in the polling station, such electors shall be photographed and their record kept.

7.23.3. Micro observers, who are present, should ensure that these instructions with regard to Absentee, Shifted and Dead electors are meticulously followed and make a specific mention about this in their report. The Presiding officer shall be briefed specially about these procedures to be followed in Polling stations for electors who are in the list of Absentee, Shifted and Dead electors. The Commission has directed that identification of overseas electors at the time of casting of votes at polling station shall be done only based on original passports produced by them. The voter slip collected from the voters should be tagged serially and after the completion of the poll, the same should be kept in a separate envelope provided for the purpose.

7.23.4. The list should be correctly prepared. Care should be taken that the name of no real voter is included therein. It will cause annoyance if any real voter is wrongly included in the list of dead, absentee or shifted and duplicate voters and his right to vote is questioned at the polling station.

7.23.5. The candidate should hand over to his/her polling agent for each polling station a copy of the list of such dead, absentee or shifted and duplicate bogus voters for that polling station so that he may watch for any person coming to vote in the name of any such voter on the polling day and may draw the attention of the Presiding Officer to the fact.

7.23.6. By following the above instructions diligently, the candidate will not only help himself/herself but also assist the election authorities materially in preventing bogus voting.

#### **7.24. DEATH OF A CANDIDATE BEFORE POLL**

7.24.1. The law (Section 52 of R.P. Act, 1951), which earlier provided for countermanding of election on the death of any candidate has undergone a significant change by the Representation of the People (Amendment) Act, 1996. As per the amended Section 52 only in the event of death of a candidate set up by a recognised political party in the following circumstances the poll shall be adjourned:

- a. The said candidate dies at any time after 11.00 a.m. on the last date for making nomination and his nomination is found valid on scrutiny under section 36; or

- b. His nomination has been found valid on scrutiny under section 36 and he has not withdrawn his candidature under section 37, and he dies, and in either case a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or
  - c. He dies as a contesting candidate and a report of his death is received before the commencement of the poll.
- 7.24.2. The Returning Officer on being satisfied about the fact of the death of the candidate, will order the adjournment of the poll to a date to be notified later by the Election Commission.
- 7.24.3. In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll will be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by recognised political party only if all the requirements mentioned in para 13 of the Election Symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A' and 'B' by the time of the death of the candidate, the candidate shall not be deemed to have been set up by a recognised political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation by 3.00 p.m. of the day (as required under para 13 of the Symbols Order) cannot be accepted.
- 7.24.4. Another important point to note in this connection is that recognised political party, for the purpose of section 52 of Representation of the People Act, 1951, means a recognised National party or a party recognised as a State Party in the State concerned. A party recognised as a State Party in a particular State will be treated only as a registered un-recognised party in other State where it is not recognised as State Party, even if that party has been granted concession to use its symbol in other States. Therefore, poll will not be adjourned on the death of a candidate set up by such a party.
- 7.24.5. On receipt of the report from the Returning Officer about the death of the candidate set up by a recognised political party, the Election Commission will call upon the concerned political party to nominate another candidate for the said election in place of the deceased candidate. The political party will have to make the nomination within seven days of the issue of notice to that effect by the Election Commission. Nomination of such candidate will also be done in the prescribed form (i.e., Form 2A or 2B, as the case may be) and he

will also have to make a fresh security deposit. The nomination in the prescribed form should also be accompanied by the required intimation from the party in Form A and Form B prescribed under paragraph 13 of the Election Symbols (Reservation & Allotment) Order, 1968. All other requirements of law relating to nomination, scrutiny of nomination, withdrawal of candidature in respect of such candidate have also to be followed.

- 7.24.6. A person who had given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.
- 7.24.7. If the list of contesting candidates had already been published under section 38, before the adjournment of poll, the Returning Officer will prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.
- 7.24.8. Further stages of the election will continue as per the revised schedule notified by the Commission.

## **7.25. VIDEOGRAPHY OF CRITICAL EVENTS**

- 7.25.1. In order to have a true, faithful and concurrent record of the violations of the election law and its standing instructions and to assess the impact of its corrective measures, the Election Commission has issued instructions to video record critical events during the process of electioneering, including but not restricted to the period of public campaign, the day of poll, the transport and receipt of EVMs/ VVPATs and other materials, counting of votes and the declaration of results in an independent intelligent and purposeful manner.
- 7.25.2. Following items are considered for special watch through videography/ CCTVs:
  - ✓ Meeting addressed/attended by Ministers, top national/State level leaders of recognized parties.
  - ✓ Riots or riotous situations or commotions brick batting, free-for-all etc.
  - ✓ Violent incidents, damaging of property, looting, arson, brandishing of arms etc.
  - ✓ Booth capturing.
  - ✓ Intimidation of voters.
  - ✓ Inducement / bribing of voters by distribution of items like saree, dhoti, blankets etc.

- ✓ Canvassing within 100 meters of polling stations.
- ✓ Vulgar display of expenditure like huge cut-outs etc.
- ✓ Movement and activities of candidates with doubtful / criminal records.
- ✓ Important events such as nomination, scrutiny and withdrawal of candidatures
- ✓ Preparation of EVMs by ROs
- ✓ Closure of strong room after deposit of EVMs therein
- ✓ Opening of strong rooms before taking out the EVMs for counting
- ✓ Counting process

**Note:** These are illustrative and not exhaustive. All video and digital photography should be done with date and time recording so that the real time and date can be verified.

7.25.3. Critical events in and around the polling station shall also be captured on video/digital camera/CCTV in such polling stations. For example:

- ✓ Mock poll and sealing of EVM/VVPAT before commencement of polls.
- ✓ Positioning of voting compartment
- ✓ Presence of polling agents
- ✓ Voters waiting outside at the close of scheduled hour of poll and the last voter in queue
- ✓ Visits of sector officers, observers and other electoral functionaries etc.

7.25.4. The video recordings thus prepared are viewed by the Returning Officer immediately to identify whether any of the organizers / speakers or other participants of the public meeting has committed any violations or infractions of statutory provisions and directions of the Commission or Model Code of Conduct relating to the conduct of elections. Immediate corrective action including disciplinary action against all those found guilty shall be taken.

## Chapter 8: EVM & VVPAT - INTRODUCTION & COMMISSIONING



### 8.1. INTRODUCTORY

- 8.1.1. An EVM consists of two units, namely, Control Unit (CU) and Ballot Unit (BU) with a cable (5mt.long). A Ballot Unit caters up to 16 candidates and 24 Ballot Units can be cascaded together for catering to 384 candidates (including NOTA) with one Control Unit. It runs on a power pack (Battery) having 7.5 volts. On the right side of the BU along the candidates' vote button, digits 1 to 16 are embossed in Braille signage for guidance of visually impaired electors.
- 8.1.2. Voter Verifiable Paper Audit Trail is an independent system attached with the Electronic Voting Machines that allows the voters to verify that their votes are cast as intended. VVPAT runs on a power pack (Battery) of 22.5 volts.
- 8.1.3. Control Unit is kept with the Presiding Officer/Polling Officer and Ballot Unit and VVPAT are kept in the voting compartment.
- 8.1.4. When a vote is cast, a slip is printed on the VVPAT printer containing the serial number, name and symbol of the candidate and remains exposed through a transparent window for about 7 seconds. Thereafter, this printed slip automatically gets cut and falls in sealed drop box of the VVPAT and Beep sound emits from the Control Unit to ensure vote has been successfully registered in EVM.

## 8.2. STORAGE OF EVMs & VVPATs AND OPENING OF EVM WAREHOUSE & MOVEMENT OF EVMs & VVPATs

### 8.2.1. Various types of EVM storages:

- (a) **EVM Warehouse:** EVM Warehouse means the designated building having room(s) for storing EVMs and VVPATs during non-election period at District Headquarters/Tehsil Headquarters (in exceptional case with valid reason).
- (b) **EVM Strong Room:** EVM Strong Room means the designated hall/room for storing EVMs and VVPATs from FLC to completion of EP filing period. Various categories of EVM Strong Room include; **FLC Strong Room, Repair Strong Room, Training & Awareness Strong Room, AC/AS Strong Room, Polled Strong Room, Reserve Strong Room and District Strong Room.**

- **Physical Aspects of the EVM and VVPAT Warehouse:**

- ✓ Only (1) entry/exit point (Single entry and exit point for the warehouse)
- ✓ All other doors/windows of the warehouse are sealed using brick-masonry or concrete.
- ✓ Main switch is installed outside the warehouse/strong room and disconnect electricity after sealing.
- ✓ Free from dampness, pests, rodents, flood/water logging risk/cracks/leakage etc.
- ✓ Provide exhaust fan on the front side at the highest feasible point for air-circulation and install strong iron grill at the vent/passage.
- ✓ No other material whether election related or not (except the documents/materials prescribed by the Commission are kept with the EVMs and VVPATs.
- ✓ In no case SEC-EVM and ECI-EVM loaned to SEC shall be stored in EVM warehouse meant for storage of ECI-EVMs.
- ✓ Before storing the EVMs in newly constructed warehouse or any EVM warehouse, the District Election Officer shall obtain a certificate from the authority concerned to ensure the quality and physical aspects of the EVM warehouse and to be kept on record for future reference.

- **Security & Safety arrangements for Warehouse:**

- ✓ Double Lock System with all keys of each lock with two separate specified officers.

- ✓ Minimum Half Section of Armed Police for 24X7 security. (only Government Security Personnel). Home Guards Security as an exception when regular police cannot be posted.
- ✓ Installation of CCTV Camera to capture hall door and corridor with DVR for storing at least 30 days recording.
- ✓ Log book for each entry and exit.
- ✓ Duty roster for security personnel.
- ✓ Videography at the time of the opening and closing of the warehouse. Opening and closing of warehouse in the presence of the representatives of National and State recognized political parties/candidates.
- ✓ Adequate fire safety and fire alarm system.

### **8.3. FIRST LEVEL CHECKING (FLC) OF EVMs & VVPATs**

8.3.1. FLC of EVMs and VVPATs is conducted before every General/Bye-election to Assembly and Parliamentary Constituency by authorised engineers of Bharat Electronics Limited/Electronics Corporation of India Limited at district level under direct supervision of District Election Officer.

8.3.2. FLC is done in the presence of representatives of National and State Recognised Political Parties under CCTV coverage and well documented.

8.3.3. FLC process includes Cleaning and Visual Inspection, Functionality checks using P-FLCU Full functionality checks, Conduct of Mock Poll by casting 6 (six) votes against each of the 16 candidate buttons, observation of result and clearing of mock poll data will be done for each EVM (BU+CU) and VVPAT . Additionally, mock-poll in 1% of EVMs & VVPATs of 1200 votes, in 2% of EVMs & VVPATs of 1000 votes and in 2% of EVMs & VVPATs of 500 votes shall be done in the presence of the representatives of political parties and electronic count shall be tallied with VVPAT slips count. Percentage shall be taken/calculated on quantity of FLC OK Control Units.

A load test on 1% of the randomly selected FLC-OK EVMs will be conducted by connecting 4 BUs to 1 CU and 1 VVPAT and casting at least 1 vote for each candidate button of connected BUs (i.e. 64 votes) and tallying the VVPAT slips count with the CU count.

8.3.4. Only FLC-OK EVMs and VVPATs are used in election and list of FLC-OK EVMs and VVPATs are shared with the recognized political parties.

8.3.5. From FLC to Poll Day, one Section of Armed Police for 24x7 security.

#### **8.4. TAKING OUT 10% EVMs AND VVPATs FOR TRAINING AND AWARENESS**

8.4.1. For the purpose of Training and Awareness (T&A), District Election Officers shall take out EVMs keeping the overall upper ceiling of 10% of the total number of polling stations in the district. A yellow color sticker mentioning “Training/Awareness” shall be affixed on such EVMs and also on their carrying cases.

8.4.2. The list of such EVM and VVPATs taken out for training and awareness is shared with the National and State recognized political parties.

8.4.3. Training and awareness EVMs and VVPATs may be re-introduced to meet any shortfall by following de-novo FLC and supplementary randomization etc. at later stage before commissioning.

At the time of commissioning of EVMs and VVPATs, these units are included as reserve EVMs and VVPATs after de-novo FLC, randomization, commissioning etc.

#### **8.5. FIRST RANDOMIZATION OF FLC OK EVMs & VVPATs**

8.5.1. First Randomization of EVMs and VVPATs is done through EVM Management System (EMS) developed by Election Commission of India.

8.5.2. It is conducted by the District Election Officer in the presence of recognized political parties to allocate EVMs and VVPATs Assembly Constituency/Segment wise and EVMs and VVPATs are provided to the Returning Officer concerned.

8.5.3. The list of first randomization is provided to the National and State recognized political parties and also to candidates after finalization of list of contesting candidates.

#### **8.6. SECOND RANDOMIZATION OF FLC OK EVMs & VVPAT**

8.6.1. Second Randomization of EVMs and VVPATs is conducted after finalization of List of the Contesting Candidates and just before Commissioning of EVMs and VVPATs through EVM Management System (EMS) developed by Election Commission of India.

8.6.2. It is conducted by the Returning Officer in the presence of candidates/ their representatives and General Observer(s) to allocate EVMs and VVPATs polling station wise.

8.6.3. The list of second randomization is provided to the candidates.

## 8.7. COMMISSIONING OF EVMs (CANDIDATE SET) & VVPATs

### 8.7.1. Commissioning of EVMs/VVPATs after the last date of withdrawal of candidatures

- Commissioning of EVMs/VVPATs is done for all the assembly constituencies/segments in separate halls in supervision of Returning Officer/Assistant Returning Officer.
- Returning Officer gives written intimation to all the candidates about the schedule of the commissioning for their presence to oversee and active participation.
- Commissioning process is conducted in sanitized hall having single entry and exit point with full security at least 1 Section of armed police force round the clock and with 24X7 CCTV coverage. Permission for Entry to hall through Door Frame Metal Detector (DFMD) is given on production of Identity card of authorised official/pass issued by DEO.
- **Preparation of Ballot Units (BUs):** Installation of Ballot Paper, setting of Thumb Wheel Switch, Masking of unused buttons, sealing of Ballot Screen and Cabinet with address tags and Pink Paper Seals.
- **Preparation VVPAT:** Installation of New Thermal Paper Roll and Power Pack, symbol loading using Symbol Loading Unit (SLU) with a facility to simultaneously view symbol loading in a big TV/Monitor, sealing of paper roll compartment with Address tags.
- **Preparation of Control Unit (CU):** Installation of new Power Pack, Candidate setting by connecting BU and VVPAT, sealing of CANDIDATE SET section and POWER PACK Section of CU with Address Tags.
- **Identification of Reserve Units (BU/CU/VVPAT):** Adhesive stickers with inscription 'RESERVE' are pasted on carrying cases of reserve BU/CU/VVPAT. Pink sticker for Assembly Elections and White sticker for Parliamentary Elections.
- **Conduct of higher rate Mock Poll:** Apart from checking of 100% VVPATs by casting one vote to each candidate to check that the VVPATs are printing the paper accurately, Mock poll of 1000 votes is conducted on 5% randomly selected EVMs as well as VVPATs and electronic results of CUs are verified with VVPAT slips counts.

- Apart from Braille Signage Features embedded on BU, Dummy Ballot Sheets are prepared to facilitate visually impaired electors to exercise their franchise.
- Destruction of VVPAT paper slips taken out during commissioning of EVMs and VVPATs on daily basis using shredding machine.

**NOTE:**

- ✓ **All Seals used at the time of commissioning of EVMs & VVPATs shall be signed by the Returning officers and candidates / their agents.**
- ✓ **For details, EVM Manual (latest edition) and Returning Officer Handbook (Latest edition) may be referred.**

**8.8. DISPERSAL OF EVMs & VVPATs**

- 8.8.1. Returning Officer gives written invitation to all the contesting candidates about date and time of opening of EVM strong room for dispatch of EVMs and VVPATs to polling stations.
- 8.8.2. Dispersal of EVMs and VVPATs is done under proper security.
- 8.8.3. EVM-Intermediate Strong Rooms are also earmarked for Polling Team staying with EVMs/VVPATs at intermediate location before poll and after poll. The list of such intermediate strong room is provided to all the contesting candidates and they are allowed to nominate their representatives to watch, if they desire.

## Chapter 9. POSTAL BALLOT PAPERS

### 9.1. ELECTORS ENTITLED TO VOTE THROUGH POSTAL BALLOT

The standard norm for voting at election is to vote in person in the polling station to which the electors are assigned. However, under the law, certain categories of electors have been the facility of voting through postal ballot paper. The following is the category of electors who are provided postal ballot voting facility in Lok Sabha and Legislative Assembly elections:

- (a) Special Voters [those holding offices such as President, Vice - President, Governors, etc. declared by the President in terms of Section 20(4) of RP Act, 1950, and consequently registered in their native constituency]
- (b) Service Voters [personnel of armed forces and para military forces who are registered in their native constituency, personnel of Armed Police Force of a State posted outside that State, and those employed under the Govt of India in a foreign country, who are registered as electors in terms of section 20(3) of RP Act, 1950]
- (c) Voters on election duty,
- (d) Electors on preventive detention,
- (e) Senior citizens who are above 80 years of age,
- (f) PwDs with 40% and above Benchmark Disability
- (g) Electors serving in identified categories of essential service and notified by the Commission as eligible for postal ballot voting,
- (h) Those belonging to class of persons notified by the Commission in consultation with the Government to vote by post at an election.

**(Please refer to Section 60 of RP Act, 1951 and Rule 18 of Conduct of Elections Rules, 1961)**

Among the four categories of service voters mentioned at (b) above, those belonging to Armed Forces and Para- Military Forces have also been given the alternative facility of appointing a person as their proxy for the purpose of voting at elections. The Proxy to be appointed should be at least 18 years of age, ordinarily resident in the constituency concerned and not disqualified for enrolment in electoral roll.

**9.2. SERVICE VOTERS:** Service voters (other than those who have opted for proxy voting) are eligible to receive postal ballot **(Annexure – 24)**.

9.2.1 Postal ballot papers have to be sent to all service voters, whose names are included in last part of electoral roll, provided they have not opted for proxy voting. Service voters who have appointed proxy are called

Classified Service Voters (CSVs). In their case, the proxy will vote in the polling station assigned for the area covering the house address of the service voter.

By an amendment to the Conduct of Elections Rules, 1961, by notification dated 21.10.2016, the postal ballot papers for Service Voters may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission of India for the Service Voters.

9.2.2 In terms of the provisions of the Second Proviso to sub-rule (l) of Rule 23 of the Conduct of Elections Rules, 1961, the Commission has laid down the following manner for transmission of postal ballot papers by electronic means to the Service Voters. The Returning Officer shall transmit the following documents electronically:

- a) Postal Ballot Paper,
- b) Form 13-A-Declaration by Elector,
- c) Label for Form 13-B- Cover A (Inner Envelope),
- d) Label for Form 13-C-CoverB (Outer Envelope),
- e) Form 13-D- Instructions for the Guidance of Elector.

As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, the Returning Officer shall get postal ballot paper for 'Service Voters' prepared and arrange to upload the postal ballot papers and connected papers for Service Voters on the Electronically transmitted Postal Ballot Management System (ETPBMS) by the day following the last date for withdrawal of candidatures.

A service voter who receives postal ballot transmitted electronically (through ETPBMS) shall download the same, take print out and cast vote in physical mode in the manner prescribed and sign the declaration of identity and get it attested. Thereafter, the ballot in a small envelope and the attested declaration is required to be sent back to the Returning Officer of the constituency concerned in a sealed envelope by speed post. Thus, in this system, onward transmission of postal ballot is electronic and return is in the conventional postal route. For the postal ballot to be taken up for counting, it has to reach the Returning Officer before the time fixed for commencement of counting.

### 9.3. POSTAL BALLOT PAPERS – FORM AND LANGUAGE

9.3.1. It may be noted that there would be different specifications for the two types of postal ballot papers, i.e.

- i. Postal ballot papers for service voters.
- ii. Postal ballot papers for the other categories of electors entitled to vote by postal ballot.

- 9.3.2. **For service voters**, the particulars regarding names of candidates and party affiliation will be printed in the official language of the State and in English. Photographs of candidates will be printed against the name of candidate. Election Symbol is **not** to be printed on the Postal Ballot. Along with name of candidates, their party affiliation, if any, is printed i.e. name of the political party which sets up the candidate is to be printed below the name of the candidate. In the case of independent candidates, the word “Independent” will be printed.
- 9.3.3. **As for the Postal Ballot papers for the other categories of electors i.e. for those entitled to vote by postal ballot (other than service voters)**, The particulars on the ballot paper will be printed in the official language of the State and also in English (where English is not the official language). Photographs of candidates will be printed against the name of candidate. The election symbols allotted to the candidates will also be printed thereon between the photograph of the candidate and the space for marking vote. The party affiliation is not printed on the ballot paper in this case.
- 9.3.4. The photograph of the candidates will be printed in the panel for the name of the candidates and will appear on the right side of the name in between the name and symbol of the candidate or the column for marking vote/preference, as the case may be. The size of the photograph printed on the ballot paper will be 2 cm x 2.5 cm.

#### **9.4. POSTAL BALLOT PAPERS TO PERSONNEL ON ELECTION DUTY**

- 9.4.1. Persons on election duty who are entitled for Postal Ballots (PB) and Election Duty Certificate (EDC) – All persons appointed on election duty who are not able to cast their vote at the polling station where they are enrolled as a voter are entitled to the facility of either an EDC or a postal ballot. In case they are put on election duty in the same constituency in which they are enrolled as a voter, they are entitled to get an EDC, which entitles them to vote at the polling station where they are on duty. If they are on duty in a constituency other than the constituency where they are enrolled as a voter, they are entitled to a Postal Ballot. These persons include employees in polling parties, Sector Officers, Zonal Officers, Returning Officers and Assistant Returning Officers. District Elections Officer, Deputy District Election Officer, employees posted in the offices of District Election Officer, Returning Officer, Control Room and other election related offices, micro-observers, all police personnel, home guards, drivers, conductors and cleaners of vehicles, engaged for election work etc, if such persons are not able to cast their vote at the polling station where he or she is enrolled as a voter by reason of being on duty in relation to elections. Polling agents

of candidates also fall in the category of voters on election duty for this purpose. A person is entitled to an EDC if he or she is on duty in the same constituency where he or she is enrolled as a voter, and entitled to a postal ballot if he or she is on duty in any constituency.

- 9.4.2 **Postal ballot voting for voters on election duty** - As per newly inserted Rule 18A, a Voter on Election Duty, shall receive his postal ballot, record his vote thereon and return the same at the Facilitation Center as specified, in writing by the Returning Officer. The Facilitation Centres are to be set up at the Training Venue and at the office of the Returning Officer. One facilitation centre is to be set up at the training centre for each of the Assembly Constituencies comprised in that district, while for Voters on Election Duty from other districts; one additional facilitation centre shall be provided at the training venue.

In addition to these facilitation centres, the Returning Officer will set up a facilitation centre at his office also. The Voters on Election Duty other than the those in polling parties and others accompanying polling parties (as mentioned above), shall vote at the facilitation centre set up at the Returning Officer's office.

Sufficient numbers of voting compartments are to be installed at each Facilitation Center to enable Voters on Election Duty to mark their postal ballot in complete secrecy. Group 'A' or group 'B' officers are to be appointed for attesting the declaration in Form 13A.

- 9.4.3 **Information to Political Parties** – Candidates will be informed in writing the schedule of facilitation of postal balloting at the Facilitation Centres. They shall be allowed to send their representatives to witness the facilitation process at the Facilitation centres.

- 9.4.4 **Time and duration of the functioning of the Facilitation Centre for postal balloting:**

The Facilitation Centres at the training venue function during training hours on the second and subsequent training days. The facilitation centre at the office of the Returning Officer functions from P-3 to P-1 day during normal office hours. Where deployment of police personnel for election duty is done prior to P-3 day, the Returning Officer may set up facilitation centre at his office accordingly to facilitate postal balloting by the police personnel deployed on election duty. If more than one training session is required to be organized for any category of Voter on Election Duty, the facilitation centre shall remain functional during all sessions so that if an employee has not cast his postal ballot in an earlier session, he or she is able to cast postal ballot after their training is over.

9.4.5 Arrangements for representatives of candidates - Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the officer in-charge of facilitation can order such a person to leave the premises immediately.

**9.4.6. Casting of postal ballot at Facilitation Centre:**

A large steel trunk with one opening at the top for casting of postal ballots shall be used as a ballot box at the facilitation centre. This will be kept under charge of the concerned Assistant Returning Officer. Before the casting of postal ballots is commenced the empty ballot box will be opened and shown to all present. The ballot box will then be sealed by the Incharge of the Facilitation centre.

**9.4.7 Sorting of postal ballots** - After all the postal ballots for the day have been cast, the box is to be opened by the Incharge of the Facilitation Center in the presence of the representatives of political parties/candidates. All the postal ballots will be taken out of the box and the empty box will be shown to all present. The total number of postal ballot envelopes received for each Parliamentary/Assembly Constituency will be entered in a Statement in FORMAT 1 (**ANNEXURE- 28**) to be maintained for this purpose at the Facilitation Center. Representatives of political parties/candidates present will be requested to put their signatures and will be given a copy of this FORMAT 1. All postal ballot envelopes for the Assembly Constituency will be kept in a large envelope/cotton bag meant for that Assembly Constituency. The number and name of Assembly Constituency, name of the facilitation centre, the date of voting and the number of postal ballots (envelopes in 13C) contained therein will be clearly written on this envelope/cotton bag. This large envelope/cotton bag will then be sent to the Returning officer of the concerned Assembly Constituency along with a copy of FORMAT 1 through a special messenger appointed for this purpose, not below the rank of Deputy Tahsildar. This exercise shall be done on each day of voting at the facilitation centre. All such big envelopes/ cotton bags containing polled postal ballots and related papers shall be kept under custody of the Returning Officer concerned.

9.4.8 In view of recent amendment dated 23.08.2023 Personnel on election duty now can vote only at Facilitation centre.

**9.5. RECEIPT OF POSTAL BALLOTS BY POST-**

a) Arrangement to be made with Postal Department - For receiving back postal ballots by post, the Chief Electoral Officer will make an arrangement with the Postal Department and ask them to nominate one post office for each Parliamentary / Assembly Constituency which

will deliver postal ballots every day to the respective Returning Officer. The time of delivery will be fixed at 3 PM every day at the office of the Returning Officer, except for the counting day when the time for delivery will be before 8 AM or such other time fixed for commencement of counting, at the counting centre for that Assembly Constituency. The list of counting centres and the addresses of ROs offices will be communicated in writing to the Postal Department by the CEO.

- b) Political Parties and Candidates to be present at the time of receipt of postal ballots by post.

All recognised political parties and Contesting candidates will be informed in writing that they or their representatives may remain present at the time of delivery of postal ballots by the post office. A pass should be issued to the nominated postal department employee to enter the counting centre on counting day for this purpose.

- c) Procedure of receiving postal ballots by post - The number of postal ballots delivered by the post office will be ascertained in the presence of the political party representatives and candidate representatives and an acknowledgement of the number of postal ballots received will be given to the post office. A copy of this acknowledgement shall be kept in the record of the RO. The entire process will be video-graphed.

- d) Storage of postal ballots received by post - The Returning Officer will keep all postal ballots received from the post office every day in a separate envelope for that day and write on the envelope the date and words - "Postal Ballots Received by Post". He will keep this envelope also in the strong room for postal ballots every day after the post has been received.

- 9.6. Sending postal ballots to the place of counting where counting is not done at RO headquarter - In those cases where the counting is done at a place other than the RO headquarters, the postal ballots for the Parliamentary / Assembly Constituency will be transferred to another strong room for the postal ballots for the concerned Parliamentary / Assembly Constituency at the counting centres, one day before the day of counting. For this purpose, the RO shall inform in writing to the candidates the time at which this will be done. The strong room for postal ballots shall be opened in the presence of the candidates or their representatives present. All postal ballots will then be kept in a large steel box which will be sealed in the presence of candidates and their representatives. This box will then be carried under guard of armed CPF to the strong room for postal ballots at the counting centre. Candidates and their representatives shall be allowed to follow the vehicle carrying postal ballots. The box containing postal ballots will then be kept in a strong room for postal ballots at the counting centre in the presence of the candidates and their representatives. Strong room will then be sealed and signatures of

candidates and their representatives will be taken as proof of their presence. Candidates and their representatives shall be allowed to keep watch on the strong room, if they so desire. The whole process will be video graphed. On the day of the counting, the returning officer will open the strong room and bring all postal ballots and copies of the relevant pages of registers received from the facilitation centres to the table where the postal ballots will be counted.

- 9.7 Tallying of postal ballot numbers before counting: - The envelopes received from facilitation centres will be opened one by one and the number of postal ballots found in each envelope will be tallied with the numbers mentioned in the copies of relevant pages of the registers received from the facilitation centre. The result of such tallying will be shown to the candidates and their election agents before the counting of postal ballots. Similarly, the register of postal ballots received by post and from PVC shall also be shown to the candidates and their election agents.
- 9.8 **POSTAL BALLOT PAPERS FOR ELECTORS UNDER PREVENTIVE DETENTION** - Elector subjected to Preventive Detention means any person subjected to preventive detention under any law for the time being in force. The appropriate Government within fifteen days of the calling of an election ascertain and intimate to Returning Officer the names of the electors, if any, under preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention. An elector under preventive detention may himself also give the intimation of the above effect to Returning Officer within fifteen days of calling the election. If Returning Officer receives any intimation in respect of an elector under preventive detention, he sends a postal ballot paper to such elector.
- 9.9 **POSTAL BALLOT PAPER RETURNED LATE** - Postal ballot papers received by Returning Officer in their covers too late (i.e., after the hour fixed for the commencement of the counting of votes of the constituencies or on any subsequent date) is not counted.
- 9.10 **SENIOR CITIZENS (80+) AND PWD ELECTORS:** Electors who are above 80 years of age(AVSC) and those who are already flagged as persons with disability in the data base of electoral roll and having a benchmarks disability certificate(not less than 40% of a specified disability (AVPD) also have the option of applying for postal ballot paper. The BLOs will help them with the application for postal ballot paper. Please note that this is the choice of the electors. Those in this category who do not request for postal ballot can vote in the polling station.

The Returning Officer, after ascertaining the eligibility of the electors seeking postal ballot in this category of senior citizens and PwD electors, will issue postal ballot to them through poll officers designated for this purpose. The poll officials will go to the home of the elector concerned with prior intimation given to them. The poll team will deliver postal ballot paper and ensure that the

elector concerned votes in secrecy and puts the marked ballot in an envelope meant for it and close it. The elector will also be asked to sign the requisite declaration and the poll officer will attest the same. This declaration and the closed envelope containing the ballot will be placed in a larger envelope which will be sealed. The poll team will carry all such envelopes back to the Returning Officer who will keep them in safe custody.

Candidates can, if they so desire, depute their authorised representative(including BLAs) to accompany the poll team so that they can watch the process and satisfy themselves that all due procedure is being followed in the process form 10 of Conduct of Election Rules, 1961 may be used for appointment of such a agent.

- 9.11 POSTAL VOTING FACILITY FOR ELIGIBLE PERSONNEL OF IDENTIFIED CATEGORIES OF ESSENTIAL SERVICE:** Officials who, owing to the call of duties in certain specific essential service notified by the Commission, are not in a position to vote in person in the polling station on the day of poll, also have the choice of seeking advance voting through postal ballot paper. Application seeking postal ballot paper made by such officials have to be endorsed by a nodal officer of the organisation concerned before submitting to the Returning Officer. After due verification of applications, Returning Officer will provide a common postal voting centre (PVC) for enabling such voters to cast vote in advance. The PVC will be in a central location and will remain open for three consecutive days. The electors permitted to vote cast vote in advance can visit the PVC on any of the three days and vote through postal ballot issued to them at the PVC. After casting vote, these electors are also required to close the ballot paper in an envelope meant for it and place that envelope along with the duly attested declaration in a larger envelope as is the procedure followed in postal ballot voting in all cases. These envelopes will then be dropped in the box kept for the purpose in the PVC. Details regarding location of PVC, days and hours during which it will remain open will be communicated to the electors concerned. The PVC will be manned by polling team like in the case of a polling station. Candidates will also be given intimation in this regard so that they can nominate their agents to be present to watch the proceedings in the PVC same as in case of home voting by AVSC/AVPD.
- 9.12** Returning Officer will keep in safe custody all envelopes of postal ballot papers received back from all categories of postal ballot voters.

## Chapter 10: POLLING PERSONNEL

### 10.1. FORMATION OF POLLING PARTIES

- 10.1.1. District Election Officer (DEO) maintains the database of State Govt. employees including Public Sector Undertakings, teachers etc distinctly and separately to deploy as polling personnel in electronic format including all relevant particulars like Name, Sex, Place (constituency) of residence, work place, Home Constituency, Assembly Constituency No., Part No., Sl. No. Designation, Office and Department/Institutions. No person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.
- 10.1.2 Database of all Central Government employees including PSU, Bank etc shall be maintained for utilizing suitable persons as Micro Observers.
- 10.1.3 Presiding Officers and Polling Officers shall be deployed on duty considering scale of pay, rank, availability of officers in District. As far as practicable, Gazetted Officers are deployed as Presiding Officer and he should be higher scale/grade in comparison to Polling Officer.
- 10.1.4. To ensure free and fair elections, proper mixing of polling personnel drawn from different offices, departments, schools at the time of formation of polling party is ensured. Personnel working in same office/department/school (same place of working) should not be put together in a polling station.
- 10.1.5. Central Government employees should be utilized for Micro-observer duties to be decided by Observers. Polling personnel to be posted within the district unless specifically directed otherwise.

### 10.2. PROCEDURE FOR FORMATION OF POLLING PARTIES

- 10.2.1. In First randomization, a list of 120% of the required number of polling persons, DEO-wise shall be generated (including reserve) randomly, using the software. Presence of observers is not required at this stage. This is only to identify and select the officials that would be given training for poll duties as presiding and polling officers in whichever constituency of that district. Details of AC or Polling Stations is not assigned in first randomization. All that the polling personnel will know at this stage is whether he (or she) is a presiding officer or a polling officer and the venue and time of trainings.
- 10.2.2. Second randomization shall be done in the presence of the Observers deployed in the constituency and at this stage actual polling parties shall be formed on random basis using the randomization software. At

this stage Assembly Constituency and the team composition is known. This randomization should not take place before 6 or 7 days from the day of poll. For the purpose of serving the appointment letters, the DEO can use the services of the sponsoring departments/ authority and/ or organize a training programme of poll personnel in team formation on that date when final briefing can be given and appointment letters issued to them. It will also facilitate Postal Ballot.

- 10.2.3. Third Randomisation exercise shall take place at the time of dispersal of polling parties when the allocation of polling stations to the polling parties will be done. This third stage randomization for final allocation of Polling Stations to each Polling Party should also be done in the presence of Observers. The actual polling station allotted to individual polling personnel is to be disclosed just before the polling party actually leaves the dispersal centre.
- 10.2.4. The District Election Officer shall furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of the State/UT a certificate to the following effect immediately after the polling parties have been formed for an election: - Certified that:
- (i) The polling parties have been formed by a proper mix of officials drawn from different offices and departments, in presence of Observers; and
  - (ii) The officers have been drawn from the State Government departments as well as from the State Public Undertaking etc. as far as practicable.
  - (iii) For the purpose of making polling parties complete data base of all eligible employees in the district has been used.”
- 10.2.5. The entire randomization exercise except the first stage must invariably be done in the presence of the Observers sent to the constituency. If, by any chance, the forming of the polling parties through randomization (second stage) has been done in the absence of the Observers, then the 2nd stage randomization exercise should be done afresh in the presence of Observers and compliance report shall be submitted in this regard.
- 10.2.6. The female polling personnel should not be put on duty on the basis of computer randomization process. They should be put on duty by manual randomization by the Observers in the neighboring polling stations so that they can go to the polling stations in the morning of the poll day itself.

### 10.3. COMPOSITION OF POLLING PARTY

10.3.1. A polling party would, in normal case, consist of a Presiding Officer and three polling officers. The First Polling Officer is in charge of the marked copy of electoral roll and responsible for identification of the voters. The Second Polling Officer makes the entries in the Register of Voters (Form 17 A) including EPIC/other identification document details, takes the signature of the voters or the thumb impression (in the case of illiterate voters), applies indelible ink on the left forefinger of the voters and issues voters slip to the voters indicating the serial number in which they would be going into the voting compartment to cast vote. The Third Polling Officer is the custodian of the “CU” and activates the “BU” by pressing “BALLOT” button of the “CU” and allows the voter to go inside the voting compartment to cast vote, in the order of the serial number on the voters’ slip issued by the Second Polling Officer. The Commission has decided that in the event of shortage of polling staff in any particular District/Constituency, and then in such places, the polling party may consist of a Presiding Officer and two polling officers as against the three polling officers which is the standard norm. In that case, the duty of the First Polling Officer will also include application of indelible ink on the finger of the voter, after identification of the voter. The Second Polling Officer will be the custodian of the ‘CU’ also in such cases, in addition to his normal duties of making the entries in Form 17 A (Register of Voters) and taking the signature/thumb impression of electors therein. It is clarified that in such cases where only two polling officers are used, it is not necessary to prepare the voters slip serial numbers. Instead, the Second Polling Officer will activate the “CU” and then send the voters inside the voting compartment exactly in the same sequence in which they sign in the Register of Voters (Form 17A). There will be no need to prepare the voters slips at the polling stations in such cases. Further, in the cases where number of polling officers is restricted to two, the contesting candidates should be informed in writing in advance about this. The duties to be performed by the two polling officers should also be explained to the candidates.

### 10.4. SECTOR OFFICERS

10.4.1. The Election Commission of India has introduced the system of appointment of sector officers for every 10-12 polling stations for election management from the day of announcement of schedule of election till completion of poll process. They will be designated as Zonal Magistrate 7 days before the poll day and will have powers of special executive magistrate and will be accompanied by police officer. The main tasks and responsibilities of sector officers are given below.

**10.4.2. Pre-poll responsibility:**

1. Ascertaining the approach and accessibility to polling stations
2. Ascertaining infrastructure at polling stations – water, shade, ramps, toilets, telephone etc. and physical status of building.
3. Ensuring that wide publicity is given to new polling station.
4. To collect phone numbers, ascertain mobile connectivity at polling station.
5. He shall keep an eye and report on movement of unauthorized campaign vehicles, defacement of property, unauthorized campaigning, misuse of public buildings / government vehicles / government servants and all possible violation of Model code of conduct.
6. EVM and VVPAT demonstration to the voters in catchments and introduction of 'NOTA' option to be explained to the voters.
7. Give specific information about EPIC coverage programme.
8. Inform voters about helplines and locations of their polling stations.
9. Inform voters to check their names and entries in PER through BLO.
10. Frequent visits for confidence building measures and fine tuning the vulnerability mapping;
11. Vulnerability Mapping.
12. Identification of villages, hamlets and segments of voters vulnerable to threat and intimidation.
13. Identification and report to returning officer about persons who make it vulnerable.
14. Ensuring free access of voters for voting.
15. Contact points with in the vulnerable community with their telephone numbers.

**10.4.3. Poll-eve responsibility**

1. Ensure that the polling teams and all materials have reached their polling stations.
2. Ensure that force has arrived at polling stations according to the plan.
3. Clarify any last-minute doubt on EVM and VVPAT operation or the polling process, amongst the polling personnel.
4. Give ok report to control room.

**10.4.4. Poll day responsibility**

1. To ascertain the mock poll status before commencement of poll. Remedial action to sort out the problem, if any.
2. Frequent visit and attention on the polling station where the mock poll had to be conducted in the absence of the polling agents.
3. Report commencement of polls.
4. To ensure that Forces deployed at the polling stations are in position.
5. Replacement of EVMs and VVPATs where required (Sector officer to have spare EVMs and VVPATs).
6. Track and report the presence / absence of polling agents.
7. To assist polling team inside the polling station with procedures.
8. To maintain the purity of poll process and check all aspects of polling during their visits to polling stations.
9. Mock poll status to be reported within 30 minutes to Returning Officer.
10. Check voting pattern – any segment / section conspicuous by its absence. Inform Returning officer for remedial measures.
11. Report voting percentage from time to time to Returning Officer as instructed.
12. Handling of poll day complaints.
13. Check the sealing of EVMs, VVPATs and preparation of papers by polling parties.
14. Escort EVMs and VVPATs with polling teams to receipt centre.
15. Replacement of polling personnel from the reserve parties.
16. At the end of poll, he will ensure that: presiding officer's diary is filled up properly, EVMs and VVPATs are properly sealed, Copies of 17C are given to polling agents, Register of Voters 17A is properly filled up and Format for Presiding Officer's additional report to be submitted to Observer(s) filled up properly.

10.4.5. After poll, the sector officer shall submit a report on polling to the Returning Officer. Sector Officer shall coordinate with the Sector Police Officer for the exercise of VM and identification of Critical Polling Station (Manual on VM).

## Chapter 11: OBSERVERS

### 11.1 PRELIMINARY

Impartial observation and reporting of elections are must for the conduct of free and fair elections. Observers appointed by the ECI carry out their work according to the same ethical principles of neutrality, accuracy and transparency. The concept of deputing senior officers as Observers started from the 1990s. Over the past two decades, the deputation of Election Observers from one state to another has become crucial to the management of elections in the country. Mostly the officers who belong to the All-India Services and Central Services like IRS (CBDT & CBEC), IDAS, IA&AS, ICAS etc. are deputed as the Election Observers. Observers portray the notion of professional neutrality or impartiality, and ECI's greater focus on Observers has proven to be useful in the long run in terms of the overall goals of democracy support. The ECI appoints the Observers under Section 20B of the RP Act 1951 and the plenary powers granted by the Indian Constitution. The RP Act, 1951 was amended in August 1996 to add a new clause – Section 20B. It provided statutory powers to the Observers to observe the conduct of elections and, especially the counting of votes “the Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the constituency or for any of the constituencies for which she/he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of Polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.

### 11.2. OVERVIEW OF OBSERVER DUTY:

- ✓ Oversee the efficient and effective management of electoral process at the field level
- ✓ During Electoral cycle, be the eyes and ears of the ECI
- ✓ Discuss with ECI/CEO/RO/DEO to facilitate midcourse corrections
- ✓ Facilitate field administration in ensuring a free and fair poll.

### 11.3. TYPE OF OBSERVERS

- ✓ General Observers
- ✓ Police Observers
- ✓ Expenditure Observers.

#### 11.4. GENERAL OBSERVERS

11.4.1. The Election Commission of India appoints senior and experienced administrative service officers as its Observers to assist in the conduct of free and fair polls. They also oversee the efficient and effective management of the electoral process at the field level and provide direct inputs to it from the field as an interface with the election machinery, the candidates, political parties, and electors to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impartially complied with by all the concerned.

#### 11.4.2. STATUTORY POWERS OF GENERAL OBSERVERS

The Candidate's attention is invited to Section 20B of Representation of People Act, 1951 which reads as follows: -

1. The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.
2. The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the results of the poll at that polling station or place cannot be ascertained.
3. Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 58A or Section 64A or Section 66. The observers are also to oversee/monitor the expenditure incurred by the candidates and to ensure that Commission's guidelines regarding maintenance of day-to-day accounts of election expenditure by the candidates are strictly enforced and are also required to scrutinize the register of accounts maintained by the candidates.

## 11.5. POLICE OBSERVERS

11.5.1. The Commission deploys IPS officers as Police Observers at District/AC level, depending upon the need, sensitivity and assessment of ground situation of the District/AC, wherever required. They are required to monitor all activities relating to force deployment, law and order situation and coordinate between Civil and Police administration to ensure free and fair election. Police Observers are deployed by the ECI from within the ranks of IPS officers at State and District levels, depending upon the sensitivity of the Constituency, wherever required. They were responsible for:

1. Monitoring all activities relating to force deployment, law and order situation and coordinate between the Civil and Police Administration to ensure free and fair election,
2. Reviewing and observing the:
  - Adequacy of police personnel,
  - Requirement of Central Forces,
  - Preventive actions taken (preventive detentions, bonds & arms deposition),
  - Identification of critical clusters and Polling stations through vulnerability index mapping,
  - Sector plans for policing on the day of poll, and
  - Sensitivity of inter-district, national and international boundaries.

## 11.6. EXPENDITURE OBSERVERS

11.6.1. The Commission appoints adequate number of Expenditure Observers and Assistant Expenditure Observers who exclusively monitor the election expenditure of the contesting candidates. Control room and Complaint Monitoring Centre with 24 hours toll free numbers operate during the entire election process. Banks and Financial Intelligence Units of Government of India forward suspicious cash withdrawal reports to the election officials. Comprehensive instructions for the purpose of effective monitoring of the election expenditure of the candidates are separately issued by the Commission from time to time and made readily available on the ECI website (<https://eci.gov.in/>).

11.6.2. Expenditure Observers are appointed for monitoring of election expenditure. S/he supervises and guides the entire election expenditure monitoring personnel engaged in the constituency.

## Chapter 12: SECURITY ARRANGEMENTS AT POLLING STATIONS

### 12.1. SECURITY

- 12.1.1. During elections, the Commission deploys Central Armed Police Forces (CAPFs) for the smooth, free and fair conduct of elections. The Local State Police (including all its variants) and Central Paramilitary Forces stand deputed to the Election Commission of India at the time of elections and they come under its superintendence and control for all purposes. The Commission uses the services of personnel of these forces for smooth conduct of elections.
- 12.1.2. As per the Commission's instructions where CAPF personnel are deployed at the Polling station, they are used as static force outside the Polling station.
- 12.1.3. The CAPF personnel posted at the entrance of the polling stations shall keep a watch specifically on the following: -
- ✓ No unauthorized person is present inside the polling station at any time during the poll.
  - ✓ The polling party or the polling agents do not attempt to cast or cast any vote or votes when no voter is present inside the polling booth.
  - ✓ No Presiding Officer/ Polling Officer accompanies any voter to the voting compartment.
  - ✓ No polling agent or polling officer threatens any voter or makes any gesture to threaten them.
  - ✓ No arms are carried inside the polling station.
  - ✓ No rigging takes place.
- 12.1.4. If the CAPF personnel posted at the entrance of the polling station discovers violation of the election process as above or observes something unusual going on inside the polling station, he shall not interfere in the poll process but report the same to the officer in-charge of the CAPF party at polling station or to the Observer. The officer in-charge of CAPF party will in turn bring it to the notice of the Returning Officer and also Observer immediately in writing for further necessary action.
- 12.1.5. In the buildings which have more than one polling station and where only half a section of the CAPF personnel is deployed, the CAPF personnel selected for duty at the entrance of the polling station may be asked to oscillate from one polling station to another and look at

what is going inside these polling stations and report to the officer in charge of the CAPF party or to the observer, if any irregularity is observed by him.

- 12.1.6. Returning Officer/Observer will report cases from where adverse reports are received from the CAPF parties for further instructions of the Commission.
- 12.1.7. It is clarified that the CAPF personnel shall be posted at the entrance of only those polling stations, where CAPF is deployed.
- 12.1.8. It is further clarified that the CAPF personnel posted at the entrance of the polling station shall not verify the identity of electors coming into the polling stations to cast their votes as such verification is the duty of the polling personnel.
- 12.1.9. The CAPF personnel shall not be positioned inside the polling station.
- 12.1.10. After the poll is completed, the polled EVMs/VVPATs and the Presiding Officers shall be escorted by a contingent of CAPF to the Reception Centre. Details in this regard shall be worked out by the DEO and SP in consultation with Observer in advance.
- 12.1.11. The CAPF shall also be responsible for guarding the Strong Room where the polled EVMs/ VVPATs are stored and kept till the day of counting.

## Chapter 13: POLLING DAY

### 13.1 INTRODUCTORY

13.1.1. Polling is the most important event in the election process. In a democracy, it is through the poll that the electors express their choice of the candidate to represent them in Parliament or State Legislature.

### 13.2. DECLARATION OF HOLIDAY ON POLLING DAYS

13.2.1. The election law provides that every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the House of the People or Legislative Assembly of a State, shall, on the day of poll, be granted a paid holiday.

### 13.3. PROHIBITION OF CANVASSING

13.3.1. The election law prohibits canvassing in or near polling stations on polling day. No person shall commit any of the following acts within a polling station or in any public or private place within a distance of 100 meters of a polling station, namely:

- (a) canvassing for votes;
- (b) soliciting the vote for any elector.
- (c) persuading any elector not to vote for any particular candidates;
- (d) persuading any elector not to vote at the election;
- (e) exhibiting any notice or sign (other than an official notice) relating to the election;
- (f) using or operating within or at the entrance of the polling station or in any public or private place in its neighbourhood any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker during silence period; and
- (g) Shouting or otherwise acting in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood.

