सत्यमेव जयते

Compendium of Instructions, 2024 VOL-II

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

"No Voter to be left behind"

Document No.324.6.EPS:COI:020:2024

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Compendium of Instructions
Volume-II

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B- Affidavit

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DISCLAIMER: *The Compendium of Instruction-2024 is a compilation of Instructions issued by the Commission time-to-time. Compilation has been prepared for the convenience of the user. In case of any discrepancy, original instruction of the Commission shall prevail.*

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INSTRUCTION Sl. No. 1

Election Commission Letter No 3/ER/94/J.S-II dated 27.04.1994, addressed to (1) the chief Secretaries of all States and Union Territories and (2) the Chief Electoral Officers of all States and Union Territories. (Please also see Commission's Letters No. 3/ER/ESO11/94/JSII dated 7th Sept, 1994 (item No. 195) and No. 3/ER/94/J.S.II/Vol.II, dated 7-12-1994 (Item No.197) for further modifications on these instructions}.

Subject: Multiplicity of candidates at elections- Measures to reduce-regarding

The Commission has observed with conern the increasing multiplicity of the candidates at every succeeding election to the House of the People and the State Legislative Assemblies. A very large percentage of such candidates are independent Candidates – and barring a few exceptions, almost all of them lose their deposits having failed to secure the minimum number of votes required for the return of their deposits.

2. while increase in the number of candidates in every succeeding election may be ascribed, to some extent, to the increasing awareness about the democratic rights on the part of the general public, one other possibility is that some contesting candidates put up dummy candidates with the aim of procuring in their favour additional facilities and manpower in the form of polling agents and counting agents during the process of the elections by availing of those facilities and manpower which would be available to those dummy candidates.

3. Some of the provisions of law and Standing Orders of the Commission providing for certain facilities to the candidates which are misused in this connection are as followsL:-

   (i) Section 40 of the Representation of the People Act, 1951 which authorizes a contesting candidate to appoint one person other than himself to be his election agent.

   (ii) Section 46 of Representation of the People Act, 1951 read with Rule 13 of the Conduct of Election Rules, 1961 which authorises a contesting candidate or his election agent to appoint one polling agent and two relief polling agents at every polling station.

   (III) Section 47 of the Representation of the People Act, 1951 read with Rule 52 of the Conduct of Elections Rules 1961 which authorises a contesting candidate or his election agent to appoint counting agents up to 16 for every place of counting, subject to the Commission's directions.

   (IV) The instructions issued by the Commission to all State Government to provide personal security to all contesting candidates and their agents.

   (V) The instructions of the Commission to every Returning Officer to allow each contesting candidate to ply on the day of poll(i) one vehicle for his own use, and (ii) one more vehicle for each assembly constituency/assembly segment in the case of Parliamentary Constituency, for the use of hes agents.

4. The candidates who put up dummy candidates appoint their own men as polling agents and counting agents in the name of such dummy candidates whereby they get additional manpower and often muscle power, at the polling stations and counting agents. These dummy candidates also help in getting extra policemen by way of security personnel provided to candidate. Instances have come to the notice of the Commission where these armed escorts provided to the candidates have been used to overawe and brow-beat the voters. In some cases they have even helped in booth capturing.

5. Apart from the above-mentioned additional facilities and manpower thus manipulated by some contestiong candidates through their dummy candidates, the latter also help the former in covering unauthorised expenditure for which a ceiling is prescribed under the law.

6. The Commission is also aware of the administrative problems created due to the over-crowding of polling stations and places of counting due to the agents of dummy candidates.

7. The commission suggested to the Government some concrete measures to check and reduce the multiplicity of the candidates at elections in its package of proposals for electoral reforms sent to the Government on 10th February 1992. No response whatsoever has been received from the Government by the Commission so far.

8. With a view to protecting the purity of election process so that the elections reflect the true choice of electorate exercised in free and fair manner, the Commission considers that some measures which are permissible within the existing provisions of law are called for urgently to put a check as far as possible on the practice of dummy candidates.

9. After a careful consideration of all relevant factors, the Commission, in exercise of its plenary power under Article 324 of the constitution, the powers to issue specific and general directions under Rele 52 of the Conduct of Elections Rules, 1961 and all other powers enabling it in this behalf, directs hereby as follows:-

(i) If at any stage during the process of election after the last date for the withdrawal of the candidatures, a candidate publicly announces that he is retiring from contest in favour of another candidate or for any other reason, whatsoever, or publicly announce, extends or solicits support for any other candidate, the Returning Officer shall direct forthwith the concerned police and other authorities to withdraw all such facilities like personal security permits to ply vehicles, etc, as have been extended to him under any of directions or the instructions of the Election Commission. In case the said candidate refuses to give such a statement in writing, the Returning Officer will cause such a refusal to be widely publicized in order to eliminate the impact of his unfounded statement on the free and fair contest.

(ii) If at any stage on the day of poll, the Returning Officer, on a complaint or a report or otherwise, comes to the conclusion that any vehicle authorized to ply for the personal use of a particular candidate and /or his agent(s) is being used by any other candidate or for any purpose other than the authorized use of the said candidate or his agents the Returning Officer shall direct the District Superintendent of Police or any other competent authority to impound the said vehicles and shall not release it till the end of the process of poling.

(iii) The seating arrangement at the polling stations for the polling agents of candidates shall be guided by the following categories of priority:

1 Candidates of national Recognized Political Parties:

2 Candidates of recognozed State Parties:

3 Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the Constituency:

4 Candidates of registered-unrecognized political parties:

5 Independent Candidates:

(iv) The seating arrangement for counting agents at each counting table in a place for counting shall also be determined in accordance with the priorities indicated in Para (iii) above.

(V) If at any stage in the process of election, a complaint or report is received that any candidate is allowing the security personnel provided to him for ensuring his personal security to be used by any other candidate or for any purpose other than the purpose of providing security personnel so provided shall be withdrawn by the police authorities concerned in consultation with the Returning Officer.

10. The receipt of these directions should be immediately acknowledged and be given wide publicity through quickest means.

INSTRUCTION Sl. No. 2

Election Commission's Letter No.3/ER/94/JS-II(Vol.II), dated 07.12.1994, addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Multiplicity of Candidates at elections- Measures to reduce- regarding

I am directed to invite your attention to Commission's letter No. 3/ER/94/J.S.II dated the 27th April, 1994, on the subject cited and to say that a question had arisen whether the candidate referred to in para 9(i) of that letter, i.e., the candidate who has announced retirement from contest or announced his support in favour of another candidate, can be permitted to appoint election agents, polling agents and counting agents.

2. Announcement of retirement from contest after the last date of withdrawal of candidatures has no validity in the eyes of law and such candidate continues to be a "contesting candidate". He is therefore, entitled under the law, i.e., Sections 40 to 51 of the Representation of the People Act, 1961 to appoint his election agents, polling agents and counting agents, if he so likes.

3. The Commission has already directed vide letter dated 27.4.94, referred to above that only such of the facilities as have been given to such candidates under the direction/instructions of the Commission, like, the provision of security, permits for plying vehicles, etc., alone should be withdrawn, Facilities which are available to contesting candidates under the law cannot be withdrawn.

4. The receipt of this letter should be immediately acknowledged.

INSTRUCTION Sl. No. 3

No. 4/3/2008/JS-II/Vol.III Dated : 2nd July 2008

The Chief Electoral Officer of All States/Union Territories.

Sub: Scrutiny of nomination papers — regarding.

Sir,

The qualifications for contesting election to the House of the People and State Legislative Assemblies are given in Articles 84 and 173 of the Constitution and in Part II of the Representation of the People Act, 1951. Under Sections 4,5 and 5A of the Representation of the People Act, 1951 as the said Part II, for contesting election from a constituency reserved for SCs/STs, a candidate must belong to SC or ST, as the case may be. Under the law, the Returning Officer is the authority to determine whether a candidate fulfils the requisite qualifications.

2. There have been complaints that in certain cases candidates who do not belong to SC/ST have managed to contest elections from reserved seats by giving false declaration, or on the basis of false documents, etc. There have also been several cases of Election Petitions on the issue of Caste/Tribe status of candidate elected from reserved constituencies.

3. In order to prevent cases of non-SC/ST persons contesting election from reserved constituencies, the Returning Officers at the time of scrutiny of nominations should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be. Wherever in doubt, the Returning Officer must insist on production of SC/ST certificate issued by competent authorities. Where, however, the certificate produced by the candidate is also challenged, the Returning Officer need not go into that question, except where it is alleged that the certificate produced is forged or is not issued by competent authority. In the case of any allegation/suspicion about the genuineness of the certificate, the Returning Officer should get the position cross-checked with the authority which purportedly issued the SC/ST certificate in question, before deciding the validity of the nomination paper of the candidate concerned. If on such cross-checking/verification, the Returning Officer is satisfied that the certificate in question is not genuine, he should not only reject the nomination of the candidate concerned, but should also initiate criminal proceeding against the candidate for adducing forged documentary evidence before him.

4. The above instructions may be brought to the notice of all the Returning Officers, District Election Officers and also all political parties in your State, both recognized and un-recognized.

Yours faithfully,

(NARENDRA N. BUTOLIA)

UNDER SECRETARY

INSTRUCTION Sl. No. 4

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 3/4/2008/JS-II

Dated: 16th September, 2008

To

The Chief Electoral Officers of all States/Union Territories.

(Except, CEOs of Jammu & Kashmir Andaman & Nicobar Island Chandigarh, Daman & Diu, Dadra & Nagar Haveli and Lakshadweep).

Subject: Direction for language of electoral roll - regarding.

Sir,

I am directed to state that following the delimitation of the constituencies under the Delimitation Act, 2002, the Commission has reviewed the language of Form 7A (list of contesting candidates for elections to the Legislative Assembly). A copy of the Commission's Direction dated 16-09-2008 issued in this regard under Rule 10 of the Conduct of Elections Rules, 1961 is enclosed herewith.

Separate direction will be issued subsequently in respect of election from Parliamentary Constituencies, for which you have already been requested to submit your proposals regarding the language(s).

The contents of the aforesaid Direction may be brought to the notice of all the District Election Officers, Returning Officers and other authorities in your State/Union Territory.

The Direction may be published in the Govt. gazette of the States & Union Territories and five copies thereof sent to the Commission for its record.

Yours faithfully,

(NARENDRA N. BUTOLIA)

UNDER SECRETARY

Annexure -1

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110 001

DIRECTION

Dated: 16th September, 2008

No. 3/4/2008/JS-II: In pursuance of sub-rules (1) and (3) of Rule 10 of the Conduct of Elections Rules 1961, and in supersession of its direction S.O. 1/87, dated 17th July, 1987, the Election Commission hereby directs that the list of contesting candidates in Form 7A, at an election to the Legislative Assembly of the State/UT mentioned in column (1) of the Table below, from the Assembly Constituencies mentioned under column (2) of the Table shall be prepared in the language or languages specified against that constituency in column (3) of the said table, and that where the list is prepared in more than one language, the name of candidates shall be arranged alphabetically according to the script of the language first specified in column (3) :-

When any such list is forwarded to the Election Commission, it shall, if not in English, be accompanied by a translation in English.

TABLE

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
1	2	3
1- Andhra Pradesh	(a) 8- Boath(ST) 10- Mudhole and 13- Jukkal(SC)	Telugu and Marathi
Andhra Pradesh	b) 57- Musheerabad 58- Malakpet, 59- Amberpet, 60- Khairatabad, 61- Jubilee Hills, 62- Sanathnagar, 63- Nampally, 64- Karwan, 65- Goshamahal, 66- Charminar, 67- Chandrayangutta, 68- Yakutpura, 69- Bahadurpura, 70- Secunderabad and 71- Secunderabad Cantt.(SC)	Telugu, English and Urdu
	(c) All other assembly constituencies	Telugu
2. Arunachal Pradesh	All Assembly Constituencies	English

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
3- Assam	(a) 1- Ratabari(SC) 2- Patharkandi 3- Karimganj North 4- Karimganj South 5- Badarpur 6- Hailakandi 7- Katlichera 8- Algapur 9- Silchar 10- Sonai 11- Dholai(SC) 12- Udharbond 13- Lakhipur 14- Barkhola and 15- Katigora	Bengali
	(b) 16- Haflong(ST)	English
	(c) All other Assembly Constituencies	Assamese
4- Bihar	All assembly constituencies	Hindi
5- Chhattisgarh	All assembly constituencies	Hindi
6- Goa	All assembly constituencies	English and Konkani/ Marathi in Devnagari script Gujarati
7- Gujarat	All assembly constituencies	Gujrati
8- Haryana	All assembly constituencies	Hindi
9- Himachal Pradesh	All assembly constituencies	Hindi
10- Jharkhand	All assembly constituencies	Hindi
*11- Karnataka	(a) 1- Nippani 2- Chikkodi-Sadalga 11- Belgaum Uttar 12- Belgaum Dakshin 13- Belgaum Rural 14- Khanapur 47- Basavakalyan 51- Bhalki Aurad(SC) 76- Haliyal 77- Karwar	Kannada and Marathi
	(b) 44- Gulbarga Dakshin 45- Gulbarga Uttar	Kannada and Urdu
	(c) 146- Kolar Gold Fields(SC) 154- Rajarajeshwarinagar 156- Mahalakshmi Layout 157- Malleshwaram	Kannada and English