N.B.- The distance from which a loudspeaker, etc., is used is immaterial. The offence will be committed even if it is used from a distance of more than 100 meters if it causes annoyance to any person visiting the polling station for the poll or interference with the work of officers and other person on duty at the polling station.

### **13.4. PROHIBITION ON GOING ARMED TO OR NEAR A POLLING STATION**

13.4.1. The candidate's attention is invited to Section 134B of Representation of People Act, 1951 whose underlying intention is to ensure that, except those expressly permitted by that Section, no one else carries any arms or indulges in show of arms in polling stations or in their vicinity. Hence, the Election Commission has issued the instructions that no person, even if he is a recipient of any form of security from any quarter, should enter into any polling station or go within its neighbourhood, accompanied by such security personnel. However, in respect of SPG protectee who happens to be a candidate, the CPT with arms will follow the protectee to the door of the polling booth and thereafter only one PSO with concealed fire arm will accompany the protectee inside and position himself in such a manner as to be able to provide the requisite cover to the PR should it become essential, without otherwise interfering with the proceedings in any manner.

### **13.5. CANDIDATE'S ELECTION BOOTHS**

13.5.1. According to the instructions issued by the Commission, no election booths of the candidates should be allowed to be set up near the polling station on the day of poll, as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters, confrontation among various party workers and law and order problems. However, the candidates may provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect from the sun/rain. No crowd should be allowed to collect around such tables.

### **13.6. PREVENTION OF VOTERS FROM VOTING**

13.6.1. It is cognizable offence to detain any voters in a camp or any other place whether with or without his consent or obstruct his way to polling station or to prevent him from voting in any manner. If the candidate receives information that any person is so detained or obstructed or prevented, he/she should report the matter to the Presiding Officer, or to the nearest police station or to the Returning Officer, who will take effective action to enable the person who are wrongly detained or obstructed or prevented to exercise their franchise even if the detention or obstruction is done in a private place.

### **13.7. ILLEGAL HIRING OF VEHICLES FOR THE CONVEYANCE OF VOTERS**

13.7.1. The candidate must not allow anyone on his/her behalf to provide conveyance for voters on the polling day. It is both a corrupt practice

and an electoral offence. If the candidate finds any other candidate or his agents, supporters or workers providing such conveyance for voters, he/she should make a complaint in this regard then and there and take action to prosecute the offender, under section 133 of the Representation of the People Act, 1951. If the candidate does not do so and merely send a complaint to the election authorities, much valuable evidence against the offenders would be lost. The candidate may also use this as ground for filing an election petition against the offending candidate in due course as free conveyance of voters from or to polling station is also a corrupt practice. The candidate's polling agent can also make a written complaint in this regard to the Presiding Officer who will forward the same to the Magistrate concerned who has jurisdiction to deal with such cases. The candidate may also ask the Presiding Officer to record his remarks on the complaint from his own observations.

### **13.8. REGULATION OF TRAFFIC ON THE DAY OF POLL**

13.8.1. In order to check the corrupt practice and electoral offence of providing free conveyance for voters on the day of the poll, the Commission has devised a scheme. The main guidelines of the scheme are as under:

- (1) The objective is that the polling areas should be cordoned off from all vehicular traffic on the polling day in order to prevent the voters from being carried to and from polling booths in contravention of the election law.
- (2) Public transport vehicles like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters.
- (3) Private cars, taxies carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, restaurants will, however, be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters. The traffic of these vehicles will be so diverted as to effectively control their misuse.
- (4) The plying of lorries, trucks will also be similarly regulated.
- (5) The district magistrate, Regional Transport Authorities etc., will be instructed to enforce effectively and fully the regulation, both in letter and spirit, and a certificate shall be obtained from the concerned authorities.
- (6) The political parties and contesting candidates and amongst them, their agents and workers shall be warned that any

contravention of the regulation would receive serious notice and may provide sufficient materials for challenging the election in an election petition and also invite penal action under the law.

13.8.2. For an election to the House of the People, each contesting candidate will be entitled to:

- a. One vehicle for his own use in respect of the entire constituency.
- b. One vehicle for use of his election agent for entire constituency.
- c. In addition, one vehicle for use of his workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency

13.8.3. For an election to the State Legislative Assembly, each contesting candidate will be entitled to:

- a. One vehicle for his own use
- b. One vehicle for use of his election agent
- c. In addition, one vehicle for use of his workers or party workers.

**Note:** On the day of poll, if the candidate is absent from the constituency, no other person will be allowed to use the vehicle allotted for his use.

13.8.4. The permits printed in bold letters with the legend “Election Permit” with the super inscription of the seal and signature of the authority issuing the permit shall be displayed prominently on the windscreen of the vehicle.

13.8.5. The candidate should follow the above guidelines of the Commission’s scheme meticulously and should obtain permits for the vehicles to be used by him/her and his/her party workers on the day of the poll well in advance.

### **13.9. REMOVAL OF BALLOT PAPERS OR EVM FROM POLLING STATION TO BE AN OFFENCE**

13.9.1. If the candidate or his/her agents honestly suspect that any voter is illegally taking any ballot paper or a voting machine out of polling station or in unauthorized way or fraudulently tampering with the same, he/she should draw the attention of the Presiding Officer to the matter immediately for necessary action on his part.

### **13.10. POLLING AGENTS**

13.10.1. Every contesting candidate is entitled to appoint one polling agent and two relief agents to act as the polling agents at each polling station. Only one of them can, however, remain present inside the polling station at a time. However, it may be ensured that only the polling agent or his substitute can be present inside the polling

station at a time. The Presiding officer shall brief the polling agents to remain present in the polling station till the voting is over to oversee the sealing procedure of EVMs and VVPATs and sign the declaration, etc. Polling agent's/relieving agent's movement sheet is provided to each polling station, in which each and every polling agent shall be required to sign, indicating the time of arrival at the polling station and time of departure. Further the Commission has instructed that the Ministers of the Union and States and MPs, MLAs, MLCs and any other person provided with security cover by the State shall not be appointed as Polling agents as the Security Personnel accompanying them cannot be permitted to enter polling station, nor can their security be jeopardised in the absence of their security personnel. No person with security cover can be allowed to surrender the security cover to enable him to become a polling agent.

- 13.10.2. The appointment of polling agents is made in writing in Form 10 (**Annexure - 13**). The polling agents who are appointed by the candidate, shall be ordinarily resident and shall be voters in the same polling station only. If any contesting candidate is not able to find polling agent in the same polling station or neighbouring polling station, he/she may appoint any elector of the same assembly constituency as their polling agents for their polling station. Such polling agents must have Electors' Photo Identity Cards. If any person who is a registered elector in the polling area and proposed to be appointed as polling agent by the candidate but does not have Elector's Photo Identity Card, in that case, the candidate or his/her election agent may make a written request to the Returning Officer who shall make necessary arrangement for issue of Elector's Photo Identity Card to such elector. All polling agents shall display their Elector's Photo Identity Card prominently on. The candidate is not required to send a copy of the appointment order to the Returning Officer. The polling agent should produce the appointment order in original at the polling station so that the Presiding Officer may admit him into the polling station. A polling agent should sign the letter of appointment in **Form 10** in token of his agreement to act as the candidate's polling agent. It is advisable that his signature is placed in the candidate's presence or in the presence of the his/her election agent, if the latter makes the appointment. The polling agent will also have to sign again in the presence of the Presiding Officer at the polling station. He should be asked to sign before the Presiding Officer in the same manner as he signed before the candidate or his/her election agent so that there will be no discrepancy in his signature. This will help in his identity being readily accepted.

- 13.10.3. To enable the Presiding officer of a polling station to verify the signature of the candidate or his election agent as given in appointment letter in Form 10, the candidate's specimen signature or that of his/her election agent shall be obtained by the Returning Officer on the format (**Annexure - 15**) and copies thereof in sufficient number shall be supplied to each Presiding Officer, Observers of the Commission, Zonal Magistrate and Sector Magistrate etc., in the constituency. If the candidate has not appointed any election agent, then in the column meant for the signature of the election agent the words "No Election agent appointed" shall be recorded in the said Format. The candidate is at liberty to revoke the appointment of an election agent and to appoint another person in his place. If such a change in the appointment is made at the last moment when the Presiding Officer has already been supplied with the copy of the Format (**Annexure - 15**) containing the specimen signatures as originally furnished by the candidate, then it shall be the candidate's responsibility to supply a copy of Form 9 revoking the appointment of the election agent and to supply a copy of Form 8 appointing the new election agent to the Presiding Officer.
- 13.10.4. The candidate or his/her Election agent may revoke the appointment of any of his/her polling agents in writing in **Form 11 (Annexure - 14)** and lodge the revocation order with the Presiding Officer of the polling station. If a polling agent happens to die before the poll, the candidate or his/her election agent should inform the Presiding Officer. In the case of revocation or death, the candidate or his/her election agent may appoint another polling agent by a fresh letter of appointment in **Form 10** in the same manner as before, but in such a case, state in the letter the facts leading to such appointment.

### **13.11. WHEN POLLING AGENT SHOULD REACH THE POLLING STATION**

- 13.11.1. The polling agent should reach the polling station at least **90 minutes** before the commencement of the poll. This will enable him to be present when the Presiding Officer prepares the Voting Machines and VVPAT for taking the poll and goes through the other preliminary/arrangements before the commencement of the poll. If any part of these preliminaries has already been gone through, the proceedings will not be commenced de-novo to accommodate any late comer. Each polling agent will be supplied by the Presiding Officer with a pass on the authority of which the polling agent can go in and out of the polling station as may be necessary.

### 13.12. TRACKING PRESENCE OF POLLING AGENTS AT THE POLLING STATIONS AND MANDATORY CONDUCT OF MOCK POLL AND CERTIFICATION

- 13.12.1. The candidate is advised to ensure that his/her polling agents reach the polling stations well in advance before the commencement of poll so that the pre- poll formalities such as issue of entry pass to the agents, conduct of mock poll etc., are done in time.
- 13.12.2. The Presiding Officers shall conduct mock poll in the presence of the polling agents and prepare and sign the mock poll certificate in the prescribed format (**Annexure - 17**).
- 13.12.3. The Presiding Officers shall mention the names of the agents and the candidates they represent and obtain their signatures for the purpose of record.
- 13.12.4. Mock poll shall be conducted normally **90 minutes** before the scheduled hour of commencement of poll. All contesting candidates should be informed in writing well in advance that mock poll would start **90 minutes** before the commencement of poll and they should be advised to instruct their polling agents to be present in time for the mock poll. Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one or no Polling agent may be present, in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the mock poll certificate on this aspect.
- 13.12.5. The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non- confirmation of mock poll could be indicative of some problem on the part of presiding officer or the EVM and hence the Returning Officer shall make immediate intervention to sort out the problem.
- 13.12.6. The polling stations not having the presence of rival candidates of recognized parties and where the mock poll had to be conducted in the absence of agents shall merit focused attention of the election machinery. Interventions such as deployment of reserve micro-observers, deployment of video cameras, frequent visits by sector officers and other senior officers could be made.

13.12.7. After the completion of poll on the basis of mock poll certifications received from the Presiding Officers, the Returning Officer shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The observers shall also pay their attention to this aspect.

### **13.13. DUTIES OF POLLING AGENT**

13.13.1. The main duty of the polling agent is to see that the candidate's interests are safeguarded at the polling station, for which he has been appointed as his/her polling agent. His other duties are-

- (a) To help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who try to impersonate voters;
- (b) To help in having the Voting Machines properly secured and sealed according to the rules before and after the poll;
- (c) To take a copy of the account of votes recorded and paper seal account in Form 17-C from the Presiding Officer after the close of the poll; and
- (d) To see that the documents relating to the poll are also secured and sealed properly as required by law.
- (e) To take part in the mock poll and satisfy themselves that the EVMs & VVPATs are in proper working order
- (f) To see that the serial numbers of Control Units, Ballot Units & VVPATs being used in the polling station are in conformity with the details provided by the Returning Officer.

13.13.2. The Commission has brought out a separate "Handbook for Polling Agents" which the candidate may download from the website of the Commission in sufficient numbers for distribution among the polling agents, if considered necessary.

### **13.14. MATERIAL TO BE BROUGHT BY POLLING AGENT**

13.14.1. The polling agent should provide himself with the following items when he comes to the polling station: -

- a. Original Letter of appointment in Form -10;
- b. A copy of the latest integrated electoral roll for the Polling Station.
- c. A small brass seal, if he/she desires to put seal on the

carrying case(s) of the Ballot Units(s), Control Unit and VVPAT before they are transported to the Counting/Receipt Centre;

- d. Pen, paper and pencil;
- e. Details of EVM (Control and Ballot units) and VVPAT to be used in the polling station as provided by the Returning Officer and/or by the Candidate.

### **13.15. WEARING OF BADGES, ETC INSIDE POLLING STATION**

- 13.15.1. No person is allowed within the polling station or within 100 metres thereof to wear badges, emblems, etc., bearing the names of candidates or political leaders and/or their symbols or pictorial representation thereof, as it may amount to campaigning for a contesting candidate.
- 13.15.2. Wearable like caps, shawl etc. with political party's name, symbol or slogan is not allowed inside the polling station on the poll day.
- 13.15.3. The polling agents may, however, display on their person a badge showing the name of the candidate whose agents they are for the purpose of their immediate identification.

### **13.16. ADMISSION TO POLLING STATIONS**

13.16.1. Apart from the electors, only the following persons can be admitted into the polling station by the Presiding Officer:

- (a) Polling Officers;
- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorized by the Election Commission;
- (d) public servants on duty in connection with the election;

**N.B.** The expression "public servants on election duty" would not include police officers (unless called for by the Presiding Officer for maintenance of law and order in the polling station or any other purpose), Ministers, Ministers of State and Deputy Ministers of the Union or the State/Union Territories.

- (e) Observers appointed by the Commission;
- (f) a child in arms accompanying an elector;
- (g) a person accompanying a blind or an infirm voter who cannot move without help; and

- (h) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll.

**NB:** No security personnel accompanying, if any, an elector, candidate or his election agent or polling agent shall be allowed to enter in the 100-meter perimeter of polling stations described as the “Polling Station Neighbourhood” and within the polling booth.

### 13.17. SEATING ARRANGEMENTS FOR POLLING AGENTS

13.17.1. Suitable seating arrangements should be made by the Presiding Officer for polling agents when they attend the poll. Their seats should be so provided that they have adequate opportunity to identify the electors, see the entire operation at the Presiding Officer’s or the 3rd Polling Officer’s table where the Control Unit is kept, and also see the movement of the voter from the Presiding Officer’s or the 3rd Polling Officer’s table to the voting compartment and his/her exit after recording his vote on the Ballot Unit kept inside the voting compartment. But they should not, in any event, be seated in a place where they have the chance of seeing voter recording his/her vote which would compromise secrecy of voting.

13.17.2. According to the latest instructions of the Commission, the seating arrangement at the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely,

- (i) candidates of recognised national parties,
- (ii) candidates of recognised state parties,
- (iii) candidates of recognised state parties who have been permitted to use their reserved symbols in the constituency,
- (iv) candidates of registered unrecognized parties, and
- (v) independent candidates.

### 13.18. MOCK POLL AND SEALING OF EVMS AND VVPATS ON THE POLL DAY

- 1) Mock Poll starts at every polling station 90 minutes before scheduled poll time, if 2 or more polling agents are available.
- 2) Mock Poll starts waiting time is 15 minutes, if one or no polling agents available.
- 3) Ballot Unit(s) and VVPAT are placed at Voting Compartment before Mock Poll.

- 4) Control Unit is placed on Table of Presiding Officer/Polling Officer (In-Charge CU).
- 5) Cable of VVPAT is connected with Control Unit and Cable of Ballot Unit is connected with VVPAT. In case more than 1 BU is used, cable of 1<sup>st</sup> BU is connected with VVPAT and other BUs are cascaded i.e. cable of BU-2 is connected with BU-1, cable of BU-3 is connected with BU-2 and so on.
- 6) VVPAT drop box is shown to Polling Agents to ensure no pre-VVPAT slips in it.
- 7) Paper Roll knob of VVPAT is unlocked (Working position) before Switching ON the CU.
- 8) CLEAR button of CU is pressed to show no vote in CU.
- 9) In mock poll at least 50 votes cast and number of votes given to each candidate is recorded to ensure votes recorded for each of the contesting candidates including NOTA. Polling Agents are allowed to cast mock vote.
- 10) After mock poll, CLOSE button of CU is pressed. Thereafter, RESULT button of CU is pressed to ascertain mock poll result and tally with manual record.
- 11) Mock poll VVPAT slips are removed from the VVPAT and tally with CU result.
- 12) Thereafter, CLEAR button on CU is pressed to clear mock poll result.
- 13) VVPAT mock slips are stamped with 'MOCK POLL SLIP' seal. Thereafter, the slips are kept in black envelope and sealed with Pink Paper Seal.
- 14) Mock Poll Certificate is filled by Presiding Officer and signature of Polling Agents and Polling Officers are obtained on it.
- 15) Thereafter, Presiding Officer Switch OFF the CU for sealing of Result Section of CU with Green Paper Seal, Special Tag and Address Tag and Drop Box of the VVPAT with Address Tag. Presiding Officer puts his/her signature on the seals and Polling Agents are also allowed to put their signatures.
- 16) Once again CU is Switched ON just before starting Actual Poll at scheduled/notified poll start time.

Before the first voter signs in Form 17A (Register of Voters), the Polling Officer-I shall check with the Presiding Officer and record in INK in Form 17A that "Total in the Control Unit checked and found to be Zero".

**13.19. SUPPLY OF DUMMY BALLOT PAPER TO PRESIDING OFFICER**

13.19.1. A printed sample of dummy EVM Ballot Paper pasted on a cardboard (real size) is provided to all the Presiding Officers along with other polling materials at the time of dispatch. Whenever any voter asks for help or expresses inability to vote using EVM, Presiding Officer explain to the voter the voting process using the card board model of the EVM ballot in such a manner that the voter is able to understand, in the **presence of polling agents.**

**13.20. EVM and VVPAT Replacement Protocol on Poll Day**

<b>Mock Poll (Before actual poll)</b>	
<ul style="list-style-type: none"> <li>• If BU is not functioning: Only BU is replaced.</li> <li>• If CU is not functioning: Only CU is replaced.</li> <li>• If VVPAT is not functioning: Only VVPAT is replaced.</li> </ul>	
<b>Actual Poll</b>	
<ul style="list-style-type: none"> <li>• If BU or CU is not functioning: Entire set i.e. BU+CU+VVPAT are replaced. (In such case, mock poll is conducted in new set of BU+CU+VVPAT by casting 1 vote to each contesting candidate button including NOTA and follow other mock poll process)</li> <li>• If VVPAT is not functioning: Only VVPAT is replaced. (In such case no mock poll is conducted)</li> <li>• If CU shows Error “Replace Power Pack of CU” or “Replace Power Pack of VVPAT”: Only power pack of CU or VVPAT is replaced. (In such case no mock poll is conducted)</li> </ul>	
<b>NOTE: Before any replacement, CU is switched OFF.</b>	

**13.21. Handling Contingencies during Poll**

13.21.1. If VVPAT has not printed the paper slip, or the printed paper slip remains uncut, then do not try to remove/cut hanging slip from the paper roll, no effort should be made to make it fall into the drop box. It should be allowed to remain hanging as it means that the vote has not been recorded in Control Unit and as it is not to be counted at the time of counting of the printed-paper slips. The details of such an occurrence should be clearly recorded in the Presiding Officer’s dairy in the following format: -

- The date and time of the occurrence.
- The name of the voter and his serial number in the part in the electoral roll, who was allowed to cast his vote after replacement of VVPAT.
- Whether the voter cast his vote after replacement of VVPAT

or went away without casting his vote.

- The Total number of votes cast before the occurrence.
- The last voter is allowed to cast his vote after the replacement of VVPAT.

13.21.2. **Wrong Printing Complaint:** If any voter alleges about the wrong printing of particulars of a candidate and/or symbol of that candidate on VVPAT paper slip printed by the printer on pressing of concerned blue (candidate) button on the Balloting Unit to which the printer is connected, the Presiding Officer of the polling station should provide him/her a 'Form of Declaration' to lodge a complaint and follow the procedure prescribed under rule 49MA. A mock vote is cast by the complainant in the presence of Presiding Officer and Polling Agent.

### 13.22. Closure of Poll

13.22.1. Poll is closed at the time fixed for the purpose, even if it had commenced somewhat later than the hour appointed for the commencement of poll owing to some unavoidable reason.

13.22.2. After the last voter has voted, Presiding Officer presses the 'CLOSE' button on the Control Unit and note down the total number of votes recorded in the EVM in **Item 6 of Part I of Form 17C** and also in the **Presiding Officer's Diary**. A copy of the form 17 C is shared with the Polling Agents.

13.22.3. After prescribed Forms have been carefully and duly filled for the election, CU is switched OFF. Cables of EVM and VVPAT are disconnected and sealed in their respective carrying cases using Address Tags. In the case of simultaneous election, the papers should be prepared and sealed separately.

13.22.4. Presiding Officer puts his/her signature on address tags and also obtain the signatures of polling agents.

13.22.5. After poll, polled EVMs and VVPATs along with other election materials escorted to Collection/Reception Centre. **Polling Agents are allowed to follow the vehicles from polling stations to Collection/Reception Centre.**

### 13.23. Movement, Storage and Security protocol on EVMs and VVPATs on Poll Day

13.23.1. Reserve EVMs and VVPATs are provided to Sector Officers/Zonal Magistrates on Poll Day. In case of P-1/P-2/P-3, reserve EVMs/VVPATs are kept in the intermediate Strong Room. Intimations are provided to candidates in advance.

- 13.23.2. In case reserve EVMs and VVPATs are provided to Sector Officers/ Zonal Magistrates before Poll Day, the reserve EVMs and VVPATs are kept at Government Building with proper security.
- 13.23.3. All EVMs and VVPATs provided to polling parties or Sector Officers/ Zonal Magistrates are under cover of armed police at all times.
- 13.23.4. For movement of EVMs and VVPATs, vehicles have GPS tracking/ Mobile app-based tracking.
- 13.23.5. Reserve and non-functional un-pollled EVM/VVPAT are carried by the Sector Officer with proper labelling like “**RESERVE**”, “**MOCK POLL REPLACED**”.
- 13.23.6. Non-functional unit replaced before start of actual poll (mock poll) shall not be left in the polling station with the Presiding Officer. The same is carried by the Sector Officer.
- 13.23.7. The place of storage of reserve EVMs and VVPATs are identified and earmarked in advance and intimated to all contesting candidates/ their agents.
- 13.23.8. Categories C (Un-pollled non-functional- replaced during mock poll on poll day) & D (Unused Reserved) EVMs and VVPATs are also stored in the strong room other than the polled strong room. 1/2 Section Security to warehouse/strong room, where Categories C & D EVMs and VVPATs are stored.
- 13.23.9. All polled EVMs-VVPATs (Category-A) and polled non-functional EVMs/VVPATs (Category-B) are stored in the strong room in the presence of candidates/their representatives under videography. 1 Platoon Security is provided for the Polled Strong Room. All contesting Candidates are allowed to depute their representatives for watching the security arrangements of strong room and allow them to stay outside the inner perimeter. If entrance of the Strong Room is not visible, CCTV display is arranged for them.

#### **13.24. USE OF EVMs & VVPATs IN CASE OF RE-POLL**

- 13.24.1. EVMs/VVPATs from the unused reserve list is prepared and informed to the candidates/ agents in writing.
- 13.24.2. Address tag on the EVMs/VVPATs clearly mentions that EVMs/ VVPATs are for use in the re-poll indicating the date and Polling Station number.
- 13.24.3. Pre-printed stickers “**Re-poll EVM/VVPAT**” are pasted on the EVMs/VVPATs and on their carrying cases.

- 13.24.4. After re-poll, Polled EVM/ VVPAT Strong Room is reopened in presence of the candidates/ their agents and Observer for storage of the re-pollled EVMs.
- 13.24.5. Re-pollled EVMs/VVPATs are placed together with the old EVMs/ VVPATs which were used earlier in the original poll. **“TO BE COUNTED”** stickers with bold print are pasted on Re-pollled EVMs and VVPATs at the time of placing the **‘Re-poll EVM’** in the strong room.
- 13.24.6. **‘NOT TO BE COUNTED’** stickers with bold print are pasted on the old EVMs/VVPATs, to remove any confusion at the time of counting.

To know more about security and administrative safeguards and instructions related to EVMs and VVPATs kindly read **EVM Manual, Status Paper on Electronic Voting Machine, Presentation on EVMs & VVPATs and FAQs** available on the **ECI’s website**.

### **13.25. MAINTENANCE OF SECRECY OF VOTING**

- 13.25.1. Section 128 of the Representation of the People Act, 1951 requires every polling agent to maintain and to aid in maintaining the secrecy of voting; no polling agent should communicate any information calculated to violate such secrecy to any person. Any person contravening the above provisions of law is punishable with imprisonment for a term, which may extend to 3 months or with fine or with both.
- 13.25.2. Before commencing the poll, the Presiding Officer will bring to the notice of all present the provisions of aforesaid Section 128 of the R.P. Act, 1951 regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

### **13.26. DECLARATION BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF THE POLL**

- 13.26.1. After the Presiding Officer has gone through the preliminaries, as stated above he will make a declaration in the prescribed form (**Annexure – 16**) Part I, to the effect that he has completed those preliminaries. He will read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and will also obtain thereon the signatures of such of the polling agents as are present and willing to affix the same. The polling agents should sign that declaration as it would satisfy all that the poll had commenced in free and fair manner. If any polling agent refuses to sign that declaration, the Presiding Officer will make a note of his name in the paragraph provided for that purpose in the form of said declaration.

- 13.26.2 The Presiding Officer obtain the signature of the candidates/ Polling Agents on the **green paper seal** and allowing them note down their serial numbers before commencement of the poll.

### 13.27. COMMENCEMENT OF THE POLL

- 13.27.1. The poll will be commenced at the stroke of the hour fixed for the purpose. By that time the preliminaries would have been completed by the Presiding Officer.
- 13.27.2. In any event, the Presiding Officer cannot extend the appointed closing time, except for allowing such of the voters to vote who have already reached the polling station before the appointed closing time and taken their place in the queue for voting. For this purpose, the Presiding Officer should distribute slips duly signed by him to the electors, who were present at the polling station at the hour appointed for the close of poll starting from the tail of the queue towards the head so that additional voters should not join the queue.
- 13.27.3. Before the first voter sign in **Form-17A – Register of voters** the polling Officer-I shall check with the Presiding Officer and record in ink in Form-17A (Register of voters) that a **“Total in the Control Unit checked and found to be Zero”**.

### 13.28. ENTRY OF VOTERS IN POLLING STATION

- 13.28.1. Normally, there will be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time or as the Presiding Officer may direct. Other voters waiting to come in will be made to stand in a queue outside. Formation of more than one queue for men voters or for women voters should not be allowed. The polling agents should not object to this. In view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for every male voter. Presiding Officer should ensure that Senior citizens and physically challenged electors are given priority for entering the polling station, without having to wait in the queue with the other electors. All necessary assistance as may be required should be provided to them at the polling station. For this purpose, if necessary, arrangements should be made for such persons to form a separate queue. Presiding Officer should ensure that full facility is provided for such electors to take their wheelchair inside the polling station. Men and women voters should be admitted into the polling station in alternate batches.

### **13.29. FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS**

- 13.29.1. Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of voters lining up outside the polling station. However, no one including the publicity officials of the State Government should be allowed inside a polling station and counting center without a letter of authority from the Election Commission. Under no circumstances, any photograph be allowed to be taken of a voter recording his vote.

### **13.30. METHOD OF RECORDING OF VOTES IN EVM**

- 13.30.1. Polling Agent should be completely familiar with the method of recording of votes on the EVM so that they may not be raised unnecessary objections about the procedure followed at the polling station.
- 13.30.2. After the procedural requirements relating to identification of an elector, application of indelible ink on his left forefinger and obtaining his signature/thumb impression (as explained in detail in the succeeding paragraphs) have been completed and the elector allowed to record his vote in the voting machine, the Presiding Officer/Polling Officer in-charge of the Control Unit of the voting machine shall press the 'Ballot' button on the Control Unit. This would make the Balloting Unit(s) ready for recording the vote of the elector. When the 'Ballot' button is pressed, the lamp marked 'Busy' on the Control Unit will glow red. Simultaneously, the lamp marked 'Ready' on each Balloting Unit kept in the voting compartment will start glowing green. For recording his vote, the elector will press the blue button (called the candidate's button) provided against the name, photograph and symbol of the candidate of his choice on the Balloting Unit. (For each candidate, a separate blue button is provided against his name, photograph and symbol). When the elector presses the candidate's blue button, the 'Ready' lamp will go off and the candidate's lamp provided near his blue button on the balloting unit will start glowing red. The VVPAT will print a small slip of paper that carry the symbol, name and serial number of the candidate voted which will be visible for seven seconds in the VVPAT window. Also, a 'beep' sound will be heard by all present, emanating from the Control Unit. After a few seconds, the red light in the candidate's lamp on the balloting unit, the red light of the 'Busy' lamp on the Control Unit and the beep sound will go off. These visual and audio signs will be the indication that the vote for the candidate whose button was pressed by the voter has been recorded in the Control Unit. The balloting unit will then get automatically locked and the next vote

can be recorded only when the 'Ballot' button on the Control Unit is pressed again for allowing the next voter to record his vote.

- 13.30.3. If any voter is not properly aware of the method of voting through EVM, the Presiding Officer will demonstrate using the cardboard model of EVM kept in the polling station. Polling agent should not go inside the voting compartment to assist voters.

### **13.31. VOTING PROCEDURE AT THE POLLING STATION**

The voting procedures are briefly as follows: -

1. When an elector enters a polling station, he will proceed direct to the first polling officer who will be in-charge of the identification of electors and of the marked copy of the electoral roll. After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left forefinger will be marked with indelible ink by the second polling officer. This will be done by the second polling officer before making entries in the register of voters (Form 17A) to ensure that the indelible ink mark dries up before the voter leaves the polling station, as he will also be in-charge of the 'Register of Voters' (Form 17A). That polling officer will note down in column (2) of that register his serial number as per the electoral roll. In column (3) of Form 17A (Register of Voters) the last four digits of the Identification document should be mentioned by him. In the case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the instructions to note down the last four digits of the document shall continue to apply. The type of the document produced should also be mentioned therein. He will obtain the signature or thumb impression of the elector in column (4) of the said register against the entry relating to him. Last four digits of the EPIC/Identity documents produced by the elector should be entered in the 'Remarks' column (Column 5) of the Register of Voters (Form 17-A) The second polling officer will also then prepare a voter's slip for the elector.
2. The elector will then go with this voter's slip to the Presiding Officer or the third Polling Officer whoever is in-charge of the Control Unit of the voting machine. The Presiding Officer/Third Polling Officer, as the case may be, will inspect the elector's left forefinger for the indelible ink mark thereon and allow him to record his vote in the voting machine on the basis of the aforesaid voter's slip. The procedure for recording the vote by means of the voting machine has been explained in the preceding paragraphs.

3. The electors will be allowed to record their votes in the voting machine in the in exactly the same sequence in which they have been registered in the register of voters (Form-17A). If it has not been possible to follow such exact serial order in respect of any elector, due to any exceptional circumstance or unforeseen or unavoidable reason, a suitable entry showing the exact serial number at which he has voted should be recorded in the remark's column of the register of voters against the person concerned. Similar entries should also be made in respect of the subsequent voters whose serial order has been disturbed thereby.
4. The checking of the left forefinger of the voter before he leaves the polling station in order to ensure that there is a clear indelible ink mark may be entrusted by the Presiding Officer to some other member of his party. If he finds that such mark is not clearly visible or the indelible ink has been wiped off, he shall again mark the voter's left forefinger with indelible ink.
5. Identification of overseas electors at the time of casting of votes at the relevant polling station shall be done only on the basis of original passport provided by them.

### **13.32. CHALLENGE TO THE IDENTITY OF A VOTER**

- 13.32.1. As stated above, one of the main duties of the polling agent is to help the Presiding Officer to detect and prevent impersonation of voters. Polling Agent is, therefore, entitled to challenge the identity of a person who comes as a voter, if he/she has personal knowledge that the person claiming to be that voter is not the same person. The polling agents should not, however, make indiscriminate challenges as this would hamper the smooth progress of the poll leading to delay in which case some voters, including the supporters of his own candidate, might get tired and leave the queue without voting.

### **13.33. LIST OF ABSENT, SHIFTED AND DEAD VOTERS**

- 13.33.1. It is expected that a polling agent will have with him a copy of the electoral roll and also a list of the names of the dead, absent and allegedly suspicious voters which might have been prepared by the candidate or his party. A copy of this list should be supplied to the Presiding Officer also. If any person claiming to be a voter has his name mentioned in that list, the polling agent should draw the Presiding Officer's attention to that fact. This will not amount to a formal challenge. The Presiding Officer will check that person's identity.

### **13.34. FORMAL CHALLENGE TO VOTER'S IDENTITY**

- 13.34.1. If the Presiding Officer disregards the list, polling agent may formally challenge the identity of the person provided he/she is satisfied that the person concerned is impersonating a voter.
- 13.34.2. Even if the name of a voter is not mentioned in the above list of dead, absent and allegedly suspicious voters, but Polling agent has personal knowledge that the person claiming to be the voter is not the real voter, he/she may formally challenge that person's identity.
- 13.34.3. Every person whose name is entered in the electoral roll is entitled to vote at the election and a person claiming to be a voter and giving the name and other details correctly and producing EPIC or one of the alternative documents approved by the Commission for this particular election is normally presumed to be that voter. Therefore, Polling Agents are advised to challenge the identity of a voter only when they are sure about their identity of the person challenged.

### **13.35. CHALLENGE FEE**

- 13.35.1. The Presiding Officer will not entertain any challenge by a polling agent, until the challenger pays him Rupees 2 in cash. After the amount has been paid, the Presiding Officer will furnish a receipt there for to the challenger in the form prescribed by the Election Commission.

### **13.36. SUMMARY INQUIRY INTO A CHALLENGE**

- 13.36.1. When the identity of an elector is formally challenged by a polling agent, the Presiding Officer will warn the person challenged, about the penalty for impersonation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of challenged votes and ask him to sign or affix his thumb impression thereon. If the person challenged refuses to do so, the Presiding Officer will not allow him to vote.
- 13.36.2. After the Presiding Officer has completed the entries in the list of challenged votes and obtained the signature or thumb impression of the person challenged in the relevant column in the said list, he will ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, the Presiding Officer will disallow the challenge and allow the person challenged to vote. If the challenger succeeds

in making out a prima facie case that the person challenged is not the voter in question, the Presiding Officer will call upon the latter to produce evidence to rebut the challenge, i.e., to prove that he is the voter he claims to be. In the course of the inquiry, the Presiding Officer is free to ascertain the true facts by putting any questions necessary for the purpose of establishing the identity of any person and require him to answer him on oath. He may also take evidence of any person whom he thinks to be helpful in his inquiry, like, the village officer, the neighbours of the voter in question or any other person present. While taking such evidence, he may administer oath to the person challenged or any other person offering to give evidence.

- 13.36.3. After the completion of the inquiry, if the Presiding Officer considers that the challenge has not been established, he should allow the person challenged to vote. Where, however, he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting. In that case, the Presiding Officer has also been instructed to hand over the person concerned to the police man on duty, together with a complaint addressed to the SHO of Police Station, in the jurisdiction of which the polling station falls, for prosecution of the person concerned.

### **13.37. RETURN OF FORFEITURE OF CHALLENGE FEE**

- 13.37.1. After the inquiry is over, if the challenge is established, the Presiding Officer will return the challenge fee of Rupees 2 to the challenger after taking his receipt in the appropriate column (column 10) in the list of challenged votes, referred in above, and on the counterfoil of the relevant receipt in the receipt book.
- 13.37.2. Where, however, the Presiding Officer is of the opinion that the challenge was frivolous or was not made in good faith, he will forfeit the challenge fee to Government and will not return it to the challenger.

### **13.38. CLERICAL AND PRINTING ERRORS TO BE OVERLOOKED**

- 13.38.1. The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date, for example, the age of the voter. The polling agent should overlook mere clerical or printing errors in any entry relating to a voter's age in the printed roll and should not raise objection about such voter, if he is otherwise satisfied about the identity of that voter. When the electoral roll has been prepared in more than one language and the name of a person has not been included in the marked copy of the electoral roll, the Presiding Officer has been instructed

to allow such voter to vote if his name appears in the version of the electoral roll in the other language. Polling agents are advised not to raise any objection in respect of such an elector.

### **13.39. ELIGIBILITY OF VOTER NOT TO BE QUESTIONED**

13.39.1. Every person whose name is entered in the marked copy of the electoral roll is entitled to vote at the election. As long as there is no doubt about the identity of such person, no question can be raised by a polling agent at the polling station before the Presiding Officer about the eligibility of such a person to be registered as a voter.

### **13.40. PRECAUTIONS AGAINST VOTING BY UNDER AGE VOTERS**

13.40.1. As stated above, the eligibility of a person whose name is included in the electoral roll to be a voter cannot be questioned or enquired into by the Presiding Officer at the polling station. However, if the Presiding Officer is prima facie satisfied about the identity of a voter and also about the fact of inclusion of his name in the electoral roll, but considers such person to be below the minimum voting age, the Presiding Officer has been instructed by the Commission to obtain a declaration in the prescribed form from the person concerned about his age. Before obtaining the declaration from such elector, the Presiding Officer will inform him of the penal provisions in section 31 of the Representation of the People Act, 1950 for making a false declaration relating to the inclusion of his name in the electoral roll.

13.40.2. Polling Agent may bring to the notice of the Presiding Officer such cases of voters whose names are included in the electoral roll, but who seem to be much below the voting age, so that the Presiding Officer may take action in respect of such voters as mentioned above.

### **13.41. VOTING THROUGH PROXY: CLASSIFIED SERVICE VOTERS**

13.41.1. As an alternative to the postal ballot, service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act, 1950 applies, have been provided the facility to opt to vote either through proxy or through postal ballot papers. Such service voters, who opt to vote through proxy, have been categorized as “Classified Service Voters” (CSVs). The CSVs are required to appoint a person who is a resident of the area covered by the constituency concerned, as his proxy. The proxy should be of at least 18 years of age and shall not be disqualified for registration as an elector. The appointment will be made in Form 13F. An appointment once made will be valid for all future

elections so long as the person making the appointment continues to be a service voter or till the appointment is revoked or the proxy dies. The CSV has the option to revoke the appointment and appoint a new proxy on the death of the earlier proxy or for other reasons. Such revocation of appointment is to be done in the newly inserted Form 13G.

- 13.41.2. On receipt of intimation of appointment of proxy by a CSV, the Returning Officer will mark the letters 'CSV' against the name of the service voter in the last part of the electoral roll to indicate that the elector has appointed a proxy to cast vote on his behalf. For using the facility of proxy voting at the next earliest election, intimation of appointment of proxy should reach the Returning Officer by the last date for filing nomination at that election. The Returning Officer will also maintain a separate list of CSVs and their proxies with their complete addresses in the form and manner specified by the Commission. After the last date for filing nominations, the Returning Officer will prepare polling station-wise sub-lists of all CSVs and their proxies. These sub lists will be added at the end of the part of the electoral roll pertaining to the polling station concerned and the part of the electoral roll along with the sub-list will be the marked copy of the electoral roll for that polling station.
- 13.41.3. The proxy will record the vote on behalf of the CSVs at the polling station to which the CSV is assigned, in the same manner as any other elector assigned to that polling station. It may be noted that in the case of proxy, marking of the indelible ink under Rule 37 will be done on the middle finger of the left hand of the proxy. The proxy will be entitled to vote on behalf of the CSV in addition to the vote that he may cast in his own name if he is a registered elector in the Constituency, at the polling station to which he has been normally assigned.
- 13.41.4. A CSV who has appointed a proxy will not be issued a postal ballot paper.

#### **13.42. VOTING BY BLIND AND INFIRM VOTERS**

- 13.42.1. If the Presiding Officer is satisfied that a voter is unable to recognise the symbols on the ballot paper affixed on the Balloting Unit(s) of the EVM or to record his vote on it without assistance on account of being blind or infirmity, he will permit the voter to take an adult companion of not less than 18 years into the voting compartment with him for recording the vote on his behalf and in accordance with his wishes. But the illiteracy of a voter is not a sufficient cause for giving him assistance of a companion to record vote on

his behalf. Numeric in Braille signage (1 to 16) has been provided on the Ballot Unit (BU) top cover on the right of the blue button for each contesting candidate for the convenience of the visually challenged (blind) persons.

- 13.42.2. Infirm voters who are capable of voting by themselves by pressing the button of the candidate of his choice on the balloting unit of EVM shall be permitted authorized companion only up to Voting compartment in the polling station, not inside the voting compartment. This will apply in cases where the nature of physical infirmity is such that the elector needs assistance only for his movement and not for voting. The presiding Officer has to take decision in such cases.
- 13.42.3. Further, none of the polling staff can act as a companion to record vote on his behalf.
- 13.42.4. A candidate, his election agent or polling agent (provided he is not less than 18 years of age) can also act as such companion to a blind or infirm voter. But he can act as such companion of only one elector on that day. The person acting as such companion is required to make a declaration in the prescribed form to the effect that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as a companion of any other elector at any polling station on that day.
- 13.42.5. As per the first proviso to sub-rule (1) of Rule 49N, one person cannot act as the companion of more than one elector. In order to facilitate the polling staff to ensure compliance of these provisions, application of indelible ink shall also apply to the companion. Indelible ink shall be applied on the right index finger of the companion. Marking of ink on the left index finger of the elector in such cases shall continue to apply as per the existing provisions.
- 13.42.6. Before an elector is permitted to take with him a companion inside the Voting Compartment, the right index finger of the companion should be checked to ensure that it is not already marked with indelible ink. If it is found to be already marked, such person cannot be permitted to be companion for the purpose of rule 49N.
- 13.42.7. Before any person is permitted to act as a companion of an elector, he shall be required to declare that he will keep the vote recorded by him on behalf of the elector a closely guarded secret and that he has not already acted as a companion of any other elector at any other polling station from that day. The declaration will be obtained by the Presiding Officer from the companion in the prescribed format.

13.42.8. Sub-rule (2) of Rule 49N provides that the Presiding Officer shall keep a record of cases where electors record vote with the assistance of the companion in Form 14A. This should cover all cases where the companion is permitted to go into the voting compartment with the elector to assist him in recording the vote. Cases where a companion only comes to assist the elector in his movement and does not go into the voting compartment shall not be included in Form 14A.

### **13.43. TENDERED VOTES**

13.43.1. It may happen that a person claiming to be a particular elector comes forward to vote after some other person has already voted as such elector. In that case if the Presiding Officer is satisfied about the identity of such person to be the real voter after necessary questioning, the Presiding Officer will permit him to vote by means of a tendered ballot paper, but not by means of the voting machine. For that purpose, the Presiding Officer will make necessary entry in the list of tendered votes [Form 17B] appended to the Conduct of Elections Rules, 1961] and obtain the signature or thumb impression of the voter therein. The voter will be supplied with a ballot paper which shall be similar to the ballot paper affixed on the balloting unit of the voting machine and the words 'Tendered ballot paper' will be stamped or written on its back. The elector will record his vote on the tendered ballot paper by placing a mark by means of the arrow mark rubber stamp, which is used for marking ballot papers under the traditional marking system of voting. Such tendered ballot paper, after it is marked by the voter in the voting compartment and folded, shall be handed over to the Presiding Officer, who will place it separately in a cover specially kept for the purpose.

### **13.44. ELECTORS DECIDING NOT TO VOTE**

13.44.1. If an elector, after his electoral roll number has been duly entered in the register of voters (Form 17A) and he has signed/affixed his thumb impression on that register, decides not to record his vote, he shall not be forced or compelled to do so. A remark to the effect that he has decided not to record his vote – “Refused to Vote” shall be made in the remarks column against the entry relating to him in the register of voters by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark under rule 49-O. It shall not be necessary to make any change in the serial number of the elector or of any succeeding elector in column (1) of the register of voters.

- 13.44.2. If the “Ballot” button on the Control Unit has been pressed to release voting on the Balloting Unit by a voter and he refuses to vote, either the Presiding Officer/third Polling Officer, whoever is in-charge of the Control Unit, should direct the next voter straightaway to proceed to the voting compartment to record his vote or put the ‘Power’ switch in the rear compartment of the Control Unit to ‘OFF’ position, then to ‘ON’ position, press the ‘Ballot’ button and direct the next voter to proceed to the voting compartment to record his vote. If the “Ballot” button on the Control Unit has been pressed to release voting on the balloting unit and the last voter refuses to vote, the Presiding Officer/third Polling Officer, whoever is in-charge of the Control Unit shall put the ‘Power’ switch in the rear compartment of the Control Unit to ‘OFF’ position and disconnect the VVPAT and Balloting Unit(s) from the Control Unit. After disconnecting the VVPAT and Balloting Unit(s) from the Control Unit, the ‘Power’ switch should again be put ‘ON’. Now the ‘Busy’ lamp will go off and the ‘Close’ button will become functional to close the poll.
- 13.44.3. The electors who do not wish to vote for any of the candidate can exercise their right not to vote for any candidate without violation of the secrecy of their decision. A ballot panel with the words “None of the Above’ written therein and with NOTA symbol is available to cast the vote.

### **13.45. VIOLATION OF SECRECY OF VOTING**

- 13.45.1. Every elector, who has been allowed to record his vote, is required to maintain secrecy of voting within the polling station and to observe the prescribed voting procedure. If any elector refuses to maintain the secrecy of voting even after warning given to him by the Presiding Officer and observe the voting procedure, he will not be allowed to vote by the Presiding Officer or by a Polling Officer under his direction. The voter's slip, if already issued to such elector shall be taken back from him and cancelled. The Presiding Officer will make a remark to that effect – “Not allowed to vote – Voting procedure violated” in the register of voters under his signature. It shall however not be necessary to make any change in the serial number of that elector or of any succeeding electors in column 1 of that register.

### **13.46. PROCEDURE IN CASE OF COMPLAINT ABOUT PARTICULARS PRINTED ON PAPER TRAIL**

- 13.46.1. If an elector after having recorded his vote alleges that the paper slip generated by the VVPAT has shown the name or symbol of a candidate other than the one he voted for, the Presiding Officer shall

obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration. If the elector gives the written declaration, the Presiding Officer shall make a second entry related to that elector in Form 17A and permit the elector to record a test vote in the EVM in his presence and in the presence of the candidates or polling agents who may be present in the polling station and observe the paper slip generated by the VVPAT. If the allegation is found to be true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that EVM and act as per the direction that may be given by the Returning Officer. If, however, the allegation is found to be false and the paper slip so generated matches with the test vote recorded by the elector, then, the Presiding Officer shall-

- a. Make a remark to the effect against the second entry, relating to that elector in Form 17 A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- b. Obtain the signature or thumb impression of that elector against such remarks;
- c. Make necessary entries regarding such test vote in item 5 in Part I of Form 17C (**Annexure – 12**).

### **13.47. RESTRICTIONS ON PRESIDING (AND OTHER) OFFICER TO GO NEAR THE VOTING COMPARTMENT**

13.47.1. Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the Ballot Unit(s) and VVPAT kept in the screened voting compartment is/are not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with the Ballot Unit(s)/VVPAT or has remained inside the voting compartment for an unduly long period. The Presiding Officer has a right under Rule 49Q to enter the voting compartment in such cases and to take such steps as may be considered necessary by him to ensure that the Ballot Unit(s) and VVPAT are not tampered or interfered with in any way and that the poll progresses smoothly and in an orderly manner.

13.47.2. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/names/ballot button, the Presiding Officer may from time to time make an inspection of Balloting Unit(s) and VVPAT, but he should not make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

**13.48. VOTING BY PERSONS PRESENT AT CLOSING HOUR**

13.48.1. The Presiding Officer will close the polling station at the hour fixed for the purpose and will not thereafter admit any elector into the polling station. But all electors present at the polling station before it is closed will be allowed to cast their votes, even if for that purpose the polling is to be continued beyond the specified closing hour. For the above purpose, the Presiding Officer will distribute to all voters, who are standing in the queue and waiting to vote at the specified closing hour, slips signed by him in full and serially numbered from 1 onwards. He will not thereafter allow any person to join the queue and for ensuring this he shall start distribution of the above slips to such voters from the tail end of the queue and proceeding backward towards its head.