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
	159- Pulakeshinagar(SC) 160- Sarvagnanagar 161- C.V. Raman Nagar(SC) 162- Shivajinagar 163- Shanti Nagar 164- Gandhi Nagar 165- Rajaji Nagar 166- Govindaraj Nagar 167- Vijay Nagar 168- Chamrajpet 169- Chickpet 170- Basavanagudi 173- Jayanagar	
	(d) All other assembly constituencies	Kannada Kerala
12- Kerala	(a) 1- Manjeswar 2- Kasaragod	Malayalam and Kannada
	(b) 88- Devikulam(SC)	Malayalam and Tamil
	(c) All other assembly constituencies	Malayalam
13- Madhya Pradesh	(a) 150- Bhopal Uttar 151- Bhopal Dakshin-Paschim, 152- Bhopal Madhya and 180- Burhanpur	Hindi and Urdu
	(b) All other assembly constituencies	Hindi
14- Maharashtra	(a) 52- Nagpur South West, 53- Nagpur South, 54- Nagpur East, 55- Nagpur Central 56- Nagpur West, 57- Nagpur North(SC), 146- Ovala Majiwada, 147- Kopri Pachpakhadi, 148- Thane, 149- Mumbra Kalwa, 150- Airoli, 151- Belapur, 152- Borivali, 153- Dahisar, 154- Magathane, 155- Mulund, 156- Vikhroli, 157- Bhandup West, 158- Jogeshwari East,	Marathi and English

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
Maharashtra	159- Dindoshi, 160- Kandivali East, 161- Charkip, 162- Malad West, 163- Goregaon, 164- Versova; 165- Andheri West, 166- Andheri East, 167- Vile Parle, 168- Chandvali, 169- Ghatkopar West, 170- Ghatkopar East, 171- Nankhurd Shivaji Nagar, 172- Anushakti Nagar, 173- Chembur, 176- Vandre East, 177- Vandre West, 178- Dharavi(SC), 179- Sion Koliwada, 180- Wadala, 182- Worli, 183- Shivadi, 185- Malabar Hill, 187- Colaba, 205- Chinchwad, 206- Pimpri(SC) 207- Bhosari, 208- Vadgaon Sheri, 209- Shivajinagar, 210- Kothrud, 211- Khadakwasala, 212- Parvati, 213- Hadapsar, 214- Pune Cantonment(SC), and 215- Kasba Peth	Marathi and English
	(b) 86- Nanded North, 87- Nadded South, 106- Phulambri, 107- Aurangabad Central, 108- Aurangabad West(SC), 109- Aurangabad East,	Marathi and Urdu

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
	114- Malegaon Central, 115- Malegaon Outer, 136- Bhiwandi West, and 137- Bhiwandi East	Marathi and Urdu
	(c) 174- Krula(SC), 175- Kalina, 181- Mahim. 184- Byculla, and 186- Mumbadevi	Marathi, English and Urdu
	(d) 250- Akkalkot, 251- Solapur South 271- Chandgad, 280- Shirol, and 288- Jat	Marathi and Kannada
	(d) All other assembly constituencies	Marathi
Manipur	(a) 41- Chandel(ST) 42- Tengnoupal(ST) 43- Phunyar(ST) 44- Ukhrul(ST) 45- Chingai(ST) 46- Saikul(ST) 47- Karong(ST) 48- Mao(ST) 49- Tadubi(ST) 50- Kanpokpi 51- Saitu 52- Tamei(ST) 53- Temenglong(ST) 54- Nungba(ST) 55- Tipaimukh(ST) 56- Thanlon(ST) 57- Henglep(ST) 58- Churachandpur(ST) 59- Saikot(ST) 60- Singhat(ST)	English
	(b) All other Assembly Constituencies	Manipuri
16- Meghalaya	All assembly constituencies	English
17- Mizoram	All assembly constituencies	English
18- Nagaland	All assembly constituencies	English
Orissa	127-Chhatrapur(SC), 133-Berhampur, 137-Paralakhemundi, 138-Gunupur(ST) and	Oriya and Telugu

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
	140- Rayagada(ST)	
	(b) All other assembly constituencies	Oriya
20- Punjab	All assembly constituencies	Punjabi
21- Rajasthan	All assembly constituencies	Hindi
22- Sikkim	All assembly constituencies	English
23- Tamil Nadu	(a) 3-Tiruttani	Tamil and Telugu
	(b) 11- Dr. Radhakrishnan Nagar	Tamil and English
	12- Perambur	
	13- Kolathur	
	14- Villivakkam	
	15- Thiru-Vi-ka-Nagar(SC)	
	16- Egmore(SC)	
	17- Royapuram	
	18- Harbour	
	19- Chepauk Thiruvallikeni	
	20- Thousand Lights	
	21- Anna Nagar	
	22- Virugampakkam	
	23- Saidapet	
	24- Thiyagarayanagar	
	25- Mylapore	
	26- Velachery	
	(c) 54- Veppanahalli	Tamil, Telugu & Kannada
	55- Hosur	
	56- Thalli	
	(d) 109- Gudalur(SC)	Tamil and Malayalam
	232- Padmanabhapuram	
	233- Vilavancode	
	234- Killiyoor	
	(e) All other assembly constituencies	Tamil
24- Tripura	All assembly constituencies	Bengali
25- Uttar Pradesh	(a) 3- Saharanpur Nagar,	Hindi and Urdu
	4- Saharanpur,	
	7- Gangoh,	
	8- Kairana,	
	14- Muzaffar Nagar,	
	17- Najibabad,	
	18- Nagina(SC),	
	19- Barhapur,	
	20- Dhampur,	
	21- Nehtaur(SC),	
	22- Bijnor,	

State/Union Territory		No. and Name of Assembly Constituencies	Language/Languages
		23- Chandpur, 24- Noorpur, 25- Kanth, 26- Thakurdwara, 27- Moradabad Rural, 28- Moradabad Nagar, 29- Kundarki, 30- Bilari. 31- Chandausi(SC), 32- Asmoli, 33- Sambhal, 34- Suar, 35- Chamraua, 37- Rampur, 40- Naugawan Sadat, 41- Amroha, 47- Meerut Cantt., 48- Meerut, 49- Meerut South 60- Garhmukteshwar, 75- Koil, 76- Aligarh, 97- Firozabad, 115- Badaun, 124- Bareilly, 125- Bareilly Cantt, 127- Pilibhit, 135- Shahjahanpur, 171- Lucknow West, 174- Lucknow Central, 213- Sishamau,	
25-	Uttar Pradesh	214- Arya Nagar, 286- Bahraich, 278- Tanda, 312- Mehendawal, 313- Khalilabad and 356- Mau	Hindi and Urdu
		(b) All other assembly constituencies	Hindi
26-	Uttarakhand	All assembly constituencies	Hindi
27-	West Bengal	(a) 22- Kalimpong 23- Darjeeling	Bengali and Nepali

State/Union Territory	No. and Name of Assembly Constituencies	Language/Languages
	24- Kurseong	
	25- Matigara Naxalbari(SC)	
	26- Siliguri	
	27- Phansidewa(ST)	
	(b) 29- Islampur	Bengali and Hindi
	30- Goalpokhar	
	31- Chakulia	
	(c) 115- Rajarhat New Town	English
	116- Bidhannagar	
	153- Behala Purba	
	154- Behala Paschim	
	157- Metiaburaz	
	158- Kolkata Port	
	159- Bhabanipur	
	160- Rashbehari	
	161- Ballygunge	
	162- Chowrangee	
	163- Entally	
	164- Beleghata	
	165- Jorasanko	
	166- Shyampukur	
	167- Maniktala	
	168- Kashipur Belgachhia	
	(d) 224- Kharagpur Sadar	Bengali and English
	(e) All other assembly constituencies	Bengali
28- NCT of Delhi	(a) 20- Chandni Chowk,	Hindi, Urdu and English
	21- Matia Mahal,	
	22- Ballimaran,	
	54- Okhla,	
	63- Seemapuri(SC),	
	65- Seelampur and	
	69- Mustafabad	
	(b) All other assembly constituencies	Hindi and English
29- Puducherry	(a) 29- Mahe	Malayalam
	(b) 30- Yanam	Telugu
	(c) All other assembly constituencies	Tamil

*vide Direction No. 3/4/2008/J.S.II, dated 10th April, 2008

By order,

(K.F.WILFRED)

SECRETARY

INSTRUCTION Sl. No. 5

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110 001

No. 509/442/2009-RCC Dated: 17th February, 2010

To,

The Chief Electoral Officers of all States/ Union Territories.

Subject: In the Supreme Court of India — Civil Appeal No. ... of 2009 (arising out of SLP (C) No. 24327 of 2005) — Subhash Chandra and anr. Vs. Delhi Subordinate Services Selection Board and ors with Writ Petition (Civil) No. 507 of 2006 — Sarv Rural & Urban Welfare Society, through its President Vs. Union of India and ors.

Sir / Madam,

I am directed to forward herewith a copy of the judgment dated 4.8.2009, passed by the Hon'ble Supreme Court of India in Civil Appeal No. of 2009 (arising out of SLP (C) No 24327 of 2005- Subash Chandra & anr Vs. Delhi Subordinate Services Selection

Board & Ors) with WP (C) no 507 of 2006 (Sarv Rural & Urban Welfare Society through its President Vs Union of India & ors) on the issue of eligibility of persons belonging to Scheduled Castes/ Scheduled Tribes in one State to avail of the benefit of reservation for SCs/STs in a different State on their migration. In the aforesaid judgment, the Hon'ble Supreme Court has relied on earlier decisions given in Marri Chandra Shekhar Rao Vs. Dean, Seth G S Medical College & ors. [(1990) 3 SCC and Action Committee on Issue of Caste Certificate to Scheduled Castes and Scheduled Tribes in the State of Maharashtra & anr. Vs. Union of India & ors. [(1994) 5 SCC 2441. The following portion from the judgment in Marri Chandra Shekhar Rao (Supra) have been quoted, with approval, in paragraph 29 of the present judgment:

We may add that considerations for specifying a particular caste or tribe or class for inclusion in the list of Scheduled Castes/Scheduled Tribes or backward classes in a given State would depend on the nature and extent of disadvantages and social hardships suffered by that caste, tribe or class in that State which may be totally non- est in another State to which persons belonging thereto may migrate. Coincidentally it may be that a caste or tribe bearing the same nomenclature is specified in two States but the considerations on the basis of which they have been specified may be totally different. So also that degree of disadvantages of various elements which constitute the input for specification may also be totally different. Therefore, merely because a given caste is specified in State A as a Scheduled Caste does not necessarily mean that if there be another caste bearing the same nomenclature in another State the person belonging to the former would be entitled to the rights, privileges and benefits admissible to a member of the Scheduled Caste of the latter State for the purposes of this Constitution. This is an aspect which has to be kept in mind and which was very much in the minds of the Constitution makers as is evident from the choice of language of Articles 341 and 342 of Constitution.

A copy of the said judgment may be circulated to the Returning Officers of the constituencies reserved for Scheduled Caste/ Scheduled Tribe in the Legislative Assembly in the State, for reference and guidance.

Kindly acknowledge receipt of this letter.

Yours faithfully,

(K F WILFRED)

SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110 001

No. 509/442/2009-RCC Dated: 17th February, 2010.

To,

The Chief Secretaries of all States/ Union Territories.

Subject: In the Supreme Court of India — Civil Appeal No of 2009 (arising out of SLP (C) No. 24327 of 2005) — Subhash Chandra and anr. Vs. Delhi Subordinate Services Selection Board and ors with Writ Petition (Civil) No. 507 of 2006 — Sarv Rural & Urban Welfare Society, through its President Vs. Union of India and ors.

Sir/Madam,

I am directed to forward herewith a copy of the judgment dated 4.8.2009, passed by the Hon'ble Supreme Court of India in Civil Appeal No. of 2009 (arising out of SLP (C) No 24327 of 2005- Subash Chandra & anr Vs. Delhi Subordinate Services Selection Board & Ors) with WP (C) no 507 of 2006 (Sarv Rural & Urban Welfare Society through its President Vs Union of India & ors) on the issue of eligibility of persons belonging to Scheduled Castes/ Scheduled Tribes in one State to avail of the benefit of reservation for

SCs/STs in a different State on their migration. In the aforesaid judgment, the Hon'ble Supreme Court has relied on earlier decisions given in Marri Chandra Shekhar Rao Vs. Dean, Seth G S Medical College & ors. [(1990) 3 SCC 130] and Action Committee on Issue of Caste Certificate to Scheduled Castes and Scheduled Tribes in the State of Maharashtra & anr. Vs. Union of India & ors. 1(1994) 5 SCC 244].

The copy of the judgment may be circulated among all State authorities who are entrusted with the responsibility of issue of SC/ ST certificates in the State, for guidance and compliance with the observations of the Hon'ble Supreme Court. The certificate issued by them should clearly specify on the face of it that it has been issued keeping in view the decision of the Hon'ble Supreme Court in the above-referred case. It should also clearly specify the geographical division/ area of the State in relation to which that certificate has been issued, as in some States certain castes have been specified for some specific areas.

Kindly acknowledge receipt of this letter.

Yours faithfully,

(K F WILFRED)
SECRETARY

INSTRUCTION Sl. No. 6

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110 001

No. 3/ER/2013/SDR Vol. II

Dated: 6th September, 2013

To,

The Chief Electoral Officer of
all the States/Union Territories.

Subject: Disqualification for conviction under Section 8 of Representation of the People Act, 1951- Clarification-regarding.

Sir/Madam,

I am directed to invite your reference to the Commission's two letters bearing No. 4/2003/JS-II dated 6th February, 2003 and No. 509/5/2005 –JS-I dated 14.01.2005 (copies enclosed) whereby clarifications were issued in connection with disqualification on the ground of conviction under section 8 of the Representation of the People Act 1951.

2. It has come to the notice of the Commission that some Returning Officers and District Election Officers are not aware of the correct legal position about the impact of stay order of the Appellant Court onexecution of sentence passed by the Trial Court for the purpose of disqualification of the convicted person. In this regard, it is once again clarified that

   (i) In cases where a person is convicted and the conviction alongwith sentence awarded results in disqualification, under sub section (1), (2) or (3) of Section 8, and if the Higher Court, on appeal, stays the operation of only the execution of sentence of imprisonment passed by the Trial Court, then the stay on the execution of sentence so granted by Higher Court and release of the convicted person on bail will not have the effect of suspension of disqualification. In other words, the disqualification will continue to be applicable in such cases;

   (ii) In cases where not just the operation of the sentence but, the conviction is also specifically stayed, then the disqualification will also remain suspended.