**13.49. CLOSE OF POLL**

13.49.1. The Presiding Officer shall close the poll after the last voter has recorded his vote, so that no further recording of votes in the machine is possible. For this purpose, the Presiding Officer shall press the 'CLOSE' button on the Control Unit and set the power switch of Control Unit to 'OFF' position and disconnect the Balloting Unit(s) and VVPAT from the Control Unit. When the close button is pressed, display panels on the Control Unit will show "Poll Closed". The voting machine will not accept any further votes now.

13.49.2. The total number of votes recorded in the EVM shall be immediately noted by the Presiding Officer in the Account of Votes Recorded in Form 17C.

13.49.3. Once the close button is pressed by the Presiding Officer at the end of poll, no further polling is possible.

13.49.4. After the completion of the poll the Presiding Officer shall record sign statement that after drawing a red line showing that ... (serial number of voter)-Name of voter is the last voter in Register of voters (Form-17A) he will allow polling agents to sign on it if they are desirous to do so.

**13.50. FURNISHING OF COPY OF ACCOUNT OF VOTES RECORDED (FORM 17C) BY THE PRESIDING OFFICER**

13.50.1. Rule 49S of the Conduct of Elections Rules, 1961 provides that the Presiding Officer should, at the close of the poll, prepares an account of votes recorded in the voting machine in the prescribed Form 17C. He is also required by the above rule to furnish to

every polling agent present at the close of the poll, an attested copy of the account after obtaining a receipt therefor from the Polling Agent. Polling agent should, therefore, ensure that he/she receive a copy of the said account from the Presiding Officer as such account will be greatly needed by their candidates at the time of the counting of votes. Every polling agent who receives a copy of the said account from the Presiding Officer should sign on the form of declaration (**Annexure – 16 - Part III**) prescribed by the Commission, which the Presiding Officer has to make at the close of the poll. If any polling agent refuses to accept a copy of the above account, the Presiding Officer will note down the name of such polling agent in the above-mentioned declaration.

### **13.51. SEALING OF EVM AND VVPAT AFTER THE CLOSE OF POLL**

- 13.51.1. After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, the voting machine shall be sealed and secured by the Presiding Officer for transportation to the counting/collection centre.
- 13.51.2. For sealing and securing the voting machine, the Ballot Unit(s), the Control Unit and VVPAT are disconnected after the power switch in the Control Unit switched off and VVPAT paper roll knob are put in lock position (vertical). The Ballot Unit(s), the Control Unit and VVPAT after removing the power pack of the VVPAT are put back in their respective carrying cases. The carrying cases are then sealed on both sides with the Presiding Officer's seal on common address tag showing the particulars of the election and the polling station.
- 13.51.3. The candidates or their polling agents who are present and desirous of putting their seals on the carrying cases are allowed to do so.
- 13.51.4. The names of the candidates/polling agents who have affixed their seals on the carrying cases of Ballot Unit(s), Control Unit and VVPAT are noted by the Presiding Officer in the declaration which he makes at the close of the poll vide Part IV of **Annexure – 16**.

### **13.52. SEALING OF ELECTION PAPERS – AFFIXATION OF SEALS THEREON BY POLLING AGENTS**

- 13.52.1. After the close of the poll, the Presiding Officer will also seal all the election papers in separate packets in accordance with the rules and instructions of the Election Commission. The polling agents present at polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packets containing the following documents: -

- i. The marked copy of the electoral roll;
- ii. Register of Voters;
- iii. Voters slips;
- iv. The tendered ballot papers and the list of tendered votes in Form 17B;
- v. The unused tendered ballot papers;
- vi. The list of challenged votes;
- vii. The unused and damaged paper seals, if any;
- viii. Appointment letters of polling agents; and
- ix. Any other papers that the Returning Officer has directed to be kept in a sealed packet.

13.52.2. Polling agent is advised, in the interest of his/her candidate to affix seals on the above packets of election papers.

### **13.53. TRANSMISSION OF EVM, VVPAT AND ELECTION PAPERS TO THE COLLECTION/STORAGE CENTRE**

13.53.1. After the EVM, VVPAT and all election papers have been sealed and secured by the Presiding Officer, he will deliver them or cause them to be delivered at the collection/storage centre.

13.53.2. Sealed EVMs & VVPATs should be transported in proper security protocol along with sealed election records.

### **13.54. ACCOMPANYING VEHICLES CARRYING VOTING MACHINES**

13.54.1. Polling agents are permitted to accompany the vehicle in which the EVM and VVPAT and election papers are carried to the collection/storage centre. But He/she will have to make his/her own transport arrangements and will not be permitted to travel in the vehicle carrying the voting machine and election papers.

### **13.55. ARRANGEMENT AT RECEPTION CENTRE FOR COLLECTION OF EVM, VVPAT AND OTHER MATERIALS**

#### **CUSTODY OF EVM AND VVPAT**

13.55.1. After the completion of poll in a constituency, EVM and VVPAT will be taken to the place of storage and kept in safe custody under proper guard till they are taken to the counting place. The candidate will be informed in advance by the Returning Officer about the programme and route of the collection parties that will be sent by him for the collection of the polled EVM and VVPAT from the polling stations and for bringing them to place of storage. If the candidate wants, he/she may ask his/her agents to accompany those collection parties. The candidate will, however, have to make his/her own arrangement for their

transport as they would not be allowed to travel in the official vehicle. If the candidate likes, he/she may also post an agent to keep watch at the place where EVM and VVPAT are kept, and the agent will be allowed to affix his seal on the doors and windows of the building in which the machines are stored in addition to the seal that may be affixed by the Returning Officer. In case the candidate himself/herself or his/her election agent himself is not putting up such seals, the candidate should give full particulars of the agent who would put such seals, to enable the verification of his identity. After EVMs and VVPATs have been received and stored and the room has been locked, no one will be allowed to go in until the morning of the day fixed for counting. If during the interval, the room is to be opened for some reason, the Returning Officer will inform the candidates and open the room in their presence and immediately after the purpose for which the room is opened has been served, the candidate or their representatives will again be allowed to seal the doors and windows. A log book will also be maintained in order that a full record is available of persons entering the room, the purpose of the visit, time of entry, time of exit etc. The entire process shall be video graphed and proceedings shall be made and signed by Candidate/their representatives.

### **13.56. ADJOURNED POLL**

- 13.56.1. If there is a riot or open violence at the polling station or a natural calamity like severe storm, heavy snowfall or the like or some other sufficient cause, the Presiding Officer will adjourn the poll under the provisions of sub-section (1) of section 57. A passing shower of rain or strong wind would not be sufficient cause for adjournment of poll. The Commission has, however, decided that an adjourned poll may be ordered at all those polling stations where polling fails to start for two hours. The adjourned poll will be held on a date and at the time and place to be fixed by the Returning Officer with the prior approval of the Election Commission. The counting of the votes in the constituency will not commence until the adjourned poll has been completed.
- 13.56.2. Where the poll has been adjourned at a polling station the adjourned poll will recommence from the stage at which it was left immediately before the adjournment. i.e., only those electors, who had not already voted before the poll was adjourned, will be permitted to vote at the adjourned poll. The Presiding Officer of the polling station, at which such adjourned poll is taken, will be provided with the sealed packets containing (i) the marked copy of the electoral roll, and (ii) Register of Voters received earlier from

the presiding officer of the polling station concerned at which the poll was adjourned, and also a new voting machine.

- 13.56.3. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and Register of Voters will be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy for the electoral roll and Register of voters will be used for adjourned poll.
- 13.56.4. The provisions of rules 28 and 49A to 49V will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

### **13.57. FRESH POLL**

- 13.57.1. If any voting machine used at a polling station–
  - i. has been unlawfully taken away by unauthorised person; or
  - ii. has been accidentally or intentionally destroyed or lost or damaged or tampered with and the Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason; or
  - iii. any error or irregularity in procedure is likely to vitiate the poll is committed at a polling station;

The Returning Officer will report the facts of the Election Commission and the Chief Electoral Officer of the State.

- 13.57.2. After considering all the material circumstances, the commission will, if necessary
  - i. Declare the poll at that polling station to be void; and
  - ii. formally fix the date and hours for fresh poll and notify it.
- 13.57.3. On receiving intimation from the Commission, the Returning Officer will inform the contesting candidates or their election agent of the date, time and place fixed for the fresh poll and affix a notice on his notice board notifying the date and hours so fixed. Also, he would announce by beat of drum or otherwise in the polling area concerned the place, the date and hours so fixed.
- 13.57.4. The fresh poll will be taken in the same manner as is prescribed for the original poll.
- 13.57.5. There is no legal bar against the counting of votes in respect of the rest of the constituency. The Returning Officer will not,

however declare the result of the election until the fresh poll has been completed and the vote recorded in such fresh poll counted and incorporated in the result sheet.

**13.58. FRESH POLL OR COUNTERMANDING OF ELECTION IN CASE OF BOOTH CAPTURING**

- 13.58.1. Under section 58A, if booth capturing (as defined in section 135A) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission. On receipt of that report from the Returning Officer, the Election Commission shall, after taking all material circumstances into account, either
- (i) Declare the poll at that polling station to be void and direct; fresh poll to be taken on a date to be appointed by it, or
  - (ii) Countermand the election if it is satisfied that in view of the large number of polling station involved in booth capturing, the result of the election is likely to be affected.
- 13.58.2. If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.
- 13.58.3. If the election is countermanded by the Commission on account of booth capturing, all proceedings for that election will commence anew and a fresh notification calling for the election will be issued in due course.

**13.59. FRESH POLL, IF AFTER SCRUTINY OF REGISTER OF VOTERS (FORM 17A) AND OTHER DOCUMENTS FOUND THAT POLL HAVE BEEN VITIATED AT THE POLLING STATION**

- 13.59.1. In order to check bogus voting, the Election Commission keeps a tab on the polling percentage. Reports on polling percentage of all polling stations are collected by it through the Chief Electoral Officer/Returning Observer after the polling is over. Wherever it is found that the votes polled at a polling station is unusually high which cannot be apparently explained, the Commission, if needed, may order the election authorities to scrutinize various documents like Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Forms 17A and 17C etc. in respect of those polling stations where the polling has crossed a specific percentage.

13.59.2. In such cases, the Returning Officers and the concerned Observers shall scrutinize Forms 17A and such other documents, in respect of all those polling stations, where polling has been more than the percentage as prescribed by the Commission, after the end of poll of each phase. The Returning Officers and Observers shall check Form 17A for similarities of signatures/thumb impressions, the manner in which votes have been cast (continuous serial nos.), cross check the entries in Form 17A vis-à-vis Form 17C, the marked copy of the electoral roll and the remarks column in Form 17A.

**13.59.3. SCRUTINY:**

- i. Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up preferably at 11:00 A.M. on the day following the day of poll. However, if by that time, a substantial number of polling parties, say 10% are yet to return, the scrutiny may be deferred till such time polling parties return. The scrutiny shall be done by the Returning Officer and the Observer at a place/room identified in advance, preferably near the strong room itself. Adequate security arrangement shall be made for such place. All contesting candidates shall be given advance notice, in writing (under proper acknowledgement), about the scrutiny of Forms 17A, 17C and other documents and material indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate may be present only to watch the proceedings of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by any one at the time of scrutiny. However, the discussion between the Observer and Returning Officer and their observation on the scrutiny of the record shall be kept confidential. The candidate, his election agent or authorized representative of the candidate shall not be allowed to keep cellular phones during this activity.
- ii. During the process of scrutiny, the candidates / their election agents or their authorized representatives may watch the

proceedings from a safe distance so that they can get a clear view of the proceedings but, are not able to handle the election papers / material or interfere with the proceedings. There shall be proper barricading to ensure this, and the candidates or their representatives shall not be allowed to cross the barricade under any circumstance.

- iii. Proper log-books shall be maintained for recording the time and purpose of opening and closing the storage room where election records are kept. The room shall be opened in the presence of Observer(s) and the candidates /their election agents/representatives at the time fixed for the purpose. But, if any candidate/election agent/representative chooses not to attend these proceedings, despite written notice having been served, the proceedings shall be conducted at the appointed hour and not delayed/adjourned merely because of his absence. If they report late when proceedings are going on, they may be allowed in to watch the proceedings onward only.
- iv. After taking out copies of Forms 17C and the packets containing Forms 17A and marked copies of electoral roll in respect of such polling stations (where polling has been more than the percentage as prescribed by the Commission after the end of poll) for scrutiny, the strong room shall be duly closed and sealed after making entry in the log-book and obtaining the signatures of all candidates or their representatives as may be present.

**13.59.4: POST - SCRUTINY PROCEDURE**

- i. After scrutiny, the Forms 17A, 17C and marked copies of electoral roll for each polling station, other documents and material shall be re-sealed with the seal of the Returning Officer. The candidates or their election agents/representatives present, may also be allowed to affix their seal or signature thereon, if they so desire. These sealed envelopes shall then be kept back in the strong room from which they were taken out. This shall also be done in the presence of the candidates or their election agents/representatives. The room shall then be sealed with the seal of the Returning Officer. The candidates or their representatives may also affix their seals/signatures thereon if they so desire.
- ii. After scrutiny of Forms 17A, 17C and other documents and material, the Returning Officer and Observer shall make necessary recommendations to the Commission for repoll,

wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.

iii. Normal requirement of scrutinizing the Presiding Officers' diaries, visit sheet, diaries maintained by Patrolling/Sector/Zonal Magistrates, complaint registers maintained at the District Control room, statements of images shall be followed strictly, for all polling stations irrespective of poll percentage, and the facts revealed on the scrutiny of these documents will be taken into account for forming opinion for recommending re-poll.

**13.59.5.** If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll.

**13.59.6.** The fresh poll will be taken in the same manner as is prescribed for the original poll.

## Chapter 14: COUNTING OF VOTES

### 14.1. INTRODUCTORY

- 14.1.1. Counting of votes is the last major step towards the culmination of the election process. It is on the correct and proper counting of votes that the true choice of the electorate finds expression and it is on the basis of such ascertainment of their true choice that their chosen representative is declared elected. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.
- 14.1.2. Under the law, counting of votes is to be done by or under the supervision and direction of the Returning Officer of the constituency in the presence of the candidates and their agents. The law authorizes the Assistant Returning Officer also to undertake the counting of votes. The counting of votes may be simultaneously done at places more than one and at tables more than one at the same place. As the candidate or his election agent cannot be expected to be physically present at each of such counting places and tables, the law permits the candidate to appoint his/her counting agents who may be present at each of the said counting places and counting tables and watch his/her interests.
- 14.1.3. The Electronic Voting Machine (EVM) records correctly each vote cast by a voter and keeps an exact and up-to-date account of each vote so cast candidate-wise. All votes cast by means of voting machines are valid votes and as such there is no invalid or rejected vote. Thus, the process of counting has become simple, easier and quicker. VVPATs used additionally along with EVMs hold recorded ballot slips in sealed compartments which may become subject to counting under specific circumstances as have been instructed by the Commission.

### 14.2. APPOINTMENT AND RANDOMIZATION OF COUNTING OFFICIALS

- 14.2.1. The posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know the table assigned to them in the AC/AS only at the time of their arrival at the Counting Centre on the day of the counting.
- 14.2.2. The arrangements for randomization of counting official shall be done by the District Election Officer, where the Counting Centre(s) is located.
- 14.2.3. The randomization of counting staff is to be done in three stages. The randomization of above-mentioned counting staff shall be done using the software centrally developed by the Chief Electoral Officer.

- 14.2.4 The first randomization of counting officials shall be done invariably in the presence of the Returning Officer(s). The presence of Observer is not required at this stage. The DEO shall issue Photo Identity Cards and intimation letter for counting duty.
- 14.2.5 The second randomization of counting officials shall be done for randomly allocating counting officials to Assembly Constituency/ Assembly Segment wise, which shall be done by the District Election Officer using the software 24 hours prior to the commencement of Counting of Votes in the presence of the Returning Officer(s) and Observer(s). Thereafter, the Returning Officer concerned shall issue the appointment letters to the officials allotted to his/her constituency.
- 14.2.6 The third randomization of each category of counting officials shall be done for allotment of counting tables to them for counting of votes in CU & VVPAT and Postal Ballots in the Counting hall. No randomization is required for counting officials allocated for pre-counting scanning of ETPBS. It shall be done by the concerned RO (ARO in case of Parliamentary Constituency, where RO is not located) in the presence of ECI Observer at 5.00 AM on the day of Counting.
- 14.2.7 It shall preferably be carried out by using software. In special cases, where randomization through software is not feasible, this exercise shall be done manually. In case of manual randomization, the Senior Most Observer present would randomly assign the table number to the counting officials by the draw of lots i.e., picking up chits of the unique serial numbers assigned to counting officials and the table numbers. The DEO should make all arrangements in advance to ensure quick and smooth conduct of the randomization process. In case, it is done with the aid of a computer, the Observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.
- 14.2.8 The Counting officials would be provided with the details of duty assigned on reaching the control room at the Counting Center. Thereafter, they shall be directed to reach their respective tables in the Counting Hall of the assigned Constituency/ Segment.
- 14.2.9 It must be ensured that the whole process of randomization is over by 6:00 AM on counting day so that the Counting Officials are able to reach their assigned position conveniently before the scheduled start of the Counting process.
- 14.2.10 A separate seating arrangement shall be made within the Counting Center/Campus for the reserve staff after third randomization.

14.2.11. The District Election Officers would ensure that Videography of the process of randomization is carried out for record.

### **14.3. CROSS CHECKING BY THE OBSERVER AT RANDOM**

14.3.1. As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round.

14.3.2. As a measure to cross check the correctness of counting, the observers should randomly select two CUs counted in each round with the help of additional counting staff. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer, then: -

- The result of that round for each table shall be re-verified from the CU.
- The erring official would be taken off and replaced by another set of staff. Severe disciplinary action should be initiated against him/her.
- The result provided by such staff (and table) in the preceding rounds would be checked again in presence of Observer and corrected sheets prepared wherever necessary.

14.3.3. The counting officials as well as candidates and their counting agents would be informed about this provision of random cross checking to be carried out by the Observers. It would also be informed that any discrepancy found during this randomized cross checking would be viewed seriously by the Commission and could result in serious disciplinary action and prosecution of the responsible officials.

14.3.4. Apart from one Counting Supervisor and one Counting Assistant for each counting Table, Micro Observer would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./ Central Govt. PSU employee.

### **14.4. ROLE OF OBSERVER**

14.4.1. The Observer has the power to direct the Returning Officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for

the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the results of the poll at that polling station or place cannot be ascertained.

- 14.4.2. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

#### **14.5. DATE, PLACE AND TIME OF COUNTING**

14.5.1 The Returning Officer shall, at least one week before the date fixed for the poll, intimate in writing to each contesting candidate or his/her Election Agent the date, time and place(s) of counting of votes as per forms prescribed by the Commission for the purpose, vide **Annexure- 18 or Annexure- 19** as may be applicable.

14.5.2 He will also inform them sufficiently in advance about the number of counting tables that will be provided in the counting hall, so that they may appoint their counting agents accordingly.

#### **14.6. COUNTING AT DIFFERENT PLACES**

14.6.1. The counting for an entire Assembly Constituency will be done at one place and every effort will be made to complete the counting on the same day. For this purpose, the counting will commence early in the morning as directed by the Election Commission.

14.6.2. While the counting of votes for an Assembly Constituency will be done at one place, the counting of votes for election to the House of the People (in different Assembly Segments) may be done in more than one place, i.e. in all the places fixed for the counting of votes of the Assembly segments comprised within that Parliamentary Constituency.

14.6.3. If the votes for a Parliamentary Constituency are counted at more places than one, the Returning Officer will inform the candidate or his/her election agent sufficiently in advance so that the candidate may appoint a separate set of counting agents for each such place.

14.6.4. In the simultaneous elections to the Lok Sabha and the State Legislative Assembly, the counting of votes will be done simultaneously, assembly constituency and assembly segment-wise. In such event, the candidates for parliamentary and the assembly elections will be permitted to appoint their counting agents separately.

#### **14.7. PERSONS ALLOWED IN COUNTING HALLS**

14.7.1. Only the following persons will be allowed inside the counting hall: -

- counting supervisors, counting assistants and Micro Observers
- persons authorized by the Election Commission;
- public servants on duty in connection with the election;
- the candidate, his/her election agent and counting agents.

#### **N.B.**

- (1) The 'public servants on duty' will not include the Police Officers, whether in uniform or without uniform (unless called for by the Returning Officer for maintenance of law and order or other duty), Ministers, State Ministers and Deputy Ministers of the Union and States. They can come inside the Counting hall only as candidate.
- (2) No security personnel accompanying, if any, a candidate or his election agent or counting agent shall be permitted to enter the Counting Campus and Counting Hall.

#### **14.8. NUMBER OF COUNTING AGENTS THAT MAY BE APPOINTED**

14.8.1. Each candidate is allowed to appoint as many counting agents as there are counting tables including table meant for counting of postal ballots for his/ her constituency. The candidate can appoint one more counting agent to watch the counting process at the Returning Officer's table in absence of himself or his election agent.

#### **14.9. QUALIFICATION OF COUNTING AGENTS**

14.9.1. The law does not prescribe any specific qualifications for persons to be appointed as counting agents. However, the candidates are advised to appoint mature persons as their counting agents so that their interests are properly watched.

14.9.2 However, sitting Minister either of the Union Government or of the State Government, Member of Parliament or State Legislature, Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc., Chairpersons and Members of Central PSUs/State PSUs, Govt. Bodies/Corporation, Persons receiving any honorarium from Government or Persons working on part time in any Govt./ Govt. Aided Institutions and Para Medical/Healthcare staff working in Govt./Govt. Aided institutions, Fair Price Shop dealers, Anganwadi Employees shall not be appointed as a counting agents.

- 14.9.3 Any other person having security cover provided by the State (both Union and State Govts.) shall not be allowed to act as Election Agent or Counting Agent of any candidate during an election even if they surrender or decide to relinquish their security. Further, such person cannot enter the Counting Hall along with or without his security personnel.
- 14.9.4 Government servant also cannot act as counting agent of a candidate and if he so acts, he is punishable with imprisonment for a term, which may extend to 3 months or with fine or with both.

#### **14.10. APPOINTMENT OF COUNTING AGENTS**

- 14.10.1. Appointment of a counting agent is to be made either by the candidate himself or by his election agent. Such appointment is made in Form 18 appended to the Conduct of Elections Rules, 1961 (**Annexure – 20**). The name and address of the counting agent will be filled in that form and the candidate or his election agent will personally sign that form. The counting agent will also sign that form in token of his acceptance of the appointment. Two copies of such forms together with the photographs of the agents will be prepared and signed, in all cases. One copy of that Form is to be forwarded by the candidate/ election agent to the Returning Officer latest by 5.00 PM three days prior to the date fixed for counting of votes. The 2nd copy is to be given to the Counting Agent for production before the Returning Officer on the day of counting.
- 14.10.2. A candidate may appoint all his counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.
- 14.10.3. The facsimile signature of a candidate in the form of appointment is also accepted
- 14.10.4 Counting Agents shall produce photo identity cards issued by the RO along with the 2nd copy of Form 18 and sign the declaration, contained therein, before the RO on the day of counting, not later than one hour before the time fixed for the counting. The RO shall not accept the appointment letter which is received after the aforesaid time. RO shall inform the Candidates that if the Counting Agents fail to bring the 2nd copy of Form 18 and photo-identity card, they shall be denied entry in the Counting Hall. Similarly, the Election Agents of the Candidates are also required to produce the attested duplicate copy of their appointment letters. Thereafter, the RO shall allow the agents to enter the Counting Hall.

#### **14.11. REVOCATION OF APPOINTMENT OF COUNTING AGENT**

- 14.11.1. The candidate or his election agent is authorised to revoke the appointment of a counting agent.
- 14.11.2. Such revocation of appointment is made in **Form 19** appended to the Conduct of Elections Rules, 1961 (**Annexure - 21**) and becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorised to appoint another counting agent in place of the one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced, no appointment of fresh counting agent can be made.
- 14.11.3. Appointment of such fresh counting agent is to be made in the same manner as explained above.

#### **14.12. ADMISSION OF COUNTING AGENTS TO THE COUNTING HALL**

- 14.12.1 On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign the declaration contained in his letter of appointment regarding maintenance of secrecy of voting before the Returning Officer. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.
- 14.12.2 The Counting Agents are allowed to carry pen/pencil, plain paper/note pad and duplicate copy of Form 17C, furnished by the Presiding Officers to the Polling Agents after close of the poll, inside the counting hall for their use/reference during the counting process.
- 14.12.3 The Returning Officer is empowered to subject any counting agent to search his person before entry into the counting hall.

#### **14.13. BADGES FOR COUNTING AGENTS**

- 14.13.1. Each counting agent will be given a badge by the Returning Officer indicating whose agent he is and showing the serial number of the table at which, he will watch the counting. He should keep sitting at the table allotted to him. He will not be allowed to move about all over the hall. However, the candidate, his election agent and in their absence, only his counting agent at the Returning Officer's table will be allowed to go around all counting tables.

#### **14.14. MAINTENANCE OF DISCIPLINE AND ORDER IN THE COUNTING HALL**

- 14.14.1. Everyone will be required to fully cooperate with the Returning Officer in maintaining strict discipline and order inside the

counting hall. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send any person who persists in disobeying his directions out of the counting hall.

- 14.14.2. Counting agent and other will not be allowed to go outside the counting hall during counting process. In other words, when once counting agents and others are inside the counting hall, they will ordinarily be allowed to go outside only after the declaration of result.
- 14.14.3. All reasonable facilities for drinking water, refreshment, toilet, etc. will be provided near the counting hall.
- 14.14.4. Counting Agents are not allowed to carry Mobile phones, I-pads, laptops, or any other similar electronic devices capable of recording audio or video in the Counting Centre. Commission's Observers will be allowed to carry the mobile phones but they will keep their mobile phones in silent mode. However, a separate Public Communication Room will be provided for candidates, their agents, counting staff etc. to use their mobile phones in case of any need. This room should also have arrangements for safe-keeping of mobiles phones and other belongings of the candidates, their agents and counting staff.

#### **14.15. SMOKING IN COUNTING CAMPUS AND COUNTING HALL IS PROHIBITED**

- 14.15.1. The Candidate's attention is invited to Section - 4 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 Act (No. 34 of 2003) which prohibits smoking in any "public place". Hence, the Election Commission directs that Smoking and e-cigarette are not allowed in the Counting Campus and Counting Hall.

#### **14.16. SEATING ARRANGEMENT FOR COUNTING AGENTS**

- 14.16.1. The counting will be done on the table arranged in rows. The tables in each row will be serially numbered.
- 14.16.2. On each counting table, the Control Unit of the voting machine will be kept at its centre. There will be a counting Supervisor and one counting Assistant seated on one side. The counting agents may be seated in front of the table facing the Control Unit so that they can watch all operations being carried out by the counting supervisor on the Control Unit.
- 14.16.3. On each counting table, the seating arrangement for the counting agents shall be made having regard to the following categories or priority, namely: -

- i. Candidates of recognised National parties;
- ii. Candidates of recognised State parties;
- iii. Candidates of recognised State parties of other States who have been permitted to use their reserved symbols in the Constituency;
- iv. Candidates of registered-unrecognised parties;
- v. Independent candidates.

#### **14.17. MAINTENANCE OF SECRECY**

- 14.17.1. Every person inside the counting hall is required by law to maintain, and to aid in maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. They should note that any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the R.P. Act, 1951)
- 14.17.2. Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the Section 128 of the R.P. Act, 1951 and Rule 54 Conduct of Election Rules 1961 regarding maintenance of secrecy for the information of all present and for compliance on their part.

#### **14.18. COUNTING TO BE CONTINUOUS**

- 14.18.1. The counting of votes shall be continuous without any interval. The RO has authority to direct anybody to go out of Counting Center, if anyone fails to obey the lawful directions of the returning officer.

#### **14.19. COUNTING OF POSTAL BALLOT PAPERS FIRST**

- 14.19.1. On the counting day, the postal ballot counting will be taken up first and after a gap of 30 minutes, the EVM counting can also start. There should be a separate table and separate arrangement for the counting of postal ballots. For every 500 postal ballot papers, extra table should be used for counting. Returning Officer will be responsible for counting of postal ballot paper at his table. One Assistant Returning Officer shall be dedicated to handle the postal ballot counting. The Observer and Returning Officer should closely monitor the progress made in postal ballot counting as well as EVM counting simultaneously. The candidates/their election agents shall be advised to nominate a separate counting agent and he may remain present near the table where the postal ballot counting taking place.

**14.20. COUNTING OF VOTES**

**(A) COUNTING OF ELECTRONICALLY TRANSMITTED POSTAL BALLOT PAPERS (ETPBs) FOR SERVICE VOTERS-**

14.20.1 Counting of Electronically Transmitted Postal Ballots Management (ETPBMS), shall be done at RO's Table as in the case of the other postal ballots. Only such Postal Ballots as are received before the hour fixed for commencement of counting shall be counted. The pre-counting arrangements for Electronically Transmitted Postal Ballots (ETPBs), being used for Service Voters, shall be done as under:

14.20.2 QR code reading may be taken up in a separate room, adjacent to the main Counting Hall. Each team should comprise one Supervisor and one Assistant with a QR code Reader. One ARO should be assigned to supervise a maximum of ten QR code reading teams. One counting agent for each candidate, irrespective of number of tables for QR code reading, may be allowed to watch the process of QR code reading and suitable seating arrangements for them should be made.

14.20.3 There shall be arrangement of separate trays for physical segregation of valid and invalid Form 13B.

14.20.4 After completing the QR code reading, as per laid down procedure, the set of envelopes will be assigned to counting tables arranged for the postal ballot counting.

**(B) COUNTING OF POSTAL BALLOT PAPERS**

14.20.5 Under Rule 54A of the Conduct of Elections Rules 1961, the counting of postal ballot papers shall be started first at the RO's table. Only such Postal Ballot Papers shall be taken up for counting which are received by the RO before the hour fixed for commencement of counting. The Returning Officer shall furnish the latest account of the total number of postal ballot papers (received from the facilitation centers and through post) to the Observer at the time of commencement of counting.

14.20.6 RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro-observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor. The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.

- 14.20.7 The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.
- 14.20.8 All the cases of rejection of postal ballot on account of defects in Declaration in Form-13A should be re-verified by the Returning Officer before they are actually put in the rejected category.
- 14.20.9 The Observer shall very closely oversee the process of counting of votes by postal ballot especially the scrutiny of the declaration in Form 13A.
- 14.20.10 No 'Cover -B' in Form 13-C which contains the Postal Ballot, received late after the time fixed for the commencement of counting shall be opened and counted and a suitable endorsement to that effect on the cover in Form 13-C should be made by RO/authorized ARO on each such cover received after the commencement of counting. Thereafter these covers in Form 13C will be put into a larger cover and sealed, before proceeding further.
- 14.20.11 All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots, following points /stages must be scrupulously followed-
- (a) All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are to be opened one after another.
  - (b) On opening the cover "B" in Form 13C, two documents are required to be found inside. The first is -the declaration by the voter in Form 13-A and the second is the inner "Cover A (Form 13-B) containing the postal ballot paper. Before opening the cover "A" containing the postal ballot paper, the Returning Officer shall check the declaration (Form 13-A).
  - (c) He shall reject a postal ballot paper without opening its inner cover (Form 13-B) in any of the following cases:
    - If the declaration in Form 13-A is not found inside the cover "B" in Form 13-C;
    - the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective,

- If the serial number of the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover "A" in Form 13-B
- 14.20.12 All such rejected covers "A" in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the RO or the authorized ARO, and will be back with the respective declarations in the larger cover "B" in Form 13-C.
- 14.20.13 All such larger covers "B" will be kept in a separate packet, which will be sealed by the RO/ARO concerned and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.
- 14.20.14 Thereafter, the RO/ARO will proceed to deal with the remaining covers "A" in Form 13-B, i.e., other than those rejected as aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their cover "A" in Form 13-B, to ensure secrecy of vote as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.
- 14.20.15 Thereafter, the RO/ARO will proceed to open the covers "A" in Form 13-B one after another to take out the postal ballot papers contained in them. The RO /ARO will scrutinize every such ballot paper and decide its validity.
- 14.20.16 Postal ballot paper will be rejected on the following grounds:
- (a) If no vote is recorded thereon; or
  - (b) If votes are given on it in favour of more than one candidate, or
  - (c) If it is a spurious ballot paper, or
  - (d) If it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or
  - (e) If it is not returned in the cover "B" sent along with it to the elector by the Returning Officer, or
  - (f) If the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or

(g) If it bears any mark or writing by which the voter can be identified.

14.20.17 There is no particular mark required by law to be made by a voter to indicate his/her vote on a Postal Ballot. Any mark can be accepted as valid so long as it has been so made on the Postal Ballot that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked. (Rule 54A (10) of the Conduct of Elections Rules 1961)

14.20.18 The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate will then be counted, entered in the result sheet in **Form 20** and announced for the information of the candidates/election agents/counting agents.

14.20.19 Thereafter, all the valid postal ballot papers and all the rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer, and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon.

14.20.20 Where the margin of victory is less than the number of postal ballot papers rejected as invalid at the time of counting, all the rejected Postal Ballot papers shall be mandatorily re-verified by the Returning Officer before declaration of result. Whenever, such re-verification is done, the entire proceedings should be video graphed.

## **14.21. COUNTING OF VOTES POLLED IN EVM FROM CONTROL UNITS (EVM)]**

### **14.21.1 General Instructions**

14.21.2. After 30 minutes of the commencement of counting of postal ballots, counting of votes from EVMs should be started. Counting of votes from EVMs shall be started on the scheduled time of counting in the following cases:

- (a) If there is no postal ballot paper in the constituency.
- (b) Other Assembly Segments of the Parliamentary Constituency where postal ballots are not counted.

14.21.3. At the time of counting, only the Control Unit of the EVM used in the polling station is required for ascertaining the result. Hence, for counting of votes in EVM, only Control Units along with the respective Form 17-C shall be brought to the counting tables.

14.21.4. At the time of counting, only Control Units are brought to the Counting Hall.

14.21.5 To ascertain the result from the Control Units, 'RESULT' button of the Control Units is pressed. However, before ascertaining the results from the Control Units, following are verified and shown to the Counting Agents:

- Intactness of Address Tag of carrying case and cabinet of the Control Units
- Intactness and Unique ID of Pink Paper Seal and Green Paper seal
- Poll Start and End times
- Total Votes Polled in the Control Unit with Form 17C

14.21.5 The Control Unit may be kept lifted, by the Counting Assistant in such manner and position that the display panel is clearly visible to the Counting Supervisor, Micro Observer and Counting Agents of candidates sitting across the wire-mesh/fence to note down the votes polled against each candidate including NOTA. This process shall be repeated, if any Counting Agent desires.

#### **14.22 COMPILATION OF RESULT OF COUNTING OF FORM 17C PART II:**

14.22.1 Candidate-wise result is mentioned in the Part II of Form 17C and signature of candidates/their agents/counting agents are taken. Before taking signature of candidates/their agents/counting agents in Part II of Form 17C, in space between counting supervisor signature and signature of candidates/their agents/counting agents, write in pen - "We, hereby certify that CU No(s) is / are the same which were used in the Polling Station No.....".

14.22.2 Photocopy of round wise Result sheet will be supplied to the counting agents at the respective table. These copies should be got signed from the counting agents present and thereafter by the Counting supervisor present at the table.

- 14.22.3 When tabulation sheet of each polling booth (Form 17C) is received at the RO/ARO's table, it will be shown to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. RO/ARO should countersign on the original filled Part-II of Form 17C after satisfying himself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form -20.
- 14.22.4 The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round of counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round.
- 14.22.5 After the total number of votes polled to each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, RO should ensure that each and every entry in respect of each candidate for every PS has been made correct and that the form is not incomplete in any respect.

### **14.23. COUNTING OF VVPAT SLIPS**

- 14.23.1 Counting of VVPAT slips shall be started only after completion of counting of votes from CUs i.e. no CU(s) is left for counting of votes.
- 14.23.2 Counting of VVPAT slips shall be done only in VVPAT Counting Booth (VCB) under close supervision of RO and Observer in the presence of candidates/their agents. Before starting VVPAT slips count, Counting Officials and counting agents of other counting tables should be taken out from the counting hall.

#### **14.23.3 Sequence of VVPAT Slips Count:**

- a) Counting of VVPAT slips of polling station(s) for which result is not displayed on the Display Panel of the Control Unit.
- b) Counting of VVPAT slips of polling station(s) having cases of improper conduct of mock poll procedure by non-clearance of mock poll data/slips or mismatch of votes polled in CU and votes polled in CU mentioned in Form-17C, if winning margin is equal to or less than total votes polled in these polling stations.
- c) Counting of VVPAT slips under Rule 56D of the Conduct of

Elections Rules 1961, if RO decides (speaking order) to count the printed paper slips of any polling station(s) on a written application received from any candidates/election agents/counting agents under Rule 56(D).

- d) Mandatory verification of VVPAT slips of randomly selected 05 polling stations per Assembly Constituency/each Assembly Segment of Parliamentary Constituency shall be done only after completion of counting of votes.

**14.23.4** Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C:

- (a) For all the polling stations where EVM and VVPAT has been kept aside as mentioned above, will not be taken up for counting in any Assembly Segment of the Parliamentary Constituency till completion of counting of votes in all Assembly Segments of that Parliamentary Constituency.
- (b) If the winning margin is more than the total votes polled in all such polling stations, these polling stations, identified as mentioned above, will not be taken up for counting and the result will be declared without these polling stations.
- (c) If the winning margin is equal to or less than total votes polled in these polling stations, in such case only counting of the respective VVPAT paper slips will be done and the Control Units shall be discarded for counting purpose i.e. the Control Units shall not be used for counting of votes.
- (d) Even in cases where VVPAT paper slips pertaining to mock poll have not been taken out from the drop box of the VVPAT, the VVPAT slips shall be counted and the candidate wise votes from mock poll certificate shall be deducted to arrive at correct count of candidate wise votes polled.
- (e) The VVPAT slip count result of all these polling stations shall be added to the candidate-wise tally and the final result compiled.
- (f) If there is any discrepancy or difficulty to arrive at correct count of candidate wise votes polled, the matter shall be referred to the Commission for further direction in the matter.

**14.24. CANDIDATE DEMANDING VVPAT PAPER SLIP COUNTING UNDER RULE 56D:**

After announcement of result sheet entries, if any candidate, their election agent or their counting agents apply in writing to the RO for counting of

the printed VVPAT paper slips in any or all polling stations and if such application is received, the RO should pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO should give due consideration to the following:

- a) Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate demanding the counting.
- b) Whether EVM and VVPAT had a problem and was replaced at that polling station during poll.
- c) Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

#### **14.25 MANDATORY VERIFICATION OF VVPAT PAPER SLIPS:**

Mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations must be conducted in all General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after completion of the last round of counting of votes, recorded in the EVMs, as under: -

- a) The verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be by Draw of lots, by the Returning Officer/ Assistant Returning Officer concerned for each AC/AS. It should be done after the completion of the last round of counting of votes recorded in the EVMs and VVPAT paper slips count due to non-display of result from the Control Unit(s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reason, in the presence of candidates/their agents and the Observer appointed by the Commission for that Constituency.
- b) This verification should be done in a VVPAT Counting Booth (VCB).
- c) In Draw of lots, the following polling station(s) shall not be included:
  - The polling station(s) where VVPAT slips have been counted due to non-display of result from CU(s)
  - The polling station(s) where VVPAT slips have been counted under Rule 56(D) of the Conduct of Elections Rules 1961
  - The polling station(s), where is the cases of non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C.

- d) In case, counting of votes to Lok-Sabha and Legislative Assembly is held simultaneously, separate tables should be arranged for VVPAT Counting Booth for PC and AC elections.

14.26 As per Rule 56D (4) (b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count should prevail. Hence, if there is discrepancy between the counts of votes displayed on the Control Unit and the count of printed-paper slips in respect of that Polling Station, the result sheet shall be amended as per the printed-paper slips count.

#### **14.27. RECOUNT**

14.27.1 Normally, there will be no question of recount of votes recorded in the voting machines as every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise. Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 63 of the Conduct of Elections Rules, 1961, still apply.

14.27.2 When the counting is complete and the Final Result Sheet in Form 20 has been prepared, RO should announce the total number of votes polled by each candidate as entered in Form 20. Then RO should pause for a minute or two.

14.27.3 If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, RO should ascertain from him the time required for making an application for recount in writing. However, in the case, where the counting places are in different locations, application for re-count in respect of such can be presented before the ARO supervising the counting in that Assembly Segment. The concerned ARO may deal with application for re-count with the approval of the RO as it would be difficult for candidates/agents located in other counting locations to reach the RO's location in time to make application for re-count. A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations.

14.27.4 If RO consider that the time applied for is reasonable, he shall allow it and announce the exact hour and minute up to, which RO will wait for receiving the written application for recount. RO must not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced.

14.27.5 If RO receives an application for recount, he should consider the grounds urged and decide the matter judiciously. RO may allow the application in whole or in part if it is reasonable or may reject it in to if it appears to be frivolous or unreasonable. But the right of a

candidate to demand a recount under Rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a, prima facie case, which the counting was not accurate and recount is necessary in the interest of justice. In every case, RO should record a brief statement of reasons for the decision and should give a speaking order. RO's decision will be final.

- 14.27.6 In case, RO allow an application for recount either wholly or in part, he shall have the votes recorded in the voting machines counted over again in accordance with his decision. The postal ballot papers will also be counted over again if so, decided by RO.
- 14.27.7 After the recount, the RO shall correct the final result sheet necessary and announce the amendments so made, if any.
- 14.27.8 After the total number of votes polled by each candidate after recount has been announced by RO, complete and sign the Result Sheet. No candidate has a right to demand a recount after RO have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after RO have completed and signed the Final Result Sheet. Entire process shall have to be video-recorded carefully.
- 14.27.9 A candidate has right to file request for 2nd recount. It would be unreasonable to demand second recount if the first recount showed only minor variations from the first recount and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.
- 14.27.10 In every case of 2nd recount, RO should recount a brief statement of reasons for the decision and should give a speaking order. But RO would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.
- 14.27.11 It is pertinent to mention that a Returning Officer's duty is to count accurately the votes. Hence, at any point of time during counting, he has the right to order the counting staff to do the count of the votes again.
- 14.27.12 If votes are counted at more places than one, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and

completes Part II of the Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise.

**14.28 ADJOURNMENT OF COUNTING:**

14.28.1 RO should proceed with the counting at each place continuously. In case RO have to suspend or adjourn the counting before its completion for any unavoidable reason, he should seal up all the voting machines and also all other papers relating to elections. He will also allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

14.28.2 It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with RO's seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to ROs on such room.

**14.29 COUNTING AFTER RE-POLL DIRECTED AFTER COMMENCEMENT OF COUNTING:**

If any re-poll has been held at a polling station in accordance with the directions given by the Commission, RO should fix the date, time and place for counting the votes recorded in such Re-poll and give notice of the same in writing to every candidate or his election agent. RO should follow the same procedure as detailed above for such further counting as far as it is applicable.

**14.30 SEALING OF EVMS AND VVPATS AFTER COUNTING OF VOTES**

Sealing of EVM/VVPAT and other documents after counting of votes:

14.30.1 After declaration of result, all Control Units, after removing the power-packs, shall be kept in their respective carrying cases and sealed with address tag. Further, printed paper slips shall be taken out from VVPATs and sealed in black envelopes (one envelope for one VVPAT) and shall be kept in a trunk (s). One trunk should contain envelopes of one AC or AS, as the case may be, with all relevant election details pasted/ written on it.

14.30.2 The packets containing election papers, shall also be sealed with the bilingual secret seal supplied by the Commission. These packets shall be kept in steal trunks (separately for each type of packet) with double lock system.

14.30.3 Candidates or their agents/authorized representatives shall be invited, with proper acknowledgement, to remain present during

the sealing process. They shall also be permitted to note down the number of the bilingual secret seal of the Commission and also to affix their seals, if they so desire. The entire sealing process shall be under CCTV coverage/videography. The CCTV coverage/videography shall be done in a way that entire sealing process is clearly visible.

**14.31 STORAGE OF EVM/VVPAT AND OTHER DOCUMENTS UNDER THE CUSTODY OF DISTRICT ELECTION OFFICER (DEO) AFTER COUNTING OF VOTES:**

- 14.31.1 These machines and documents Rule 92 read with Rule 93 of the Conduct of Elections Rules 1961 provides that the voting machines and printed paper slips, sealed under Rule 57C, shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines and printed paper slip (VVPAT slip) so sealed shall be retained intact for such period as mentioned in the latest edition of Manual on Electronic Voting Machines/direction issued by the Election Commission of India.
- 14.31.2 Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the EVMs (BU and CU), VVPATs and the sealed trunks(s) containing the packets should be dispatched to the District Election Officer at his headquarters and on receipt of the same the District Election Officer should forthwith arrange to store them safely under his custody.
- 14.31.3 The following protocol shall be followed for movement of EVMs, VVPATs and Election Papers for safe storage under the custody of DEO, if the location is other than the Counting Centre: -
- a) The contesting candidates/their agents shall be intimated in writing under proper acknowledgement, about the storage place where EVMs, VVPATs and Election Papers are to be stored after counting of votes.
  - b) Proper armed escort (CAPF) shall be provided for the vehicles carrying EVMs, VVPATs and election papers with videography. Candidates/their agents shall also be permitted to follow the vehicles.

**14.32 RESEALING OF VOTING MACHINES AFTER COUNTING**

- 14.32.1 After declaration of result, all Control Units, after removing the power-packs, shall be kept in their respective carrying cases and sealed with address tag. Further, printed paper slips shall be taken

out from VVPATs and sealed in black envelopes (one envelope for one VVPAT) and shall be kept in a trunk (s). One trunk should contain envelopes of one AC or AS, as the case may be, with all relevant election details pasted/ written on it. The procedure prescribed in the latest edition of Manual on Electronic Voting Machine shall be followed.

### **14.33. EQUALITY OF VOTES**

14.33.1 If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by draw of lot. This will be in the rarest of rare cases and in such a case also, the matter first should be reported to the Commission for such directions as the Commission may like to give.

### **14.34. DECLARATION OF RESULT OF ELECTION**

14.34.1 After the counting has been completed in all respects, RO have to proceed to make the formal declaration of result of election. RO must, however, verify and satisfy himself that there is no case, which requires to be referred to the Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in the constituency. If that be so, he should send a detailed report to the Commission forthwith giving all required information and obtain its prior approval before making the declaration of result. Before RO declare result of an election, RO should obtain an authorization for declaration of result from the Observer concerned.

14.34.2 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Elections Rules, 1961, and necessary approval of the Commission, wherever required, and a No Objection Certificate (NOC) from the Observer in the prescribed format, the candidate to whom the largest number of valid votes have been given should then be declared elected RO must declare the result by a loud announcement.

### **14.35. CERTIFICATE OF ELECTION**

14.35.1 Soon after the declaration of result, the Returning Officer will grant to the returned (elected) candidate a certificate of election in Form 22 and obtain from him an acknowledgement of its receipt duly signed by him. In case he is not present at the time of declaration of result, he should immediately contact the Returning Officer and obtain the certificate of election. In this connection the Commission has decided that-

14.35.2 The certificate of election, in respect of Parliament should be issued in English or in Hindi and in case of state legislature, may be issued in Hindi or English or in any of the languages used for official purpose of the State but it should be open to the elected candidate to sign the acknowledgement in any language he likes;

14.35.3 Where the elected candidate is not present at the counting nor visits the locality shortly thereafter, the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duty signed by the candidate) being also obtained through the same person. The acknowledgment shall be in the form shown below:

I ( Name) ..... acknowledge receipt of the certificate of election in Form 22 in respect of my election to ..... from ..... Constituency, declared on ( date) .....

Signature of the returned Candidate

Attested and forwarded to the Secretary Legislative Assembly/Lok Sabha

.....

Returning Officer

14.36.4 The acknowledgement is required by the authorities concerned for verifying the identity of the elected candidate at the time of his making and subscribing oath or affirmation before taking his seat in the House.

## Chapter 15: MULTIPLE ELECTIONS

### 15.1. ELECTION TO BOTH HOUSES OF PARLIAMENT

- 15.1.1. A candidate cannot be a member of both Houses of Parliament [Article 101(1) of the Constitution].
- 15.1.2. If the candidate is elected to both Houses of Parliament, but have not taken his/her seat in either House, he/she should by notice in writing signed by him/her and delivered to the Secretary to the Election Commission within ten days from the date or the later of the dates of such election intimate in which of the House he/she wish to serve. The candidate's seat in the other House will then become vacant.
- 15.1.3. If the candidate fails to send such intimation within that time-limit, his/her seat in the Council of States will become vacant automatically.
- 15.1.4. Any such intimation given by the candidate will be final and irrevocable. [Section 68 of the Representation of the People Act, 1951]
- 15.1.5. For this purpose, the date of the candidate's election to either House of Parliament will be the date, on which he/she was declared elected by the Returning Officer.

### 15.2. MEMBER OF THE HOUSE OF THE PEOPLE ELECTED TO THE COUNCIL OF STATES

- 15.2.1. If the candidate is already a member of the House of the People and have taken his/her seat in that House, but are subsequently elected to the Council of States, his/her seat in the House of the People will become vacant on the date of his/her election to the Council of States, as defined in section 67-A of the Representation of the People Act, 1951. [Section 69(1) of the Representation of the People Act, 1951.]

### 15.3. MEMBER OF THE COUNCIL OF STATES ELECTED TO THE HOUSE OF THE PEOPLE

- 15.3.1. If the candidate is already a member of the Council of States and has taken his/her seat in that Council but is subsequently elected to the House of the People, his/her seat in the Council of States will become vacant on the date of his/her election to the House of the People as defined in section 67-A of the Representation of the People Act, 1951. [Section 69(2) of the Representation of the People Act, 1951.]

**15.4. ELECTION TO MORE THAN ONE SEAT IN EITHER HOUSE OF PARLIAMENT OR EITHER HOUSE OF A STATE LEGISLATURE**

15.4.1. The candidate may be elected to more than one seat in the House of the People or the Council of States or in the House or either House of the Legislature of a State. In such a case, he/she has to resign all but one of such seats within fourteen days from the date of such election of where the dates of his/her election are different in respect of different seats, fourteen days from the last of those dates. Such resignation is to be intimated by the candidate in writing and signed by him/her. The communication should be addressed to the Speaker or Chairman of the House concerned or if necessary, to the deputy Speaker or the Deputy Chairman of the House or failing that to the Election Commission. If the candidate fails to do so, all his/her seats will become vacant. [Section 70 of the Representation of the People Act, 1951 and rule 91 of the Conduct of Elections Rules, 1961].

**15.5. ELECTION TO BOTH PARLIAMENT AND STATE LEGISLATURE**

15.5.1. A candidate cannot be a member both of Parliament and of a House of the Legislature of a State. If the candidate has been elected both to Parliament and to the Legislature of a States, he/she should resign one of his/her seats within fourteen days from the date of publication in the Gazette of India or in the Official Gazette of the state, whichever is later, of the declaration that the candidate has been so elected. If the candidate fails to do so, his/her seat in Parliament will become vacant. [Article 101(2) of the Constitution and rule 2 of the prohibition of simultaneous Membership Rules 1950.

**Rule 91 of the Conduct of Elections Rules, 1961**

Resignation of seats in case of election to more seats than one in a House

- (1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of State to which he has been elected shall be--
  - a) fourteen days from the date of his election under section 67-A; or
  - b) Where the dates of his election are different in respect of different seats fourteen days from the last of those dates.
- (2) Such resignation shall be addressed -

- a) to the Speaker or the Chairman of the House concerned; or
  - a) Where the office of the Speaker or Chairman is for the time being vacant or is or is deemed to be in abeyance to the Deputy Speaker or the Deputy Chairman of the House concerned; or
  - a) Where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is deemed to be in abeyance to the Election Commission.
- (3) Where the resignation has been addressed to the Election Commission under sub- rule (2) the Election Commission shall, as soon as may be after the receipt of the resignation send a copy thereof to the Secretary of the House concerned.

**Article 101 (2) of the constitution-**

- (2) No person shall be a member both of Parliament and of a House of the Legislature of a State and if a person is chosen a member both of Parliament and of a House of the Legislature of a State then at the expiration of such period as may be specified in rules made by the President that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Legislature of the State.

**15.6. ELECTION TO BOTH HOUSES OF A STATE LEGSLATURE**

- 15.6.1. A candidate cannot be a member of both Houses of the Legislature of a State. If the candidate is elected to both the Houses, he/she should immediately consult the Secretaries of the Houses in order to ascertain how he/she should vacate his/her seat in one House or the other. The candidate will have to resign his/her seat in one of the Houses according to the provisions made in this behalf under Article 190(1) of the Constitution.

The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State, specified in the First Schedule to the Constitution of India (hereinafter referred to as "the Constitution") shall become vacant unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of Publication in the Gazette of India or in the official Gazette of the State whichever is later of the declaration that he has been so chosen.

**Article 190 of the Constitution-- Vacation of Seats**

- (1) No person shall be a member of both House of the Legislature of a State and provision shall be made by the Legislature of a State by law for the vacation by a person who is chosen a member of both houses of his seat in one House or the other.
- (2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then at the expiration of such period as may be specified in rules made by the President that person's seat in the Legislature of all such States shall become vacant unless he has previously resigned his seat in the Legislatures of all but one of the States. The Prohibition of Simultaneous Membership Rules, 1950 published vide M/Law Notification No. F46/50-C dated 26.1.1950.

This period shall be ten days from the later or as the case may be the latest of the dates of publication in the Official Gazettes of such States of the declarations that he has been so chosen.

## Chapter 16: MONITORING OF ELECTION EXPENDITURE AND ACCOUNTS OF CANDIDATE

### 16.1. LEGAL PROVISIONS

#### 16.1.1. THE REPRESENTATION OF THE PEOPLE ACT, 1951:

- (1) **SECTION 77: ACCOUNT OF ELECTION EXPENSES AND MAXIMUM THEREOF:** Every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of result of the election, both dates inclusive.
- (2) **Section 78: Every contesting candidate at an election shall, within thirty days of election of returned candidate lodge with the District Election Officer, an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77.**
- (3) **SECTION 10A OF THE R. P. ACT, 1951-DISQUALIFICATION FOR FAILURE TO LODGE ACCOUNT OF ELECTION EXPENSES:** if the Election Commission is satisfied that a person:
  - a) has failed to lodge an account of election expenses within the time and in the manner required by or under this act; and
  - b) has no good reason of justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of 3 years from the date of the order.

*(Candidates are advised to kindly refer to the ECI website [www. eci.gov.in](http://www.eci.gov.in)-Judicial Reference regarding updated list of disqualified persons u/s 10A of the R. P. Act, 1951.)*
- (4) **STAR CAMPAIGNERS (LEADERS) OF POLITICAL PARTY:** Explanation 1(a) of section 77 of the R. P. Act, 1951-Expenditure incurred by leaders of political party on account of travel by air or any other means of transport for propagating programme of the political party shall not be deemed to be expenditure

incurred or authorized by political party. (40 for Recognised and 20 for unrecognised political party whose name has been communicated to ECI and CEO of States within 7 days of notification of Election. Political party may substitute a person in the list in case anybody dies or ceases to be member of such political party, and communicated during the period ending immediately before 48 hours for conclusion of the last poll for such election.

- (5) **APPOINTMENT OF ADDITIONAL EXPENDITURE AGENT:** Every candidate is permitted to appoint an Additional Agent in the prescribed format assisting the candidate in the various expenditure related matters. This Additional Expenditure Agent is for performing only the non-statutory duties and not the duties like the Election Agent, appointed u/s 40 read with Rule 12 of the C. E. Rules, 1961, who is authorised to perform on behalf of the candidate (**Format in Annexure – 22**)
- (6) **RULE 90 OF THE CONDUCT OF ELECTIONS RULES, 1961:** Maximum of Election Expenses which is incurred or authorised shall not exceed as specified for a PC/AC in a State/UT.

*(Please refer to Annexure - 22 regarding detailed/measure Legal Provisions and Table for maximum election expenditure (ceiling)of a candidate in a State/UT, PC/AC wise)*

## 16.2. MAINTENANCE OF ACCOUNTS

- (1) **ELECTION EXPENDITURE REGISTER FOR CANDIDATES` (Annexure – 26):** In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses and filing of their returns of election expenses in the manner and within the time required by law, a letter shall be issued by the Returning Officer to the candidate regarding above provisions as given in **Annexure – 25** as soon as he files his nomination paper. The candidate or his duly authorised election agent must maintain it in the given standard format of *Election Expenditure Register for Candidates* annexed herewith at **Annexure – 26**. Every page of the register shall be serially numbered and a certificate shall be given by the Returning Officer on the first and last page of the register about the total number of pages in the register. Each candidate must maintain and file his election expenditure with the DEO concerned within 30 days from date of declaration of result in the format/register giving the details of the expenditure incurred/authorized by:

- (i) Candidate himself or his Election Agent.
- (ii) Political party which has set him/her up, and
- (iii) Any other political party supporting him,
- (iv) Any other association/ organization/ body supporting him/her, and
- (v) Any other individual supporting him/her

The candidates are advised to acknowledge the receipt of aforesaid Register as given in **Annexure - 26 [Part A: Day to Day Account Register( white pages ), Part B: Cash Register( Pink Pages), Part C: Bank Register( Yellow pages), Part I: Information regarding candidate, Part II: Abstract of Statement of Election Expenditure of candidate, Part III: Abstract of source of fund raised by candidate, Part IV: Form of Affidavit, Schedules 1-11, Acknowledgment of receipt/lodging of Expenditure Register]** and also to obtain the acknowledgement from the District Election Officer after lodging with the District Election Officer in the format prescribed as annexed.

The register shall have enough pages for the entire campaign period. However, if the register gets filled up earlier, the candidate can ask for a supplementary register and the Returning Officer shall issue a supplementary register to him in the same format. The candidate shall give an acknowledgement for having received these registers. Returning Officer will provide the District Election Officer all the receipts of the Registers issued to the Candidate.

- (2) SEPARATE BANK ACCOUNT TO BE OPENED BY EACH CANDIDATE FOR ELECTION EXPENDITURE:** Each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account shall be opened at least one day before the date on which the candidate files his nomination papers. The bank account can be opened either in the name of the candidate or in joint name with his election agent for the purpose of election expenditure. The bank account should not be opened in joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate. The bank account can be opened anywhere in the state. The account can be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it must be a separate bank account for election expenditure purpose. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer at the time of filing of his nomination. All election expenditure shall be made by the candidate

only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund.

**(3) INSPECTION OF ACCOUNTS.:** The candidate shall have to produce the above-mentioned registers for inspection by the Expenditure Observer or any other election authorities designated at least three times during the campaign period. After every inspection, during the election process, the day-to-day election account register of the candidate shall be scanned till the date of inspection and uploaded onto the DEO's portal with a link provided to the CEO's website besides displaying a photocopy on the notice board of the Returning Officer.

**(4) OUTCOME OF THE INSPECTION AND COMMUNICATION TO THE CANDIDATE**

- (i) If the Returning Officer or any officer authorized, by the District Election Officer/Returning Officer, is in receipt of information during election process that any candidate has incurred or authorized certain expenditure and has not shown neither a part or whole of it in his day to day account of election expenditure, maintained by him under section 77(1) of the Representation of the People Act, 1951, or has not produced the said accounts for inspection on the scheduled date before the authorized officer or Expenditure Observer, then the Returning Officer shall issue a notice along with the evidence thereof to the candidate preferably within 24 hours of the date of receipt of information or inspection of accounts mentioning the details of expenses, which are not shown truly or correctly in day to day account or informing him that he failed to produce his account , as the case may be. However, in case of suspected Paid News items, where notice is issued or is being issued by the Returning Officer as per the recommendation of the Media Certifying and Monitoring Committee (MCMC), such items shall not be covered in this notice.
- (ii) Such candidate may reply to the notice within 48 hours, explaining the reasons for omission of default which is brought to his notice. In cases where the candidate accepts the fact of suppressed expense mentioned in the notice, the same shall be added to his election expenses.
- (iii) Where no reply is submitted by the candidate or his election agent within 48 hours of receipt of the notice, then the candidate shall be deemed to have accepted the suppressed amount mentioned in the notice and the same shall be added to the election expenses of such candidate in SOR.

- (iv) If the candidate or his election agent disputes the suppressed expenditure, mentioned in the notice, he shall submit the reply mentioning the reasons for disagreement and the same shall be forwarded to the District Expenditure Monitoring Committee (DEMC) consisting of the following:
    - a) Expenditure Observer in charge of the Constituency
    - b) DEO
    - c) Dy. DEO/Officer in charge of Expenditure Monitoring of the District.
  - (v) The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate thereto, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not to the election expenses account of the candidate.
  - (vi) The candidate shall be given another opportunity to reconcile the under stated account of the election expenditure, if any, in the Account Reconciliation meeting, to be conducted by the DEO, on the 26th day of the declaration of the result.
- 5) CONSEQUENCE OF NON-PRODUCTION OF REGISTER** If a candidate or his agent does not produce his Election Expenditure Register for inspection on the day fixed for this purpose, a notice shall be issued to the candidate by the Returning Officer, informing him/her that if he/she fails again to produce the Register for inspection on the day specified in the notice, it shall be presumed that he/she has failed to maintain a day to day account of election expenditure as required under Section 77 of RP Act 1951. This notice shall be given the widest possible publicity and a copy shall be displayed on Returning Officer's notice board. Despite the notice, the candidate fails to produce the register of election expenditure for inspection, a complaint under Section 171-I of IPC shall be filed in the competent court. Besides this, the permission given to the candidate for use of vehicles during election should be withdrawn, if the candidate does not produce the register after three days of service of the notice. The withdrawal of permission for use of vehicles shall be intimated to all the Surveillance Teams and Flying Squads and displayed on Returning Officer's notice board.
- 6) PRE-NOMINATION EXPENDITURE:** All candidates, while maintaining their register of accounts of election expenditure, shall account for all expenditure incurred on the day of filing of nomination (i.e. from day 1) and also those incurred prior to the date of nomination like expenditure on campaign materials which are used during the post nomination

period. All expenses relating to the rally or procession organized while filing nomination are included in the accounts of the candidates.

- 7) **MEMBER OF PUBLIC AND EXPENDITURE THEREOF:** When members of public attend a public rally/procession/public meeting of candidate(s) by using their own personal vehicle, without receiving any payment or reimbursement from anybody, it shall not be included in the expenditure of the candidate. However, the personal vehicles used in the rally or public meeting for campaign purpose by putting flags or banners or poster for the benefit of any candidate(s) shall be included in the expenses of the candidate(s). If the commercial vehicles bearing commercial registration number are used for rally or public meeting of any candidate(s) the expenditure on such vehicles shall be included in the account of the candidate(s).
- 8) **PERSONAL VEHICLE OF CANDIDATE AND EXPENDITURE THEREOF:** One personal vehicle owned and used by the candidate(s) for campaign purpose shall be treated as campaign vehicle and notional expenditure on fuel and driver salary as per the market rate shall be included in the accounts of the candidate(s). In case other vehicles, owned by the candidate(s), are used for campaign purpose, then the notional expenses as per the notified rate for hiring of such vehicles shall be calculated by the candidate(s).
- 9) **EXPENDITURE ON VEHICLE OF THE DISTRICT LEVEL PARTY OFFICER BEARERS:** The expense on the vehicle of the district level party office bearers/leaders (other than star campaigners) for the purpose of their visit to multiple ACs within the district for electioneering shall not be included in the accounts of candidate(s). If the district functionary himself is a candidate, contesting from the same district and such vehicle is used for his movement in the constituency from where he is contesting, or such vehicle is used for campaign for any candidate(s), then the hiring charges of the vehicle shall be included in the accounts of the candidate(s) using the vehicle for campaign purpose.
- 10) **EXPENSES ON FLAGS, MUFFLERS OR CAPS:** The expense on such items of flags, mufflers or caps with party symbol shall be accounted for by the party concerned as its election expense. If they bear the name(s) or photo(s) of candidate(s), it shall be added to the accounts of the candidate. However, supply and distribution of main apparels like saree, shirt, T-shirt, dhoti etc. by party/candidate is not permitted as it is bribery of voters.
- 11) **EXPENDITURE ON BARRICADES AND ROSTRUMS ETC.**
  - i) The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security

considerations on behalf of the party organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there is more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all, and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their private share of expenditure. This information will also be intimated to the Returning Officer/ District Election Officer of the Constituency/District to which the other candidates belong.

- ii) Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds, amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the "leader".
- iii) The candidate/political party/organizer will deposit the estimated cost of barricades / rostrum in advance where the construction of the same are being done by the government agencies

**12) VOUCHERS TO BE OBTAINED IN SUPPORT OF EXPENDITURE:** All documents such as vouchers, receipts, acknowledgements, etc., in support of the expenditures incurred or authorized shall be obtained from day to day as the expenditure is incurred or authorized and shall be maintained in the correct chronological order along with the abovementioned Register showing day-to-day account.

**16.3. PROCEDURE TO FILL THE EXPENDITURE REGISTER BY A CANDIDATE:** PLEASE REFER GUIDELINES ANNEXED IN ELECTION EXPENDITURE REGISTER FOR CANDIDATE (**Annexure – 26**).

**16.4. EXPENDITURE RELATING TO STAR CAMPAIGNERS SET UP BY POLITICAL PARTY AND THEIR CANDIDATES:**

- 1) In case of multiphase elections, a party can communicate names for each phase of General Election and for the Bye-elections separately. However, if the schedule for all the phases of General Election and Bye-election has been announced with a single Press Note, the names of the leaders of political party communicated within 7 days from date of notification for the 1<sup>st</sup> phase will be valid for all the phases of election unless separate list is submitted later separately about subsequent phases.

- 2) In case, any party wants to give fresh list for each phase of election and/or for the bye-election then the benefit of exemption of expenses from the accounts of candidates under Explanation (1)(a) could be confined to the travel to the constituencies concerned. In other words, if a leader whose name is included in the list of leaders for the first phase but not for the second phase, and if such a person travels to the second phase constituencies, the benefit of exemption of expenses under explanation (1)(a) would not be available in respect of the second phase constituencies.
- 3) In case any party communicates the names without mentioning any phase but the communication is received after the prescribed period in the first phase, then they will be treated as star campaigners for all the subsequent phases of election also. Then those parties will not be eligible to substitute a star campaigner, except in the contingencies mentioned in the said Explanation.
- 4) When such a leader who happens to be a candidate himself travels in his constituency for election campaigning to promote his own election prospect, the expenses incurred in connection with the journey has to be treated as part of his election expenses and cannot be exempted from the election expenditure account of that person.
- 5) If the rally/meeting is organized in the constituency of the leader (star campaigner), where the leader shares the dais with other contesting candidates, then the meeting expense is to be apportioned to the election expenditure of the leader and all such candidates. However, if, he (star campaigner) is taking part in a rally/ meeting, along with other contesting candidates of his party outside his constituency, then the meeting expense shall be apportioned to the election expenditure of all such candidates, for whose election campaign, such rally/meeting is organized and no part of such rally/meeting expense, organized outside his constituency shall be added to the election expense of the leader (star campaigner).
- 6) If a star campaigner of another political party /a party in alliance with the party of the candidate attends the rally and takes the name of the candidate or shares dais with the candidate then the travel expense of that campaigner of allied party up to the constituency is not exempted and should be added to the candidate's expenses.
- 7) All expenditure including lodging/boarding expenses of star campaigners in the constituency where they campaign for any candidate shall be included in the expenditure account of that particular candidate, provided that –

- i) the Star Campaigners/Campaigners have campaigned for the candidate, and
  - ii) the Star Campaigners/Campaigners have incurred such boarding and lodging expenditure while remaining in a commercial hotel or lodge for the purpose of election campaign of the candidate irrespective of the fact whether the payment is made by such candidate or not.
- 8) **FLYING SQUADS AND STATIC SURVEILLANCE TEAMS** have been formed in the constituency to prevent the influence of money power, inducement of electors by way of distribution of cash, liquor, gift items or free food or for intimidation of electors and the Commission has issued the Standard Operating Procedure for checking of vehicles which among other things said that *‘during checking, if any cash exceeding Rs. 50000/- is found in a vehicle carrying a candidate, his agent, or party worker or carrying posters, or election materials or any drugs, liquor, arms or gift items which are valued at more than Rs. 10000/, likely to be used for inducement of electors or any other illicit articles are found in vehicle, shall be subject to seizure. The whole event of checking and seizure is to be captured in a Video/ CCTV, which will be submitted to the Returning Officer, every day.*

Further, any Star Campaigner is carrying cash upto Rs. 1 Lac, exclusively for his or her personal use, or any party functionary is carrying cash with certificate from the Treasurer of the Party mentioning the amount and its end use, then the authorities in SST shall retain a copy of the certificate and will not seize the cash.

### **16.5 PREPARATION OF RATE CHARTS BY THE DEO**

Rate Chart of the various items normally used in electioneering (List As under which is illustrative) shall be prepared by the District Election Officers and shall be made available to all stake holder are as follows

1. Hiring charges of Loudspeaker with amplifier and microphone
2. Construction of podium / pandal (standard size to seat 4-5 persons)
3. Cloth Banner
4. Cloth Flags
5. Plastic Flags
6. Hand Bills (cost to be calculated and print order ascertained from printer – refer 127A of R.P. Act, 1951)
7. Posters
8. Hoardings
9. Cut outs (wooden)
10. Cut outs (Cloth/Plastic)
11. Video Cassettes
12. Audio Cassettes
13. Erection of gates
14. Erection of Arches
15. Daily hiring charges of vehicles: (i) Jeep /Tempo / Trucker, etc. (ii) Sumo / Quails (iii) Cars (iv) Three-Wheelers (v) Cycle-Rickshaw
16. Hiring charges of hotel rooms / guest houses
17. Charges of drivers’ salary
18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures
19. Hiring charges of hoarding sites from municipal authorities
20. Other items commonly used in a District.

### **16.6. ONLY CONTESTING CANDIDATES TO LODGE ACCOUNTS**

Though under Section 77 of R.P. Act, 1951, every candidate is required to keep an account of his election expenses as aforesaid, under Section 78 of R.P. Act, 1951, it is only the contesting candidates who are required to lodge their accounts of election expenses.

### **16.7. ELECTION FROM MORE THAN ONE CONSTITUENCY**

If a candidate is contesting election from more than one constituency, he has to keep and also lodge a separate return of election expenses for each election which he contests. The election for each constituency is a separate election.

### **16.8. AUTHORITY WITH WHOM ACCOUNT SHOULD BE LODGED**

- 1) In every State/Union Territory, the account of election expenses shall be lodged by the contesting candidate with the District Election Officer of the district in which the constituency from which he contested election lies.
- 2) As some of the Assembly and Parliamentary Constituencies in some State extend over more than one district, the question may arise as to which District Election Officer should receive the accounts submitted by the candidates. In such cases, it is clarified that the accounts of election expenses should be lodged with the District Election Officer of the District, who had provided the polling stations for the constituency. For the information of the candidates, the name and designation of the District Election Officer concerned should be published locally indicating the names of constituencies in respect of which he would receive the accounts.
- 3) For the convenience of the contesting candidates, the District Election Officer shall also issue a letter to all contesting candidates in every constituency within three days of the date of election of the returned candidate intimating the name, designation, and address of the District Election Officer with whom the account has to be lodged and also the last date before which the account should reach him.

### **16.9. RECEIPT OF DONATIONS ETC BY CANDIDATES FOR PURPOSE OF ELECTION CAMPAIGN:**

Donations/contributions in cash received by the candidates from a single entity/person in a single or multiple transaction shall not exceed to Rs. 10,000/-. However, in the case of political parties the receipt from donations/contributions shall continue to be governed by the existing provisions of Section 29C of the R. P. Act, 1951.

### **16.10 ANY MEMBER OF PUBLIC SHALL OBTAIN COPY OF THE EXPENDITURE REGISTER** Publicity shall be given that members of the public can be present

during inspection of expenditure registers/ accounts and that anybody can obtain a copy of the expenditure register of any candidate, on payment of Re.1 per page, from the Returning Officer.

#### **16.11 ACCOUNT RECONCILIATION MEETING:**

The candidates shall be given another opportunity to reconcile the understated amount of election expenditure, if any, in the **Account Reconciliation Meeting**, to be convened by the DEO, on the 26th day after the date of declaration of result. Each candidate will be informed in writing on or by the day of declaration of result about this meeting, so that they/ their election agents can reconcile the disputed items of election expenditure in their accounts of election expenses with the evidence gathered during election process and the notices issued by the RO. If the candidate has already lodged his accounts prior to Account Reconciliation meeting, he/she may revise the accounts, within the statutory period of 30 days of declaration of election result, in order to incorporate the findings of DEMC.

#### **16.12. MANNER OF LODGING THE ACCOUNT**

- 1) Register supplied by the Returning Officer to each candidate in which the candidate has kept his account of election expenses shall itself be filed by the candidate with the District Election Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the law.
- 2) Further, the candidate is also required to furnish the abstract statement in Parts I to IV of the proforma given to him by the Returning Officer along with the said Register(s). No column in the Register(s) or in the abstract statement of the proforma is to be left blank. If no expenditure has been incurred or authorized on any item listed therein, a 'Nil' entry should be made in the appropriate column.
- 3) Furthermore, each candidate while lodging return of his election expenditure in the prescribed proforma shall have necessarily file an affidavit on oath in support of his account of election expenses. The proforma of the affidavit to be filed by each candidate is a part of the model proforma (Part IV of Abstract Statement)
- 4) The account filed should be a true and complete account kept by the candidate or his election agent and should be certified as such by the candidate himself. A certificate by the election agent of a candidate is not sufficient and even if election agent certifies the account, it should again be certified by the candidate himself.
- 5) **VOUCHERS TO BE FILED WITH ACCOUNTS AND SIGNED**

Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such

that it is not practicable to obtain voucher, e.g., postage, travel by rail and the likes. All vouchers should be serially numbered by the candidate or his election agent. Parts I-IV of the Abstract Statement and Affidavit should be signed by the candidate himself in full while the bills, vouchers, certified copies of the bank statement may be signed by candidate or his election agent in full.

**6) LAST DATE FOR FILING ACCOUNTS**

The account should be lodged by the candidate within 30 days from the date of election of the returned candidate vide Section 78 of the Representation of the People Act, 1951.

**N.B.**

- (i) In computing the period of 30 days, the date on which Returning Officer declares the returned candidate elected should be excluded.
- (ii) If the 30th day so computed is a Sunday or other holiday and **DEO's office** is closed on that day, the account of election expenses may be lodged on the next day on which **DEO's office** functions. The account will be deemed to have been lodged in time in such a case.

**16.13. MEANING OF DATE OF ELECTION**

The "date of election" of a returned candidate is the date on which Returning Officer declare him to have been elected whether it was a contested or an uncontested election.

**16.14. ISSUE OF ACKNOWLEDGEMENT IN TOKEN OF RECEIPT OF ACCOUNT**

As soon as the account of election expenses is filed by a candidate, District Election Officer should acknowledge its receipt in the prescribed proforma. If the account is received by DEO by post, he/she should send the acknowledgement forthwith by post. One copy of the acknowledgement should be kept by the DEO/Designated Official receiving the accounts.

**16.15. NOTICE OF FILING ACCOUNTS**

Within two days from the date on which the candidate lodges his account of election expenses, DEO's shall affix on his notice board specifying: -

- i) the date on which the account has been lodged;
- ii) the name of the candidate; and
- iii) the time and place at which the account can be inspected

**16.16.INSPECTION AND COPIES**

Any person can, on payment of a fee of rupee one, inspect the account lodged with Returning Officer by a candidate. According to Rule 88 of the Conduct of Election rules, 1961, the Commission has fixed the fee of Re.1 per folio or

part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

If inspection of an account of election expenses has been applied for at any time during the period that the account is with the Election Commission, the application should be kept pending until the account is received back from the Commission after which the inspection will be allowed to the applicant.

**16.17. REPORT TO THE COMMISSION ON ACCOUNT OF THE CANDIATE AND NATURE OF EXAMINATION BY THE DEO:**

Candidates shall make aware themselves carefully that the DEO shall have to scrutinize the statement of accounts of election expenditure submitted by each candidate after the declaration of results and submits a report to the Commission through the CEO after the declaration of the results in the prescribed format along with the Summary Report. Scanned copy of the Abstract Statement (Part-I to Part- IV including Schedule 1-11)) of all the candidates along with copy of all notices issued by the RO, if any, and replies thereto, during the election period shall be put on the website of the DEO/ CEO preferable within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.

Since the return of election expenditure filed by a candidate has to reflect the “correct” account of “all” election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed shall conduct such enquiry as he deems necessary, and at the time of communication of his report to the Commission as required under Rule 89 of the Conduct of Elections Rules, 1961, certify to the Commission with reference to the documents filed before him and as verified by him through an appropriate enquiry, that the statement of account is in the manner prescribed.

**16.18. ACCOUNTS FILED LATE**

If a contesting candidate has lodged his account of election expenses after the DEO has sent his/her report to the Commission, the DEO should send a supplementary report in respect of other candidate in the same Format.

**16.19.PUBLICATION OF REPORT**

DEO shall publish a copy of every report sent to the Commission by affixing a copy thereof to his/her notice board.

**16.20. COMMISSION’S DECISION ON REPORT**

The Commission will consider the report and decide whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law. In such a case, under rule 89(5) of the C.E. Rules, 1961, the Commission will call upon the candidate to show cause why he should not be disqualified under Section 10A of the R.P. Act, 1951.

**16.21. DELIVERY OF COMMISSION'S NOTICE ISSUED u/r 89 (5) OF THE CONDUCT OF ELECTIONS RULES, 1961 TO CANDIDATES**

- A) In order to ensure that the notices issued by the Commission are to serve on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notices to the District Election Officer through the CEO concerned to cause the same to be delivered to the candidates concerned. Every effort should be made to affect the delivery of notice to the candidate concerned within three days of receipt of the same in DEO's office from the Commission.
- B) The notice should be delivered to the candidate concerned against a proper acknowledgement from him in token of having received the same. The Candidate has necessarily to indicate the date of receipt of notice, as response time of 20 days (statutory time) from the Candidate on notice shall be started from that date.
- C) If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same may be pasted on the wall/door of the residence of the candidate in the presence of two witnesses, preferably of the locality. A note to this effect must be recorded on the spot and the signatures of the witnesses along with their addresses obtained thereon.
- D) The Address for correspondence of the Candidate shall be the same as recorded in the Form 7A (List of Contesting Candidates), till the candidate has informed any change in the address to the DEO in writing.

**16.22. REPRESENTATION BY DEFAULTING CANDIDATE**

Any contesting candidate who has been called upon to show cause, may within twenty days of the receipt of such notice, represent in writing to the Election Commission and shall at the same time send the DEO concerned a copy of his representation on the issue brought to the notice of the candidate together with a complete account of his election expenses if he has not already furnished such an account.

**16.23. SUPPLEMENTARY REPORT BY DISTRICT ELECTION OFFICER**

A Supplementary report shall come from the DEO along with the acknowledgement obtained from the candidate in token of his having received the notice to the Commission immediately, and in any case within one week, after the expiry of the statutory period within which the candidate has been directed by the Commission to submit his representation with his account, if any. The supplementary report should be sent even where the candidate has not filed any representation.

#### **16.24. FINAL ORDER BY COMMISSION**

If, after considering the representation submitted by the candidate and the comments made by the DEO and after such enquiry it thinks fit, if the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified under Section 10-A of the Representation of the People Act, 1951 for a period of three years from the date of the order and cause the order to be published in the official gazette.

*(Please refer to the Commission's Website [www.eci.gov.in](http://www.eci.gov.in) under the heading Judicial reference for updated list of disqualified persons u/s 10A of the RP Act, 1951)*

#### **16.25. REMOVAL OF DISQUALIFICATION: APPEAL PROCEDURE**

Under Section 11 of the Representation of the People Act, 1951, Election Commission may, for reasons to be recorded, remove any such disqualification, or reduce the period thereof.

For the purpose the applicant should file a formal application before the Deputy Election Commissioner, Election Commission of India, New Delhi, supported by a proper affidavit, stating the reasons in support of his plea. Where the candidate was disqualified for not filing the account at all, the candidate should file his complete account in the manner required by law and accompanied by all necessary vouchers, affidavits, etc.

#### **16.26. MEASURE TO CHECK INFLUENCE OF MONEY POWER**

- A) The increasing role of money power in elections is too well known and is one of the maladies which sometimes reduces the process of election into a mere farce by placing some privileged candidates with financial resources in a distinctly advantageous position as compared to other candidates. The result of such an election cannot reflect the true choice of the people. The system also sometimes deprives qualified and able persons of the prerogative to represent masses. It is commonly perceived that the above-quoted provisions of law have become utterly inadequate to check the influence of money power.

It is relevant to cite from a judgement of the Supreme Court in this context (Gadakh Yashwantrao Kankarrao Vs. E.V. alias Balasaheb Vikhe Patil & Others- AIR 1994 SC 678):

*“The existing law does not measure up to the existing realities. The ceiling on expenditure incurred or authorised by the candidate himself but the expenditure incurred by the party or anyone else in his election campaign is safely outside the net of legal function. The spirit of the provision suffers violation through the escape route. The prescription of ceiling on expenditure by a candidate is a mere eye-wash and no*

*practical check on election expenses for which it was enacted to attain a meaningful democracy. This lacuna in the law is, however, for the Parliament to fill lest the impression is reinforced that its retention is deliberate for the convenience of everyone. If this be not feasible, it may be advisable to omit the provision to prevent the resort to indirect methods for its circumvention and subversion of the law, accepting without any qualm the role of money power in the elections. This provision has ceased to be even a fig leaf to hide the reality.”*

The Hon'ble Court has further expressed the fond wish in the above quoted judgement that the “duty of the top echelons of leadership at the State and national level of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll.”

- B) In the meanwhile, the Commission has carefully considered ways and means to render the account of election expenditure submitted by the candidates as little incorrect and as close to the truth as possible, within the bounds of law as it stands at present.
- C) The Observers appointed by the Commission will closely watch whether the provisions of the Model Code of Conduct are being followed and will also analyse the expenditure incurred by an individual candidate and report to the Commission instances of misuse of money power for manipulating the will of the electors. The Commission will also determine the magnitude of election expenditure in the light of the report of these observers.
- D) Measure taken by ECI under Art. 324 of the Constitution to curb the menace of money power and to maintain the ceiling limit:
  - (i) Appointment of Expenditure Observer(s) {EO}
  - (ii) Appointment of Assistant Expenditure Observer(s) {AEO}
  - (iii) Video Surveillance Teams to cover major rallies/events {VST}
  - (iv) Video Viewing Teams (VVTs) to view the CDs prepared by Video Surveillance Teams so that expenditure observed shall be recorded in Shadow Observation Register
  - (v) Accounting Team (ATs) headed by AEO for maintenance of Shadow Observation Register and Folder of Evidence (**Register to be kept by the Election Authority for a candidate to observe the accounting of measure election expenditure of candidate based on the evidence**)

- (vi) Media Certification and Monitoring Committee (MCMC) to monitor the Paid News
- (vii) Flying Squads (FSs) and Static Surveillance Teams (SSTs) to check the vehicles as per SOP and seizure of cash, liquor, drugs/narcotics, precious metals, and freebies/other illicit items which is likely to be used during election to lure the voters.

(Candidate are advised to refer to latest Compendium of Instructions on Election Expenditure Monitoring which is available on the Commission`s website ([www.eci.gov.in](http://www.eci.gov.in)))

## Chapter 17: MISCELLANEOUS

### 17.1. SIGNING BY ILLITERATE PERSONS

17.1.1. Sub-rule (2) (a) of Rule 2 of the Conduct of Elections Rules, 1961 lays down that a person who is unable to write his name shall be deemed to have signed on instrument or a paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission. The Commission has, accordingly, specified every officer belonging to an administrative service not below the rank of a Sub- Divisional Officer as an officer in whose presence such mark may be placed.

### 17.2. MANUSCRIPT, TYPEWRITTEN, PRIVATELY PRINTED FORMS

17.2.1. Rule 2(1) (g) of the above-mentioned Rules defines “form” as a form appended to the Conduct of Elections Rules, 1961, including a translation thereof in any of the languages used for official purposes of the State. When the candidate has to use a form, which has been prescribed under the rules, he/she must adopt that form. If the State Government has printed the forms, the candidate should get a copy of such printed form. If that is not available, the candidate may use a privately printed, photocopied, typed or even manuscript form. That will be accepted. The candidate should, however, be careful to ensure that the text of the prescribed form has been correctly copied and that there is no discrepancy whatsoever in the form used by him/her.

### 17.3. STORAGE OF EVM/VVPAT AND OTHER ELECTION PAPERS

17.3.1 Rule 92 read with Rule 93 of the Conduct of Elections Rules 1961 provides that the voting machines and printed paper slips, sealed under Rule 57C, shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines and printed paper slip (VVPAT slip) so sealed shall be retained intact for such period as mentioned in the latest edition of Manual on Electronic Voting Machines/ direction issued by the Election Commission of India.

17.3.2 Immediately after the declaration of result of the election, all the EVMs (BU and CU), VVPATs and the sealed trunks(s) containing the packets should be dispatched to the District Election Officer at his headquarters and on receipt of the same the District Election Officer should forthwith arrange to store them safely under his custody.

17.3.3 The following protocol shall be followed for movement of EVMs, VVPATs and Election Papers for safe storage under the custody of DEO, if the location is other than the Counting Centre: -

- (a) The contesting candidates/their agents shall be intimated in writing under proper acknowledgement, about the storage place where EVMs, VVPATs and Election Papers are to be stored after counting of votes.
- (b) Proper armed escort (CAPF) shall be provided for the vehicles carrying EVMs, VVPATs and election papers with videography. Candidates/their agents shall also be permitted to follow the vehicles.

17.3.4 The Commission's detailed instructions on Storage of EVMs, VVPATs, VVPATs' slips and election papers as contained in RO's Hand Book, shall be scrupulously followed.

#### **17.4. PRODUCTION AND INSPECTION OF OTHER ELECTION PAPERS**

17.4.1. Sub-rule (2) of Rule 93 of the Conduct of Elections Rules, 1961, provides that all papers relating to an election, other than those referred to in sub-rule (1) thereof, shall be open to public inspection subject to conditions and to the payment of such fee, if any, as the Election Commission may direct.

17.4.2. In pursuance of the said sub-rule read with Section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions:

##### **1. Inspection:**

- a. Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection required;
- b. An inspection of the documents shall be allowed to any person applying for the same on payment of fee of Rs. 5 per hour of inspection or part thereof, unless inspection is required to be made urgently in which case the fee shall be Rs. 10 per hour or fraction thereof.
- c. Inspection on an ordinary application shall be allowed on the day following the date on which the application is made or on a subsequent day and inspection on an urgent application, shall be allowed on the same day. Instructions for inspection of account of election expenses and supply of copies thereof are contained in previous chapter.

2. **Certified Copy:** A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Officer. The procedure to be followed in respect of an application for it shall be the same as for a similar application made in respect of a case dealt with by a Revenue Officer.
3. The application should establish the right of the applicant for inspection or for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.
4. No fee shall be charged when inspection or certified copy of a document is required for official purpose.
5. Effective supervision by officials is necessary when election records are inspected by any interested person soon after the completion of the election. Simultaneous inspection by a large number of persons should not be allowed to avoid removal of any paper from the records.

#### **17.5. SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS**

- 17.5.1. Copies of result sheet in Form 20 may be supplied, if asked for, on payment of fee as charged for supply of certified copies of other election records.
- 17.5.2. Copies of election return in Form 21-E may be supplied on a payment of Rupees 2 for each copy under sub-rule (3) of Rule 93 of the Conduct of Election Rules, 1961.

#### **17.6. FORM OF APPLICATION FOR REFUND**

- 17.6.1 Every candidate whose nomination paper has been found valid must have deposited the requisite amount of Rupees 25,000 in the case of election from a Parliamentary Constituency or as the case may be, Rupees 10,000 in the case of election from an Assembly Constituency. The amount of deposit is half in the case of a candidate belonging to a Scheduled Caste or Scheduled Tribe. Deposits of
  - (i) those candidates whose nomination paper found to be invalid and rejected,
  - (ii) those validly nominated candidates who have withdrawn their candidatures in accordance with law before the expiry of the time limit for such withdrawals
  - (iii) those candidates defeated at the poll and

- (iv) the candidate duly elected at the election
  - may have to be returned to them or forfeited to Government in accordance with the law as described hereunder.

**N.B.** A deposit can be refunded only to the person in whose name it was made in the treasury or his legal representative if he is dead.

- 17.6.2. Forms of applications for refund of security deposits are given in **Annexure - 23**. Every application for a refund should be made by the candidate or by the person who made the deposit on his/her behalf in the forms as may be appropriate. When a person other than the candidate has made the deposit, the candidate should verify the application. If the candidate has died, his legal representative may make the application for refund in the appropriate form.

### **17.7. WHEN TO RETURN THE DEPOSIT**

- 17.7.1. If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit made by him will be returned as soon as practicable after the publication of the list of contesting candidates or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits in the same constituency. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit will be returned as soon as practicable after the result of election is declared.
- 17.7.2. If at a general election, the candidate is a contesting candidate in more than one Parliamentary Constituency or in more than one Assembly Constituency, not more than one of the deposits shall be returned, and the others shall be forfeited.

### **17.8. DEPOSIT RETURNABLE IN ONE CONSTITUENCY ONLY**

- 17.8.1. Note that if a candidate was a contesting candidate at a general election to the House of the People or State Legislative Assembly in more than one Parliamentary or Assembly Constituency, he cannot get a return of more than one deposit made by him or on his behalf. Other deposits made by him or on his behalf will be forfeited to Government.
- 17.8.2. A contesting candidate at an election to the House of the People and also at an election to the State Legislative Assembly when simultaneously held, is entitled to the return of deposits made in both the elections, if he is otherwise entitled to such return, as the two elections are different.

17.8.3 Even if a declaration is made by the candidate to the effect that he was not a contesting candidate from more than one Parliamentary or Assembly Constituency, Returning Officer is entitled to satisfy himself/herself from such other materials and information as may be available to Returning Officer that he did not in fact, do so.

### **17.9. CONDITIONS FOR RETURN OF DEPOSIT**

17.9.1. The deposit made by a candidate shall be returned if the following conditions are satisfied: -

- i. the candidate is not shown in the list of contesting candidates, that is to say either his nomination was rejected or after his nomination was accepted, he withdraws his candidature; or
- ii. he dies before the commencement of the poll; or
- iii. he is elected; or
- iv. he is not elected but gets more than 1/6th of the total number of valid votes polled by all the candidates at the election.

#### **N.B.**

- a) If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates, the deposit will not be refunded.
- b) If the candidate was elected, the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

17.9.2. The votes polled against the NOTA option is not to be taken into account for calculating the total valid votes polled by the contesting candidates for the purpose of return of security deposit.

### **17.10. REFUND TO A CANDIDATE BELONGING TO THE SCHEDULED CASTE OR SCHEDULED TRIBE**

17.10.1. Where a candidate belonging to a Scheduled Caste or a Scheduled Tribe contests an election from a general constituency, he is required under Section 34 (1) to make a deposit of only Rupees 12,500 instead of Rupees 25,000 in the case of an election from a Parliamentary Constituency and Rupees 5,000 instead of Rupees 10,000 in the case of an election from an Assembly Constituency. If he deposits, by mistake or otherwise, the full amount of Rupees 25,000 or Rupees 10,000, as the case may be, instead of what he is required to deposit as mentioned above, he is always entitled to the refund of the excess amount actually deposited by him. Returning Officer will satisfy himself/herself of his being a member

of a Scheduled Caste or a Scheduled Tribe before allowing such a refund.

### **17.11. BAR TO INTERFERENCE BY COURTS IN ELECTORAL MATTERS**

17.11.1. For the candidate's convenience, relevant provisions relating to bar to interference by Courts in electoral matters contained in the Constitution of India are reproduced below:

“329. Bar to interference by Courts in electoral matters Notwithstanding anything in this Constitution,

- a. the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any Court;
- b. no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.”

17.11.2. The Supreme Court has held in a catena of decisions that the term 'election' used in the above quoted Article 329 (b) of the Constitution connotes the entire electoral process commencing with the issue of the notification calling the election and culminating in the declaration of result of election (See N.P. Ponnuswami Vs. Returning Officer, Namakkal and others (AIR 1952 SC 64), Mohinder Singh Gill Vs. Chief Election Commissioner and others (AIR 1978 SC 851), Lakshmi Charan Sen and others Vs. Union of India and others (AIR 1985 SC 1233), Election Commission Vs. Shivaji (AIR 1988 SC 61), etc. All Courts are preemptorily barred under Article 329 (b) of the Constitution to interfere with, or interdict, the electoral process at any intermediary stage.

17.11.3. All doubts and disputes relating to an election can be raised only in an election petition presented to the High Court of the State/Union Territory concerned after the election is over in accordance with the provisions of Part VI of the Representation of the People Act, 1951 and in no other manner.

### **17.12. CHILD LABOUR**

17.12.1. The Commission has taken strong exception to use child labour in various election activities and has directed that violation of children's right for any-work connected with the election process will not be accepted by the Commission and that necessary action will be taken.

# **SECTION – II**

## **Annexures**

**ANNEXURE -1**  
**(CHAPTER 3, PARA 3.3)**

**FORM 2A**

(See rule 4)

**NOMINATION PAPER**

Election to the House of the People

Recent stamp size  
(2cm X 2.5cm)  
photograph in  
white/off white  
background with  
full face view to be  
attached.

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

**PART I**

(To be used by candidate set up by recognized political party)

I nominate as a candidate for election to the House of the People from the..... Parliamentary constituency.

Candidate's name.....Father's/  
mother's/husband's name.....His postal address  
.....His name  
is entered at S. No.....in Part No..... of the electoral roll  
for.....\*(Assembly constituency  
comprised within) Parliamentary Constituency.

My name is.....  
and it is entered at S. No.....in Part No.....of the electoral roll for  
.....\*(Assembly constituency comprised  
within) Parliamentary constituency.

Date .....

.....  
Signature of Proposer

**PART II**

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the House of the People from the.....Parliamentary Constituency.

Candidate's name Father's/mother's/husband's name.....

His postal address.....

His name is entered at S. No.....in Part No.....of the electoral roll for.....+(Assembly constituency comprised within) Parliamentary constituency.

We declare that we are electors of the above Parliamentary Constituency and our names are entered in the electoral roll for that Parliamentary Constituency as indicated below and we append our signatures below in token of subscribing to this nomination: -

**Particulars of the proposers and their signatures**

S. No.	Name of component Assembly constituency	Elector roll no. of Proposer		Full Name	Signature	Date
		Part No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

**N.B.** – There should be ten electors of the constituency as proposers.

**PART III**

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare that -

- (a) I am a citizen of India and have not acquired the citizenship of any foreign State or country.
- (b) I have completed years of age;  
[STRIKE OUT c (i) or c (ii) BELOW WHICHEVER IS NOT APPLICABLE]
- (c) (i) that I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

- (c) (ii) I am set up at this election by the .....party, which is a registered- unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:- (i).....  
.....(ii).....(iii).....
- (d) .....my name and my Father's/Mother's/Husband's name have been correctly spelt out above in (name of the language);
- (e) to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.

\*I further declare that I am a member of the \*\*Caste/tribe which is a scheduled \*\*caste/tribe of the State of.....in relation to (area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date.....

Signature of Candidate

+Score out the words "assembly constituency comprised within" in the case of Jammu and Kashmir, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

\*Score out this paragraph, if not applicable.

\*\*Score out the words not applicable.

**N.B.**—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

**PART IIIA**

(To be filled by then candidate)

Whether the candidate—

- (i) has been convicted—
  - (a) of any offence(s) under sub-section (1); or
  - (b) for contravention of any law specified in sub-section Yes/No (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is “Yes”, the candidate shall furnish the following information:

- (i) Case/first information report No./Nos. ....
  - (ii) Police station(s)..... District(s) ..... State(s) .....
  - (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted.....
  - (iv) Date(s) of conviction(s) .....
  - (v) Court(s) which convicted the candidate.....
  - (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)] .....
  - (vii) Date(s) of release from prison.....
  - (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s).....Yes/No
  - (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
  - (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
  - (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
  - (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
    - (a) Date(s) of disposal.....
    - (b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government? (Yes/No)

-If Yes, details of the office held.....

(1) Whether the candidate has been declared insolvent by any Court?..... (Yes/No)

-If Yes, has he been discharged from insolvency.....

(2) Whether the candidate is under allegiance or adherence to any foreign country?..... (Yes/No)

-If Yes, give details.....