3. These clarifications may be brought to the notice of all the Returning Officers and the Assistant Returning Officers and all other election authorities concerned, in your State/UT, so as to avoid cases of wrong interpretation of law at the time of scrutiny of nominations.

4. Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)

Under Secretary

Standard distribution

ITEM NO. 121

Election Commission's letter No. 4/2003/JS-II dated-06.02.2003, addressed to the Chief Electoral Officer, Himachal Pradesh and copy forwarded to CEOs of remaining Stats/UTs

Subject: Disqualification for conviction under Section 8 of Representation of the People Act, 1951-Clarification

I am directed to refer to your message No. 3-42/96-ELN, dated 27-1 -2003, on the above subject.

2. Your attention, in this connection, is invited to the Commission's Order No. 509/Disqln./97/J.S.I, dated 28-8-1997, clarifying that a person convicted of an offence mentioned in Section 8 of the Representation of the People Act, 1951, will continue to be treated as disqualified even if he has filed an appeal or application for revision and has been granted bail during the pendency of such appeal! revision. Such person will, however, not attract the disqualification in view of the exemption under sub section (4) of Section8of Representation of the People Act, 1951,if he was a sitting member of Parliament or of a State Legislature on the date of his conviction and if he has filed an appeal or application for revision against the order of conviction/sentence within three months of his date of conviction and the same is pending disposal by the Court. In such cases, subsequent dissolution of the House/Assembly will not have any adverse effect on the benefit available to the said person under the exemption clause under the said Section 8(4), and the person concerned will not be disqualified under Section 8 till the disposal of the appeal or application for revision.

3. I am also to bring to your notice that the information which was earlier required to be obtained from the candidates regarding cases of conviction for offences under Section 8 through a separate affidavit, prescribed vide the Commission's letter No. 509/Disqln./97-J.S.I, dated 28.8.97, is now covered in the nomination paper itself, by a recent amendment of the Conduct of Elections Rules, 1961. A copy of the amendment notification has already been sent with the Commission's letter No. 3/4/2002/JS-II, dated 25th October, 2002, and the above position has also been clarified to you. The candidates will now be required to file only an affidavit prescribed in Form 26 appended to the Conduct of Elections Rules,1961.

Election Commission's letter No.: 509/5/2005-JS.I, dated 14.01.2005 addressed to the Chief Secretaries/ Chief Electoral Officers of all States and Union Territories

Subject: Representation of the People Act, 1951- Sections 8(3) and 8(4) Interpretation thereof by the Supreme Court of India - CA No. 8213 of 2001 with Civil Appeal No. 6691 of 2002 - Forwarding of Judgment dated 11.1.2005 of the Hon'ble Court- Reg.

I am directed to forward herewith a copy of the judgment of the Hon'ble Supreme Court of India dated 11.1.2005 in the matter cited above.

2. It may be noted that the Hon'ble Supreme Court in the above judgment has, inter-alia, held that:

(i) in the 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 for 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;

(ii) the protection given under sub-section (4) of Section 8 of RP Act 1951 to a sitting member of Parliament or State Legislature from incurring disqualification will be available only so long as the House to which he belongs continues to exist and the person continues to be a member of that House.

3. You are requested to bring the above order of the Hon'ble Supreme

Court to the notice of all returning officers and other authorities concerned for strict compliance in future. Where elections are in progress now, this should be brought to the notice of all Returning Officers immediately and in any case before the date of scrutiny of nominations.

4. In this context, it may be clarified that the interpretation placed by the Hon'ble Supreme Court on the provision of Section 8(3) of the Representation of the People Act, 1951 would be equally applicable to the provision of Section 8(2) of the said Act.

5. Further, to remove any ambiguity, it is also clarified in conformity with the above decision of the Hon'ble Supreme Court, that if any sitting MLA or MP, who is presently protected under Section 8(4) of the said Act till the dissolution of the existing House to which he belongs, files his nomination for any election held subsequent to his conviction, either for constituting a new House on the dissolution of the existing House or even for a bye election to an existing House, he shall not get the protection of the said Section 8(4) and he shall be deemed to be disqualified under Section 8(1), 8(2) or 8(3) of the Act, as may be applicable to him.

6. The receipt of this letter may kindly be acknowledged and copy of instruction issued in this behalf to the Returning Officers, etc. may be endorsed to the Commission for its information and record.

INSTRUCTION Sl. No. 7

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110 001

No. 509/11/204-JS.I Dated: 03rd February, 2016

ORDER

Sub : Judgement of the Hon'ble Delhi High Court in W.P.(C) No. 4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS.) – Candidates to submit 'No Demand Certificate' from agencies providing electricity, water and telephone along with their nomination papers — regarding.

Whereas, vide its order no. 3/ER/2003/JS.ll, dated 27.03.2003, issued in oursuance of the judgement dated 13.03.2003 of the Hon'ble Supreme Court in C.A.(C)No. 490 of 2002, the Commission had directed that the candidates filing nominations for elections to the Houses of Parliament and State Legislatures shall file an affidavit declaring their criminal antecedents, if any, assets, liabilities and educational qualifications, and also specified the format for such affidavit; and

Whereas, it was specified in the format that in the case of candidates holding or having held any public office, 'No Due Certificate' shall also be submitted in respect of Government dues; and

Whereas, having considered representations from some quarters regarding difficulty in obtaining 'No Dues Certificate', the Commission decided to discontinue the requirement of submitting 'No Dues Certificate', as communicated to all concerned vide its letter no. 3/ER/2004/JS.ll, dated 09.03.2004; and

Whereas, the Hon'ble Delhi High Court in its judgement dated 07th August, 2015, in W.P.(C) No. 4912/1998 (KRISHAK BHARAT VS UNION OF INDIA AND ORS.) has, inter-alia, directed as follows:-

"The ECI to, as directed in the earlier orders in this petition, continue to insist upon the candidates desirous of contesting an election to Parliament or to Legislative Assembly, along with their nomination from furnishing an affidavit of their being not in arrears of any public dues and if such candidate is in occupation of or in the past ten years been in occupation of any government accommodation to furnish a No Dues Certificate from the agency providing electricity, water and telephone to the said accommodation."

Now, therefore, in pursuance of the above mentioned direction of the Hon'ble Delhi High Court, the Commission hereby directs that at every election to either House of Parliament and to the State Legislature, every candidate at the time of filing nomination paper, shall also file an additional affidavit in the format attached as Annexure to this order alongwith the 'No Demand Certificate' from the agencies providing electricity, water and telephone with also rent, in case he had been in occupation of any Govt. accommodation during the last 10 years. This affidavit would be in addition to the affidavit required to be filed in Form-26, and shall be got attested by an Oath Commissioner, or Notary Public, or Magistrate of the First Class. The outer limit for filing this affidavit would be 3:00 P.M. on the last date of filing nomination paper. Failure to file the affidavit alongwith the 'No Demand Certificates' would be treated as a defect of substantial nature for the purposes of Section-36 of the Representation of the People Act, 1951.

By Order of the Commission,

(Anuj Jaipuriar)

SECRETARY

Annexure

Additional Affidavit to be submitted by candidates

Election to .....(Name of the House), ...from Constituency.