(3) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President? (Yes/No)

-If Yes, the period for which disqualified.....

(4) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? (Yes/No)

-If Yes, the date of such dismissal.....

(5) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government? (Yes/No)

-If Yes, with which Government and details of subsisting contract(s).....

(6) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share? (Yes/no)

-If Yes, with which Government and the details thereof .....

Whether the candidate has been disqualified by the Commission under section 10A of the said Act (Yes/No)

-If yes, the date of disqualification.....

Place .....

Date .....

Signature of Candidate

**PART IV**

(To be filled by the Returning Officer)

Serial No. of nomination paper .....

This nomination was delivered to me at my office at (hour) on.....(date) by the \*candidate/proposer. (name of proposer )

Date.....

Returning Officer

**PART V**

**Decision of Returning Officer Accepting or Rejecting the Nomination Paper**

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951(43 of 1951) and decide as follows:—

.....  
.....  
.....  
.....

Date.....

Returning Officer

.....(Perforation).....

**PART VI**

**Receipt for Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the..... Parliamentary constituency was delivered to me at my office at.....(hour) on.....(date) by the \*candidate/proposer. All nomination papers will be taken up for scrutiny at..... (hour)on. (date) at.(Place).

Date.....

Returning Officer

\*Score out the word not applicable.

**ANNEXURE – 2**  
**(CHAPTER 3, PARA 3.3)**

**FORM 2B**

(See rule 4)

**NOMINATION PAPER**

Election to the Legislative Assembly of.....(State)

Recent stamp size  
(2cm X 2.5cm)  
photograph in  
white/off white  
background with  
full face view

STRIKE OFF PART I OR PART II BELOW WHICHEVER IS NOT APPLICABLE

**PART I**

**(To be used by candidate set up by recognised political party)**

I nominate as a candidate for election to the Legislative Assembly from the..... Assembly constituency.

Candidate's name.....Father's/Mother's/  
Husband's name.....His postal address His name  
is entered at Sl. No. ....in Part No. .... of the electoral  
roll for ..... Assembly constituency.

My name is..... and it is entered at  
Sl. No.....in Part No. ....of the electoral roll for  
Assembly constituency.

Date .....

Signature of the Proposer

**PART II**

**(To be used by candidate NOT set up by recognised political party)**

We hereby nominate as candidate for election to the Legislative Assembly from the..... Assembly Constituency.

Candidate's name Father's/Mother's/Husband's name.....  
 .....His postal address.....His name is entered at Sl. No. ....in Part No. ....of the electoral roll for..... Assembly constituency.

We declare that we are electors of the above Assembly Constituency and our names are entered in the electoral roll for that Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination: -

**Particulars of the proposers and their signatures**

S. No.	Elector Roll no. of Proposer		Full Name	Signature	Date
	Part No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

**N.B.** – There should be ten electors of the constituency as proposers.

**PART III**

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare —

- (a) that I am a citizen of India and have not acquired the citizenship of any foreign State/country.
- (b) that I have completed years of age;

[STRIKE OUT c (i) or c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(c) (i) that I am set up at this election by the.....party, which is a recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(c) (ii) that I am set up at this election by the ..... party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are: — (i)..... (ii).....(iii).....

(d) that my name and my Father's/Mother's/Husband's name have been correctly spelt out above in (name of the language); and

(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

\*I further declare that I am a member of the \*\*Caste/tribe which is a scheduled \*\*caste/tribe of the State of.....in relation to ..... (area) in that State.

I also declare that I have not been, and shall not be nominated as a candidate at the present general election/the bye-elections being held simultaneously, to the Legislative Assembly of (State) from more than two Assembly Constituencies.

Date.....

Signature of Candidate

\*Score out this paragraph, if not applicable.

\*\*Score out the words not applicable.

**N.B.**—A "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State concerned.

**PART IIIA**

**(To be filled by the candidate)**

Whether the candidate

- (i) has been convicted
- (a) of any offence(s) under sub-section (1); or
- (b) for contravention of any law specified in sub-section (2), Yes/No of section 8 of the Representation of the People Act, 1951 (of 1951); or
- (i) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is “Yes”, the candidate shall furnish the following information:

- (i) Case/first information report No./Nos.....
- (ii) Police station(s).....District(s).....  
State(s).....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted.....
- (iv) Date(s) of conviction(s) .....
- (v) Court(s) which convicted the candidate.....
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s).....  
Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed.....
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
  - (a) Date(s) of disposal.....
  - (b) Nature of order(s) passed.....
- (2) Whether the candidate is holding any office of profit under the Government of India or State Government? (Yes/No)

- If Yes, details of the office held.....
- (1) Whether the candidate has been declared insolvent by any Court?. (Yes/No)  
-If Yes, has he been discharged from insolvency.....
- (2) Whether the candidate is under allegiance or adherence to any foreign country? (Yes/No)  
-If Yes, give details.....
- (3) Whether the candidate has been disqualified under section 8A of the said Act by an order of the President? (Yes/No)  
-If Yes, the period for which disqualified.....
- (4) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? (Yes/No)  
-If Yes, the date of such dismissal.....
- (5) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government? (Yes/No)  
-If Yes, with which Government and details of subsisting contract(s).....
- (6) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share? (Yes/no)  
-If Yes, with which Government and the details there of .....
- (7) Whether the candidate has been disqualified by the Commission under section 10A of the said Act (Yes/No)  
-If yes, the date of disqualification.....

Place .....

Date .....

Signature of Candidate

**PART IV**

**(To be filled by the Returning Officer)**

Serial No. of nomination paper ..... This nomination was delivered to me at my office at (hour) on.....(date) by the \*candidate/ proposer. (Name of proposer )

Date.....

\*Strike out the word not applicable.

Returning Officer

**PART V**

**Decision of Returning Officer Accepting or Rejecting the Nomination Paper**

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951 (43 of 1951) and decide as follows: —

.....  
.....

Date.....

Returning Officer

.....(Perforation).....

**PART VI**

**Receipt for Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the ..... Assembly constituency was delivered to me at my office at.....(hour) on.....(date) by the \*candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on. (date) at. (Place).

Date.....

Returning Officer

\*Score out the word not applicable.

**ANNEXURE - 3**  
**(CHAPTER 3, PARA 3.5)**  
**FORM 26**

(See rule 4A)

Please affix  
your recent  
passport size  
photograph  
here

**AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER**  
**BEFORE THE RETURNING OFFICER FOE ELECTION**

TO ..... (NAME OF THE HOUSE)

**FROM.....CONSTITUENCY (NAME OF THE CONSTITUENCY)**

**PART-A**

I.....\*\*son/daughter/wife of  
.....Aged.....years, resident  
of.....  
..... (mention full postal address), a candidate at the above  
election, do hereby solemnly affirm and state on oath as under: -

- (1) I am a candidate set up by ..... (\*\*name of the political party)/\*\*am contesting as an Independent candidate. (\*\*strike out whichever is not applicable)
- (2) My name is enrolled in (Name of the constituency and the State), at Serial No .....in Part No.....
- (3) My contact telephone number(s) is/are and my email id (if any) is ..... and my social media account(s) (if any) is /are
  - (i) .....
  - (ii) .....
  - (iii) .....

(4) Details of Permanent Account Number (PAN)\* and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-Tax return (in Rupees) for the last five Financial Years completed (as on 31 <sup>st</sup> March)	
				(i)	
1.	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/ Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	Dependent-1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent-2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
5.	Dependent-3			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

**Note:** It is mandatory for PAN holder to mention PAN and in case of no PAN it should be clearly stated “No PAN allotted”.

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me.

*(Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)*

OR

(ii) The following criminal cases are pending against me:

*(If there are pending criminal cases against the candidate, the tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table Below)*

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved <i>(give no. of the Section, e.g. Section ..... of IPC, etc.)</i>			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal / Application for revision has been filed against the proceedings <i>(Mention YES or NO)</i>			

(6) Cases of conviction

(i) I declare that I have not been convicted or any criminal offence.

*(Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)*

OR

(ii) I have been convicted for the offences mentioned below:

*(if the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)*

**Table**

(a)	Case No.					
(b)	Name of the Court					
(c)	Section(s) of Acts/ Codes involved <i>(give no. of the Section, e.g. Section ..... of IPC, etc.</i>					
(d)	Brief description of offence for which convicted					
(e)	Dates of orders of conviction					
(f)	Punishment imposed					
(g)	Whether any Appeal has been filed against conviction order <i>(Mention YES or NO)</i>					
(h)	If answer to (g) above is YES, give details and present status of appeal					

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

*[candidates to whom this Item is not applicable should clearly write NOTAPPLICATION IN VIEW OF ENTRIES IN 5(i) and 6 (i), above]*

*Note:*

1. *Details should be entered clearly and legibly in BOLD letters.*
2. *Details to be given separately for each case under different columns against each Item.*
3. *Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.*
4. *Additional sheet may be added if required.*

5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W.P. (C) No.536 of 2011.

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

**A.** Details of movable assets:

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given

Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to be candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment.

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation - For the purpose of this Form, the expression "offshore assets" includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

Sl. No.	Description	Self	Spouse	HUF	Dependent -1	Dependent -2	Dependent -3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, debentures/shares and units in companies/ Mutual funds and others and the amount.						

(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/ advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount						
(vi)	Motor Vehicles/ Aircrafts/ Yachts/Ships (Details of Make, registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims /interest						
(ix)	<b>Gross Total Value</b>						

**B. Details of Immovable Assets:**

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note: 2. Each land or building or apartment should be mentioned separately in this format.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No.	Description	Self	Spouse	HUF	Dependent -1	Dependent -2	Dependent -3
(i)	Agricultural Land Location(s) Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self- acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						

(ii)	Non-Agricultural Land: Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self- acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	Commercial Buildings (including apartments) -Location(s) -Survey number(s)						
	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self- acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
	(in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government: -

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

## HANDBOOK FOR CANDIDATE

S. No.	Description	Self	Spouse	HUF	Dependent -1	Dependent -2	Dependent -3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial institution, Amount outstanding, Nature of Loan						
	Loan or dues to any Other individuals/entity other than mentioned above Name(s), Amount outstanding, nature of loan Any other liability						
	Grand total of liabilities						
ii)	Government dues: Dues to departments dealing with government accommodation	<p><b>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election?</b></p> <p><b>(B) If answer to (A) above is YES, the following declaration may be furnished namely: -</b></p> <p style="padding-left: 20px;"><b>(i) The address of the Government accommodation:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>(ii) There is no dues payable in respect of above Government accommodation, towards-</b></p> <p><b>(a) rent;</b></p> <p><b>(b) electricity charges;</b></p> <p><b>(c) water charges; and</b></p> <p><b>(d) telephone charges as on _____</b></p> <p><b>(date)</b></p> <p><b>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</b></p> <p><b>Note -- ‘No Dues Certificate’ from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</b></p>					YES/NO <i>(Pl. tick the appropriate alternative)</i>
(iii)	Dues to department dealing with government transport (including aircrafts and helicopters)						

**HANDBOOK FOR CANDIDATE**

(iv)	Income tax dues						
(v)	GST Dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are indispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse .....

(9A) Details of source(s) of income:

(a) Self .....

(b) Spouse .....

(c) Sources of income, if any, of dependents,.....

(9B) Contracts with appropriate Government and any public company or companies

**(a)** details of contracts entered by the candidate .....

**(b)** details of contracts entered into by spouse .....

**(c)** details of contracts entered into by dependents .....

**(d)** details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest .....

**(e)** details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners .....

**(f)** details of contracts entered into by private companies in which candidate or spouse or dependents have share .....

(10) My educational qualification is as under: -

.....

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

**PART-B**

**(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:**

1.	Name of the Candidates		Sh./ Smt./Kum.					
2.	Full postal address							
3.	Number and name of the constituency and State							
4.	Name of the political party which set up the candidate (otherwise write 'Independent')							
5.	Total number of pending criminal cases							
6.	Total number of cases in which convicted							
7.		PAN of	Year for which last income Tax return filed			Total income shown		
	(a) Candidate							
	(b) Spouse							
	(c) HUF							
	(d) Dependents							
8.	Details of Assets and Liabilities (including offshore assets) in Rupees							
	Description	Self	Spouse	HUF	Dependent - I	Dependent -II	Dependent -III	
A.	Moveable Assets (Total value)							
B.	Immovable Assets							
	I.	Purchase Price of self-acquired immovable property						
	II.	Development/ construction cost of immovable property after purchase (if applicable)						
	III.	Approximate Current market price - a) self-acquired assets (Total Value) b) inherited assets (Total Value)						
9.	Liabilities							
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.	Liabilities that are under dispute							

**HANDBOOK FOR CANDIDATE**

	(i)	Government dues (Total)							
	(ii)	Loans from Bank, Financial Institutions and others (Total)							
11.	Highest educational qualification: (Give details of highest School/ University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)								

**VERIFICATION**

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that:-

- (a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;
- (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at .....this the .....day of .....

DEPONENT

- Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.
- Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
- Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned.
- Note: 4. The Affidavit should be either typed or written legibly and neatly.
- Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

**ANNEXURE - 4**

**(CHAPTER 2, PARA 2.5)**

**FORM OF OATH OR AFFIRMATION**

[ARTICLE 84(A) OF THE CONSTITUTION OF INDIA]

(To be made by a candidate for election to Parliament)

I ..... having been nominated as a candidate to fill a seat in the Council of States (\*House of the People) do swear in the name of the God / Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati .....  
.....at ..... (Place) at .....  
(hour) this the.....day of .....200 before me.

Signature of authorized person  
Name and designation and Seal

**Certificate for Receipt of Oath**

(To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election to the Council of States (\*or the House of the People) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at ..... (hour) on ..... (date).

Signature of authorized person

Name Designation and Seal

Date:

\*Score out which is not applicable. N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

FORM OF OATH OR AFFIRMATION

[Article 173 (a) of the constitution of India]

(To be made by a candidate for election to the Legislature of a State)

I .....having been nominated as a candidate to fill a seat in the Legislative Assembly (\*or Legislative Council) do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati .....  
.....at.....(Place) at.....  
(hour) this the.....day of .....200 before me.

Signature of authorized person Name and designation and Seal

**Certificate for Receipt of Oath**

To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election to the Legislative Assembly (\*or Legislative Council) has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at ..... (hour) on ..... (date).

Signature of authorized person

Name Designation and Seal

Date:

\*Score out which is not applicable.

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

**FORM OF OATH OR AFFIRMATION**

SECTION 4 (A) OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991 (NO. 1 OF 1992)

(To be made by a candidate for election to the Legislative Assembly of the NCT of Delhi)

I.....having been nominated as a candidate to fill a seat in the Legislative Assembly do swear in the name of the God /Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati..... at.....(Place) at .....(hour) this the.....day of .....200 before me.

Signature of authorized person

Name and designation and Seal

**Certificate for Receipt of Oath**

To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election to the Legislative Assembly of the National Capital Territory of Delhi has made and subscribed the oath / affirmation as required by the Government of National Capital Territory of Delhi Act, 1991 before me at my office at ..... (hour) on (date).

Signature of authorized person

Name Designation and Seal

Date:

N.B.: This Form should be supplied to the candidates both in English and in the Official Language of the State/Union Territory.

**FORM OF OATH OR AFFIRMATION**

SECTION 4 (A) OF THE GOVERNMENT OF UNION TERRITORIES ACT,  
1963 (NO. 20 OF 1963)

(To be made by a candidate for election to the Legislative Assembly of the  
Union Territory of Puducherry)

I.....having been nominated as a candidate to  
fill a seat in the Legislative Assembly of Puducherry do swear in the name of the  
God /Solemnly affirm that I will bear true faith and allegiance to the constitution  
of India as by law established and that I will uphold the sovereignty and integrity  
of India.

Signature and name in block letters of the candidate

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati .....  
at.....(Place) at .....(hour) this  
the.....day of .....200 before me.

Signature of authorized person

Name and designation and Seal

**Certificate for Receipt of Oath**

To be handed over to the candidate by the authorized person)

Certified that ..... (name) a candidate for election  
to the Legislative Assembly of Puducherry has made and subscribed the oath /  
affirmation as required by the Government of Union Territory Act, 1963 before me  
at my office at ..... (hour) on ..... (date).

Signature of authorized person

Name Designation and Seal

Date:

N.B.: This Form should be supplied to the candidates both in English and in the  
Official Language of the State/Union Territory.

EXTRACT FROM THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

**4. QUALIFICATIONS FOR MEMBERSHIP OF LEGISLATIVE ASSEMBLY**

A person shall not be qualified to be chosen to fill a seat in the Legislative assembly of a Union Territory unless he: -

- (a) is a citizen of India and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;
- (b) is not less than twenty-five years of age; and
- (c) Possesses such other qualifications as may be prescribed in that behalf by or under any law.

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION THE LEGISLATIVE ASSEMBLY

- 1. A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of..... do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

**4. QUALIFICATIONS FOR MEMBERSHIP OF THE HOUSE OF THE PEOPLE**

A person shall not be qualified to be chosen to fill a seat in the House of People unless -

- (a) In the case of a seat reserved for the Scheduled castes in any State, he is a member of any of the Scheduled Castes, whether of that State or of any other State, and is an elector for any Parliamentary constituency;
- (b) in the case of a seat reserved for the Scheduled Tribes in any State (other than those in the autonomous districts of Assam), he is a member of any of the Scheduled Tribes, whether of that State or of any other State (excluding the tribal areas of Assam), and is an elector for any Parliamentary constituency;
- (c) in the case of a seat reserved for the Scheduled Tribes in the autonomous district of Assam, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency in which such seat is reserved or for any other Parliamentary constituency comprising any such autonomous district;
- (cc) in the case of the seat reserved for the Scheduled Tribes in the Union Territory of Lakshadweep, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency of that

Union Territory;

- (ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim; and
- (d) in the case of any other seat, he is an elector for any Parliamentary constituency.

**5. QUALIFICATIONS FOR MEMBERSHIP OF A LEGISLATE ASSEMBLY**

A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless: -

- (a) in the case of seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes, or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State;
- (b) in the case of a seat reserved for an autonomous district of Assam, he is a member of a Scheduled Tribes of any autonomous district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district; and
- (c) in the case of any other seat, he is an elector for any Assembly constituency in that State:

Provided that for the period referred to in clause (2) of Article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.

**7. DEFINITIONS - In this Chapter, -**

- (a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;
- (b) "disqualified" means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State under the provisions of this chapter and on no other ground.

**8. DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES**

(1) A person convicted of an offence punishable under -

- (a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or

- personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty toward a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) or section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or
- (b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or
  - (c) Section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or
  - (d) Sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association, offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
  - (e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
  - (f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
  - (g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or
  - (h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or
- (i) Section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; (or)
- (j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991, or
  - (k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971); or
  - (l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

- (m) the Prevention of Corruption Act, 1988 (49 of 1988); or
  - (n) the Prevention of Terrorism Act, 2002 (15 of 2002),  
shall be disqualified, where the convicted person is sentenced to –
    - (i) only fine, for a period of six years from the date of such conviction;
    - (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.
- (2) A person convicted for the contravention of –
- (a) any law providing for the prevention of hoarding or profiteering; or
  - (b) any law relating to the adulteration of food or drugs; or
  - (c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961),  
and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.
- (3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Explanation – In this section –

- (a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for–
  - (i) the regulation of production or manufacture of any essential commodity;
  - (ii) the control of price at which any essential commodity may be bought or sold;
  - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
  - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;
- (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);
- (c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);
- (d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

**8A. DISQUALIFICATION ON GROUND OF CORRUPT PRACTICES -**

- (1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be within a period of three months from the date such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

- (2) Any person who stands disqualified under action 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.
- (3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

**9. DISQUALIFICATION FOR DISMISSAL FOR CORRUPTION OR DISLOYALTY**

- (1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty of the State shall be disqualified for a period of five years from the date of such dismissal.
- (2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

**9A. DISQUALIFICATION FOR GOVERNMENT CONTRACTS, ETC. -**

A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works, undertaken by that Government.

Explanation– For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

**10. DISQUALIFICATION FOR OFFICE UNDER GOVERNMENT COMPANY -**

A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five percent share.

**10A. DISQUALIFICATION FOR FAILURE TO LODGE ACCOUNT OF ELECTION EXPENSES -**

If the Election Commission is satisfied that a person–

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

**EXTRACT FROM THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991 (NO. 1 OF 1991)**

- 4. A person shall not be qualified to be chosen to fill a seat in the Legislative assembly unless he: -
  - (a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;
  - (b) is not less than twenty-five years of age; and
  - (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.
- 15. (1) A person shall be disqualified for being chosen as, and for being, a member of, the Legislative Assembly: -
  - (a) If he holds any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the Capital or of any other Union Territory not to disqualify its holder; or

- (b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of Sub-clause (b), sub-clause (c) or sub-clause (d) of Clause (1) of article 102 or of any law made in pursuance of that article.
- (2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union Territory by reason only that he is a Minister either for the Union or for such State or Union Territory.
- (3) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provision of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.
- (4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

**ANNEXURE – 5**  
**(CHAPTER 3, PARA 3.23)**

**FORM A**

Communication with regard to Authorized Persons to intimate names of the candidates set up by recognized National or State political party or Registered un-recognized political party.

To

1. The Chief Electoral Officer,  
..... (State/Union Territory).
2. The Returning Officer for the  
.....Constituency.

Subject: General Elections to ..... from ..... (State/Union Territory) – Allotment of Symbols – Authorization of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorized by the party, which is National Party/State Party in the State of ...../Registered Un-recognized Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorized to send notice	Name of office held in the party	District(s)/area (s) constituency/ constituencies in respect of which he has been authorized.
1	2	3
1.		
2.		
3.		
4.		

2. The specimen signatures of the abovementioned person (s) so authorized are given below:

**HANDBOOK FOR CANDIDATE**

1. Specimen signatures of Shri .....  
(i)..... (ii) ..... (iii) .....
2. Specimen signatures of Shri .....  
(i)..... (ii) ..... (iii) .....
3. Specimen signatures of Shri .....  
(i).....(ii) ..... (iii) .....

Yours faithfully,

Place:.....

Date:.....

President/Secretary

Name of the Party

(Seal of the Party)

NB.

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

**PART III**

**FORM B**

**NOTICE AS TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY**

(see paragraphs 13(b), (c) and (e) and 13A of the Election symbols  
(Reservation and Allotment) Order 1968)

To

The Returning Officer for the

.....Constituency.

Subject: General/bye Election to ..... from(Name of the Constituency)  
in (State/Union Territory) – setting up of candidate.

Sir,

In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols  
(Reservation and Allotment) Order, 1968, I hereby give notice on behalf of \_\_\_\_\_  
\_\_\_\_\_ (party)

- (i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named, and
- (ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate, at the ensuing general/bye election from this constituency:

Name of the Constituency	Name of the approved candidate	Father's/ Mother's/ Husband's name of approved candidate	Postal address of approved candidate	Name of the Substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's name of substitute candidate	Postal address of substitute candidate
1	2	3	4	5	6	7

**HANDBOOK FOR CANDIDATE**

- \*2. The notice in Form 'B' given earlier in favour of Shri/Smt./ Sushri.....as party's approved candidate/Shri/Smt./ Sushri as Party's substitute candidate is hereby rescinded.
3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the  
authorized person of the Party)

(Seal of the Party)

Place .....

Date .....

\* Score off, if not applicable.

N.B.

1. This must be delivered to the Returning Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.
4. Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

**ANNEXURE - 6**

**(CHAPTER 5, PARA 5.2)**

**FORM 5 - NOTICE OF WITHDRAWAL**

[See Rule 9(1)]

Notice of withdrawal of Candidature

Election to the\* .....

The Returning Officer,

I,....., a 1[candidate validly nominated] at the above election do hereby give notice that I withdraw my candidature.

Date .....

Signature of 1[validly nominated candidate]

This notice was delivered to me at my office at..... (hour) on.....(date) by ..... (name), the \* .....

Date:.....

Place:.....

Returning Officer

**Receipt for Notice of Withdrawal**

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ....., a 1[validly nominated candidate] at the election to the\* ..... was delivered to me by the+ ..... at my office at..... (hour) on (date).

Returning Officer

\* Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council States by the elected members of the Legislative Assembly of. (State).
- (4) Council of States by the members of the electoral college of (Union territory).

- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.  
+Here insert one of the following alternatives as may be appropriate:
  - (1) Candidate.
  - (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.
  - (3) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

**ANNEXURE - 7**

**(CHAPTER 6, PARA 6.1)**

**FORM 8 - APPOINTMENT OF ELECTION AGENT**

FORM 8

Appointment of Election agent

[See Rule 12 (1)]

Election to the .....

To

The Returning Officer,

I, ..... of.....a candidate at the above election do hereby appoint.....of.....as my election agent from this day at the above election.

Place.....

Date.....

Signature of Candidate

I accept the above appointment

Place.....

Date.....

Signature of Election Agent

Approved

Signature and Seal of the Returning Officer

\*Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the members of the electoral college of (Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

**ANNEXURE - 8**

**(CHAPTER 6, PARA 6.1)**

**FORM 9 - REVOCATION OF APPOINTMENT OF ELECTION AGENT**

FORM 9

Revocation of Appointment of Election Agent

[See Rule 12(2)]

Election to the .....

To

The Returning Officer,

I, ..... a candidate at the above election, hereby revoke the appointment of my election agent.

Place.....

Date.....

Signature of Candidate

\* Here insert one of the following alternatives as may be appropriate:

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the members of the electoral college of (Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

**ANNEXURE - 9**

**(CHAPTER 7, PARA 7.2)**

**PROVISIONS OF LAW RELATING TO OFFENCES AND CORRUPT PRACTICES  
IN CONNECTION WITH ELECTIONS**

Sl. No.	Brief Description of offence	Section/ Rules	Type	Punish-ment
<b>ELECTORAL OFFENCES CONCERNING MEETINGS:</b>				
1	Promoting or attempting to promote on ground of religion, race, caste, community or language, feeling of enmity or hatred, between different classes of the citizens of India.	Sec 125 of the Representation of the People Act, 1951 and Section 153A of the IPC.	Cogniza-ble	3 years impris-onment or fine or both.
2	Prohibition of public meetings during period of forty- eight hours ending with the hour fixed for the conclusion of the poll: - No person shall – (a)convene, hold or attend, join or address any public meeting or procession in connection with an election;or (b)display to the public any elec-tion matter by means of cine-matograph, television or other similar apparatus;or (c)propagate any election matter to public by holding, or by arrang-ing the holding of, any musical concert or any theatrical perfor-mance or any other entertain-ment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area..	Sec 126 of the Representation of the People Act, 1951	Non-Cogniza-ble	2 years impris-onment or fine or both.
3	Acting or inciting others to act in disorderly manner at a public meet-ing, for the purpose of disturbing the meeting.	Sec 127 of the Representation of the People Act, 1951.	Cogniza-ble	6 months impris-onment or fine or both.

<b>OFFENCES CONCERNING VEHICLES</b>				
1	If any person illegally hires or procures any vehicle for the free conveyance of any elector other than the candidates himself, member of his family or his agent, to or from any polling station commits an offence.	Sec 133 of the Representation of the People Act, 1951.	Non-Cognizable	3 months imprisonment and fine.
<b>CONCERNING OFFICERS/PERSONS INVOLVED IN ELECTION DUTY</b>				
1	Every officer, clerk, agent, or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain the secrecy of the voting. Its violation constitutes an offence.	Sec 128 of the Representation of the People Act, 1951	Non-Cognizable	3 months imprisonment or fine or both.
2	No official connected with conduct of elections shall do any act (other than giving of vote) for the furtherance of the prospects of election of any candidate.	Sec 129 of the Representation of the People Act, 1951.	Cognizable	6 months imprisonment or fine or both.
3	Breach of official duty, without reasonable cause, by any person involved in any duty in connection with an election	Sec 134 of the Representation of the People Act, 1951.	Cognizable	Fine upto Rs.500/-.
4	Any person in the service of the Government acting as an election agent or a polling agent or a counting agent of a candidate at an election	Sec 134A of the Representation of the People Act, 1951.	Non-Cognizable	3 months imprisonment or fine or both
<b>AT OR NEAR POLLING STATION ON THE DATE(S) OF POLL</b>				
1	Prohibition on the date(s) of poll of :- (a) canvassing in or near polling station; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular candidate; or (d) persuading any elector not to vote at the election; or (e) exhibiting any notice or sign (other than an official notice) relating to the election.	Sec 130 of the Representation of the People Act, 1951.	Cognizable	Fine upto Rs.250/-.

## HANDBOOK FOR CANDIDATE

2	Any person shouting in a disorderly manner or using loudspeakers, megaphones etc. so as to disturb the poll, in or around the polling station can be arrested and such apparatus seized by any police officer.	Sec 131 of the Representation of the People Act, 1951.	On the orders of the Presiding Officer, Police can arrest the offender.	3 months imprisonment or fine or both
3	Misconduct by any person in the polling station, or disobedience of lawful directions of the presiding officer may result in that person being removed from the polling station by any police officer on duty. Any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer can be arrested.	Sec 132 of the Representation of the People Act, 1951.	Cognizable	3 months imprisonment or fine or both
<b>AGAINST CARRYING OF ARMS:</b>				
1	No person, other than the Returning Officer, the presiding officer, any police officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station, shall, on a polling day, go armed with arms. If he does so, he commits an offence.	Sec 134B of the Representation of the People Act, 1951.	Cognizable	2 years imprisonment or fine or both
<b>AGAINST TAMPERING OF EVMS/BALLOT PAPERS</b>				
1	If the Presiding officer of a polling station has reason to believe that any person has removed ballot paper or EVM out of polling station, such officer may arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.	Sec 135 of the Representation of the People Act, 1951.	On the orders of the Presiding Officer, Police can arrest the offender.	1 year's imprisonment or fine or both.

2	Booth capturing is an offence. 'Booth capturing' includes – 1. seizure of a polling station or a place fixed for the poll by any person making polling authorities surrender the ballot papers or voting machines; 2. or allowing only his or their own supporters to exercise their right to vote and prevent/coerce others from free exercise of their right to vote; 3 seizure of a place for counting of votes.	Sec 135A of the Representation of the People Act, 1951.	Cognizable	3-5 years imprisonment and fine, if offence committed by person in govt service, and 1 to 3 yrs and fine for others.
3	If any person fraudulently defaces or fraudulently destroys any ballot paper or EVM or the official mark on any ballot paper or EVM or puts into any ballot box anything other than the ballot paper, or pastes any paper, tapes etc. on the symbol/names/ballot button of EVM for the purpose of the election commits an offence.	Sec 136 of the Representation of the People Act, 1951.	Cognizable	2 years imprisonment or fine or both, if offence committed by any officer or clerk employed on election duty, and 6 months imprisonment or fine, for others.

**AGAINST DENYING SOMEONE RIGHT TO VOTE:**

1	Non-granting of paid holiday to the employees entitled to vote on the date of the poll by the employer.	Sec 135B of the Representation of the People Act, 1951.	Non-Cognizable	Fine upto Rs. 500/-.
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**CHECKING THREAT/INDUCEMENT OF VOTERS:**

1	Whoever forces or intimidates a member of SC/ST not to vote or to vote a particular candidate or to vote in a manner other than that provided by law commits an offence.	Sec 3(1) (vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.	Cognizable	
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2	<p><b>Bribery.</b>—(1) Whoever—</p> <p>(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or</p> <p>(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery: Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.</p> <p>(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.</p> <p>(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.</p>	Sections 171B/171E of the Indian Penal Code.	Non-cognizable	1 year's imprisonment or fine or both
3	<p><b>Undue influence at election –</b></p> <p>(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.</p> <p>(2) Without prejudice to the generality of the provisions of sub-section(1), whoever-</p> <p>(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or</p>	Sections 171C/171F of the Indian Penal Code.	Non-cognizable	1 year's imprisonment or fine or both.

	<p>(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).</p> <p>(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.</p>			
4	<p><b>Personation at elections.</b>—Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election:</p> <p>Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.</p>	Sections. 171D/171F of the Indian Penal Code.	Cognizable	1 year's imprisonment or fine or both.
5	Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false in relation to the personal character or conduct of any candidate commits a crime.	Sec 171G of the Indian Penal Code.	Non-cognizable	Fine

6	<p>Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate. Provided that if any person having incurred any such</p>	Sec 171H of the Indian Penal Code.	Non-cognizable	Punishment with fine Which may extend to five hundred rupees.
	<p>expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.</p>			
7	<p><b>Statements creating or promoting enmity, hatred or ill-will between classes—</b> Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.</p>	Sec.505 (2) of the Indian Penal Code..	Cognizable	Imprisonment upto 5 years and fine.
8	<p>Filing of false affidavit, or concealing any information in the affidavit filed by the candidate.</p>	Section 125A of the Representation of the People Act, 1951.	Non-cognizable	Six months imprisonment or fine or both
9	<p>False declaration in connection with preparation, revision or correction of electoral roll, or inclusion or exclusion of any entry in or from the electoral roll.</p>	Section 31 of the Representation of the People Act, 1950.	Non-cognizable	1 year's imprisonment or fine or both

<b>AGAINST HARMING A PUBLIC SERVANT ON DUTY:</b>				
1	Whoever voluntarily causes simple or grievous hurt or assaults to deter a public servant from discharging his duty.	Section 332/333/353 of the Indian Penal Code	Cognizable	Imprisonment from 2 to 10 years and fine.
<b>CONCERNING PAMPHLETS/POSTERS//HANDBILLS/ PLACARDS:</b>				
1	Whoever prints or publishes any election pamphlets, poster, handbills or placards which does not bear on its face the name and the address of the printer and the publisher commits an offence.	Section 127A of the Representation of the People Act, 1951.	Non-cognizable	Six months imprisonment or fine upto Rs.2000/- or both
<b>CORRUPT PRACTICES:</b>				
1	<p><b>Bribery-</b></p> <p>(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate, or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing-</p> <p>(a) a person to stand or not to stand as, or (to withdraw or not to withdraw) from being a candidate at an election, or</p> <p>(b) an elector to vote or refrain from voting at an election, or as a reward to –</p> <p>(i) a person for having so stood or not stood, or for (having withdrawn or not having withdrawn) his candidature; or</p> <p>(ii) an elector for having voted or refrained from voting;</p> <p>(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward-</p> <p>(a) by a person for standing or not standing as, or for (withdrawing or not withdrawing) from being, a candidate; or</p> <p>(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate (to withdraw or not to withdraw) his candidature.</p>	Section 123(1) of the Representation of the People Act, 1951.		Corrupt practices can be agitated in an Election Petition before the High Court.

2	<p><b>Undue influence</b> – Any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person (with the consent of the candidate or his election agent), with the free exercise of any electoral right:</p> <p>(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who -</p> <p>(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication of expulsion from any caste or community; or</p> <p>(ii) induces or attempts to induce a candidate or</p> <p>an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;</p> <p>(b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.</p>	Section 123(2) of the Representation of the People Act, 1951.	Corrupt practices can be agitated in an Election Petition before the High Court
3	<p>The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:</p>	Section 123(3) of the Representation of the People Act, 1951.	Corrupt practices can be agitated in an Election Petition before the High Court.

4	The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.	Section 123(3A) of the Representation of the People Act, 1951.		
5	The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.	Section 123(3B) of the Representation of the People Act, 1951.		Corrupt practices can be agitated in an Election Petition before the High Court.
6	The publication by a candidate or his agent or by any other person 4[with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.	Section 123(4) of the Representation of the People Act, 1951.		
7	The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person 4[with the consent of a candidate or his election agent], 6[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:	Section 123(5) of the Representation of the People Act, 1951.		

8	The incurring or authorizing of expenditure in contravention of section 77.	Section 123(6) of the Representation of the People Act, 1951.	
9	<p>The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person [with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—</p> <p>(a) gazetted officers;</p> <p>(b) stipendiary judges and magistrates;</p> <p>(c) members of the armed forces of the Union;</p> <p>(d) members of the police forces;</p> <p>(e) excise officers;</p> <p>(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and</p> <p>(g) such other class of persons in the service of the Government as may be prescribed:</p>	Section 123(7) of the Representation of the People Act, 1951.	Corrupt practices can be agitated in an Election Petition before the High Court.
10	<p>Booth capturing by a candidate or his agent or other person.</p> <p>(1) In this section, the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.</p> <p>(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.</p>	Section 123(8) of the Representation of the People Act, 1951.	Corrupt practices can be agitated in an Election Petition before the High Court.

<p>(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—</p> <p>(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and</p> <p>(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.</p> <p>(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.] any such intent as aforesaid.</p>		
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**ANNEXURE - 10**

**(CHAPTER 4, PARA 4.11)**

**MODEL CODE OF CONDUCT FOR POLITICAL  
PARTIES AND CANDIDATES**

**I. GENERAL CONDUCT**

- (1) No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- (2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or on distortion shall be avoided.
- (3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, churches, Temples or other places of worship shall not be used as forum for election propaganda.
- (4) All parties and candidates, shall avoid scrupulously all activities which are "corrupt practices an offence under the election law, such as the bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- (5) The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6) No political party or candidate shall permit his followers to make use of any individual's land, building, compound wall etc. Without his permission for erecting flag- staffs, suspending banners, pasting notices, writing slogans etc.
- (7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by the other parties. Workers or sympathisers of one political party shall not create disturbance at public meetings organized by another political party by putting questions orally or in writing or by

distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are held by another party. Posters issued by one party shall not be removed by workers of another party.

**II. WELFARE SCHEMES AND GOVERNMENTAL WORKS:**

- (1) Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.
- (2) These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.
- (3) It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.
- (4) No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary-oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare scheme and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.

- (5) No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- (6) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- (7) Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other parties.

### **III. ON TRANSFERS AND POSTING OF OFFICIALS:**

The Commission directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- (1) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- (2) Divisional Commissioners;
- (3) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
- (4) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub- divisional level Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
- (5) Other officers drafted for election works like sector and zonal officers, Transport cell, EVM cell, Poll material procurement & distribution cell, Training cell, Printing Cell etc. Senior officers, who have a role in the management of election in the State, are also covered by this direction.

- (6) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission.
- (7) This ban shall be effective till the completion of the election process.
- (8) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Commission for prior clearance.
- (9) No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.

**IV. ON MISUSE OF OFFICIAL MACHINERY:**

- (1) Official vehicles cannot be used for electioneering work. 'Official Vehicles' include all vehicles belonging to the – Central Government, State Government, Public Undertakings of the Central and State Government, Joint Sector Undertakings of Central and State Government, Local Bodies, Municipal Corporations, Municipalities, Marketing Boards (by whatever name known), Cooperative Societies, Autonomous District Councils, or Any other body in which public funds, howsoever small a portion of the total, are invested, and also Vehicles belonging to the Ministry of Defence and the Central Police Organizations under the Ministry of Home Affairs and State Governments.
- (2) It is open for a minister of the Union or State to make private visits using his or her private vehicle(s). For such private visits, the official personal staff of the ministers shall not accompany them. However, if a Minister is traveling in some emergent situation, out of his HQ on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department to the Chief Secretary of the state where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. However, immediately preceding or during or in continuation of such an official tour, no minister can carry out or combine any election campaign or political activity. The Commission will keep watch on such arrangements in due consultation with its Chief Electoral Officer.
- (3) No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections commencing with the announcement of the elections. Only exception will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes

an official visit to a constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

- (4) Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.
- (5) Ministers, whether of the Union or State, shall not combine in any manner their official tours with election work.
- (6) Whether on a private or official visit, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This is applicable whether the vehicle is government owned or private owned.
- (7) Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.

**V. MEETINGS**

- (1) The party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
- (2) A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting, if such order exist, they shall be followed strictly. If any exception is required from such orders, it shall be applied for and obtained well in time.
- (3) If permission of licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or licence.
- (4) Organizers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create a disorder. Organizers themselves shall not take action against such persons.

**VI. PROCESSION**

- (1) A party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
- (2) The organizers shall give advance intimation to the local police authorities of the programmers so as to enable the latter to make necessary arrangement.
- (3) The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (4) The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- (6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.
- (7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying article which may be put to misuse by undesirable elements, especially in moments of excitement.
- (8) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

**VII. POLLING DAY**

All political parties and candidates shall-

- (i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- (ii) supply to their authorized worker's suitable badges or identity cards;
- (iii) agree that the identity slips supplied by them to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate or the name of the party;
- (iv) refrain from serving or distributing liquor on polling day and during the twenty-four hours proceeding it;
- (v) not allow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidate;
- (vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flag, symbols or any other propaganda material. No eatables shall be served or crowd allowed at the camps; and
- (vii) co-operate with authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

**VIII. POLLING BOOTH**

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booths.

**IX. OBSERVERS**

The Election Commission is appointing Observers. If the candidate or their agents have any specific complaint or problem regarding the conduct of the elections, they may bring the same to the notice of the Observer.

**X. PARTY IN POWER**

The party in power whether at Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-

- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
- (b) Government transport including official aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (iii) Rest houses, dak bungalows or other Government accommodation shall not be monopolized by party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;
- (iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.
- (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
- (vi) From the time the elections are announced by the Commission, Ministers and other authorities shall not-
  - (a) announce any financial grants in any form or promises thereof; or
  - (b) (except civil servants) lay-foundation stones etc., of projects or schemes of any kind; or
  - (c) make any promise of construction of roads, provision of drinking water facilities etc.; or
  - (d) make any ad-hoc appointments in Government, public undertakings etc., which may have the effect of influencing the voters in favor of the party in power.

Note: The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.
- (vii) Ministers of Central or State Govt. shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.

**XI. Election Manifestos**

The Supreme Court in its judgment dated 5<sup>th</sup> July 2013 in SLP(C) No. 21455 of 2008 (S. Subramaniam Balaji Vs Govt. of Tamil Nadu and others) has directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. The guiding principles which will lead to framing of such guidelines are quoted below from the judgment:

“Although, the law is obvious that the promises in the election manifesto cannot be construed as ‘corrupt practice’ under Section 123 of RP, Act the reality cannot be ruled out that distribution of freebies of any kind undoubtedly influence all people. It shakes the root of free and fair elections to a large degree”.

“The Election Commission, in order to ensure level playing field between the contesting parties and candidates in elections and also in order to see that the purity of the election process does not get vitiated, as in past been issuing instructions under the Model Code of Conduct. The fountainhead of the powers under which the Commission issues these orders is Article 324 of the Constitution which mandates the Commission to hold free and fair elections”

(iii) "We are mindful of the fact that generally political parties release their election manifesto before the announcement of election date, in that scenario, strictly speaking, the Election Commission will not have the authority to regulate any act which is done before the announcement of the date. Nevertheless, an exception can be made in this regard as the purpose of election manifesto is directly associated with the election process"

2. Upon receiving the above directions of the Hon'ble Supreme Court, the Election Commission held a meeting with the recognized National and State Political Parties for consultation with them in the matter and took note of their conflicting views in the matter.

During consultations, while some political parties supported the issuance of such guidelines, others were of the view that it is their right and duty towards voters to make such offers and promises in manifestos in a healthy democratic polity. While the Commission agrees in principle with the point of view that framing of manifestos is the right of the political parties, it cannot overlook the undesirable impact of some of the promises and offers on the conduct of free and fair elections and maintaining level playing field for all political parties and candidates.

3. The Constitution under Article 324 mandates the Election Commission, to conduct elections inter alia to the Parliament and the State

Legislatures. Having due regard to the above directions of the Supreme Court and after consultation with the Political Parties, the Commission, in the interest of free and fair elections. hereby directs that Political Parties and Candidates while releasing election manifestos for any election to the Parliament or State Legislatures, shall adhere to the following guidelines: -

- (i) The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.
- (ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.
- (i) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.

4. Prohibitory period of release of manifestos during elections

- (i) In case of single phase election, manifesto shall not be released during the prohibitory period, as prescribed under Section 126 of RP, Act, 1951.
- (ii) In case of multiphase elections, manifestos shall not be released during the prohibitory period, as prescribed under Section 126 of RP, Act, 1951 of all phases of those elections.

**ANNEXURE - 11**

**(CHAPTER 7, PARA 7.11)**

**ORDER FOR RESTRICTION ON THE PRINTING OF POSTERS ETC**

No. 3/9(ES008)/94-J.S. II Dated: 2nd September, 1994

Subject: RESTRICTIONS ON THE PRINTING OF PAMPHLETS POSTERS, ETC.

The printing and publication of election pamphlets, posters etc., is governed by the provisions of Section 127A of the Representation of People Act, 1951.

2. The above restrictions on the printing of election pamphlets, poster, etc, have been imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of any opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also sub- serve the purpose of placing a check on the incurring of unauthorised election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.
3. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc., are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above-mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127A (2). Many a time, the election pamphlets, posters, etc, do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A (1).
4. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in Rahim Khan Vs. Khurshed Ahmed and others (AIR 1975 SC 290):

“Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which take prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of

source, knowing that nothing will happen until long after the election, when in a sudden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation."

5. In order that in future there is strict observance of, and compliance with, the requirements of the above-mentioned provisions of law on the subject, the Commission, in exercise of its power under Article 324 of the Constitution and all other powers enabling it in this behalf, and in supersession of all its previous instructions on the subject, hereby directs as follows: -
- (1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.
    - (a) pointing out to them the requirements of abovementioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters or such other material printed by them;
    - (b) asking the printing presses to send the copies of the printed material (along with three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing;
    - (c) Impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws of the State, would be taken.
  - (2) The Chief Electoral Officer shall do likewise in respect of the printing presses located at the State capitals.
  - (3) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in **Annexure-A** hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.
  - (4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Along with such printed material and the

declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the Commission in **Annexure-B** hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

- (5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.
  - (6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-para (5) above in respect of the pamphlets, posters, etc., received by them.
  - (7) The Chief Electoral Officers and the District Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters etc. in violation of the above-mentioned provisions of said Section 127A and/or the Commission's above directions either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.
6. The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.
  7. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

By order of Secretary to the Election Commission of India

**ANNEXURE-A**

**(CHAPTER 7, PARA 7.11)**

**PROFORMA FOR DECLARATION TO BE SUBMITTED BY THE PUBLISHER OF ELECTION POSTERS, PAMPHLETS, ETC.**

[See Section 127-A of the Representation of the People Act, 1951]

I.....son/daughter/wife of ..... resident of..... (village/town)..... district..... State, hereby declare that I am the publisher of ..... (give brief particulars of election posters, pamphlets etc) being printed by ..... (name of printing press)

Place .....

Date .....

(Signature of Publisher)

Full address .....

Attested by (person personally known to publisher)

- 1. Signature, name and address
- 2. Signature, name and address

Countersigned by  
Signature, name and address of publisher

**ANNEXURE-B**

**[SEE CHAPTER VII, PARA 11.2 (b)]**

**PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF ELECTION POSTER, PAMPHLETS, ETC.**

- 1. Name and address of printer .....
- 2. Name and address of publisher.....
- 3. Date of the printing order of the publisher .....
- 4. Date of the declaration of the publisher .....
- 5. Brief particulars of election poster, pamphlet, etc .....
- 6. Number of copies of the above document printed .....
- 7. Date of printing .....

8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document .....

Place .....

Date .....

(Signature of Printer)

Seal of the Print

ANNEXURE - 12

(CHAPTER 13, PARA 13.46)

FORM 17C

[See rules 49S and 56C (2)]

PART I – ACCOUNT OF VOTES RECORDED

Election to House of the People/Legislative Assembly of the State/Union Territory
..... from..... constituency.

Number and Name of Polling Station:.....

Identification Number of voting Machine used at the Polling Station:

Control Unit.....

Balloting Unit.....

VVPAT .....

- 1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17A)
3. Number of voters deciding not to record votes under rule 49-O
4. Number of voters not allowed to vote under rule 49M
5. Test votes recorded under rule 49MA (d) required to be deducted-

(a) total number of test votes to be deducted:

Table with 2 columns: Total No., Sl. No.(s) of elector(s) in Form 17A

(b) Candidate(s) for whom test vote(s) cast:

Table with 3 columns: Sl. No., Name of candidate, No. of votes

- 6. Total number of votes recorded as per voting machine.....
7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4(i.e. 2-3-4) or any discrepancy noticed.....
8. Number of voters to whom tendered Ballot papers were issued under rule 49P.....
9. Number of tendered Ballot papers:

**HANDBOOK FOR CANDIDATE**

Sl. No.

Total            From            To

- (a) received for use.....
- (b) issued to electors.....
- (c) not used and returned.....
10. Account of papers seals

Signature of polling agents

1. Paper seals supplied for use: Total No..... 1.....  
Sl.No. from..... To .....
2. Paper seals used: Total No..... 2.....  
Sl.No. from..... To .....
3. Unused paper seals returned to  
Returning Officer: Total No..... 3.....  
Sl.No. from..... To .....
4. Damaged paper seal, if any: Total No.....  
4.....  
Sl.No. from..... To .....
- 5.....  
6.....

Date.....

Place.....

Signature of Presiding Officer

Polling Station No.....

**PART II- RESULT OF COUNTING**

Sl. No. of candidate	Name of candidate	Number of votes as displayed on Control Unit	Number of test votes to be deducted as per item 5 of Part I	Number of valid votes. <b>(3-4)</b>
1	2	3	4	5
1.				

**HANDBOOK FOR CANDIDATE**

2.				
3.				
4.				
5.				
N.	NOTA			
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

---

Place.....

Date.....

Signature of Counting Supervisor

Name of candidate/election agent/counting agent

Full signature

- 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.
- 

Place.....

Date.....

Signature of Returning Officer

**ANNEXURE - 13**  
**(CHAPTER 13, PARA 13.10)**  
**FORM 10**

[See rule 13(2)]

**\*APPOINTMENT OF POLLING AGENT**

Election to the \*\*.....

I, .....a candidate/the election agent of who is a candidate at the above election do hereby appoint .....of .....who is a candidate at the above election do hereby appoint .....(Name and address) .....as a polling agent to attend polling station No at/place fixed for the poll.....at.....

Place: .....

Date: .....

I agree to act as such polling agent. Place: .....

Date: .....

Signature of candidate/ election agent

Signature of polling agent.

Declaration of Polling Agent to be signed before Presiding Officer I hereby declare that at the above election. I will not do anything forbidden by section 128 of the Representation of the People Act, 1951, which I have read/has been read over to me. Date: .....

Signed before me. Date: .....

Signature of Polling Agent

Presiding Officer

\*To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

\*\*Here insert one of the following alternatives as may be appropriate: (1) House of the People from the constituency.

- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the members of the electoral college of (Union territory)
- (5) Legislative Council by the members of the Assembly.
- (6) Legislative Council from the constituency.

†Strike off the inappropriate alternative.

#Section 128 of the Representation of the People Act, 1951:

128. Maintenance of secrecy of voting. -(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**ANNEXURE - 14**  
**(CHAPTER 13, PARA 13.10)**

**FORM 11**  
[See rule 14(1)]

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to the\* .....

To

The Presiding Officer,

I, .....(the election agent of) a candidate at the above election, hereby revoke the appointment of my/his polling agent.

Place:.....

Date: .....

Signature of person revoking

\*Here insert one of the following alternatives as may be appropriate: -

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the members of the electoral college of (Union territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

N.B.–Omit the words marked ( ) as necessary.

**ANNEXURE - 15**

**(CHAPTER 13, PARA 13.10)**

**FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND  
THEIR ELECTION AGENTS**

\*General/Biennial/Bye-election. (Month/Year)

No. & Name of \*Assembly

Lok Sabha Constituency .....

(\*Delete whatever is not applicable)

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll:

<b>Name of the Contesting candidate</b>	<b>Specimen Signature</b>	<b>Name of his/her election agent</b>	<b>Specimen Signature</b>
1. Shri/Smt./Ms		Shri/Smt./Ms	
2. Shri/Smt./Ms		Shri/Smt./Ms	
3. Shri/Smt./Ms		Shri/Smt./Ms	
4. Shri/Smt./Ms		Shri/Smt./Ms	

Place: .....

Date: .....

SIGNATURE

(SEAL)

RETURNING OFFICER

**ANNEXURE - 16**  
**(CHAPTER 13, PARA 13.26)**  
**DECLARATION BY THE PRESIDING OFFICER**  
**PART-I**

**Declaration by the Presiding Officer before the commencement of the poll**

Election from..... Parliamentary/  
Assembly Constituency Serial No. and name of Polling Station .....  
.....Date of Poll .....

**I hereby declare:**

- (1) that I have demonstrated to the polling agents and other persons present –
  - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein; After mock poll we have cleared the mock poll data from EVM (CU), and removed the print paper slips from VVPAT drop box.
  - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
  - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special address tag, and I have affixed my signature on the back side of the special address tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the modified new green paper seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special address tag and asked the candidates/polling agents present, to note down the serial number.

Signature of Presiding Officer.....

Signature of polling agents:

- 1.....(of candidate.....)                      2.....(of candidate.....)
- 3.....(of candidate.....)                      4. .... (of candidate.....)
- 5.....(of candidate.....)                      6. .... (of candidate.....)
- 7.....(of candidate ..... )                    8. .... (of candidate.....)
- 9.....(of candidate.....)

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- 1.....(of candidate ..... )                    2.....(of candidate.....)
- 3.....(of candidate.....)                    4.....(of candidate.....)

Signature.....

Presiding Officer

Date.....

**PART II**

**DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT VOTING MACHINE, IF ANY,**

Election .....Parliamentary/Assembly Constituency

Serial No. and Name of Polling Station.....

Date of poll.....

**I hereby declare:**

**That due to ..... (please mention the type of error) of BU/CU replacement of the whole EVM including BU/CU/VVPAT has been done.**

- (1) that I have demonstrated to the polling agents and other persons present –
  - (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
  - b) that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and election duty certificates;
  - (c) that the Register of Voters (Form 17A) to be used during the poll does not contain any entry in respect of any elector;

**HANDBOOK FOR CANDIDATE**

- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special address tag, and I have affixed my signature on the backside of the special address tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (4) that I have affixed my signature on the modified new green paper seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.
- (5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....

Presiding Officer

Signature of polling agents:

- 1.....(of candidate.....) 2.....(of candidate.....)
- 3.....(of candidate.....) 4. .... (of candidate.....)
- 5.....(of candidate.....) 6. .... (of candidate.....)
- 7.....(of candidate .....) 8. .... (of candidate.....)
- 9.....(of candidate.....)

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- 1.....(of candidate .....) 2.....(of candidate.....)
- 3.....(of candidate.....) 4.....(of candidate.....)

Signature.....

Presiding Officer

Date.....

PART III

DECLARATION AT THE END OF POLL

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in 'Part-I- Account of Votes Recorded' of Form 17C as required under rule 49-S (2) of the Conduct of Elections Rules, 1961.

Signature.....

Presiding Officer

Date.....

Time.....

Received an attested copy of the entries in the accounts of votes recorded (Part I of Form 17C)

Signature of polling agents :

- 1. .... (of candidate.....) 2.....(of candidate.....)
3.....(of candidate.....) 4.....(of candidate.....)
5.....(of candidate.....) 6..... (of candidate .....)
7. .... (of candidate.....) 8.....(of candidate.....)
9..... (of candidate.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 17C and to give a receipt therefor and so an attested copy of that Form was not supplied to them.

- 1.....(of candidate.....) 2.....(of candidate .....)
3.....(of candidate .....) 4..... (of candidate.....)
5.....(of candidate .....) 6.....(of candidate.....)
7.....(of candidate .....) 8.....(of candidate .....)
9.....(of candidate.....)

Signature.....

Presiding Officer

Date.....

Time.....

**PART IV**

**DECLARATION AFTER THE SEALING OF THE VOTING MACHINE**

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the Control Unit and balloting units of the voting machine.

.....  
Signature of Presiding Officer

Date.....

Time.....

The following polling agents have affixed their seals.

Signature of polling agents:

1..... (of candidate.....) 4.....(of candidate.....)

2..... (of candidate.....) 5.....(of candidate.....)

3.....(of candidate.....) 6.....(of candidate.....)

The following polling agents refused or did not want to affix their seals.

1.....(of candidate.....) 3.....(of candidate.....)

2..... (of candidate .....) 4.....(of candidate.....)

Signature.....

Presiding Officer

Date.....

**ANNEXURE - 17**  
**(CHAPTER 13, PARA 13.12)**  
**PRESIDING OFFICER'S REPORT**

**PART-I: MOCK POLL CERTIFICATE**

**Name of election:** ..... (to be pre-printed)

**No. and Name of AC/AS:** ..... (to be pre-printed)

**No. and Name of PC:** ..... (to be pre-printed)

**Polling Station No:** ..... .

(a) Conduct of mock poll and verification of mock poll data

S. No.	Name of Candidate (Name of Candidates including NOTA to be pre-printed)	Number of votes cast during the mock poll	Number of votes displayed in CU on checking the result	Number of VVPAT printed Paper slips against Candidates	Result displayed in CU & Printed Paper Slips count tallied with each other (Yes/No)	Signature of Polling agents with party abbreviation / Independent
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
	NOTA					
	<b>TOTAL</b>					

(b) 'CLEAR' button on the Control Unit has been pressed to clear mock poll data (Yes/No). If yes, then write the above sentence in ink.

.....  
 .....

(c) All paper slips taken out from VVPAT after mock poll (Yes/No)

(d) Empty VVPA T shown to all polling agents (Yes/No)

- (e) Before actual poll ensure that no printed paper slip is in VVPAT Drop Box and shown to polling agents (Yes/No)
- (f) 'TOTAL' button on the Control Unit has been pressed to show total vote ' O' to polling agent (Yes/No)
- (g) Mock poll VVPAT slips stamped with 'MOCK POLL SLIP' and sealed in black envelope/biodegradable opaque plastic pouch and then sealed in plastic box with Pink Paper Slip (Yes/No)
- (h) Following witness Mock Poll and certify that mock votes tallied and that the mock votes erased from CU after mock poll:

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

- (i) Time display on the Control Unit is ..... minutes more/less than Indian standard Time (IST), if any.
- (j) Signature of Micro-Observer (if posted at the polling station)

**Name and/ signature of the Presiding Officer**

(I) It is, hereby, certify that before commencement of actual poll, ' TOTAL' button of the Control Unit has been pressed in the presence of all polling officials to ensure that '**Total Vote is O**'. Tick the appropriate observation:

(i) Control Unit shows total vote 'o'

OR

(i) Control Unit shows total vote more than 'O' (means mock poll votes not cleared), hence, clear the mock poll data.

**(Signature of Presiding Officer)**

**HANDBOOK FOR CANDIDATE**

Following witness the above process and certify that mock votes erased from the Control Unit and mock poll VVPAT slips removed from the VVPAT before start of actual poll:

S. No.	Name of Polling officer	Signature

**ANNEXURE - 18**

**(CHAPTER 14, PARA 14.5)**

**NOTICE TO CANDIDATES OR THEIR ELECTION AGENTS REGARDING THE  
DATE, TIME AND PLACE OF COUNTING**

Election to Lok Sabha .....

Legislative Assembly ..... Constituency

(When Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in accordance with the said rule, fixed the.....day of (month).....20.....a.m./p.m. as the date and time for the counting of votes in the

Constituency and ..... (Place) in as the place for such counting.

Place .....

Date .....

Signature of Returning Officer

To,

All candidates or their election agents

**ANNEXURE - 19**

**(CHAPTER 14, PARA 14.5)**

**NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE  
DATE, TIME AND PLACE OF COUNTING**

Election to Lok Sabha ..... Legislative Assembly Constituency

(When Counting takes place at more than one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below:

<b>Name of the Assembly Constituency</b>	<b>Date and Time</b>	<b>Place of Counting</b>

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....  
.....(Place) on.....(date) ..... at (time).

Place .....

Date .....

Signature of Returning Officer

To

All candidates or their election agents

ANNEXURE - 20

(CHAPTER 14, PARA 14.10)

FORM 18 - APPOINTMENT OF COUNTING AGENT

Election to the .....from the constituency.

To

The Returning Officer,

I, .....\*a candidate/the election agent of who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at .....

Name of the counting agent Address of the counting agent

- 1.
2.
3.
etc.

We agree to act as such counting agents Signature of \*Candidate/Election agent 1.

- 2.
3.
etc.

Place .....

Date .....

Signature of counting agents

DECLARATION OF COUNTING AGENTS

(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by section 128\*\* of the Representation of the People Act, 1951, which \*we have read/ has been read over to us.

- 1.
2.
3.
Etc

Place .....

Signed before me

Signature of counting agents

\*Strike off the inappropriate alternative.

\*\*Section 128 of the Representation of the People Act, 1951:

128. Maintenance of secrecy of voting.

Returning Officer

- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording of counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not except for some purpose authorised by or under any law communicate to any person any information calculated to violate such secrecy.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**ANNEXURE - 21**  
**(CHAPTER 14, PARA 14.11)**

**FORM 19 - REVOCATION OF APPOINTMENT OF COUNTING AGENT**

Election to the \* .....

To

The Returning Officer,

I .....the election agent of .....a candidate at the above election hereby revoke the appointment of..... my/his counting agent.

Place .....

Date .....

Signature of person revoking

\*Here insert one of the following alternatives as may be appropriate: ]

- (1) House of the People from the.....Constituency.
- (2) Legislative Assembly from the.....Constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the elected members of the electoral college of .....  
.....  
(Union Territory).
- (5) Legislative Council by the members of the Legislative Assembly.....
- (6) Legislative Council from the.....constituency.

N.B: Omit the words ( ) as necessary.

**ANNEXURE - 22**

**(CHAPTER 16, PARA 16.1)**

**A. REPRESENTATION OF THE PEOPLE ACT, 1951**

**76. APPLICATION OF CHAPTER**

This chapter shall apply only to election to the House of the People and to the Legislative Assembly of a State.

**77. ACCOUNTS OF ELECTIONS EXPENSES AND MAXIMUM THEREOF**

- (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Explanation 1 – For the removal of doubts, it is hereby declared that –

- (a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party or his election agent for the purposes of this sub-section;
- (b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2 – For the purpose of clause (a) of Explanation 1, the expression “leaders of a political party”, in respect of any election, means, -

- (i) where such political party is a recognized political party, such persons not exceeding forty in number, and
- (ii) where such political party is other than a recognized political party, such persons not exceeding twenty in number, whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such

election published in the Gazette of India or Official Gazette of the State, as the case may be, under the Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the election Commission and the Chief Electoral Officer of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for 430 such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

- (2) The account shall contain such particulars, as may be prescribed.
- (3) The total of the said expenditure shall not exceed such amount as may be prescribed.

**78. LODGING OF ACCOUNT WITH THE DISTRICT ELECTION OFFICER**

- (1) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agents under section 77.

**10A. Disqualification for failure to lodge account of election expenses.** - if the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and
- (b) has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

**123. Corrupt practices.** -The following shall be deemed to be corrupt practices for the purposes of this Act:

- [(1) "Bribery", that is to say-
  - (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—
    - (a) a person to stand or not to stand as, or 4[to withdraw or not to withdraw] from being a candidate at an election, or

- (b) an elector to vote or refrain from voting at an election, or as a reward to—
  - (i) a person for having so stood or not stood, or for 5[having withdrawn or not having withdrawn] his candidature; or
  - (ii) an elector for having voted or refrained from voting;
- (B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—
  - (a) by a person for standing or not standing as, or for 6[withdrawing or not withdrawing] from being, a candidate; or
  - (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate 4[to withdraw or not to withdraw] his candidature.

*Explanation.* —For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

- (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person 7[with the consent of the candidate or his election agent], with the free exercise of any electoral right:

Provided that –

- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—
  - (i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
  - (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
- (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(6) The incurring or authorizing of expenditure in contravention of section 77.

**127A. Restrictions on the printing of pamphlets, posters etc.-**

- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.
- (2) No person shall print or cause to be printed any election pamphlet or poster-
  - (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
  - (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,
    - (i) where it is printed in the capital of the State, to the Chief Electoral Officer; and
    - (ii) in any other case, to the district magistrate of the district in which it is printed.
- (3) For the purposes of this section, -
  - (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly; and
  - (b) “election pamphlet or poster” means any printed pamphlet, handbill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
- (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.

**B. Indian Penal Code 1860**

**171B. Bribery: - (1) Whoever-**

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this Section.

- (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.
- (3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

**171E. Punishment for bribery-** Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Provided that bribery by treating shall be punished with fine only.

Explanation – “Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

**171F. Punishment for undue influence or personation at an election;** - Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**171H. Illegal payments, in connection with an election** - Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

**171I. Failure to keep election accounts.** - Whoever being recruited by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

**C. The Conduct of Elections Rules, 1961**

**86. Particulars of account of election expenses.-** (1) The account of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day to day, namely:-

- (a) the date on which the expenditure was incurred or authorized;
  - (b) the nature of expenditure (as for example, traveling, postage or printing and the like);
  - (c) the amount of expenditure-
    - (i) the amount paid;
    - (ii) the amount outstanding;
  - (d) the date of payment;
  - (e) the name and address of the payee;
  - (f) the serial number of vouchers, in case of amount paid;
  - (g) the serial number of bills, if any, in case of amount outstanding;
  - (h) the name and address of the person to who the amount outstanding is payable.
- (2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.
- (3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).
- (4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

**87. Notice by [district election officer] for inspection of accounts. -** The [district election officer] shall, within two days from the date on which the account of election expenses has been lodged by a candidate under section 78, cause a notice to be affixed to his notice board, specifying-

- (a) the date on which the account has been lodged;
- (b) the name of the candidate; and
- (c) the time and place at which such account can be inspected.

**88. Inspection of account and the obtaining of copies thereof.** - Any person shall on payment of a fee of one rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.

**89. Report by the [District Election Officer] as to the lodging of the account of election expenses and the decision of the Election Commission thereon.**

- (1) As soon as may be after the expiration of the time specified in section 78 for the lodging of accounts of election expenses at any election, the [district election officer] shall report to the Commission-
  - (a) the name of each contesting candidate;
  - (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
  - (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.
- (2) Where the District Election Officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Act and these rules, he shall with every such report forward to the Election Commission the account of election expenses of that candidate and the vouchers lodged along with it.
- (3) Immediately after the submission of the report referred to in sub-rule (1) the [district election officer] shall publish a copy thereof affixing the same to his notice board.
- (4) As soon as may be after the receipt of the report referred to in sub-rule (1) , the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.
- (5) Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by the Act and these rules it shall by notice in writing call upon the candidate to show cause why he should not be disqualified under section 10A for the failure.
- (6) Any contesting candidate who has been called upon to show cause under sub- rule (5) may within 20 days of the receipt of such notice submit in respect of the matter a representation in writing to the Election Commission, and shall at the same time send to the District Election Officer a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.
- (7) The District Election Officer shall, within 5 days of the receipt thereof, forward to the Election Commission the copy of the representation and the account (if any) with such comments as he wishes to make thereon.

- (8) If, after considering the representation submitted by the candidate and the comments made by the District Election Officer and after such inquiry as it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified under section 10A for a period of three years from the date of the order, and cause the order to be published in the Official Gazette.

**90. Maximum election expenses.** - The total of the expenditure of which account is to be kept under Section 77 of the R. P. Act, 1951 and which is incurred or authorized in connection with an election in a State or Union Territory mentioned on column

1 of the Table below shall not exceed-

- (a) in any one parliamentary constituency of that State or Union Territory, the amount specified in the corresponding column 2 of the said Table; and
- (b) in any one assembly constituency, if any, of the State or Union Territory, the amount specified in the corresponding column 3 of the said Table-

**TABLE**

Sl. No	Name of State or Union Territory	Maximum limit (in Rs.) of election expenses in any one	
		Parliamentary Constituency	Assembly Constituency
	1	2	3
<b>I. State</b>			
1	Andhra Pradesh	95,00,000	40,00,000
2	Arunachal Pradesh	75,00,000	28,00,000
3	Assam	95,00,000	40,00,000
4	Bihar	95,00,000	40,00,000
5	Chhattisgarh	95,00,000	40,00,000
6	Goa	75,00,000	28,00,000
7	Gujarat	95,00,000	40,00,000
8	Haryana	95,00,000	40,00,000
9	Himachal Pradesh	95,00,000	40,00,000
10	Jharkhand	95,00,000	40,00,000
11	Karnataka	95,00,000	40,00,000
12	Kerala	95,00,000	40,00,000
13	Madhya Pradesh	95,00,000	40,00,000
14	Maharashtra	95,00,000	40,00,000
15	Manipur	95,00,000	28,00,000
16	Meghalaya	95,00,000	28,00,000
17	Mizoram	95,00,000	28,00,000

**HANDBOOK FOR CANDIDATE**

18	Nagaland	95,00,000	28,00,000
19	Odisha	95,00,000	40,00,000
20	Punjab	95,00,000	40,00,000
21	Rajasthan	95,00,000	40,00,000
22	Sikkim	75,00,000	28,00,000
23	Tamil Nadu	95,00,000	40,00,000
24	Telangana	95,00,000	40,00,000
25	Tripura	95,00,000	28,00,000
26	Uttar Pradesh	95,00,000	40,00,000
27	Uttarakhand	95,00,000	40,00,000
28	West Bengal	95,00,000	40,00,000

**II. UNION TERRITORIES**

1	Andaman and Nicobar Island	75,00,000	-
2	Chandigarh	75,00,000	-
3	Dadra and Nagar Haveli and Daman and Diu	75,00,000	-
4	Delhi	95,00,000	40,00,000
5	Lakshadweep	75,00,000	-
6	Puducherry	75,00,000	28,00,000
7	Jammu and Kashmir	95,00,000	40,00,000
8	Ladakh	75,00,000	-

**(M/o Law and Justice, Legislative Department's Notification S. O. 72(E) dated 6<sup>th</sup> January, 2022, amending Rule 90 of the Conduct of Elections Rules, 1961)**

**Format for appointing additional agent on expenditure matters:**

(For the general/bye election, ..... (mention the year)

1. Name of the State:-
2. Name of the Constituency: -
3. Name and Address of the Candidate: -
4. Party Affiliation, if any: -
5. Name of the Additional Agent: -
6. Full Postal Address of the Additional Agent: -
7. Contact Telephone Number: -

I ..... (mention the name of the candidate) do hereby appoint Shri/Smt./Ms....., as my additional agent for the above election. I hereby declare that he/she is not disqualified under the law for being chosen as, and for being, a member of Parliament or State Legislature and that the said person is not a Minister/MP/MLA/MLC/Corporation Mayor/Chairman of Municipality/Zila Parishad and is not a person to whom security cover has been provided by the State.

Place: Signature of the Candidate

Date:

**ANNEXURE - 23**

**(CHAPTER 17, PARA 17.6)**

**APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951**

**(BY A CANDIDATE)**

From Name.....

Address.....

To

The Returning Officer.....Parliamentary/Assembly  
Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951 Sir,

I was a candidate for election to the.....from the  
.....Constituency.

2. I made a deposit of Rs.....for that election in  
the.....Treasury under receipt No.....on  
.....

3. My nomination paper was.....\*accepted / rejected by the Returning  
Officer.

4. I \*withdrew/ did not withdraw my candidature in time.

5. I \*was / was not elected and \*secured / did not secure more than one-sixth  
of the total number of valid votes polled in the election.

1.A I did not stand as a candidate at the General Election from any other  
constituency.

1.B (a) I stood as a candidate at the General Election also from the- (i) H . P . /  
L.A. Constituency

(ii) H.P./L.A. Constituency

(iii) H.P./L.A. Constituency

(b) I have not applied for the return of my deposit in any of these other  
constituencies. The deposits made in these other constituencies may be  
forfeited.

**HANDBOOK FOR CANDIDATE**

7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my knowledge.

Place .....

Date .....

\* Strike off the words not applicable in your case. Omit the portions within [ ] as necessary.

Yours faithfully  
(Signature of Candidate)

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

(BY THE DEPOSITOR WHEN HE IS NOT THE CANDIDATE)

From,

Name.....

Address.....

To

The Returning Officer..... Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951. Sir,

I ..... (name of the candidate) was a candidate for election to ..... from the..... Constituency.

On behalf of the said candidate, I made a deposit of Rs..... for that election in the .....Treasury under receipt No..... on.....

1. His nomination paper was \*accepted / rejected / by the Returning Officer.
2. He \*withdrew / did not withdraw \*his candidature in time.
3. He ..... \*was /\*was not elected and \*secured /did not secure more than one-sixth of the total number of valid votes polled in the election.
4. He did not stand as a candidate at the General Election from any other constituency. OR
6. (a) He stood as a candidate at the General Election also from the– (i) H.P./L.A. Constituency  
(ii) H.P./L.A. Constituency  
(iii) H.P./L.A. Constituency  
(b) No application has been made for the return of the deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that I have verified all the statements made in this application, and they are true to my knowledge.

Yours faithfully,

Place .....

**HANDBOOK FOR CANDIDATE**

Date ..... (Signature of Applicant)

I.....the above mentioned candidate at the election to  
the.....from the.....Constituency hereby certify  
that the statements contained  
in paragraphs 2 to 6 of this application are true to my knowledge.

Yours faithfully,

Place .....

Date ..... (Signature of Candidate)

\*Strike off the words not applicable in your case. Omit the portions within [ ], as  
necessary.

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER SECTION 34 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

(BY THE LEGAL REPRESENTATIVE OF THE CANDIDATE)

From,

Name .....

Address.....

To

The Returning Officer..... Constituency

Subject: Return of deposit under section 158 of the Representation of the People Act, 1951. Sir,

The late Shri ..... was a candidate for election to the .....  
.....

from the ..... Constituency. He died on the and

I am his legal representative.

2. He made a deposit of Rs.....for that election in the Treasury under receipt No..... on .....
3. His nomination paper was ..... \*accepted/ rejected. by Returning Officer.
4. He \*withdrew / did not withdraw his candidature in time.
5. He \*was/ was not elected and \*secured /did not secure more than one-sixth of the total number of valid votes polled in the election.
6. He did not stand as a candidate at the General Election from any other constituency. OR
6. (a) He stood as a candidate at the General Election also from the- (i) H.P./L.A. Constituency  
(ii) H.P./L.A. Constituency  
(iii) H.P./L.A. Constituency  
(b) No application has been made for the return of the deposits made in connection with the elections in these other constituencies. The deposits made in these other constituencies may be forfeited.]
7. I request that the deposit referred to in paragraph 2 may be returned to me.
8. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully,

Place .....

Date ..... (Signature of Applicant)

\* Strike off the words not applicable in your case Omit the portions within [ ] as necessary.

**ANNEXURE - 24**

**(CHAPTER 9, PARA 9.2)**

**EXTRACT FROM CONDUCT OF ELECTION RULES, 1961**

**Postal ballot**

17. Definitions. In this Part, -

- (a) "service voter" means any person specified in clause (a) or clause (b) of section 60, but does not include "classified service voter" defined in rule 27M;
- (b) "special voter" means any person holding an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (43 of 1950) are declared to apply or the wife of such person, if he or she has been registered as an elector by virtue of a statement made under sub-section (5) of the said section;
- (c) "voter on election duty" means any polling agent, any polling officer, presiding officer or other public servant, who is an elector in the constituency and is by reason of his being on election duty unable to vote as the polling station where he is entitled to vote.

18. Persons entitled to vote by post.

The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely: -

- (a) at an election in a parliamentary or assembly constituency -
  - i) special voters;
  - ii) service voters;
  - iii) voters on election duty; and
  - iv) electors subjected to preventive detention;
- (b) at an election in a council constituency -
  - (i) voters on election duty;
  - (ii) electors subjected to preventive detention; and
  - (iii) electors in the whole or any specified parts, of the constituency if directed by the Election Commission in this behalf under clause (b) of rule 68;

- (c) at an election by an assembly member -
  - (i) electors subjected to preventive detention; and
  - (ii) all electors if directed by the Election Commission in this behalf under clause (a) of rule 68.
- 19. Intimation by special voters –

A special voter who wishes to vote by post at an election shall send an intimation in Form 12 to the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer shall issue a postal ballot paper to him.
- 20. Intimation by voters on election duty –
  - (1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.
  - (2) Where such voter, being a polling officer, presiding officer or other public servant on election duty in the constituency of which he is an elector, wishes to vote in person at an election (in a parliamentary or assembly constituency) and not by post, he shall send an application in Form 12A to the returning officer so as to reach him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the returning officer is satisfied that the applicant is such public servant and voter on election duty in the constituency, he shall -
    - (a) issue to the applicant an election duty certificate in Form 12B,
    - (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
    - (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.
- 21. Electors under preventive detention. –
  - (1) The appropriate Government shall, within fifteen days of the calling of an election, ascertain and intimate to the returning officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

- (2) Any elector subjected to preventive detention may, within fifteen days of the calling of an election, send an intimation to the returning officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.
  - (3) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).
22. Form of ballot paper. -
- (1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.
  - (2) The names of the candidates shall be arranged on the postal ballot paper in the order in which they appear in the list of contesting candidates.
  - (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
23. Issue of ballot paper. -
- (1) A postal ballot paper shall be sent by post under certificate of posting to the elector together with -
    - (a) a declaration in Form 13A;
    - (b) a cover in Form 13B;
    - (c) a large cover addressed to the returning officer in Form 13C; and
    - (d) instructions for the guidance of the elector in Form 13D:

Provided that the returning officer may, in the case of a special voter or a voter on election duty, deliver the ballot paper and Forms, or cause them to be delivered, to such voter personally:

Provided further that the postal ballot paper may be transmitted by the Returning Officer by such electronic means as may be specified by the Election Commission for the persons specified in sub-clause (ii) of clause (a) of rule 18;

- (1A) Where a postal ballot paper is transmitted electronically, the provisions of this rule and rules 22, 24 and 27 shall, *mutatis mutandis*, apply;
- (2) The returning officer shall at the same time -
  - (a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the

electoral roll;

- (b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and
  - (c) ensure that that elector is not allowed to vote at a polling station.
- (3) Before any ballot paper is issued to an elector at an election in a local authorities' constituency or by assembly members, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.
- (4) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.
- (5) After ballot papers have been issued to all the electors entitled to vote by post, the returning officer shall -
- (a) at an election in a parliamentary or assembly constituency, subject to the provisions of rule 27P, seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant parts of the marked copy to the several presiding officers or marking the names of electors to whom ballot papers are issued at the polling stations without however recording therein the serial numbers of the ballot papers issued to the electors; and
  - (b) at any other election, seal up in a packet the marked copy of the electoral roll and record on the packet a brief description of its contents and the date on which it was sealed.
- (6) The returning officer shall also seal up in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

24. Recording of Vote -

- (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 13D and then enclose it in the cover in Form 13B.
- (2) The elector shall sign the declaration in Form 13A in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is

personally known or to whose satisfaction he has been identified –

- (a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;
- (b) in the case of a special voter, an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case of a voter on election duty, any gazetted officer or the presiding officer of the polling station at which he is on election duty;
- (d) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and
- (e) in any other case, such officer as may be notified in this behalf by the Election Commission.

25. Assistance to illiterate or infirm voters -

- (1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 24 and request the officer to record his vote and sign his declaration on his behalf.
- (2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13A.

26. Re-issue of ballot paper -

- (1) When a postal ballot paper and other papers sent under rule 23 are for any reason returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.
- (2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 23 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoiled papers and satisfied the returning officer of the inadvertence.

- (3) The returning officer shall cancel the spoiled papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.
27. Return of ballot paper -
- (1) After an elector has recorded his vote and made his declaration under rule 24 or rule 25, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Part II of Form 13D so as to reach the returning officer before the hour fixed for the commencement of counting of votes.
  - (2) If any cover containing a postal ballot paper is received by the returning officer after the expiry of the time fixed in sub- rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.
  - (3) The returning officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

**ANNEXURE - 25**  
**(CHAPTER 16, PARA 16.2)**

Office of the Returning Officer/DEO.....

No. .... Dated: .....

To .....

(Name & Address of Candidate)

**Subject: Maintenance of account of election expenses and lodging of true copy thereof by the contesting candidate-Expenditure Register-Regarding**

Sir/Madam,

Your attention is invited to Section 77 of the Representation of the People Act, 1951 which stipulates that every candidate at an election shall, either by himself/herself or by his/her election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he/she has been nominated and the date of declaration of the result thereof, both the dates inclusive.

2. Your attention is also invited to Section 78 of the said Act which further stipulates that every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer, an account of the election expenses which shall be a true copy of the account kept by him/her or by his/her election agent under Section 77 of R.P Act 1951.
3. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit, etc., he/she is required by law to lodge his/her account of election expenses.
4. The amount of election expenses to be kept by a candidate or his/her election agent under section 77 of the Representation of the People Act, 1951 shall contain the particulars of expenditure, incurred / authorized from day to day, as prescribed under rule 86 of the Conduct of Election Rules, 1961.
5. An Expenditure Register having Day to Day account Register, Cash Register, Bank Register, Form of Affidavit, Abstract Statement (Part I to IV) and acknowledgement form is being furnished to you herewith. You are requested to maintain your day-to-day account of election expenses in this very Register and in no other document. All supporting voucher, bills etc., should also be kept along with the Register arranged in proper chronological order at all times and shall be produced before the election authorities as and when asked for inspection. An abstract statement of expenditure is also to be

prepared by you after the declaration of result of election in Part I to IV of the format duly filled up with the Schedule 1 – 11 enclosed herewith.

6. All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditure incurred or authorized shall be obtained on Day-to-Day basis and shall be maintained in the correct chronological order along with the Register showing the Day-to-Day account.
7. A contesting candidate who fails to comply with the requirements of law regarding the maintenance and lodging of account of election expenses is liable to be disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951 for a period of three year.

**ANNEXURE - 26**

**(CHAPTER 16, PARA 16.2)**

***Election Expenditure Register of Candidate Part A, B, C, Abstract Statement, Part 1-IV, Affidavit, Schedule 1 – 11, Acknowledgment***

**(Part A)**

**Day to Day Account Register**

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

Total expenditure incurred / authorized:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Date of Expenditure / event	Nature of expenditure			Total Amount in Rupees (paid + outstanding)	Name and address of payee	Bill No. / voucher No. and date	Amount incurred/ authorized by candidate or his election agent	Amount incurred/ authorized by political party and name of political party	Amount incurred/ authorized by other individual/ association/ body/ any other (mention full Name and Address)	Remarks, if any
1.	2.			3.	4.	5.	6.	7.	8.	9.
	Description	Qty.	Rate per unit							

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

**Signature of the candidate**

**Note:**

1. This register must be maintained on a daily basis and shall be subject to inspection at any time by the Observer appointed by the Election Commission, the District Election Officer/Returning Officer or by any other officer authorized in this behalf.
2. True copy of the register must be lodged with the District Election Officer as the return of Election Expenditure under Section 78 of the Representation of the People Act, 1951. It must be accompanied by an Abstract Statement (*Part I to IV and schedules 1 to 11*) of election expenses and supporting affidavit in the prescribed formats. No return of expenditure will be accepted as complete without the abstract statement of election expenses and the affidavit.
3. Vouchers may not be attached only in respect of those items which are listed in Rule 86(2) of the Conduct of Elections Rules, 1961, like postage, travel by rail. For any voucher not attached vide this rule, an explanation to the effect why it was not practicable to obtain the required vouchers must be given in the prescribed register.
4. The account and abstract statement shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be the correct copy of the account kept. The affidavit should be sworn by the candidate himself.
5. Apart from the expenses incurred or authorized by the candidate/election agent directly, all expenditure incurred or authorized by the political party, other associations, bodies of persons, individuals in connection with the election of the candidate *with his consent* are also required to be included in the account. The only exception is the expenses incurred on travel of specified leaders of the political party on account of their travel for propagating the programme of the party. (See Explanation 1 and 2 of Section 77(1) of the Representation of the People Act, 1951).
6. If the expenditure on any item shown above in columns 2 and 3 above is incurred/authorized by any political party/association/body of persons/any individual (other than the candidate or his election agent), its / his name and complete address must be shown in columns 7 and 8.
7. The total expenditure referred in columns 2 and 3 of the above table should include all expenditure in cash and the value of all goods and services received in kind by the candidate or his election agent from any source.
8. All expenditure beyond Rs. 10,000/- shall be incurred through the Bank Account opened for election expenditure purpose by candidate through cheque, DD, RTGS/NEFT, or any other electronic mode linked with the bank account.
9. This register should include Day to Day Account Register as is Part A in White Pages, Cash Register as mentioned in Part-B in Pink pages and Bank Register as mentioned in Part-C in Yellow pages, as per the formats prescribed.

**(Part B)**

**Cash Register**

Name of the Candidate:

Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				Payment				Balance Amount	Remarks, if any
Date	Name and address of person/ party/ association/ body/any other from whom the amount received	Receipt No.	Amount	Bill No./ Voucher No. and Date	Name of payee and address	Nature of Expenditure	Amount	Places at which or person with whom the balance is kept (if cash is kept at more than one place/ persons, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-A should be clarified here.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

**Signature of the Candidate**

**HANDBOOK FOR CANDIDATE**

**(Part C)**

**Bank Register**

Name of the Candidate:

Name of Political Party, if any :

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

Name of the Bank:

Branch Address:

Account No. :

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Deposit				Payment				Balance	Remarks, if any
Date	Name and address of person/ party/ association / body/ any other from whom the amount received/ deposited in Bank	Cash/ Cheque No., Bank name and Branch, etc.	Amount	Cheque etc. No.	Name of Payee	Nature of Expenditure	Amount		Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-A should be clarified here.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

**Signature of the Candidate**

**Guidelines for Maintenance of the Day-to-Day Accounts of  
Election Expenditure:**

All receipts viz. cash, cheque, draft, pay order, RTGS/NEFT or any other electronic mode received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.

**1. For Cash received**

- 1.1 For candidate's own cash to be used for election expenditure: - If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses. Then entry has to be made in Bank Register (Part C of day-to-day account register) by writing "Candidate's own Fund" in column 2, "Cash" in Column-3 and the amount in Column 4.
- 1.2 Cash received by candidate from any other person/party/association/body :- If cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side by writing date in Column-1, name and address of the person/party etc. from whom cash received in Column-2, receipt No. (if any) in Column-3 and amount of cash in Column-4. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. Once the amount is deposited in bank accounts, entries for the same have to be made in the cash register on payment side by writing date in Column-5, Account Number of bank A/c where cash deposited in Column-6, and "deposit" in Column-7 and amount in Column-8.
- 1.3 After the cash is deposited in Bank, the Bank Register (Part C) has to be updated, by writing date in Column-1, "Candidate's own cash" in Column-2, Cash in Column-3, amount in Column-4. This has to be done so that the bank balance can be drawn, to tally with the bank passbook.

**2. For Cheques/Drafts/Pay-orders etc. received**

- 2.1 Cheques/ Draft/ Pay order etc. received from any person/party/association etc. or from candidate's own bank account: If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said F's opened for election expenditure. He shall make entry on the deposit side of bank register by mentioning date in Column-1, name and address of the person/party from whom the cheque received in Column-2, Cheque / Draft/Pay order No. and Bank name/branch in Column-3 and amount

of cheque/draft/pay order in Column-4. If, it is cheque from his own bank account, then in Column-2 of Bank Register, "Candidate's own fund" is to be mentioned.

**3. For Goods or Services received in kind**

3.1 If some goods or services are received in kind like vehicles, posters, pamphlets, media advertisement, helicopters, aircrafts etc. from party or any person/body/association: If any person party /body/association provides some goods or services in kind, for election campaigning etc., of the candidate, then for these items, necessary entries are to be made in Part A of Day to Day accounts register by mentioning date in Column-1, description, quantity, rate per unit in Column-2, nature of expenditure and total value (Notional value of the items) in Column-3 of the said Register. Further, if the items in kind have been provided by the political party, then the total value and name of political party for that should be written in Column-7 and if such items have been given by any other person/association etc. then that amount and name, address of such persons/associations etc. shall be mentioned in Column-8 of this register.

**4. For all Election Expenses**

4.1 All election expenditure shall be entered in Register of Day-to-Day Accounts (Part-A). Whenever any expense is incurred, say, a taxi is requisitioned, then entry has to be made in Register of Day to Day accounts (Part A) as under: Date in Column-1, nature of expenditure like "taxi" No. \_ under description total hours/days for which requisitioned and rate per hour/day in Column-2 and total amount in Column-3, name and address of the taxi provider in Column-4, bill/voucher No. in Column-5. If the amount is paid by the candidate, then the amount is mentioned in Column-6. If the amount is paid by political party directly to the taxi provider then name of party and amount is to be written in Column-7. If it is paid by any other person, amount and name and address of such person shall be written in Column-8.

4.2 For Payment for expenses made through cheques etc.: All the payments for expenses (except petty expenses up to Rs.10,000/- to a single party during the entire election process) are to be made only through A/c payee cheques, DD, RTGS/NEFT or any other electronic mode. For, making payment in cheques DD, RTGS/NEFT or any other electronic mode, the following entry has to be made in Bank Register (Part C) : Cheque No. etc. in Column-5, name of the payee to whom cheque etc. issued in Column 6, nature of expenditure in Column-7 and amount in Column-8 is to be written.

4.3 For Payments of petty expenses made in cash: if any payment of petty

expenses are to be made in cash (that too if total amount paid to a person during whole period of campaigning shall not exceed Rs. 10,000/-) then cash is to be withdrawn from the said bank account opened for election expense. For this, entries are to be made in Bank Register (Part C) mentioning cheque No. etc. for withdrawal in Column-5, “self” column-6 nature of expenditure “withdrawal for petty expenses” in Column-7 and the amount in Column-8 of the Bank Register. After the withdrawal, this cash is to be introduced in cash Register (Part B) by making entry in the receipt side. For this, date is to be mentioned in Column-1, “self” in Column-2 withdrawal from Bank in Column-3 and amount in Column-4. If such petty cash is given to different branch offices or agents to incur petty expense, then the amount and names of persons/places are to be entered in Column-9. After payment is made for the petty expense, such expenses are also to be entered in Day-to-Day Accounts (Part A) as follows: date in Column-1, Nature of payment in Column-2, Total amount in Column-3, Name and Address of Payee in Column-4, Bill/voucher No. in Column-5 and “self” in Column-6.

(Commission’s letter no. 76/Instructions/2014/EEPS/Vol. I, dated 23.01.2014 and no. 76/Instructions/2018/EEPS, dated 12.11.2018)

<b>PART – I : ABSTRACT STATEMENT OF ELECTION EXPENSES</b>		
I	Name of the Candidate	Sh./Smt./ Km.
II	Number and name of Constituency	
III	Name of State/Union Territory	
IV	Nature of Election (Please mention whether General Election to State Assembly / Lok Sabha / Bye-election)	
V	Date of declaration of result	
VI	Name and Address of the Election Agent	
VII	If candidate is set up by a political party, please mention the name of the political party	
VIII	Whether the party is a recognised political party	Yes/No

Date:

Signature of the Candidate

Place:

Name:

## HANDBOOK FOR CANDIDATE

<b>PART-II : ABSTRACT OF STATEMENT OF ELECTION EXPENDITURE OF CANDIDATE</b>					
<b>S. No.</b>	<b>Particulars</b>	<b>Amt. In- curred / Auth. by Can- didate/ Elec- tion agent(in Rs.)</b>	<b>Amt. In- curred/ au- thorized by Pol. Party (in Rs.)</b>	<b>Amt. In- curred / au- thorized by others (in Rs.)</b>	<b>Total Elec- tion expendi- ture (3)+(4)+(5)</b>
1	2	3	4	5	6
I	Expenses in public meeting, rally, procession etc.: -  I. a: Expenses in public meeting, rally, procession etc. (ie: other than the ones with Star Campaigners of the Political party  (Enclose as per Schedule-1)				
	I. b: Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) (ie: other than those for general party propaganda) (Enclose as per Schedule-2)				
II	Campaign materials other than those used in the public meeting, rally, procession etc. mentioned in S.No. I above (Enclose as per Schedule-3)				
III	(a) Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media in privately owned newspapers/ TV/radio channels etc. (Enclose as per Schedule-4)				

## HANDBOOK FOR CANDIDATE

	(b) Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media in newspapers/ TV/radio channels etc. owned by the candidate or by the political party sponsoring the candidate (Enclose as per Schedule-4A)				
IV	Expenditure on campaign vehicle(s), used by candidate (Enclose as per schedule-5)				
V	Expenses of campaign workers / agents (Enclose as per Schedule -6)				
VI	Any other campaign expenditure				
VII	Expenses incurred on publishing of declaration regarding criminal cases (Enclose as per Schedule-10)				
VIII	VIII Expenses incurred on Virtual Campaign (Enclose as per Schedule 11)				
	Grand Total				

### PART III : ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE

S No	Particulars	Amount (in Rs.)
1	2	3
I	Amount of own fund used for the election campaign (Enclose as per Schedule - 7)	
II	Lump sum amount received from the party (ies) in cash or cheque etc. (Enclose as per Schedule -8)	
III	Lump sum amount received from any person/ company/ firm/ associations / body of persons etc. as loan, gift or donation etc.  (Enclose as per Schedule -9)	
	<b>Total</b>	

**PART- IV**

**FORM OF AFFIDAVIT**

Before the District Election Officer .....(District, State/Union Territory)

Affidavit of Shri/Smt/Ms .....(S/o, W/o, D/o).....  
..... I ..... son/wife/daughter of .....  
.....,..... aged ..... years, r/o ..... do hereby solemnly and sincerely state and declare as under :-

- (1) That I was a contesting candidate at the general election / by election to the House of the People / Legislative Assembly of ..... from ..... Parliamentary / Assembly constituency, the result of which was declared on .....
- (2) That I / my election agent kept a separate and correct account of all expenditure incurred / authorised by me / my election agent in connection with the above election between ..... (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.
- (3) That the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.
- (4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election, and nothing has been concealed or withheld/suppressed therefrom (other than the expense on travel of leaders' covered by Explanations 1 and 2 under section 77 (1) of the Representation of the People Act, 1951).
- (5) That the Abstract Statement of Election Expenses annexed as Annexure II to the said account also includes all expenditure incurred or authorised by me, my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election.
- (6) That the statements in the foregoing paragraphs (1) to (5) are true to the best of my knowledge and belief, that nothing is false and nothing material has been concealed.

Deponent

Solemnly affirmed/sworn by ..... at ..... this day of 201 .....before me.