I.....(name of candidate), son/daughter/wife of ..... aged years, resident of ..... a candidate at the above election, do solemnly affirm and state on oath as under:-

(i) I have not been allotted any govt. accommodation at any time during the period of last 10 years prior to the date of notification of the current election,

OR

(ii) I have been allotted govt. accommodation at(mention the address of the accommodation) during the period of last 10 years prior to the date of notification of the current election, and there are no arrears of any dues to be paid towards rent for the accommodation or any arrears to the agencies providing electricity, water and telephone at the said accommodation as on(the date should be the last date of the 3 rd month prior to the month in which the election is announced) .

(iii) "No dues certificates" from the agencies concerned are attached hereto.

VERIFICATION I, the deponent abovenamed, do hereby verify and declare that the above statements are correct to the best of my knowledge, and no part of it is false.

Verified at ..... this the day of .....

DEPONENT

INSTRUCTION Sl. No. 8

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No 3/ER/ECI/ LET/FUNC/JUD/SDR/2016 Dated: 7th September, 2016

To

The Chief Electoral Officers
of all States & Union Territories.

Subject: - Storage and supply of CCTV recordings- regarding.

Sir/Madam,

There are instructions of the Commission regarding recording of various stages of election process, like nomination of candidates, scrutiny, withdrawal of candidatures, polling and counting process etc., by videography/CCTV. For retention of the recorded version in such cases, the Commission has directed that such recordings shall be kept in the safe custody of the District Election Officer till the expiry of 45 days from the date of declaration of result of the election concerned. If anyone applies for copies of such recordings, during the said period of 45 days, copy may be made available to him under sub-rule (2) of Rule 93 on payment of fee of Rs. 50 per CD (fees as prescribed under Right to Information Rules, 2012). Only those applications that are submitted within 45 days from the date of declaration of the result of the election shall be entertained for supply of copy.

2. As regards the video recordings of election campaign activities of candidates and political parties made by the election expenditure monitoring teams, flying squads, SSTs, etc. the recorded versions there of shall be kept in the custody of the District Election Officer till the expiry of 8 months from the date of the declaration of result of the election. During this period, it would be open to any person to seek copy of the recording concerned, and in such cases, copy may be provided on payment of Rs. 50/- per CD.

3. On expiry of the prescribed period of 45 days or 8 months, as the case may be, after declaration of result of election, it should be ascertained whether any Election Petition or any other petition/complaint, etc., has been filed in respect of the election concerned or pertaining to electoral offence etc., in which the video recording could be relevant. In case no Election Petition or any other petition etc., is pending, the CCTV/ video recording should be destroyed after following the usual procedure prescribed for the purpose.

4. If there is an election Petition filed in respect of the election or any other petition, etc., in any Court in respect of which the recording would be relevant, then the recorded version shall be retained in safe custody of DEO till the disposal of such matter so that the same would be available for production before the Court, in the event the court summons the same.

5. These instructions may be bought to the notice of all DEOs and other election authorities, including Returning Officers for elections to Council of States and States Leg. Councils. This may also be communicated to the political parties based in the State/UT.

Kindly acknowledge receipt.

Yours faithfully,

(N.T.Bhutia)
Under Secretary

INSTRUCTION Sl. No. 9

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110001

No. 3/1/ ECI/ LET/FUNC/JUD/SDR/2016 Dated: 10th November, 2016

To

The Chief Electoral Officers of

All States and Union Territories

(Except: - Assam, Arunachal Pradesh, Madhya Pradesh, West Bengal, Tamil Nadu, Tripura, Puducherry)

Sub: - The Conduct of Elections (Amendment) Rules, 2016— Amendment of nomination forms 2A to 2H appended to the Conduct of Elections Rules, 1961- regarding.

Sir/Madam,

I am directed to send herewith a copy of the Ministry of Law and Justice, Legislative Department, Notification S.O.No. 2969(E) dated 16th September, 2016, amending the Conduct of Elections Rules, 1961. By this amendment, the forms of nomination papers have been amended to make provisions for furnishing photograph of candidate also with the nomination form, and for declaration regarding citizenship of candidate.

This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also the State Units of recognized political parties and all registered unrecognized political parties based in your State/ Union Territory for their information so that they use the amended Form for filing nominations in future.

Kindly acknowledge receipt.

Your faithfully,

(N.T. BHUTIA)
UNDER SECRETARY

अधिसूचना

नई दिल्ली, 16 सितम्बर, 2016

का.आ. 2969(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करते हुए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) ये नियम निर्वाचनों का संचालन (संशोधन) नियम 2016 कहे जा सकेंगे ।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. निर्वाचनों का संचालन नियम, 1961 में,-

(1) प्ररूप 2क से प्ररूप 2ज के स्थान पर, निम्नलिखित प्ररूप रखे जाएंगे:-

प्ररूप 2क

(नियम 4 देखिए)

नामनिर्देशन-पत्र

लोक सभा के लिए निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सें.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें ।

नीचे भाग 1 या भाग 2, इनमें से जो भी लागू न हो, उसे काट दें

भाग 1

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े किए गए अभ्यर्थी द्वारा उपयोग किया जाना है)

मैं लोक सभा के निर्वाचन के लिए.....संसदीय निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करता हूं ।

अभ्यर्थी का नाम.....पिता/माता/पति का नाम.....उसका डाक पता .....उसका नाम.....संसदीय निर्वाचन-क्षेत्र *[में समाविष्ट विधान सभा निर्वाचन-क्षेत्र]की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

मेरा नाम.....है जो.....संसदीय निर्वाचन-क्षेत्र *[में समाविष्ट .....विधान सभा निर्वाचन-क्षेत्र]की निर्वाचक नामावली के भाग सं. .....में क्रम सं0 .....पर प्रविष्ट है ।

तारीख..... प्रस्थापक के हस्ताक्षर

भाग 2

(मान्यता प्राप्त दल द्वारा खड़े न किए गए अभ्यर्थी द्वारा उपयोग किए जाने के लिए)

हम घोषणा करते हैं कि हम लोक सभा के निर्वाचन के लिए.....संसदीय निर्वाचन-क्षेत्र से निम्नलिखित को अभ्यर्थी के रूप में नामनिर्देशित करते हैं ।

अभ्यर्थी का नाम..... पिता/माता/पति का नाम.....उसकाडाकपता.....उसका नाम.....संसदीय निर्वाचन-क्षेत्र। (में समाविष्ट विधान सभा निर्वाचन-क्षेत्र) की निर्वाचक नामावली के भाग संख्यांक.....में क्रम संख्यांक.....पर प्रविष्ट है।

हम घोषणा करते हैं कि हम उपरोक्त संसदीय निर्वाचन-क्षेत्र के निर्वाचक हैं और हमारे नाम उस संसदीय निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में जैसे कि नीचे उपदर्शित हैं, दर्ज हैं और हम इस नामनिर्देशन के नीचे प्रतीक स्वरूप अपने हस्ताक्षर करते हैं :--