(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath Commission or Notary Public)

**Schedules- 1 to 11: Details of Elections Funds and Expenditure of Candidate**

<b>Schedule- 1</b>					
<b>Expenses in public meeting, rally, procession etc. (ie: other than those with Star Campaigners of the Political party)</b>					
<b>S. No</b>	<b>Nature of Expenditure</b>	<b>Total Amount in Rs.</b>	<b>Source of Expenditure</b>		
			<b>Amt. incurred / Auth. by Candidate / agent</b>	<b>Amt. incurred / by Pol. Party with name</b>	<b>Amt. incurred by others</b>
1	2	3	4	5	6
1	Vehicles for transporting visitors				
2	Erecting Stage, Pandal & Furniture, Fixtures, poles etc.				
3	Arches & Barricades etc.				
4	Flowers/ garlands				
5	Hiring Loud speakers, Microphone, amplifiers, comparers etc.				
6	Posters, hand bills, pamphlets, Banners, Cut-outs, hoardings				
7	Beverages like tea, Water, cold drink, juice etc.				
8	Digital TV –boards display, Projector display, tickers boards, 3D display				
9	Expenses on celebrities, payment to musicians, other artists remuneration etc.				
10	Illumination items like serial lights, boards etc.				
11	Expenses on transport, Helicopter/ aircraft / vehicles/ boats etc. charges ( for self, celebrity or any other campaigner other than Star Campaigner)				
12	Power consumption/ generator charges				
13	Rent for venue				
14	Guards & security charges				
15	Boarding & lodging expenses of self, celebrity, party functionary or any other campaigner including Star Campaigner				
16	Others expenses				
	<b>Total</b>				

## HANDBOOK FOR CANDIDATE

<b>Schedule- 2</b>						
<b>Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) as apportioned to candidate (ie: other than those for general party propaganda)</b>						
<b>S. No</b>	<b>Date and Venue</b>	<b>Name of the Star Campaigner(s) &amp; Name of Party</b>	<b>Amount of Expenditure on public meeting rally, procession etc. with the Star Campaigner(s) apportioned to the candidate (As other than for general party propaganda) in Rs.</b>			<b>Remarks, if any</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>			<b>5</b>
			<b>Source of Expenditure</b>			
			<b>Amount by Candidate/Agent</b>	<b>Amount by Political Party</b>	<b>Amount by Others</b>	
1						
2						
3						
4						
<b>Total</b>						

<b>Schedule-3</b>						
<b>Details of expenditure on campaign materials, like handbills, pamphlets, posters, hoardings, banners, cut-outs, gates &amp; arches, video and audio cassettes, CDs/ DVDs, Loud speakers, amplifiers, digital TV/ board display, 3 D display etc. for candidate's election campaign (ie: other than those covered in Schedule- 1 &amp; 2)</b>						
<b>S. No.</b>	<b>Nature of Expenses</b>	<b>Total Amount in Rs.</b>	<b>Sources of Expenditure</b>			<b>Remarks, if any</b>
			<b>Amt. By candidate / agent</b>	<b>Amt. By Pol. Party</b>	<b>Amt. By others</b>	
1	2	3	4	5	6	7
1						
2						
3						
4						
Total						

<b>Schedule- 4</b>							
<b>Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or Internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in privately owned newspapers/TV/radio channels etc.</b>							
<b>S. No</b>	<b>Nature of medium (electronic / print) and duration</b>	<b>Name and address of media provider (print / electronic /SMS / voice/ cable TV, social media etc.)</b>	<b>Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any</b>	<b>Total Amount in Rs.</b>	<b>Sources of Expenditure</b>		
					<b>Amt. By candidate/ agent</b>	<b>Amt. By Pol. Party</b>	<b>Amt. By others</b>
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

## HANDBOOK FOR CANDIDATE

### Schedule-4A

**Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or Internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in newspapers/TV/radio channels, owned by the candidate or by the political party sponsoring the candidate.**

S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic / SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rs.	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							
<b>Total</b>							

### Schedule -5

**Details of expenditure on campaign vehicle (s) and poll expenditure on vehicle(s) for candidate's election campaign**

S. No	Regn. No. of Vehicle & Type of Vehicle	Hiring Charges of vehicle			No. of Days for which used	Total amt. incurred/ auth. in Rs.	Source of Expenditure		
		Rate for Hiring of vehicle / maintenance	Fuel charges (If not covered under hiring)	Driver's charges (If not covered under hiring)			Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	4	5	6	7	8
1									
2									
3									
4									
<b>Total</b>									

## HANDBOOK FOR CANDIDATE

<b>Schedule- 6</b>								
<b>Details of expenditure on Campaign workers / agents and on candidates' booths (kiosks) outside polling stations for distribution of voter's slips</b>								
S. No	Date and Venue	Expenses on Campaign workers			Total amt. incurred/ auth. In Rs.	Sources of Expenditure		
		Nature of Expenses	Rate	No. of workers / agents No. of kiosks		Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3a	3b	3c	4	5	6	7
1		Candidates' booths (kiosks) set up for distribution of voter's slips						
2		Campaign workers honorarium/ salary etc.						
3		Boarding						
4		Lodging						
5		Others						
<b>Total</b>								

<b>Schedule- 7</b>					
<b>Details of Amount of own fund used for the election campaign</b>					
S. No.	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rs.	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
<b>Total</b>					

<b>Schedule- 8</b>						
<b>Details of Lump sum amount received from the party (ies) in cash or cheque or DD or by Account Transfer</b>						
S. No.	Name of the Political Party	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rs.	Remarks, if any
1	2	3	4	5	6	7
1						
2						
3						
4						
<b>Total</b>						

## HANDBOOK FOR CANDIDATE

### Schedule- 9

**Details of Lump sum amount received from any person/company/firm/associations/body of persons etc. as loan, gift or donation etc.**

S. No.	Name and address	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Mention whether loan, gift or donation etc.	Total Amount in Rs.	Re- marks
1	2	3	4	5	6	7	8
1							
2							
3							
4							
<b>Total</b>							

### Schedule- 10

**Details of expenditure incurred on publishing criminal antecedents, if any in newspaper and TV Channel**

Sl. No.	Newspaper			Television			Mode of payment (electronic/cheque/DD/Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & Time of insertion/ telecast	Expenses that may have been incurred (in Rs.)	
1	2	3	4	5	6	7	8
<b>Total</b>							

### Schedule 11

**Details of election expenses incurred on Virtual Campaign**

Sl. No.	Nature of Virtual Campaign (Indicate Social Media Platforms/Apps/Other means)	Name of content creator	Name of media to disseminate message	Total Amount in Rs.	Sources of Expenditure		
					Amount by candidate/ agent	Amount by political party	Amount by others
1	2	3	4	5	6	7	8

**Note :**

1. In Schedule 5:-
  - (a) copy of the order containing list of all vehicles for which permit issued by the Returning Officer to be enclosed.
  - (b) If the vehicle is owned by the candidate/his relative/agent are used for election purpose, notional cost of hire of all such vehicles, except one vehicle if owned and used by the candidate, notional cost of fuel and drivers salary for such vehicle, shall be included in total amount of expenditure in the above table.
2. In all schedules if any expenditure on goods and services, provided by the Political Party; or provided by any person/ company/ firm /associations/ body of persons etc. on behalf of the candidate, then the notional market value of such goods or services are to be indicated, in respective columns.
3. In Part –III, the Lump-sum amount of fund received from the political party or others or the candidate's own funds, should be mentioned date wise. In all such cases such amounts are required to be first deposited in the bank account of the candidate, opened for election expenses.
4. Each page of the Abstract Statement should be signed by the candidate

**ACKNOWLEDGEMENT FORM**

To

THE RETURNING OFFICER,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir,

I acknowledge receipt of your letter No ..... dated..... along with its enclosures containing, among other documents, a Register bearing serial No..... for maintaining of my accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of election expenses and lodging of true copy of that account with the District Election Officer / Returning Officer.

Yours faithfully,  
(Signature of Candidate with date)

\* Strike off whichever is inapplicable.

**ACKNOWLEDGEMENT**

(To be filled up by Office)

The account of the election expenses in respect of ..... (Constituency) result of which was declared on ..... (Date) has been filed by him /on his behalf on ..... (Date) and has been received by me today the ..... (Date) of .....(Month).....(Year).

District\_\_\_\_\_

District Election Officer  
Office Seal

**ANNEXURE - 27**  
**(CHAPTER 3, PARA 3.5)**  
**FORMATS C-1 TO C-5**

This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll

**Format C-1**

*( for candidate to publish in Newspapers, TV)*

**Declaration about criminal cases**

**(As per the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India &Anr.)**

Name and address of candidate: \_\_\_\_\_

Name of political party: \_\_\_\_\_

*(Independent candidates should write "Independent" here)*

Name of Election : \_\_\_\_\_

\*Name of Constituency: \_\_\_\_\_

I \_\_\_\_\_ (name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

<b>(A) Pending criminal cases</b>				
Sl. No.	Name of Court	Case No. and dated	Status of case(s)	Section(s) of Acts concerned and brief description of offence(s)
<b>(B) Details about cases of conviction for criminal offences</b>				
Sl. No.	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	<b>Maximum Punishment Imposed</b>	

\*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

**Note:-**

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.

3. Details should be given separately for each case in separate rows.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The candidate shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, he shall submit a report about publishing of the declaration regarding cases in Format C-4 along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned

**This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll**

**Format C-2**

***(For political party to publish in website, newspapers, TV)***

**Declaration about criminal antecedents of candidates set up by the party**

*(As per the judgment dated 25<sup>th</sup> September, 2018 of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)*

Name of Political Party: \_\_\_\_\_

\* Name of Election : \_\_\_\_\_

Name of State/ UT : \_\_\_\_\_

1.	2	3	4		5.		
Sl. No.	Name of constituency	Name of candidate	<b>(A)</b> Pending criminal cases		<b>(B)</b> Details about cases of conviction for criminal offences		
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence (s) & punishment imposed	<b>Maximum Punishment Imposed.</b>

\*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

**Note:-**

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.
3. The above information shall be published State wise for each State/UT.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The political party shall be obligated to put up on its website the information pertaining to candidates having criminal antecedents.
6. The Political Party shall submit a report about publishing of declaration regarding criminal cases in Format C5 to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

**(Reminder to the Candidate)**

**Office of Returning Officer**

Name of Constituency : \_\_\_\_\_

Name of State : \_\_\_\_\_

Name of Election : \_\_\_\_\_

It is informed that as per the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr., and the directions in the Commission's letter No. 3/ER/2018/SDR, dated 10-10-2018 and letter No. 3/4/2019/SDR/Vol.IV dated 16/09/2020, all candidates with criminal cases – either pending cases or cases of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the campaign period for the purposes of publishing of such details. The Commission has prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

- i) Within first 4 days of withdrawal of nominations.
- ii) Between next 5<sup>th</sup> -8<sup>th</sup> days
- iii) From 9<sup>th</sup> day till the last day of campaign(the second day prior to date of poll)

Since you, Sh./Smt./Ms. \_\_\_\_\_ (mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form-26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on at least three occasions each as mentioned above. The Format **C-1** for publishing the information is enclosed herewith. **You shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, you shall submit a report about publishing of the declaration regarding cases in Format C-4 with copies of the newspapers publishing the information about criminal cases along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned.**

Date: \_\_\_\_\_ Signature \_\_\_\_\_

Name of the RO/ARO \_\_\_\_\_

Signature of Candidate \_\_\_\_\_

***Note: One copy of this should be given to candidate and one copy retained with RO.***

**Format C-4**

**Report by Candidate about publishing of declaration regarding criminal cases**

Name and address of candidate : \_\_\_\_\_

Name of political party : \_\_\_\_\_

*(Independent candidates should write 'Independent' here)*

Name of Election : \_\_\_\_\_

\*Name of Constituency: \_\_\_\_\_

I \_\_\_\_\_ (name of candidate), a candidate for the abovementioned election, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Newspaper			Television			Mode of Payment (electronic/cheque/DD/Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & time of insertion/telecast	Expenses that may have been incurred (in Rs.)	

Copies of newspapers in which declaration was published are enclosed.

Date:

Name & Signature of Candidate

Note:

- (i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted along with the account of election expenses.
- (ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

**Format C-5**

**Report by Political Party about publishing of declaration regarding criminal cases**

Name of political party: \_\_\_\_\_

Name of Election : \_\_\_\_\_

It is certified that \_\_\_\_\_ (name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25<sup>th</sup> September, 2018, of Hon'ble Supreme Court in WP(Civil) No. 536 of 2011 (Public Interest foundation & Ors. Vs. Union of India &Anr.). Details are as follows:-

Sl. No.	Website	Newspaper			Television			Mode of Payment (electronic/cheque/DD/Cash) (Pl. specify)
		Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & time of insertion/telecast	Expenses incurred (in Rs.)	
	Period during which displayed							

Copies of newspapers in which declaration was published are enclosed.

Date:-

Signature of office bearer .....

Name & designation .....

Note:- This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

**FAQs: Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court judgement dated 25.09.2018 in WP (Civil) No. 536 of 2011.**

Q1. Which newspapers are to be chosen for publicity by such candidates?

Ans. As per direction in the judgement of the Hon'ble Supreme Court, the declaration is required to be published in newspapers with wide circulation in the area concerned. The CEO may get an indicate list of various newspapers which have wide circulations in the various districts/different constituency areas in the state prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.

Q2. When has it to be publicised?

Ans. It has already been clearly mentioned in the Commission's letter dated 10.10.2018 that the publishing has to be during the period starting from the day following the last date for withdrawal of candidature and up to two days before the date of poll.

Q3. There is no column of signature. Who will authenticate it?

Ans. The format contains column for mentioning the name and address of the candidate and the name of the political party on the top portion of the format. Thus, the name of the publisher will be clear from the declaration. There is no need for publishing the information with the signature of the publisher.

Q4. What if someone publishes false information about criminal cases of another candidate?

Ans. There are already provisions to deal with any case of publication of false statement in relation to a candidate [Section 123(4) of the RP Act, 1951 and Section 171G of IPC].

Q5. Which TV channel the declaration has to be publicised?

Ans. Please refer to the answer against Q.1 above. It has to be done in TV channels which are available/popular in the areas concerned.

Q6. What will be the font size and duration of publicity in TV?

Ans. Font size should be the standard size used for displaying printed material on TV. Its duration may not be less than 7 seconds.

Q7. If a candidate does not have any criminal record, whether he/she is required to be publicise?

Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to be publish the declaration.

Q8. Whether FIR cases have to be published by the concerned candidates and political parties?

Ans. Yes. Under the heading 'Case No. and status of case', details regarding FIRs, mentioned in Item-5 of Form-26, are required to be mentioned.

Q9. If after filing nomination, status of criminal case changes, whether candidate can revise the details?

Ans. It will be open to the candidate concerned to notify the revised status to the Returning Officer and to publish the revised status only. If it is NIL, the candidate is not required to publish it.

Q10. Who will bear the expenses for publishing?

Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.

Q11. Whether expenditure on this account will be accounted for?

Ans. Yes. This being an expenditure in connection with the election, if **expense is incurred in this regard**, the same will be counted for the purposes of election.

Q12. Can RO act on any discrepancy in such details if pointed out?

Ans. No. RO is not supposed to inquire into correctness of declarations published by candidates/political parties.

Q13. In what manner, such candidates will submit the information about publicity of cases to be DEO?

Ans. Separate formats have been specified by the Commission for the candidates and the political parties to submit report about publishing of the declaration. These are Format C-4 for candidates and Format C-5 for political parties.

Q14. What happens if such candidates or such political parties do not publicise in the manner prescribed?

Ans. Such failure may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.

**ANNEXURE - 28**  
**(Chapter -9, Para-9.4.7)**

**Format 1**

**Statement regarding postal ballots cast at Facilitation Center**

Name of State: \_\_\_\_\_

Name of Election: \_\_\_\_\_

Name of Constituency and District: \_\_\_\_\_

Name/address/Venue of Facilitation Centre: \_\_\_\_\_

Date of Postal balloting at FC: \_\_\_\_\_

Total no. of Postal Ballot Cast on this date: \_\_\_\_\_

Cumulative total no. of Postal Ballot Cast till date: \_\_\_\_\_

Name and Signature of the representatives of political parties/candidates:-

- 1.
- 2.

Signature .....

Name & Designation of Head of FC .....

Note:

1. This format shall be handed over to the ARO appointed for this purpose on each day of postal balloting
2. The ARO shall deposit it to the RO.
3. The RO shall sent a copy of this format to the DEO of the concerned PC/AC.

**SECTION – III**  
**DO's AND DON'Ts**

## DO's AND DON'Ts FOR GUIDANCE OF CANDIDATES

### DO's

1. Do familiarize yourself with the constitutional and legal provisions relating to elections.
2. Do check up with the latest Delimitation Order relating to your constituency.
3. Do make it a point to go through the electoral roll of your constituency and have it checked up.
4. Do check up your name and the particulars in the current electoral roll well before deciding to stand for election.
5. Do **study the provisions regarding** the qualifications required to stand for election.
6. Do check-up that you are not disqualified from standing for election.
7. Do check-up the nomination form to ensure that it is in the prescribed form (Forms 2-A **for Lok Sabha** or 2-B **for Assembly election**).
8. Do present the nomination form personally or send it through your proposer to the RO.
9. Do check-up that the proposer(s) is/**are voter(s)** in the constituency from which you are seeking election.
10. Do fill the nomination paper without leaving out any particulars. Sign in the relevant places.
11. Do file the completely filled in, duly notarized affidavit **in Form 26** by 3:00 PM of the last date of making nominations, before the Returning Officer.
12. Do fill up all columns therein in the Affidavit.
13. **If there is no information to furnish in respect of any item in the Affidavit**, Do make appropriate remarks in the columns such as “NIL” or “Not Applicable” or “Not Known” as may be applicable.
14. Do prepare Affidavits on stamp paper of such denomination as prescribed under the State/UT law of the respective State/UT.
15. Do submit other supporting documents (as indicated in the checklist) with your nomination paper.
16. Do sign each page of the Affidavits **and ensure that notary stamp is affixed on each page of the Affidavit.**
17. Do declare in Form 26 that you have informed your political party of your criminal antecedents if any.
18. **In case you have occupied Govt Accommodation at any time during**

- the last 10 years**, Do file the “No **Due** Certificate” in respect of such accommodation along with the Affidavit in Form 26-
19. Do collect the receipt for the nomination paper.
  20. Do make it a point to attend the scrutiny of nominations **and allotment of symbols** personally.
  21. Do check-up that your name appears in the list of **validly nominated candidates** if your nomination has been accepted.
  22. Do check-up that your name is correctly entered in the list of validly nominated candidates.
  23. Do check-up that your name and other particulars are correct in the list of contesting candidates, if you have not withdrawn your candidature. Make sure that the photograph is correctly affixed.
  24. Do find out the hours of poll as notified.
  25. Do appoint the election agent in proper form and well in time.
  26. **Do ensure that your election agent is not disqualified for holding the position of election agent** (i.e. he is not disqualified for voting at elections or for being a Member of Parliament or any State Legislature).
  27. Do get a copy of the list of polling stations.
  28. Do appoint polling agents in proper form for each and every polling station well in time.
  29. **Do ensure that the as far as possible, polling agents are from the same polling station area or from neighbouring polling stations.**
  30. Do provide copies of electoral roll to your polling agents.
  31. Do appoint counting agents in proper form for each and every counting table and one extra agent well in time.
  32. **Do ensure that the election agent, polling agents and counting agents DO NOT belong to the category of sitting Ministers/MPs/MLAs/MLCs/ Mayor of Municipal corporation/Chairman of Municipality or is a person provided with security by the State**
  33. Do make it a point to attend counting personally.
  34. Do report immediately to District Election Officer or the Returning Officer the instances which have come to your knowledge about the publication of election pamphlets or posters in contravention of the above requirements of law.
  35. Do attend the meetings of the Constituency Committee constituted by the Returning Officer for ensuring the observance of Model Code of Conduct

- for guidance of political parties and candidates as devised by the Election Commission.
36. Do attend with your agents the training rehearsals arranged by the Returning Officer.
  37. Be present either in person or through authorised representative at the time of commissioning of EVMs by RO.
  38. Criticism of other political parties and candidates should relate to their policies, programme, past record and work.
  39. The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
  40. The local police authorities should be fully informed of the venue and time of the proposed campaigning activities well in time and all necessary permissions shall be taken.
  41. If there are any restrictive or prohibitory orders in force in the place of the proposed campaigning activities, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
  42. The time and place of the starting and termination of any procession, the route to be followed should be settled in advance and permissions obtained from the police authorities in advance. Permission must also be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.
  43. The existence of any restrictive orders and traffic regulations in force in the localities through which the procession has to pass should be ascertained and fully complied with.
  44. Do report the instances of violation of the above said Model Code of Conduct **provisions** that **may** come to your notice for necessary remedial or punitive action.
  45. Do maintain **on a daily basis**, proper and correct accounts of all election **related** expenses from the date of your nomination as a candidate **till** the date of **declaration of result of** election in the Register specifically provided to you by the Returning officer for the purpose.
  46. **Do ensure that you open a dedicated bank account for the purpose of expenditure in connection with election and route all expenses through such account.**
  47. **Do ensure that the election expenditure account is produced for periodic verification during the campaign period on the dates specified by RO/ Observer.**
  48. All Workers must display badges or identity cards.

49. Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
50. Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.
51. (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc.) is exempt from this condition.
52. Do bring any complaint or problem regarding the conduct of elections to the notice of the observer appointed by the Commission/Returning Officer/ Zonal/Sector Magistrate/Election Commission of India.
53. **Do ensure that all your campaigners/workers who are not voters of the constituency (other than the election agent) leave the constituency immediately after the campaign period is over.**
54. **Do ensure that you, your election agent and all workers strictly abide by all provisions of Model Code of Conduct.**
55. **If you have any criminal antecedents, do ensure that you publish details of all such cases in Newspapers and TV Channels, in the format prescribed by ECI, on 3 occasions during the campaign period.**
56. **Do ensure that all political advertisements in electronic media on your behalf is got pre-certified by the competent committee.**
57. Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.

### **DON'Ts**

1. Don't present the nomination paper through any person other than yourself or any one of your proposers.
2. Don't **try to** present nomination paper on a public holiday.
3. Don't present the nomination paper before or after the specified hours fixed for the purpose.
4. Don't present more than four nomination papers.
5. Don't present the nomination paper to any person other than the Returning Officer or the Assistant Returning Officer (so authorised in this behalf).
6. Don't forget to make the required deposit in cash in the Reserve Bank of India or in a Government Treasury or with the Returning Officer.
7. Don't forget to make and subscribe the oath or affirmation after the delivery

- of nomination paper to the returning officer and in any event **by the day previous to the day of scrutiny** of nominations and get a certificate of having made and subscribed the oath or affirmation.
8. Do not issue identity slips bearing your name or your symbol or the name of your party or containing any exhortation to voters to vote for you or your party.
  9. Don't make any gift or offer or promise of gratification to any person to induce another to stand or not to stand as a candidate or to withdraw or not to withdraw his candidature or to vote or refrain from voting at the election or for having so stood or not having stood or for having withdrawn or for not having withdrawn his candidature or for having votes or refrained from voting.
  10. Don't interfere directly or indirectly or attempt to interfere with the free exercise of the electoral right of any person.
  11. Don't indulge in activities which are corrupt practices (**section 123 of RP Act, 1951**) or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 200 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.
  12. Don't appeal to voters to vote or refrain from voting on grounds of religion, race, caste or community or language.
  13. Don't promote or attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language.
  14. Don't publish false statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate.
  15. Don't hire or procure vehicles for the conveyance of voters to and from the polling stations.
  16. Don't incur or authorise expenditure in connection with elections beyond the maximum prescribed for your election.
  17. Don't indulge in misconduct at polling stations.
  18. Don't induce disorderly conduct in or near the polling stations.
  19. Don't hold public meetings, processions etc. in the polling area any time during 48 hours before the time fixed for the conclusion of the poll. Also, don't publish any election matter in electronic media during the last 48 hours referred to in section 126 of RP Act 1951.

20. Don't canvass in or near polling stations on the date or dates of poll.
21. Don't print or publish election pamphlets or poster without giving on their face details of the printer and publisher and without declaring the identity of the printer and publisher and sending copies of the declaration to the Chief Electoral Officer if printing is in the capital of the State, and to the District Magistrate in case the printing is elsewhere.
22. Don't destroy fraudulently any nomination paper or any list, notice or documents affixed by or under the authority of the Returning Officer.
23. Don't publish any statement or have it published with your consent or the consent of your election agent which is false or which you believe to be false or do not believe to be true in relation to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospect of that candidate in the election.
24. Don't threaten any candidate or any elector or any person with any kind of act including social ostracism and ex-communication or expulsion from any caste or community.
25. Don't induce or attempt to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or spiritual censure.
26. Don't use any discriminatory, offensive or ableist language in political discourse or any communication against any particular community or PwDs
27. Don't abet the offence of personation at an election.
28. Don't forget to lodge the election account with the District Election Officer within 30 days of the **date of declaration of result of** election, regardless of the fact whether you are elected or not or you contested the election seriously or not.
29. Don't indulge in defacement of property or any campaign activity in violation of the provisions of law and the directions of the Commission.
30. Don't publish any political advertisement in TV channel, Cable TV or Radio without pre-certification by the Committee appointed by the Commission. In the Print media, such advertisements during the last 48 hours should have the Certification by the Committee.
31. Don't use Temples, mosques, churches, gurudwaras or any place of worship as places for election propaganda, including speeches, posters, music etc., on electioneering.
32. Don't make use of any individual's land, building, compound wall, vehicles etc. subject to local laws, for erecting flag staffs, putting up banners, pasting

- notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer)
33. Processions along places at which another party is holding meetings shall not be undertaken and articles, which are capable of being misused as missiles or weapons shall not be carried.
  34. Posters issued by other parties and candidates shall not be removed or defaced.
  35. Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
  36. Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
  37. On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his / her movement - accompanied by security personnel, to voting only.
  38. No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

**SECTION – IV**  
**FREQUENTLY ASKED QUESTIONS**  
**(FAQs)**

## FREQUENTLY ASKED QUESTIONS

### Section I: WHO CAN CONTEST ELECTIONS

**Q1.** What is the minimum age for becoming a candidate for Lok Sabha (House of People) or Vidhan Sabha (Legislative Assembly) election?

**Ans.** Not less than Twenty-Five Years of age on the date of scrutiny of nomination papers. (Refer: Article 84 (b) of Constitution of India and Article 173 (b) of the Constitution read with Sec. 36 (2) of the Representation of People Act, 1951.)

**Q2.** I am not registered as a voter in any constituency. Can I contest election?

**Ans.** No. The candidate has to be registered as a voter in the current electoral roll to contest election. (Refer: Sec. 4 (d) and Section 5 (c) of Representation of People Act, 1951)

**Q3.** I am registered as a voter in a particular State. Can I contest election for Lok Sabha (House of the People) from outside that State?

**Ans.** Yes. The candidate can contest election from any constituency in the Country, except autonomous Districts of Assam, Lakshadweep and Sikkim. (Refer: Sec. 4 of the Representation of People Act, 1951)

**Q4.** A person is a member of Schedule Caste in a particular State. Can he contest election from any other State for Lok Sabha (House of People) from a seat reserved for Scheduled Castes?

**Ans.** Yes. He can contest election from any other State from a seat reserved for Scheduled Castes. (Refer: Sec. 4 of the Representation of People Act, 1951)

**Q5.** A person is a member of Schedule Tribe in a particular State. Can he contest election from any other State for Lok Sabha (House of People) from a seat reserved for Scheduled Tribes?

**Ans.** Yes. He can contest election from any other State from a seat reserved for Scheduled Tribes except Lakshadweep, other than those in autonomous Districts of Assam and excluding the tribal areas of Assam. (Refer: Sec. 4 of the Representation of People Act, 1951)

**Q6.** A person is an elector in a particular State. Can he contest election for a seat in the Vidhan Sabha (Legislative Assembly) of any other State?

**Ans.** No. (Refer: Sec. 5 of the Representation of People Act, 1951)

**Q.7** A person is registered as a voter in a particular State but he is a member of Schedule Caste of other State. Can he contest election from a seat reserved for Scheduled Castes for Vidhan Sabha (Legislative Assembly) in which he is a voter?

**Ans.** No. (Refer: Sec. 5 of the Representation of People Act, 1951)

Q.8 A person is registered as a voter in a particular State but he is a member of Schedule Tribes of other State. Can he contest election from a seat reserved for Scheduled Tribes for Vidhan Sabha (Legislative Assembly) in which he is a voter?

Ans. No. (Refer: Sec. 5 of the Representation of People Act, 1951)

Q.9 A person is a member of Scheduled Castes or Scheduled Tribes community. Can he contest an election from a general constituency?

Ans. Yes. (Refer: Sec. 4 & 5 of the Representation of People Act, 1951)

Q10. A person is convicted for some offence and is sentenced to imprisonment for 2 years. Can he contest elections?

Ans. No. (Refer: Section 8 (3) of Representation of People Act, 1951)

Q11. Supposing such person is on bail, pending disposal of his appeal, can he contest the election?

Ans. No. Even if a person is on bail, after the conviction and his appeal is pending for disposal, he is disqualified from contesting an election as per Supreme Court's decision. But if his conviction is also stayed, then he can contest.

Q12. Can a person be confined in Jail vote in an election?

Ans. No. Such person cannot vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police. (Refer: Section 62(5) of the Representation of the People Act, 1951)

Q13. Is a person subjected to preventive detention under any law entitled to vote in an election?

Ans. Yes. He is entitled to vote by Postal Ballot paper. (Refer: Proviso to Section 62(5) of the Representation of the People Act, 1951 and Rule 18 (a) (iv) of Conduct of Elections Rules 1961).

Q14. Can an overseas elector contest the election?

Ans. Yes. An overseas elector whose name has been enrolled in the electoral roll has the right to contest elections, subject to fulfilment of the other requirements of the law. One of the essential qualifications prescribed under the law is that the candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf.

## Section II: SECURITY DEPOSIT

Q1. Every candidate is required to make security deposit. How much is the security deposit for Lok Sabha (House of People) election?

**Ans.** Rupees Twenty-five Thousand. (Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

**Q2.** Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Lok Sabha (House of People) election?

**Ans.** Yes. It is Rupees Twelve thousand Five Hundred. (Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

**Q3.** How much is the security deposit for a Vidhan Sabha (Legislative Assembly) election?

**Ans.** Rupees Ten Thousand. (Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

**Q4.** Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Vidhan Sabha (Legislative Assembly) election?

**Ans.** Yes. It is Rs. Five Thousand. (Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

**Q5.** If a person, who is a member of Scheduled Castes or Scheduled Tribes contests election from general seat, how much security deposit he is required to make to contest election for Lok Sabha (House of the People) / Vidhan Sabha (Legislative Assembly)?

**Ans.** Rupees Twelve thousand Five Hundred for Lok Sabha / Rs. Five thousand for Vidhan Sabha. (Refer Section 34 (1) (a) (b) of Representation of People Act 1951)

**Q6.** Which candidates lose the deposit?

**Ans.** A defeated candidate who fails to secure more than one-sixth of the valid votes polled in the constituency will lose his security deposit. (Refer: section 158(4) of Representation of People Act. 1951)

### **Section III: NOMINATIONS**

**Q1.** Suppose, I am a candidate of a recognised National or State party, how many proposers I require for my nomination?

**Ans.** Only one. (Refer: Sec. 33 (1) of Representation of People Act, 1951)

**Q2.** If I am an independent candidate or a candidate of registered unrecognized Political Party, how many proposers I require for nomination?

**Ans.** Ten. (Refer: Proviso to Sec. 33(1) of Representation of People Act, 1951)

**Q3.** Can a person contest election to Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly) from as many constituencies as he likes?

**Ans.** No. A person cannot contest from more than two constituencies at a general

election for Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly). (Refer: Section 33 (7) of Representation of People Act, 1951)

**Q4.** Whether same restriction applies in relation to bye-elections to any House held simultaneously?

**Ans.** Yes. A candidate cannot contest more than two bye-elections to the same House, if called simultaneously by the Election Commission. (Refer: Section 33 (7) of Representation of People Act, 1951)

**Q5.** How many nomination papers can be filed for standing as a candidate in the same Constituency?

**Ans.** Four. (Refer: Proviso to section 33 (6) of Representation of People Act, 1951)

**Q6.** Can I go to the Office of Returning Officer for filing a nomination with a procession?

**Ans.** No. The maximum number of vehicles that will be allowed to come within the periphery of 100 metres of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

**Q7.** How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

**Ans.** The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer. (Refer: Sec. 36 (1) of Representation of People Act, 1951)

**Q8.** If a candidate, to whose nomination paper an objection has been raised, applies for time to rebut such objection, can Returning Officer grant time for such candidate?

**Ans.** Yes. The Returning Officer may adjourn the hearing of the objection till the next day or the day after that but not beyond 11.00 a.m. on that day. The hearing in any case should be completed by Returning Officer well before 3.00 p.m. on the day fixed for withdrawal of candidatures.

#### **Section IV: OATH OR AFFIRMATION**

**Q1.** Is it necessary for a candidate to make and subscribe an oath or affirmation before an officer authorized by the Election Commission?

**Ans.** Yes. (Refer: Article 84 (a) or Article 173 (a) of the Constitution, Section 4(a) of Govt. of Union Territory Act, 1963 or section 4(a) Govt. of National Territory of Delhi Act, 1991)

**Q2.** Who are authorized persons by the Election Commission before whom to make and subscribe an oath or affirmation?

**Ans.** For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officer for the constituency. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. And in the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him is similarly authorized. If a candidate is outside India, Indian Ambassador or High Commissioner or diplomatic consular authorized by him can also administer oath/affirmation.

**Q3.** At what time the oath or affirmation by the candidate is required to be made?

**Ans.** The candidate, in person, is required to make the oath or affirmation immediately after presenting his nomination papers and in any case not later than the day previous to the date of the scrutiny.

### **Section V: ALLOTMENT OF ELECTION SYMBOLS**

**Q1.** Who allots the election symbols to contesting candidates?

**Ans.** Returning Officer. [Refer: The Election Symbols (Reservation and Allotment) Order, 1968]

**Q2.** How reserved election symbol is allotted to candidate of a recognized National or State Party?

**Ans.** For allotment of reserve symbol, the candidate has to declare in his nomination form that he has been setup by the concerned recognized party and has to submit prescribed declaration in Form B from the authorized office bearer of the party to the effect that he has been setup by that party. The declaration in Form B should be duly signed by the office bearer of the Party whose specimen signatures have been communicated in Form A subject to condition that both the Forms have been delivered to Chief Electoral Officer of the State and Returning Officer before 3 P.M on the last date of making nominations. [Refer: Paras 8 and 13 the Election Symbols (Reservation and Allotment) Order, 1968]

**Q3.** Can a candidate deliver the declaration in Form A and Form B with facsimile signature or signature by means of rubber stamp etc. of the office bearer of the political party?

**Ans.** No. Forms A and Form B must bear the signatures in ink of authorized office bearer of the political party. [Refer: Para 13 the Election Symbols (Reservation and Allotment) Order, 1968]

**Q4.** Can a candidate sponsored by a registered unrecognized political party or a candidate contesting as independent choose any one of the free symbols specified in the list of free symbols?

**Ans.** Yes. For the purpose, such candidate may choose 3 free symbols from the list, in order of preference and mention the same in his nomination paper. [Refer: Para 12 of the Election Symbols (Reservation and Allotment) Order, 1968]

**Q5.** Is it necessary for a candidate sponsored by registered unrecognized political party to submit the Forms A & Form B to the Chief Electoral Officer of the State and Returning Officer?

**Ans.** Yes. [Refer: Para 13 of the Election Symbols (Reservation and Allotment) Order, 1968]

### **Section VI: ELECTION AGENT**

**Q1.** As a candidate, can I appoint an election agent?

**Ans.** Yes. (Refer: section 40 of representation of People Act, 1951)

**Q2.** What are the functions of election agent?

**Ans.** An election agent may perform such functions in connection with the election as authorized by the candidate under the law. (Refer: section 45 of Representation of People Act, 1951)

**Q3.** Is there any restriction on appointment of a Minister/M.P./M.L. A/M.L.C or any other person who is under security cover as an Election Agent/Polling Agent/Counting Agent?

**Ans.** Yes. A candidate cannot appoint a Minister/M.P./MLA/MLC or any other person who is under security cover, as an election/polling agent/counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the 100 meter perimeter of polling stations described as the "Polling Station Neighbourhood" and within the polling booth and campus of counting centre and within the counting centre. Also, any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

**Q4.** As a candidate, can I appoint an additional election agent?

**Ans.** Yes, every candidate is permitted to appoint an additional election agent for assisting the candidate in various Expenditure related matters. The additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties, the election agent is authorized to perform on behalf of the candidate, can be performed only by the election agent.

## Section VII: POLLING AGENT

Q1. As a candidate, can I appoint persons as polling agents from anywhere?

Ans. No, each candidate can appoint one polling agent and two relief polling agents at each polling station. However, only one polling agent of a candidate should be allowed inside the polling station at any given point of time. The polling agents, who are appointed by contesting candidates, shall be ordinarily resident and electors in the same polling booth or in the alternate from the neighbour polling station falling in the same constituency. In case, any contesting candidate not able to find such polling agent, he/she can appoint any elector of same assembly constituency as polling agent. Such polling agents must have Elector Photo Identity Cards (EPIC) or any other recognized identification device issued by the Govt or any Govt agency which bears his/her identity.

Q2. Is it necessary for a candidate to appoint polling agents for each and every polling station?

Ans. The law allows a candidate to appoint three polling agents to act as his/her representatives at every polling station to watch his/her interest. But at any given point of time, only one such agent can remain inside the polling station. (Refer: Sec. 46 of Representation of People Act, 1951 and rule 13 of Conduct of Election Rules, 1961)

Q3. What are the duties of polling agents?

Ans. To detect and prevent impersonation of voters by challenging persons whose identity as genuine elector is doubtful and to see that EVM and VVPAT is properly secured/sealed before, during and after the close of poll and mock poll is conducted in their presence and poll proceedings conducted in accordance with the procedure laid down by the Election Commission.

Q4. At what time normally polling agents are required to reach at the polling stations?

Ans. A candidate is advised to depute his/her polling agents at the polling stations at least **90 minutes** before the time fixed for commencement of poll so that they are present at the time of preparation of EVM and mock poll exercise etc. by the Presiding Officer.

Q5. Is replacement of polling agent by his relieving agent allowed at polling station at any time?

Ans. Yes. But such replacement of polling agent is not allowed two hours before the close of the poll.

**Section VIII: POLLING PERSONNEL**

Q1. How the polling personnel are selected for formation of polling parties?

Ans. A district database of all eligible Govt. officials (Central/State) is maintained in an electronic form by District Election Officer in the District and then it is randomized with the aid of computer and proper mix of officials drawn from different offices is made at the time of formation of polling parties. Normally, no person is assigned polling duties in an Assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.

Q2. At what time the Polling parties are informed about the specific number and name of Polling Station which is assigned to them?

Ans. The number and name of actual polling station is disclosed to the polling parties at the time of disbursement of Polling Material.

Q3. How can a person be identified that he has been appointed as Polling Personnel/Counting Personnel at a polling station?

Ans. The Govt. officials who are appointed as Polling Personnel can be easily identified as they are issued Photo Identity Cards by the District Election Officer/Returning Officer.

Q4. What are Instructions for deploying female polling personnel?

Ans. The female polling personnel should not be put on duty on the basis of computer randomization process. They should be put on duty by manual randomization by the observers in the neighbouring polling stations so that they can go to the polling stations in the morning of the poll day itself.

**Section IX: ELECTION CAMPAIGN**

Q1. Whether there is any restriction for plying of vehicles for electioneering purposes?

Ans. Yes. A candidate can play any number of vehicles (all mechanized/motorized vehicles including 2 wheelers) for the purpose but he/she has to seek permit of the Returning Officer / DEO for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose name it is issued. The expenditure incurred on this will be booked against the candidate / political party.

Q2. Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?

Ans. No. Such vehicle shall be deemed to be unauthorized by campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise.

Q3(a). Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?

Ans. A candidate may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local law and prohibitory orders in force.

Q3(b). If local law/bye-laws permits wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?

Ans. Yes. The candidate is required to obtain prior written permission from the owner of the properties/premises and photocopy(s) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

Q3(c). Is there any restriction for displaying/carrying poster/placard/banner/flag of the party concerned or of the candidate on the vehicle during the procession?

Ans. A candidate may display /carry one poster/placard/banner/flag of his/her party/or his/her own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.

Q3(d). Whether there is any restriction for use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?

Ans. Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies are not allowed.

Q4. Is external fitting/modification allowed in the Vehicles used for campaigning?

Ans. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules as well as any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

Q5. Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Ans. Yes. Such offices cannot be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party-flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Q6. What is the deadline after which no public meetings and processions can be taken out?

Ans. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, the candidate cannot hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 7th December 2018 (Friday) and hours of poll are from 8.00 A.M to 5.00 P.M., the public meetings and processions shall be closed at 5.00 P.M on the 5th December 2018 (Wednesday). (Refer: Sec. 126 of Representation of People Act, 1951)

Q7. Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?

Ans. Yes. After the closure of campaign period (starting from 48 Hrs. before closure of poll), presence of political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over.

Q8. Is such restriction applicable in the case of office bearer who is in-charge of election of a political party in the State?

Ans. Yes. However, such restriction is not insisted in respect of the office bearer who is in-charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable to all other functionaries in all elections.

Q9. Are there any arrangements for videography of critical events during the election process?

Ans. Yes. Video Teams are formed in constituency to record and videotape critical events like meetings addressed/attended by Ministers, National/State level leaders of political parties, violent incidents, etc.

Q10. Is wearing of special accessories like cap, mask, scarf etc. permitted during the campaigning?

Ans. Yes, provided they are accounted for in the election expenses of the candidate concerned. However, supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

Q11. Is there any restriction on the printing of pamphlets, posters etc?

Ans. A candidate shall not print or publish, or cause to be printed or published names of any election pamphlet or poster which does not bear on its face and addresses of the printer and the publisher thereof. (Refer: Section 127A of Representation of 1951)

Q12. Is there any restriction on use of places of worship as forum for election propaganda?

Ans. Yes. The provisions of model code of conduct prohibit the use of places of worship as forum for election propaganda in any manner. The religious institutions (prevent of misuse) Act, 1988, prohibits use of religious institutions or funds of religious institutions for the promotion or propagation of any political ideas or political activity or for the benefit of any political party.

### Section X: POLL DAY

Q1. Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Ans. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants with one banner (3 X 4.5 feet) to display the name of the candidate/ party / election symbol at the booth. No crowd is allowed there.

Q2. Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Ans. Yes. It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Q3. If a political party cannot set up or not willing to setup a booth in an area, is there any facility provided to voters for locating their names in the electoral roll places?

Ans. Yes. A "VOTER ASSISTANCE BOOTH" is set up in premises/building location where three or more polling stations are located with a proper signage manned by a team of officials who are provided with lists of electoral rolls in alphabetical order to assist the voters for locating their serial number in the roll and polling station. If political parties inform of their inability in advance, the District Election Officer may consider making such arrangement in other areas too.

Q4. Is there any restriction of canvassing in or near polling station?

Ans. Yes. Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll. (Refer: Section 130 of Representation of 1951)

Q5. Is there any restriction of going armed to or near polling station?

Ans. Yes. No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighbourhood of a polling station on the day of poll. (Refer: Section 134B of Representation of 1951)

Q6. How many vehicles, a candidate is entitled for, on the day of poll?

Ans. (I) For an election to the House of the People, a candidate will be entitled to one vehicle for his/her own use in respect of the entire constituency and one vehicle for use of his/her election agent for entire constituency. In addition, one vehicle for use of his/her workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

For an election to the State Legislative Assembly, a candidate will be entitled to one vehicle for his/her own use, one vehicle for use of his/her election agent. In addition, one vehicle for use of his/her workers or party workers.

Q7. If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?

Ans. No. Vehicle allotted for candidate's use is not allowed to be used by any other person.

Q8. Can any type of vehicle within the limit be used on the day of poll?

Ans. No. The candidate or his agent or party workers or workers will be allowed to use only four/three/two-wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers.

Q9. What are guidelines for photography to be done inside the polling stations to monitor the poll proceedings by the election authority?

Ans. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other), the photography by the Official Videographer has been allowed to be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting in certain identified polling stations assessed as critical on various factors.

Q10. Can Presiding Officer or any other polling officer inspect the "Voting Compartment" at any time?

Ans. Yes. Presiding Officer and other polling officer can inspect the voting compartment in order to ensure that no voter has committed any mischief by pasting any paper, tapes etc. on symbol/names/ballot button but he will do so in the immediate presence of polling agents.

Q11. What are the colour of the ballot papers?

Ans. Unless otherwise directed by the Election Commission in any particular case, the ballot papers shall be printed for Parliamentary elections on white paper and for Assembly elections on pink paper.

Q12. Is there any option for an elector not to vote for any of the candidates?

Ans. The electors who do not wish to vote for any of the candidate, can exercise their right not to vote for any candidate without violation of the secrecy of

their decision. A ballot panel with the words “None of the Above: NOTA” will be available after the panel containing the name and particulars of the last candidate on the ballot paper, for the benefit those electors who may wish to exercise the option of not voting for any of the candidate in the fray.

Q13. Is there is any preference to women elector?

Ans. Normally, there will be separate queues for men and women voters. In view of the fact that women electors coming to vote at polling stations have to attend many household chores, two women voters may be allowed entry into polling station for entry of one male voter.

Q14. Whether it is possible for an elector to know to which candidate he has cast his vote?

Ans. Yes. Election Commission has ordered that VVPAT is also to be attached to EVM for printing a paper trail of vote. By pressing the balloting button, the electors can view through the transparent window, the printed paper slip showing the serial number, name and symbol of the candidate for whom he cast his vote before such paper slip get cut and drop in the drop box.

### Section XI: MICRO OBSERVERS

Q1. What is the concept of Micro Observer?

Ans. An officer/official of Central Govt./Public Sector undertakings of Central Govt. working in the district is deployed as a Micro Observer at a polling station or a group of polling stations located in a premises/building. He works directly under the control and supervision of Observer.

Q2. What is the criteria for deployment of Micro Observers?

Ans. Polling stations are short listed for the purpose on the basis of various factors which contribute to vulnerability of voters.

Q3. What are the duties of Micro Observer on the poll day?

Ans. The duties of Micro Observer are mainly to watch the following aspects:

(i) Mock poll procedures, (ii) Presence of polling agents and observance of ECI instructions with regard to them, (iii) Observance of entry pass system and access to polling station, (iv) Proper identification of electors in accordance with ECI guidelines, (v) Identification and recording procedures for the absentee, shifted and dead voters list (ASD list), wherever made, (vi) Application of Indelible Ink, (vii) Noting down particulars of electors in the register in Form 17A, (viii) Maintenance of secrecy of voting, (ix) Conduct of polling agents, their complaints, if the Micro observer feels that the poll is, for any reason being vitiated, he will immediately bring it to the notice of the constituency Observer for taking remedial action.

**Section XII: COUNTING OF VOTES**

Q1. Is any other Senior Officer posted in the Counting Centre, apart from Returning Officer, to supervise/oversee the counting process?

Ans. Yes. The Election Commission of India deploys a Senior Officer as an Observer to oversee the counting process at the Counting Centre. A Micro-Observer is also appointed at each counting table.

Q2. What are the powers of ECI Observer on the counting day?

Ans. The Observer has to watch that the counting is done strictly in accordance with law and the instructions of the Commission. He has to ensure that the counting agents are given the opportunity to watch the whole process of counting from close quarters, results are announced round-wise and the totalling is made error free by doing it manually as well as through computer. The Observer has the power to withhold the declaration of result by the Returning Officer unless he is satisfied that the whole process of counting is free and fair as well as error free.

Q3. What is the system of “randomization” of counting staff before they are deployed at the counting centre.?

Ans. The posting of Counting Supervisors and Counting Assistants is done randomly in such a way that the counting officials come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Centre on the day of the counting.

Q4. Who are the persons allowed to enter in the counting hall?

Ans. Only counting supervisors/assistants/Micro Observers, Persons authorized by the Election Commission, Public Servant on duty in connection with election and candidate and his election agent/counting agents are allowed to enter the counting hall.

Q5. Whether a candidate can enter the counting campus and counting hall with security personnel accompanying him?

Ans. No. If he happens to be a candidate, only SPG protectee with one PSO with concealed fire arms is allowed to accompany the protectee and position himself in such a manner as to be able to provide the requisite cover to the protectee should it become essential, without otherwise interfering with the proceedings.

Q6. Whether there is any restriction for appointment of persons who have been provided with the security cover by the State as a counting agent?

Ans. Yes. No person having security cover is allowed to be appointed as counting agent as the security personnel accompanying him cannot be allowed to enter the campus of counting centre and such person is also not allowed to surrender the security cover to enable him to become a counting agent.

Q7. How security of campus of counting centre is ensured?

Ans. A three-tier cordoning system is set up in the counting centre to prevent the entry of unauthorized persons inside the counting centre.

Q8. How many counting agents can be appointed by a candidate?

Ans. Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch at the Returning Officer's table. (Refer: Section 47 of Representation of People Act, 1951)

Q9. What is the prescribed form for making appointment of counting agents?

Ans. The candidate or his election agent has to submit a list of counting agents in Form - 18 along with their photographs to the Returning Officer latest by 1700 Hrs on the day, 3 days before the date of counting. The Returning Officer will prepare identity cards for such agents and issue the same to the candidate. (Refer: Rule 52 (2) of Conduct of Elections Rules 1961)

Q10. How counting agents are deployed in the counting centre by Returning Officer?

Ans. Each counting agent is given a badge indicating whose agent he is and showing the Sl. No. of the table at which, he may watch the counting and is not allowed to move about all over the hall.

Q11. Is there any upper limit prescribed for the number of counting tables which can be placed inside the counting Hall?

Ans. Normally, the upper limit is 15 tables including the table of Returning Officer.

Q12. Whether counting agents are allowed to handle EVMs?

Ans. No. In each counting hall, barricades are made for each counting table so that EVM are not handled by the counting agents. The agents are provided all reasonable facilities to see the whole process at the counting tables.

Q13. How it is ensured that Control Unit of EVM has not been tampered with?

Ans. Before votes recorded in the EVM are counted, the carrying case and Control Unit of EVM are placed on the counting table for the inspection and checking of seals thereon by the candidate or their agents present at the counting table. If Control Unit is found to have been tampered with, votes recorded in that machine are not counted and matter is reported to the Commission for further direction.

Q14. At what stage, the postal ballot papers are counted?

Ans. The postal ballot papers are counted first at Returning Officer's Table. (Refer: Rule 54A of Conduct of Elections Rules, 1961)

Q15. Can a candidate ask for a recount?

Ans. Yes. By a written application stating the grounds on which recount is asked for. Such application can be made to the Returning Officer, who prepares and signs Final Result Sheet (Form 20).

### **Section XIII: ELECTION EXPENDITURE**

Q.1 Is a candidate free to spend as much as he likes on his election?

Ans. No. A candidate is not free to spend as much as he likes on his election. The law prescribes that the total election expenditure shall not exceed the prescribed maximum limit for the constituency concerned. (Refer: Rule 90 of the Conduct of Election Rules, 1961 and Section 123 (6) of Representation of People Act, 1951) . Please refer to Appendix 38 regarding maximum limit of election expenditure for PC/AC in State/UT.