प्रस्थापकोंकीविशिष्टियांऔरउनकेहस्ताक्षर

क्रम सं0	विधान सभा निर्वाचन क्षेत्र घटक का नाम	**प्रस्थापक का निर्वाचक नामावली संख्यांक**		पूरा नाम	हस्ताक्षर	तारीख
		निर्वाचक नामावली का भाग संख्यांक	उस भाग की क्रम सं0			
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कृपया ध्यान दें:प्रस्थापक के रूप में निर्वाचन-क्षेत्र के 10 निर्वाचक होने चाहिए।

भाग 3

मैं, भाग 1/भाग 2 (जो लागू न हो उसे काट दें)में उल्लिखित अभ्यर्थी इस नामनिर्देशन के लिए अपनी अनुमति देता हूं और घोषणा करता हूं कि ---

(क)मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य या देश की नागरिकता अर्जित नहीं की है ;

(ख) मैंने.....वर्ष की आयु पूरी कर ली है

[नीचे (ग)(i)या (ग)(ii)जो लागू न हो उसे काट दें]

(ग) (i)मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो इस राज्य में मान्यताप्राप्त राष्ट्रीय दल/राज्य दल है और उपरोक्त दल के लिए आरक्षित प्रतीक मुझे आबंटित किया जाए ।

या

(ग) (ii)मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो रजिस्ट्रीकृत अमान्यताप्राप्त राजनैतिक दल है/मैं यह निर्वाचन स्वतंत्र अभ्यर्थी के रूप में लड़ रहा हूं (जो लागू न हो उसे काट दें)और मैंने जो प्रतीक चुने हैं वे अधिमान क्रम में :--

(i).....(ii).....(iii).....हैं ।

(घ)मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर..... (भाषा का नाम)में सही रूप से लिखा गया है ।

(ङ)अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार मैं लोक सभा का स्थान भरने के लिए चुने जाने के लिए अर्हित हूं और निरर्हित भी नहीं हूं ।

मैं यह भी घोषणा करता हूं कि मैं..... **जाति/जनजाति का सदस्य हूं जो.....राज्य के उस राज्य के.....(क्षेत्र)के संबंध में अनुसूचितजाति/जनजाति है ।

मैं यह भी घोषणा करता हूं कि मुझे लोक सभा के लिए निर्वाचन कराए जा रहे साधारण निर्वाचन/उप-निर्वाचन में दो से अधिक संसदीय निर्वाचन-क्षेत्रों में अभ्यर्थी के रूप में नामनिर्देशित नहीं किया गया है और न ही किया जाएगा ।

तारीख..... (अभ्यर्थी के हस्ताक्षर)

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*जम्मू-कश्मीर, अंदमान और निकोबार द्वीप, चंडीगढ़, दादरा और नागर हवेली, दमन और दीव तथा लक्षद्वीप की दशा में "में समाविष्ट विधान सभा निर्वाचन-क्षेत्र"शब्द काट दीजिए ।

**यदि लागू न हो तो इस पैरा को काट दीजिए ।

**लागू न होने वाले शब्द काट दीजिए ।

कृपया ध्यान दें :---"मान्यताप्राप्त राजनैतिक दल" से निर्वाचन आयोग द्वारा निर्वाचन प्रतीक (आरक्षण और आबंटन)आदेश, 1968 के अधीन संबंधित राज्य में मान्यताप्राप्त कोई राजनैतिक दल अभिप्रेत है ।

[भाग 3क

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को--

(i) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की --

(क) उपधारा (1) के अधीन किसी अपराध (अपराधों) के लिए ;या

(ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए, हां/नहीं

सिद्धदोष ठहराया गया है ;या

(ii) ऐसे किसी अन्य अपराध (अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके (जिनके) लिए उसे दो वर्ष या अधिक के कारावास से दंडित किया गया है

यदि उत्तर "हां"में है, तो अभ्यर्थी निम्नलिखित जानकारी देगा :

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने).....जिला(जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया था.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख/(तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया था.....

(vi) अधिरोपित दंड कारावास (कारावासों) की अवधि और/या जुर्माने(जुर्मानों) की राशि उपदर्शित करें.....

(vii) कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/पुनरीक्षण फाइल किए गए थे: **हां/नहीं**

(ix) फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की विशिष्टियां और तारीख.....

(x) उस न्यायालय (उन न्यायालयों) का (के) नाम, जिसके (जिनके) समक्ष अपील (अपीलें)/पुनरीक्षण आवेदन फाइल किए गए थे.....

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है या वह/वे लंबित हैं.....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है, तो -

(क) निपटारे की तारीख(तारीखें).....

(ख) पारित आदेश (आदेशों की प्रकृति).....

स्थान :

अभ्यर्थीकेहस्ताक्षर

तारीख :

भाग 4

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन-पत्र की क्रम सं0.....

यह नामनिर्देशन मुझे/मेरे कार्यालय में.....(तारीख)को.....(बजे)*अभ्यर्थी/प्रस्थापक .....(नाम) द्वारा परिदत्त किया गया ।

तारीख..... रिटर्निंग आफिसर

भाग 5

नामनिर्देशन-पत्रकोप्रतिगृहीतयारद्दकरनेवालेरिटर्निंगआफिसरकाविनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951(1951 का 43) की धारा 36 के अनुसार परीक्षित कर लिया है और मैं निम्नलिखित रूप में विनिश्चय करता हूं :--

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तारीख.....

रिटर्निंग आफिसर

.....(छिद्रण).....

भाग 6

नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र उपस्थित करने वाले व्यक्ति को दी जाने के लिए)

नामनिर्देशन-पत्र की क्रम सं0 .....

का नाम निर्देशन पत्र जो..... संसदीय निर्वाचन-क्षेत्र से निर्वाचन के लिए अभ्यर्थी हैं, नामनिर्देशन-पत्र मुझे/मेरे कार्यालय में ..... (तारीख)को.....(बजे)*अभ्यर्थी/प्रस्थापक द्वारा परिदत्त किया गया । सभी नामनिर्देशन-पत्रों की संवीक्षा ..... (तारीख)को..... (बजे) ..... (स्थान)में की जाएगी।

तारीख ..... रिटर्निंग आफिसर

*लागू न होने वाले शब्द काट दीजिए ।

प्ररूप 2ख

(नियम 4 देखिए)

नामनिर्देशन-पत्र

.....(राज्य) की विधानसभा के लिए निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सैं.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

नीचे भाग 1 या भाग 2, जो लागू न हो, उसे काट दें

भाग 1

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े किए गए अभ्यर्थी द्वारा उपयोग के लिए)

मैं विधान सभा के निर्वाचन के लिए ..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करता हूं ।

अभ्यर्थी का नाम .....पिता/माता/पति का नाम..... उसका डाक पता.....उसका नाम ..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 .....में क्रम सं0 पर प्रविष्ट है ।

मेरा नाम.....है जो.....विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....मैं क्रम सं0.....पर प्रविष्ट है ।

तारीख ..... प्रस्थापक के हस्ताक्षर

भाग 2

हम विधान सभा के निर्वाचन के लिए ..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित का नामनिर्देशन करते हैं ।