Q.2 Are the candidates required to file any account of election expenses?

Ans. Yes. Every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or his election agent between the date on which he has been nominated and the date of declaration of result, both dates inclusive. Every contesting candidate must lodge a true copy of the said account within 30 days of result of the election. (Refer: Sections 77 & 78 of the Representation of People Act, 1951)

Q.3 Who is the authority before whom such account is to be lodged?

Ans. The account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested lies. (Refer: Section 78 of the Representation of People Act, 1951)

Q.4 If a candidate is contesting from more than one constituency, is he required to file separate accounts or only one consolidated account?

Ans. Separate return of election expenses for every election which he has contested. The election for each constituency is a separate election. (Refer: Section 77 of the Representation of People Act, 1951)

Q.5. Is it compulsory to have a separate bank account, exclusively for election expenditure of a candidate? When and where should it be opened?

Ans. Yes, it is compulsory to have a separate bank account, which has to be opened anytime at least one day before the date on which the candidate intends to file his/her nomination papers and required to be communicated to the RO.

**Q.6** What is the penalty if a candidate does not file his account of election expenses, not filed in time or not lodged in manner or not lodged in time and manner?

**Ans.** If the Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and in the manner required by or under the Representation of People Act, 1951 and he has no good reason or justification for the failure, it has the power to disqualify him for a period of 3 years for being chosen as, and for being, a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State. Disqualification for a period of 3 years shall be affected from the date of order of the Commission. (Refer: Section 10A of the Representation of People Act, 1951)

**Q.7** Whether expenditure on travel incurred by Star Campaigners (leaders) of political party for propagating programme of that party shall be treated as expenditure incurred/authorized by a candidate of that party? If so, what are the conditions?

**Ans.** Only in the case of expenditure on travel in respect of Star Campaigners (leaders) of the Political Party who have submitted the list of such leaders (40 in the case of National Parties and State Parties and 20 in the case of Registered Unrecognized Parties) within 7 days from the date of issue of notification of election to the Election Commission and Chief Electoral Officer of the State concerned for availing benefit is exempted, failing which such expenditure shall be treated as an expenditure incurred/authorized by the concerned candidate of that party. (Refer: Clause (a) of Explanation 1 to Section 77 of the Representation of People Act, 1951)

**Q.8** Whether a person who is not a member of the party can be nominated as a Star Campaigner (Leader) of the Party for the purpose?

**Ans.** No. (Refer: Section 77(1) of Representation of People Act, 1951)

**Q.9** Can the name of a Star Campaigner(s) be allowed to be substituted from the list of Star Campaigners (leaders) after it is submitted to the Commission?

**Ans.** No. Substituting a name from the list is permitted under the law only where any of the persons mentioned in the list dies or ceases to be a member of the political party concerned and not otherwise. (Refer: Explanation 2 to Section 77(1) of Representation of People Act, 1951)

**Q.10** Whether a candidate who has been declared as a Star Campaigner (leader) by a political party can be considered to be a Star Campaigner (leader) of his political party in his own constituency from where he is contesting election for the purpose of explanation to Section 77 (1) of Representation of People Act, 1951?

**Ans.** No. Such leader cannot be considered Star Campaigner (leader) of his political party in his own constituency. In his own constituency, he is a candidate first. The expenditure incurred by him within his constituency is to be booked against his election expenditure.

**Q.11.** How do the rates for different items get decided and how do I get a rate chart?

**Ans.** In order to facilitate the scrutiny of expenditure which is to be maintained on a daily basis by the candidates in the prescribed proforma, the Commission has directed that the DEO shall compile the rate charts of the items commonly used for the election campaign in the district on the basis of the prevailing rates after consultation with the representatives of political parties. The DEO/RO shall ensure that the rate list of all such items is made available to all the candidates with due acknowledgement and to the teams involved in monitoring election expenditure.

**Q.12.** Whether it is necessary to incur election expenditure beyond Rs. 10,000/- by account payee cheque or any other electronic mode linked with the Bank Account opened for election expenditure purpose?

**Ans.** Yes. As per existing instructions of the Commission, the candidates shall incur all election expenses by account payee cheques from the Bank account opened for election purpose, excepting minor expenses where it is not possible to issue cheques. If the amount payable by candidates to any person/entity for any item of expenditure does not exceed Rs. 10,000/- during the entire process of election, then such expenditure can be incurred by cash, by withdrawing it from the bank account opened for the purpose of election. All other payments exceeding Rs. 10,000/- are to be made by account payee cheque or any electronic mode from the said bank account.

**Q.13** Can a friend of a candidate incur expenditure for promoting his election without his approval?

**Ans.** Expenditure exceeding the amount of Rs.10/- incurred for promoting of election without approval of the candidate is punishable. (Refer: Section 171H of Indian Penal Code)

**Q.14** Suppose an expenditure is incurred by a friend with the approval of candidate for promoting his election, is such expenditure to be booked against the accounts of candidate?

**Ans.** Yes. (Refer: Section 77 of Representation of People Act, 1951).

**Q.15** If the candidates are travelling along with the star campaigner in the same vehicle whether the expenditure on the vehicle will be booked to the election expenditure account of the candidates?

**Ans.** If in the vehicle in which a leader of a political party (Star Campaigner) covered under Explanation-2 to Section 77 (1) of the Representation of the People Act, 1951, is travelling, the candidate or other workers of the party /

candidate also travel, 50% of the expenditure on the vehicle will be booked to the election expenditure account of the candidate(s) concerned. [i.e., the candidate(s) for furthering the prospect of whose election the leader is travelling]. Note: vehicle includes aircraft / helicopter or any other means of transport used by the leader.

**Q.16.** Whether the expenditure incurred for preparation of campaigning materials prior to the date of nomination be accounted for in the election expenditure?

**Ans.** Yes. The candidates, while maintaining their register of account of election expenditure, should also account for all expenditure those incurred prior to the date of nomination for preparation of campaign materials etc. which are actually used during the post nomination period / in connection with the election.

**Q.17.** What constitutes the Election Expenditure Register of a candidate, which is required to be submitted within 30 days of declaration of results?

**Ans.** Each contesting candidate has to lodge the following registers/ statements with the DEO within 30 days from the date of declaration of results:

(i) Day to Day account Register (with all the bills & vouchers in chronological order signed by the candidate or his election agent)

(ii) Cash register

(iii) Bank Register (along with certified copy of the Bank statement).

(iv) Abstract Statement (Part I to IV) and Schedules 1 to 11 duly signed by the candidate

(v) Affidavit duly signed by the candidate. All vouchers date wise serially numbered in sync with Day to Day Account Register duly signed by candidate/election agent.

**Q.18.** What is the Account Reconciliation Meeting? Whether a candidate has to attend the meeting?

**Ans.** Account Reconciliation Meeting is to be convened by the DEO on the 26th day after the date of declaration of results for reconciling the discrepancy(ies), if any, in the account of election expenses maintained by the candidate. This opportunity may be availed by the candidates, if they so desire.

**Q.19.** How shall a candidate account for the use of social media during his/her election campaign?

**Ans.** A candidate shall include payments made to internet companies and websites for carrying advertisements and also campaign related operational expenditure on creative development of content, operational expenditure on salaries and wages paid to the team of workers employed to maintain their Social Media accounts.

**Q.20.** How many vehicles can be used for campaigning and can the permission for the same be withdrawn?

**Ans.** There is no limit on number of vehicles which a candidate may use for electioneering purposes. The candidate shall have to furnish the details of such vehicles and the areas in which these will be used for campaign, to the RO or authorised Officer to get permission. The original copy of the permit should be displayed on the wind screen of the vehicle. The permit contains the number of the vehicle, date of issue of permit, name of the candidate and the area where it shall be used for campaigning. The candidate has to maintain expenditure incurred on the permitted vehicles in his day to day account register. If the candidate fails to submit his election expenditure register for inspection before the election authority on the dates scheduled by RO during campaign period even after notice served upon him by RO within 3 days, then permission of vehicle shall be withdrawn by the RO. Any vehicle used for campaigning without due authorization/permit by the authorized officer shall be deemed to be campaigning unauthorisedly for the candidate and may attract penal provision of Chapter IX A of the IPC and shall therefore, be immediately taken out of the campaigning exercise.

**Q.21.** I have taken the permission from the RO for campaign vehicles, but not using. Does it account for candidate's expenditure?

**Ans.** Yes. After obtaining permission from the RO, if a candidate does not intend to use the vehicle(s) for any period more than 2 days, he/she shall intimate to the RO, to withdraw the permission for such vehicle(s). If the candidate, after obtaining permission does not intimate the RO, to withdraw the permission of such campaign vehicles, it will be presumed that the candidate has used the permitted vehicles for campaigning purpose and accordingly, the expenditure as per the notified rates on such vehicles shall be added to his/her account of election expenses.

#### **Section XIV: ELECTRONIC VOTING MACHINES**

**Q1.** What is an EVM?

**Ans.** EVM stands for Electronic Voting Machine. It is a device used to electronically record and count votes cast in elections. Indian Electronic Voting Machine (EVM) system consists of Ballot Unit (BU), Control Unit (CU) and the later added Voter Verifiable Paper Audit Trail (VVPAT). EVMs come under the overall category of DRE voting machine, or Direct Recording Electronic voting machine systems, which is one of the many voting methodologies available worldwide. EVMs are considered more efficient and accurate than paper ballots, as they eliminate the possibility of invalid votes due to unclear or improperly marked ballots, reduce the time required for counting, and prevent multiple voting.

Q2. Where are the EVMs manufactured? Is it imported?

Ans. EVMs/VVPATs are indigenously manufactured by the two Public Sector Undertakings (PSUs) namely Bharat Electronics Limited (BEL), under the Ministry of Defence and Electronic Corporation of India Limited (ECIL), under the Department of Atomic Energy. EVMs/VVPATs are not imported.

Q3. In what way functioning of EVMs is different from the conventional system of manual ballots and voting?

Ans. In the EVM system of voting, the Control Unit is placed with the Presiding Officer or a Polling Officer (In-Charge CU) and the Ballot Unit(s) and VVPAT are placed inside the voting compartment. Instead of issuing a ballot paper, the Polling Officer in-charge of the Control Unit releases a ballot by pressing the Ballot Button on the Control Unit. This enables the voter to cast his/her vote by pressing the blue button (candidate button) on the Ballot Unit against the candidate and symbol of his/her choice. When a voter presses a button against the candidate of his/her choice in Ballot Unit, red light glows against candidate of his/her choice in Ballot Unit. A paper slip showing the serial no, name and the symbol of the candidate of his/her choice is generated and visible for about 7 seconds through transparent window of VVPAT. Thereafter, printed paper slip is cut and stored in Drop Box (Ballot Compartment) of VVPAT. A loud BEEP sound from the Control Unit confirms the vote is registered successfully. In the Paper Ballot system the vote is cast by placing a mark on the Ballot paper against the name of the chosen candidate, folding the ballot paper correctly and putting it in the ballot box. In this process many votes were declared invalid due to incorrect marking or incorrect folding of the ballot paper.

Q4. What is the maximum number of votes which can be cast in EVMs?

Ans. An EVM being used by ECI can record a maximum of 2,000 votes.

Q5. What is the maximum number of candidates which EVMs can cater to?

Ans. One Ballot Unit can cater to 16 candidates including NOTA. A total of 24 BUs could be connected together to make a set of EVM. Therefore, one set of EVM could cater to a maximum of 384 candidates.

Q6. How can EVMs be used in areas where there is no electricity?

Ans. EVM and VVPAT do not require any external power supply. EVM and VVPAT run on their own battery power-packs supplied by Bharat Electronics Limited/ Electronics Corporation of India Limited. EVM runs on a Power Pack of 7.5 Volts and VVPAT runs on a power-pack of 22.5 Volts.

Q7. Who has designed the EVMs and VVPATs?

Ans. The EVMs and VVPATs have been designed by two Public Sector undertakings viz., Bharat Electronics Limited (PSU under Ministry of Defence) and Electronic

Corporation of India Limited (PSU under Department of Atomic Energy) under the guidance of the Technical Experts Committee (TEC) constituted by the Election Commission of India.

Q8. Will operating an EVM not be difficult for illiterate voters, senior citizens or voters who are not technologically savvy?

Ans. Considering the advances our country has made in adopting various technologies in daily lives, there is no specific problem related to the operations of EVMs which is by itself a very simple procedure like pressing a switch and viewing a printout. Voting with EVM is much simpler compared to the conventional ballot system, where one has to put the voting mark on or near the symbol of the candidate of his/her choice on the Ballot Paper, fold it first vertically and then horizontally and thereafter, put it into the ballot box. On other hand in EVMs, the voter has to simply press the required blue button on Ballot Unit against the candidate and symbol of his/her choice and the vote is recorded. The voter can verify his vote from the VVPAT printout.

Q9. Is it possible to use EVMs for simultaneous elections for Parliament and State Legislative Assembly?

Ans. Yes. During simultaneous elections 2 separate sets of EVMs and VVPATs are required in a polling station; one for the Parliamentary Constituency and the other for the Legislative Assembly Constituency.

Q10. How long does the Control Unit store the result in its memory?

Ans. The Control Unit can store the result in its memory until the data is deleted or cleared.

Q11. How can a voter be sure that the EVM is working and his/her vote has been recorded?

Ans. As soon as the voter presses the 'blue button' on the BU against the candidate and symbol of his/her choice, the lamp against symbol of that particular candidate glows red and a long beep sound is heard. Thus, there is both audio and visual indication for the voter to be assured that his/her vote has been recorded correctly. In addition, voters are able to check the truthful recording of their votes through verification of printed VVPAT slip. Further, as mandated by the Hon'ble Supreme Court, the subsequent tallying of VVPAT slips of 5 randomly selected polling stations of every AC/AS, with the electronic count of the corresponding CUs is done to establish a correlation between the vote cast and the vote counted with an extremely high level of confidence.

Q12. Is it possible to vote more than once by pressing the button again and again?

Ans. No, it is not possible to vote more than once on an EVM. As soon as a particular button on the Ballot Unit is pressed, the vote is recorded for that particular

candidate. The machine does not respond to further button presses on the BU. This way the EVMs ensure the principle of “one voter, one vote”. The next vote is enabled only when the Presiding Officer in-charge of the Control Unit releases the Ballot by pressing the Ballot Button on the Control Unit. This is a distinct advantage over the ballot paper system.

**Q13.** Is it possible to program the EVMs in such a way that initially, say up to 100 votes, votes will be recorded exactly in the same way as the ‘blue buttons’ of BU are pressed, but thereafter, votes will be recorded only in favour of one particular candidate irrespective of whether the ‘blue button’ against that candidate or any other candidate is pressed?

**Ans.** No. The microchip used in EVM is a one-time programmable (OTP) chip, which cannot be overwritten. Prior to despatch from the factories all EVMs are checked to ensure they carry the original programme. Once the original programme is ported onto the microchip and OTP-ed it cannot be reprogrammed at all. In the field before use in any election the First Level Checking of all EVMs is conducted in the presence of political party representatives. High level mock poll is conducted in 5% randomly selected EVMs and electronic result is tallied with VVPAT slip count to ensure proper functioning of the EVMs. Furthermore, the EVMs are stand-alone machines which are not accessible from any wired/wireless network nor are they connected with any external devices. There is no operating system used in these machines. Therefore, there is absolutely no chance of reprogramming or manipulating the programs of EVMs in a particular way to select any particular candidate or political party. Various administrative safeguards and the participation of political parties / candidates or their representatives during various processes too add strength to the overall robustness and transparency in the use of EVM system.

**Q14.** How can one rule out the possibility of recording further votes at any time after close of the poll and before the commencement of counting by interested parties?

**Ans.** After completion of poll i.e. when the last voter has voted, the Officer in-charge of the Control Unit/Presiding Officer presses the ‘Close’ Button. Thereafter, the EVM does not accept any vote. The poll start time and end times are recorded in the machine as well as by the Presiding Officer. After the close of poll, the CU is switched off and thereafter the Ballot Unit is disconnected from the CU and kept separately in the respective carrying cases and sealed. Further, the Presiding officer has to hand over to each polling agent a copy of the account of votes recorded. At the time of counting of votes, the total votes recorded in a particular control unit is tallied with this account and if there is any discrepancy, this can be pointed out by the Counting Agents of candidates.

**Q15.** Does the VVPAT have a programmable memory? If yes, then at what stages in the election process is it accessed by an external device? If no, then where

are the names and symbols of the candidates stored in the VVPAT for it to print the same in the VVPAT slip later?

**Ans.** VVPAT has two different memories. One is OTP area where the program instructions are kept for the microcontrollers. The other memory is for storing graphical images containing serial number, name and symbol of the candidates. The VVPAT firmware is stored in the OTP memory. After the firmware is ported in the microcontroller at the manufacturers' site, no changes in the program are possible later. On the other hand, the graphical images containing the serial number, candidates' name and symbol are stored as data in the programmable memory during the commissioning of VVPATs before each election. Live display of the symbols being loaded into the VVPAT is done during the commissioning process in presence of candidates /their representatives.

**Q16.** Do EVMs malfunction?

**Ans.** EVMs are electronic machines and like any other machines they are also vulnerable to failures or breakdowns or defects. However, there is no question of 'malfunction' in a way that a vote cast to a candidate is counted under a different candidate. This scenario is just not possible.

**Q17.** Where EVMs & VVPATs are stored during election and non-election period?

**Ans.** EVMs and VVPATs are kept in the EVM warehouse/Strong room under proper security and CCTV coverage etc, as per SoPs prescribed by the Election Commission of India.

**Q18.** Whether representatives of recognised political parties/candidates are present while opening and closing of EVM warehouse/strong room?

**Ans.** EVM warehouse/strong room is always opened and closed under prior intimation to and in the presence of the representatives of recognised political parties/candidates under videography. Proper logbook is also maintained.

**Q19.** Who conducts the First Level Checking of EVMs & VVPATs?

**Ans.** Only authorized engineers of the manufacturers, namely Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL), conduct the First Level Checking (FLC) of EVMs and VVPATs under control of District Election Officer and direct supervision of Dy. DEO in the presence of representative of recognised Political Parties.

**Q20.** The Ballot Unit has provision for 16 candidates. In a constituency, there are only 10 candidates. The voter may press any of the buttons from 11 to 16. Will these votes not be wasted?

**Ans.** No. If there are only 10 candidates including NOTA in a constituency, the 'Candidate' buttons provided at Sl. No. 11 to 16 will be 'masked' (closed) at the time of preparation of EVM by Returning Officer. Therefore, there is no question of any voter pressing any of the buttons for candidates 11 to 16.

**Q21.** Ballot boxes are engraved so as to avoid any scope for complaint of replacement of these boxes. Is there any system of numbering EVMs and VVPATs?

**Ans.** Yes. Each Ballot Unit, Control Unit and VVPAT has a unique ID Number, which is engraved on the cabinet or on metal plate riveted to the cabinet. The list containing ID number of EVM (Ballot Unit, Control Unit& VVPAT) to be used in a particular polling station is prepared and provided to the contesting candidates/their agents

**Q22.** Who loads the Serial numbers, names of candidates and symbols allotted to contesting candidates in VVPAT unit and how?

**Ans.** Serial numbers, names of candidates and symbols allotted to them are loaded in VVPAT unit using Symbol Loading Unit (SLU) with the help of authorised engineers of the manufacturer i.e. ECIL/BEL. The new SLU, introduced from 2022, also facilitates the representatives of recognised political parties/candidates/their agents to simultaneously view symbols being loaded in the VVPAT on a big monitor or TV.

**Q23.** Whether the test printout of the Serial numbers, names of candidates and symbols loaded in VVPAT is taken?

**Ans.** Yes. The test printout of the Serial numbers, names and symbols of candidates loaded in VVPAT is mandated to be taken by the Returning officer/ARO at the time of preparation for cross checking with the ballot paper in Ballot Unit. Thereafter, one vote to each candidate including NOTA is cast to check that the VVPAT is printing the paper slips correctly in respect of all the candidates.

**Q24.** Whether changing of thermal paper roll of VVPAT is allowed at polling stations?

**Ans.** No. Changing of paper roll is strictly prohibited at polling stations. In case, the thermal paper roll gets exhausted by any chance, a new VVPAT is used as replacement.

**Q25.** In the conventional system, before the commencement of poll, the Presiding Officer shows to the polling agents present that the ballot box to be used in the polling station is empty. Is there any such provision to satisfy the polling agents that there are no hidden votes already recorded in the EVMs?

**Ans.** Yes. Before the commencement of poll, the Presiding Officer demonstrates to the polling agents present that there are no hidden votes already recorded in the machine by pressing the result button. Thereafter, he/she conducts a Mock poll with at least 50 votes in the presence of the polling agents and tallies the electronic result stored in the CU with VVPAT slips count. Thereafter, the Presiding Officer presses the clear button to clear the result of the mock poll before commencing the actual poll. He then again shows to polling agents, by pressing 'Total' button that it shows '0' votes and also shows that the VVPAT slip compartment is empty. He then seals the Control Unit and VVPAT, before starting actual poll, in the presence of polling agents.

**Q26.** Will it not be difficult to transport the EVMs to the polling stations compared to the ballot boxes?

**Ans.** No. On the contrary, it is easier to transport the EVMs, as compared to ballot boxes as EVMs are lighter, portable and come with custom-made carrying cases for ease of carriage/transport. EVMs are transported under extreme security and safeguards.

**Q27.** In the conventional system, it will be possible to know the total number of votes polled at any particular point of time. In EVMs 'Result' portion is sealed and will be opened only at the time of counting. How can the total number of votes polled be known on the date of poll?

**Ans.** In addition to the 'Result' button, there is a 'Total' button on Control Unit of EVMs. By pressing this button the total number of votes polled upto the time of pressing the button will be displayed without indicating the candidate-wise result.

**Q28.** Whether it is possible to know much beforehand about the sequence of names on the Ballot paper or about deployment of EVMs in a particular polling station?

**Ans.** No. The arrangement of names of candidates in the ballot paper of the Ballot Unit is in alphabetical order, first for the National & State Recognised Political Parties, followed by other State Registered Parties, and then by Independent candidates. Thus, the sequence in which the candidates' names appear on the Ballot Unit is dependent on the names of the candidates and their party affiliation. Therefore, the sequence cannot be ascertained much in advance. EVMs are allocated to polling station after two stages of randomisation process through EVM Management System (EMS) software application developed by the Commission. After First Level Checking of EVMs, first randomization of EVMs is done at the District Election Officer level to allocate them Assembly Constituency-wise in the presence of the representative of political parties. Thereafter, before Commissioning of EVMs, second randomisation of EVMs is done at the Returning Officer level to allocate them Polling Station-wise in the presence of candidates/their agents. Two levels of randomisations eliminate any scope of (determining before-hand) the polling station-wise deployment pattern of machines beforehand.

**Q29.** What will happen if the EVM in a particular polling station goes out of order?

**Ans.** If an EVM/VVPAT of a particular polling station goes out of order, the same is replaced with a new one from the Reserve EVMs in the presence of the polling agents appointed by the candidates. The votes recorded until the stage when the EVM went out of order remain safe in the memory of the Control Unit and therefore the polling is resumed after replacing the out-of-order/defective EVM with another EVM. There is no need to start the poll from the beginning. On the counting day, votes recorded in both Control Units are counted to

give the aggregate result of that polling station. Even if the recorded votes in the Control Units could not be ascertained due to any technical malfunction, VVPAT slips of the respective Control Unit are counted.

**Q30.** Is there any provision for a Voter to lodge a complaint if the paper slip generated by VVPAT shows the name or symbol of a candidate other than the one he voted for?

**Ans.** Yes, if an elector after having recorded his/her vote alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he/she voted for, as per the provisions of Rule 49MA of Conduct of Elections Rules, 1961, the Presiding Officer obtains a written declaration from the elector as to the allegation, after informing the elector about the consequence of making a false declaration.

If the elector gives the written declaration referred to in sub-rule (1) of Rule 49MA, the Presiding Officer permits the elector to record a test vote in the voting machine in his/her presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

If the allegation is found true, the Presiding Officer will report the facts immediately to the Returning Officer, stop further recording of votes in that voting machine and act as per the directions that may be given by the Returning Officer. If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the Presiding Officer shall -

- make a remark to that effect against the second entry relating to that elector in Form 17A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- obtain the signature or thumb impression of that elector against such remarks; and make necessary entries regarding such test vote in item 5 in Part I of Form 17C.

**Q31.** Wherever an election petition is filed, the result of the election is subject to the final outcome. The courts, in appropriate cases, may order a recount of votes. Whether EVMs can be stored for such a long time and whether the result can be taken in the presence of the officers authorised by Courts?

**Ans.** The votes recorded in a Control Unit can be stored until they are cleared. If the Court orders a recount, the Control Unit can be reactivated by fitting the battery to display the result stored in its memory.

**Q32.** Whether counting of printed paper slips of VVPAT is compulsory on the counting day?

**Ans.** Counting of printed paper slips of VVPAT is done only in the following cases:

- In case of no display of result from the Control Unit, the printed paper slips of the respective VVPAT are counted.
- If any candidate, or in his absence, his election agent or any of his counting agents make a written request to count the printed paper slips of the VVPAT in respect of any polling station or polling stations under Rule 56 D of the Conduct of Elections Rules 1961, the Returning Officer taking into consideration various factors decides and issue written orders, whether to count or not to count the printed paper slips of the VVPAT of that particular polling station(s).
- Mandatory verification of printed VVPAT paper slips of 05 randomly selected polling stations of each Assembly Constituency or each Assembly Segment in case of election to the House of the People.

**Q33.** After announcement of the result, where are the EVMs and VVPATs kept and for what period?

**Ans.** After announcement of result, in the presence of the candidates/their representatives, EVMs are sealed in their carrying case and VVPAT slips are taken out from the VVPATs and sealed in black envelope. The EVMs, VVPAT slips and other election materials are kept in the Strong Room under the custody of the District Election Officer concerned till the timeframe of filing Election Petitions gets over i.e. 45 days from the date of declaration of result. If any Election Petition is filed before the Hon'ble High Court concerned, the Units concerned are kept till final disposal of the petition.

**Q34.** There must be compliance audit, verifiable by all candidates and interested members of the general public, to ensure the integrity of the VVPAT slips. The VVPAT slips may be trustworthy at the time of voting, but it is necessary to ensure that they remain trustworthy later while auditing.

**Ans.** Mandatory verification of randomly selected 5 polling stations per assembly constituency/segment is nothing but a post audit of the vote count, in the presence of stakeholders. Moreover, contesting candidates have opportunity to request for the VVPAT slip count under Rule 56 D of the Conduct of Elections Rules, 1961 after completion of counting of votes from the EVMs. Further, aggrieved candidate(s)/voter can challenge the election by way of Election Petition before the competent court.

**Q35.** The integrity of the VVPAT slips and the EVM machines during the entire time after polling and before counting and auditing must be ensured in a manner that is verifiable by all. There should be no trust requirement on the custody chain.

**Ans.** It may be seen that the entire process is system driven with necessary checks and balances. Some of the safeguards to maintain integrity are as under:

- List of Serial numbers of EVM/VVPAT used in the poll is shared with

candidates/their agents along with the detail of number of votes polled in respective EVM to verify at the time of counting of votes.

- After poll, EVMs-VVPATs are sealed in their carrying cases at the polling stations in the presence of polling agents and they are also allowed to put their signatures on the seals.
- The only power source available for the VVPAT is removed before they are stowed after the polling in strong rooms.
- Live feed of CCTV covering entry of Strong Rooms of polled EVMs is given to representatives of candidates camping at counting centre.
- Two-tier security arrangements are made at the Strong Room having polled EVMs.
- Further, on counting day the EVM Seals and Sl Nos are checked by the counting agents of candidates before start of counting.

As can be seen since every aspect of polled EVMs is handled transparently with the candidates' participation and nothing is left to trust on the custody chain.

**Q36.** Is the entire process on use of EVMs-VVPATs is transparent, free and fair?

**Ans.** The strong technical safeguards and elaborate administrative procedures put in place by ECI along with encouraging wide participation of all stakeholders at every stage of the election process is done to ensure that the elections are not only transparent, free and fair but also conducted openly under the watchful eyes of the public. During election period Electronic and Print Media also keenly observe the happenings.

**Q37.** In case of election dispute is reconstruction of vote for authentication is possible in the EVM voting?

**Ans.** In case of election dispute reconstruction of the vote for authentication is possible in EVM-VVPAT system from the data stored in Control Unit of EVM. The same has been demonstrated in the Courts whenever there was a need in cases on election disputes. Vote counting with the EVM is totally transparent and happens in the presence of various stakeholders and stringent administrative safeguards. In fact, the EVM has made elections safe and virtually eradicated booth capturing by limiting the rate of vote casting to 5 votes a minute and thus significantly increasing the time required for stuffing false votes. Invalid votes, a bane of the paper ballot system, were at times greater than the winning margins and have been completely eliminated by the EVMs. In the ECI EVMs the Voter can still verify the correctness of her vote through the VVPAT printed slip which is still available as a paper trail for subsequent audit. Vote counting with the EVM is totally transparent and happens in the presence of various stakeholders and stringent administrative safeguards.

**Q38.** It is claimed that EVM machines can be manipulated by connecting it to cell phones, Bluetooth devices, replacing parts of it and other forms of manipulation, apart from physical replacement of it by other EVMs.

**Ans.** This is a baseless and unscientific claim. The technical information about the micro controllers is available in public domain and can be accessed on the website of microcontroller manufacturers. The EVM / VVPATs use controllers which are One Time Programmable (OTP) only. The OTP feature is activated by a code /command, fed via a software program, and in the first time run at power 'on' sets an internal register to shut off any re-programmability capability. The code/ command and procedure are also available in public domain in the datasheets/ application notes on use of these microcontrollers.

If these controllers had internal Bluetooth or WiFi module then information in the form of features, internal block diagram of the microcontrollers, pin assignment and signals at all pins of the module would be available in the data sheets. Also, if such Transmitters or Receivers were available in the microcontrollers then power supply pins, antenna pins, frequency assignment pins, crystal oscillator pins that are specific to Bluetooth or Wi-Fi would also be available in the data sheets. The microcontrollers used by BEL ECIL do not have such modules and this can be verified by information in their data sheets available in the public domain. EVMs are standalone devices without any wired or wireless connectivity with units outside the EVM system. Advanced technical features and robust administrative safeguards are in place to rule out any such possibility of manipulation. The BU, CU and VVPATs have digital certification and carry out mutual authentication when connected together before communicating. Any other lookalike machine, therefore, cannot be connected to ECI EVMs. Apart from the technical safeguards there are very elaborate and tight administrative safeguards mandated by ECI to ensure the physical safety and security of the EVMs at all times.

**Q39.** The mere agreement of electronic and VVPAT counts cannot rule out spurious vote injections or deletions in both. What are the safeguards in place on this crucial matter?

**Ans.** EVM is designed in such a way that no vote can be cast once the close button is pressed. After poll, machines are sealed in their carrying cases at the polling stations in the presence of polling agents and they are also allowed to put their signatures on the seals. Candidates and their Agents are allowed to escort the machines to the collection centres and permitted to watch the Strong Rooms having polled EVMs & VVPATs till the counting day. Further, Poll start time and poll end time is displayed in the Control Unit at every switch ON. Hence, spurious injection or deletion of votes after polling and before counting can be detected. These timings are also recorded in the Presiding Officer's diary and can be cross verified with the time displayed by the EVM. The number of voters as per Form 17C is also a record of the

total votes polled in that PS thus completely eliminating the possibility of “spurious injection or deletion”.

Q40. What is the protocol for deciding the Outcome-Including possible re-polling-if there is a mismatch between the VVPAT and the electronic tallies?

Ans. Rule 56D (4) (b) of the Conduct of Election (Amendment) Rules clearly states that in case of a discrepancy between the Electronic Count in the CU and the ballot slip count of the VVPAT, the VVPAT slip count shall prevail.

Q41. What are the provisions to handle any claimed discrepancy in the votes cast?

Ans. The contesting candidates have opportunity to request for the VVPAT slip count under Rule 56D of the Conduct of Elections Rules, 1961 after completion of counting of votes from the EVMs. Further, as per existing legislation, Rule 56D (4) (b) of the Conduct of Election (Amendment) Rules in case of a discrepancy between the Electronic Count in the CU and the ballot slip count of the VVPAT, the VVPAT slip count shall prevail

Q42. Where can I read further about EVMs and VVPATs?

Ans. For further reading you may refer to:

- Manual on EVM and VVPAT available at <https://eci.gov.in/files/file/13911-manual-on-electronic-voting-machine-and-vvpat-edition-7-december-2022/>
  - Status paper on EVM available at <https://eci.gov.in/files/file/8756-status-paper-on-evm-edition-4/>
- Legal History of EVM & VVPAT at <https://eci.gov.in/files/file/14525-legal-history-of-evms-and-vvpats/>

**SECTION – V**  
**EVM BROCHURE FOR**  
**CANDIDATES AND**  
**POLITICAL PARTIES**

# EVM BROCHURE FOR CANDIDATES & POLITICAL PARTIES



**NOVEMBER, 2023**

**ELECTION COMMISSION OF INDIA**



Control Unit (CU)

VVPAT

Ballot Unit (BU)

Electronic Voting Machines & VVPATs are manufactured by M/s. Bharat Electronics Limited (A PSU under Ministry of Defence) and M/s. Electronics Corporation of India Limited (A PSU under Department of Atomic Energy).

**Electronic Voting Machine (EVM):** An EVM consists of two units, namely, Control Unit (CU) and Ballot Unit (BU). A Ballot Unit caters upto 16 candidates. 24 (Twenty-four) Ballot Units can be cascaded together for catering to 384 candidates (including NOTA) with one Control Unit. On the right side of the BU along the candidates' vote button, digits 1 to 16 are embossed in Braille signage for guidance of visually impaired electors. It runs on a power pack (Battery) having 7.5 volts.

**Voter Verifiable Paper Audit Trail (VVPAT):** Voter Verifiable Paper Audit Trail is an independent system attached with the Electronic Voting Machines that allows the voters to verify that their votes are cast as intended. VVPAT runs on a power pack (Battery) of 22.5 volts.

#### **Functioning of EVM and VVPAT:**

- Control Unit is kept with the Presiding Officer/Polling Officer and Ballot Unit and VVPAT are kept in the Voting Compartment.
- When a vote is cast on Ballot Unit by pressing candidate button (Blue Button) of his/her choice, **RED** light is glow against that particular candidate button.
- On other hand, a slip is printed on the VVPAT printer containing the serial number, name and symbol of the candidate and remains exposed through a transparent window for about 7 seconds.
- Thereafter, this printed slip automatically gets cut and falls in sealed drop-box of the VVPAT.

- Thereafter, a beep sound is heard from the Control Unit to ensure vote has been registered successfully.

<b>Technical Security Features</b>		
<b>Features</b>	<b>Purpose</b>	<b>Ruled Out</b>
Standalone	EVM used by the Commission is a stand-alone non-networked machine which can be connected to EVM components only (e.g. CU, BU, VVPAT, SLU, P-FLCU).	Any connection with external world through wire or wireless
One Time Programmable (OTP) Chip	The machine is electronically protected to prevent any tampering/manipulation. The programme (software) used in these machines is burnt into a One Time Programmable (OTP) chip so that it cannot be altered or tampered with.	Any alteration or tampering
Unauthorized Access Detection Module (UADM)	Software as well as polled data is stored in the micro-controller of the Control Unit of EVM, which is protected by a Secure Module. Any attempt to open the Secure Module at any time whether the machine is on or off, renders the machine in factory mode and the machine becomes inoperative.	Any access to microcontroller or memory
No Radio Frequency Transmission or Reception Capability	Any tampering of ECI-EVM by coded signals by wireless, Bluetooth or WiFi is ruled out as EVM does not have any radio frequency (RF) communication capability, hence, cannot communicate through Wifi, Bluetooth etc.	Any tampering by coded signals by wireless like Bluetooth or Wifi
Dynamic Coding of Key Presses	Every key press is coded dynamically making it impossible for anyone to decode the signals between Control Unit and Ballot Unit.	Any decoding of the signal between Control Unit, Ballot Unit and VVPAT
Most Advanced Encryption Techniques	Standards used are proven to work effectively in modern systems	Any deciphering by tapping cables
Strong Mutual Authentication Capability	The strong mutual authentication capability ensures that any unauthorized devices cannot interact with EVMs	Any interaction with any unauthorized devices
Real Time Clock for date and time stamping key presses	Every authorised or un-authorised key press is recorded with date and time stamp on real time basis.	Any malpractice

S. No.	Various activities related to EVMs/VVPATs with the involvement of the representatives of National & State Recognised Political Parties and Candidates
1	<p style="text-align: center;"><b>Storage of EVMs and VVPATs During Non-Election Period</b></p> <ul style="list-style-type: none"> <li>• Generally, EVM-VVPATs are stored at district headquarters under custody of District Election Officer (DEO).</li> <li>• EVM-VVPATs are stored under double lock system with all keys of Lock-1 with DEO and all keys of Lock-2 with Deputy DEO or equivalent.</li> <li>• EVM-VVPAT warehouse/strong room has minimum ½ section armed security, CCTV coverage, log-book etc.</li> <li>• During non-election period till finalization of list of the contesting candidates, EVM-VVPAT warehouses are opened/closed (for any purpose like movement, inspection etc.) in the presence of the representatives of National and State Recognised Political Parties.</li> <li>• With finalization of list of the contesting candidates, candidates and their representatives are involved while opening and closing of EVM-VVPAT warehouses/strong room.</li> <li>• Opening and Closing of EVM warehouse/strong room is done under videography.</li> </ul>
2	<p style="text-align: center;"><b>First Level Checking of EVMs and VVPATs</b></p> <ul style="list-style-type: none"> <li>• First Level Checking of EVMs and VVPATs is conducted before every election by the authorised engineers of Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) at District Election Officer (DEO) level.</li> <li>• For this purpose, National and State Recognised Political Parties at district headquarters are invited in writing by DEO concerned at least two days before the beginning of FLC and a copy is endorsed to state headquarters.</li> <li>• The representatives of National and State Recognised Political Parties are involved to oversee entire FLC process and also to put their signatures on the paper seal (Pink Paper Seals affixed on the Control Units) and various documents related to FLC.</li> <li>• Functionality check of every EVM &amp; VVPAT is conducted using <b>Pre FLC unit</b> (PFLCU).</li> <li>• Dummy Symbols are loaded in every VVPAT using <b>Symbol Loading Unit</b> (SLU). Symbols being loaded in VVPATs are simultaneously displayed on the monitor/TV screen for viewing by representatives of Political Parties.</li> <li>• During FLC cabinet of EVMs are opened in the presence of political party representatives to check there is no spurious component. Further, casting of 6 votes against each of the candidate buttons (i.e. total 96 votes), observation of result and clearing of mock poll data are done for each EVM &amp; VVPAT.</li> </ul>

	<ul style="list-style-type: none"> <li>• In addition, higher mock poll is conducted in 5% randomly selected EVMs and VVPATs (i.e. 1200 votes in 1% EVMs, 1000 votes in 2% EVMs and 500 votes in 2% EVMs). The electronic result of EVM is tallied with the VVPAT slips count. The representatives of Political Parties are allowed to pick 5% EVMs and VVPATs randomly and also to do mock poll.</li> <li>• <b>Green</b> colour stickers are pasted on the FLC-OK machines and <b>Red</b> colour stickers are pasted on the FLC-Rejected machines.</li> <li>• Status of FLC-OK and FLC-Rejected machines is updated in the EVM Management System (EMS) using mobile app.</li> <li>• List of FLC OK EVMs and VVPATs generated from EMS is shared with all National and State Recognised Political Parties.</li> <li>• The representatives of National and State Recognised Political Parties are allowed to sign the seals, forms register during FLC.</li> <li>• FLC-Reject machines are sent to manufacturers for rectification.</li> <li>• FLC-OK machines are stored in <b>Strong Rooms</b> having double lock, CCTV coverage and minimum 1 section Armed Security.</li> </ul>
3	<p style="text-align: center;"><b>EVMs and VVPATs for Training and Awareness</b></p> <ul style="list-style-type: none"> <li>• After completion of FLC, up to 10% EVMs and VVPATs are taken out for awareness and training purpose in the presence of National and State Recognised Political Parties.</li> <li>• The list of awareness and training EVMs and VVPATs is shared with the representatives of the political parties.</li> <li>• EVMs &amp; VVPATs taken out for training &amp; awareness are stored separately in a separate designated warehouse.</li> <li>• <b>EVM Demonstration Centres</b> (EDC) are set up at district election office and at the returning officers headquarters/revenue sub-division offices till the announcement of election.</li> <li>• <b>Mobile Demonstration Van</b> (MDV) are deployed for every assembly constituency/segment to cover all polling locations/electoral literacy clubs.</li> <li>• Training &amp; Awareness EVMs/VVPATs are reintroduced for election, if required, after de-novo FLC, Randomizations and Commissioning.</li> </ul>
4	<p style="text-align: center;"><b>Randomizations of EVMs and VVPATs</b></p> <ul style="list-style-type: none"> <li>• Randomizations of EVMs and VVPATs are done using EVM Management System (EMS) developed by ECI.</li> <li>• First randomization of EVMs and VVPATs is conducted in the presence of National and State Recognised Political Parties to allocate EVMs and VVPATs Assembly constituency/ segment-wise.</li> <li>• List of first randomized EVMs and VVPATs (AC/AS-wise) is shared with National and State Recognised Political Parties.</li> </ul>

	<ul style="list-style-type: none"> <li>• After finalization of list of contesting candidate, list of first randomized EVMs and VVPATs (AC/AS-wise) is also shared with contesting candidate.</li> <li>• Second randomization of EVMs and VVPATs is conducted, before commissioning of EVMs and VVPATs, in the presence of contesting candidates to allocate polling station wise and reserve machines.</li> <li>• The list of second randomized EVMs and VVPATs is shared with contesting candidates.</li> </ul>
5	<p style="text-align: center;"><b>Commissioning of EVMs and VVPATs</b></p> <ul style="list-style-type: none"> <li>• Commissioning of EVMs and VVPATs for use in poll is done in the presence of contesting candidates, by the district official.</li> <li>• On Commissioning day EVM-VVPAT <b>strong room</b> is opened in the presence of candidates/their representatives under videography.</li> <li>• Symbol loading in every VVPAT is done by using <b>Symbol Loading Unit</b> (SLU). Symbols being loaded in VVPATs are simultaneously displayed on the monitor/TV screen for viewing by candidates/their representatives.</li> <li>• During Commissioning every EVM &amp; VVPAT is checked by casting 1 vote to each candidate button including NOTA.</li> <li>• In addition, higher mock poll of 1000 votes is done in 5% randomly selected EVMs and VVPATs and electronic result of EVM is tallied with the VVPAT slips count. Candidates/their representatives are allowed to pick 5% EVMs and VVPATs randomly and also to do mock poll.</li> <li>• If any EVM-VVPAT assigned to the polling station is found non-functional during commissioning, the same is replaced with reserve EVM/VVPAT.</li> <li>• Candidates/their representatives are allowed to sign the seals used for sealing EVMs and VVPATs.</li> <li>• After Commissioning of EVM-VVPAT, they are kept in the <b>strong room</b> in the presence of candidates/their representatives under double lock system.</li> </ul>
6	<p style="text-align: center;"><b>Dispersal of EVMs and VVPATs with Polling Parties</b></p> <ul style="list-style-type: none"> <li>• On dispersal day EVM-VVPAT <b>strong room</b> is opened in the presence of candidates/their representatives under videography.</li> <li>• Dispersal of EVMs and VVPATs is done in the presence of the candidates/their representatives.</li> <li>• If any EVM-VVPAT found non-functional during dispersal, the same is replaced with reserve EVM/VVPAT.</li> </ul>

7	<b>Poll Day</b>
	<ul style="list-style-type: none"> <li>• On Poll day 90 minutes before the Actual Poll start time, mock poll of atleast 50 votes (minimum 1 vote to each candidate including NOTA) is conducted at every polling station in the presence of the polling agents nominated by the contesting candidates. Electronic Result of mock poll is tallied with the VVPAT slip count.</li> <li>• Mock poll data is cleared from the Control Unit and mock poll VVPAT slips are kept in the black envelope and sealed with Pink Paper Seal.</li> <li>• Presiding Officer prepare the Mock Poll Certificate in this effect.</li> <li>• Before starting actual poll, Control Unit is sealed with Green Paper Seal, Special Tag and Address Tag. VVPAT drop box (Ballot compartment) is also sealed using Address Tags.</li> <li>• On completion of Poll, presiding officer press the 'CLOSE' button of Control Unit to close the poll. EVM &amp; VVPAT are kept in the respective carrying cases and sealed with address tags.</li> <li>• Polling Agents are allowed to sign the seals used in sealing EVMs and VVPATs (before commencement of poll and on close of poll).</li> <li>• Polling Agents nominated by the contesting candidates are allowed to remain in polling stations to observe polling process.</li> <li>• A copy of Form 17C containing details of voters, EVM-VVPAT &amp; seals used, vote polled including votes polled in EVM etc. is provided to polling agents.</li> </ul>
8	<b>Transportation of Polled EVMs and VVPATs from Polling Stations to Collection Centre</b>
	<ul style="list-style-type: none"> <li>• After completion of poll, EVMs &amp; VVPATs are transported from polling station to collection centre under escort.</li> <li>• Candidates/Polling agents are allowed to follow vehicles carrying polled EVMs and VVPATs.</li> </ul>

9	<b>Storage of EVMs and VVPATs after Poll</b>
	<ul style="list-style-type: none"> <li>• Polled EVMs and VVPATs are stored in the strong room in the presence of Candidates/their representatives.</li> <li>• Candidates/their representatives are also allowed to put their seals on the locks of the strong room.</li> <li>• Polled EVM Strong Room has minimum 1 platoon of armed security (CAPF) and CCTV coverage.</li> <li>• Polled EVM Strong Room has two-cordon security. Inner cordon under CAPF and outer cordon under State Armed Police. No one is allowed to enter inner cordon.</li> <li>• Candidates/their representatives are allowed to stay to watch the Strong Room, if entrance of the strong room is not visible, CCTV display facility is provided.</li> <li>• Un-polled non-functional and unused reserve EVMs &amp; VVPATs are stored separately under security.</li> </ul>
10	<b>Counting Day</b>
	<ul style="list-style-type: none"> <li>• Polled Strong Room is opened in the presence of Candidates/their representatives, Returning Officer, ECI Observer on counting day under videography.</li> <li>• Counting of votes is done in the presence of candidates and counting agents appointed by them.</li> <li>• On the counting day, Control Units of EVMs are brought to the counting table from the strong room under CCTV coverage, and result is seen on the display of the CU by pressing 'RESULT' button on Control Unit after Seal verification by the Candidates/Counting Agents.</li> <li>• EVM wise result is recorded by Counting Supervisor in Form 17 C and sent to RO for compilation of round wise result.</li> <li>• After completion of counting of votes, mandatory verification of VVPAT slips of randomly selected 5 polling stations per assembly constituency/segment is conducted.</li> <li>• After completion of counting, power packs are removed from the Control Units and Control Units are sealed in their carrying cases.</li> <li>• VVPAT slips are removed from all VVPATs and kept VVPAT-wise in sealed envelopes under CCTV.</li> <li>• Thereafter, EVMs are kept in the EVM Strong Room and sealed envelopes of VVPAT slips are kept with the statutory documents in separate trunk.</li> <li>• Candidates/their representatives are allowed to sign the seals.</li> </ul>

**NOTE: For details on Technical Features and Administrative procedures on EVMs & VVPATs kindly refer presentation on EVM, Status Paper on EVM and Manual on EVM available on ECI website.**

# HOW TO CAST YOUR VOTE

1

## ENTER THE BOOTH



The Presiding Officer will enable the ballot Unit while you enter the polling compartment.



## USING EVM & VVPAT

3

## SEE THE LIGHT



The red light against the name/symbol of candidate chosen will glow



2

## CAST YOUR VOTE



Press the Blue Button on the Ballot Unit against the name /symbol of candidate of your choice.

4

## SEE THE PRINT



The Printer will print a ballot slip containing Serial Numer, Name and Symbol of the chosen Candidate as shown.

See the print through the glass, as the printout will not be given to you

The slip will be visible for 7 seconds

**NOTE!**

If you do not see the ballot slip and hear the loud beep please contact the Presiding officer.



**ELECTION COMMISSION OF INDIA**

URL : <https://eci.nic.in>





**भारत निर्वाचन आयोग**  
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Nirvachan Sadan, Ashoka Road, New Delhi-110001