अभ्यर्थी का नाम ..... पिता/माता/पति का नाम..... उसका डाक पता .....उसका नाम ..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 .....में क्रम सं0.....पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम उपरोक्त विधान सभा निर्वाचन-क्षेत्र के निर्वाचक हैं और हमारे नाम उस विधान सभा निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में जैसे कि नीचे उपदर्शित हैं, दर्ज हैं और हम इस नामनिर्देशन के प्रतीक स्वरूप नीचे अपने हस्ताक्षर करते हैं ।

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर

क्रम सं0	**प्रस्थापक का निर्वाचक नामावली संख्यांक**		पूरा नाम	हस्ताक्षर	तारीख
	निर्वाचक नामावली का भाग संख्यांक	उस भाग की क्रम सं0			

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कृपया ध्यान दें:प्रस्थापक के रूप में निर्वाचन-क्षेत्र के 10 निर्वाचक होने चाहिएं ।

भाग 3

मैं, भाग 1/भाग 2 (जो लागू न हो उसे काट दें) में वर्णित अभ्यर्थी इस नामनिर्देशन के लिए अपनी अनुमति देता हूं और घोषणा करता हूं कि---

(क)मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख)मैंने ..... वर्ष की आयु पूरी कर ली है ;

[नीचे **(ग)(i)या(ग)(ii),जोलागूनहोउसेकाटदें**]

(ग) **(i)** मुझे इस निर्वाचन में ..... दल द्वारा खड़ा किया गया है, जो इस राज्य में मान्यताप्राप्त राष्ट्रीय दल/राज्य दल है और उपरोक्त दल के लिए आरक्षित प्रतीक मुझे, आबंटित किया जाए ।

या

(ii) मुझे इस निर्वाचन में .....दल द्वारा खड़ा किया गया है, जो रजिस्ट्रीकृत अमान्यताप्राप्त राजनैतिक दल है/ मैं यह निर्वाचन स्वतंत्र अभ्यर्थी के रूप में लड़ रहा हूं (जो लागू न हो उसे काट दें) और मैंने जो प्रतीक चुने हैं वे अधिमान क्रम में **(i)** ..... **(ii)** ..... **(iii)** ..... है ।

(घ) मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर ..... (भाषा का नाम) में सही रूप से लिखा गया है।

(ङ) अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार मैं इस राज्य की विधान सभा का स्थान भरने के लिए चुने जाने के लिए अर्हित हूं और निरर्हित भी नहीं हूं ।

†मैं यह भी घोषणा करता हूं कि मैं ..... **जाति/जनजाति का सदस्य हूं जो ..... राज्य के उस राज्य के .....(क्षेत्र) के संबंध में अनुसूचित **जाति/जनजाति है ।

1	2	3	4	5	6
1.					
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10.					

कृपया ध्यान दें:प्रस्थापक के रूप में निर्वाचन-क्षेत्र के 10 निर्वाचक होने चाहिएं ।

भाग 3

मैं, भाग 1/भाग 2 (जो लागू न हो उसे काट दें) में वर्णित अभ्यर्थी इस नामनिर्देशन के लिए अपनी अनुमति देता हूं और घोषणा करता हूं कि---

(क)मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख)मैंने ..... वर्ष की आयु पूरी कर ली है ;

[नीचे **(ग)(i)या(ग)(ii),जोलागूनहोउसेकाटदें**]

(ग) (i) मुझे इस निर्वाचन में ..... दल द्वारा खड़ा किया गया है, जो इस राज्य में मान्यताप्राप्त राष्ट्रीय दल/राज्य दल है और उपरोक्त दल के लिए आरक्षित प्रतीक मुझे, आबंटित किया जाए ।

या

(ii) मुझे इस निर्वाचन में .....दल द्वारा खड़ा किया गया है, जो रजिस्ट्रीकृत अमान्यताप्राप्त राजनैतिक दल है/ मैं यह निर्वाचन स्वतंत्र अभ्यर्थी के रूप में लड़ रहा हूं (जो लागू न हो उसे काट दें) और मैंने जो प्रतीक चुने हैं वे अधिमान क्रम में (i) ..... (ii) ..... (iii) ..... है ।

(घ) मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर ..... (भाषा का नाम) में सही रूप से लिखा गया है।

(ङ) अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार मैं इस राज्य की विधान सभा का स्थान भरने के लिए चुने जाने के लिए अर्हित हूं और निरर्हित भी नहीं हूं ।

†मैं यह भी घोषणा करता हूं कि मैं ..... **जाति/जनजाति का सदस्य हूं जो ..... राज्य के उस राज्य के .....(क्षेत्र) के संबंध में अनुसूचित **जाति/जनजाति है ।

मैं यह भी घोषणा करता हूं कि मुझे.....राज्य की विधान सभा के लिए साथ-साथ कराए जा रहे वर्तमान साधारण निर्वाचन/उप-निर्वाचन में से दो से अधिक विधान सभा निर्वाचन-क्षेत्रों में अभ्यर्थी के रूप में नामनिर्देशित नहीं किया गया है और न ही किया जाएगा ।

तारीख ..... अभ्यर्थी के हस्ताक्षर

†यदि लागू न हो तो इस पैरा को काट दें ।

**उन शब्दों को काट दें, जो लागू न हों ।

कृपया ध्यान दें :--"मान्याप्राप्त राजनीतिक दल" निर्वाचन आयोग द्वारा निर्वाचन प्रतीक (आरक्षण और आबंटन) आदेश, 1968 के अधीन संबंधित राज्य में मान्यताप्राप्त कोई राजनैतिक दल अभिप्रेत है ।

भाग 3क

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को-

(i) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की-	
(क) उपधारा (1) के अधीन किसी अपराध (अपराधों) के लिए;या	हां/नहीं
(ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए,	
सिद्धदोष ठहराया गया है ;या	
(ii) ऐसे किसी अन्य अपराध (अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके (जिनके) लिए उसे दो वर्ष या अधिक के कारावास से दंडित कियागया है	

यदि उत्तर"हां" में है, तो अभ्यर्थी निम्नलिखित जानकारी देगा :

(i)मामला/प्रथम सूचना रिपोर्ट संख्यांक .....

(ii)पुलिस थाना (थाने).....जिला(जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया था.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख(तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया था.....

(vi) अधिरोपित दंड [कारावास (कारावासों) की अवधि और/या जुर्माने की राशि उपदर्शित करें].....

(vii) कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/पुनरीक्षण फाइल किए गए थे :हां/नहीं

(ix)फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की तारीख और विशिष्टियां.....

(x) उस न्यायालय (उन न्यायालयों) का (के) नाम, जिसके (जिनके) समक्ष अपील (अपीलों)/पुनरीक्षण आवेदन फाइल किए गए थे.....

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है या वह/वे लंबित हैं.....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है, तो-

(क) निपटारे की तारीख(तारीखें).....

(ख) पारित आदेश (आदेशों की प्रकृति).....

स्थान: (अभ्यर्थी के हस्ताक्षर)

तारीख:

भाग 4

(रिटर्निंग आफिसर द्वारा भरा जाएगा)

नामनिर्देशन-पत्र की क्रम सं0 .....

यह नामनिर्देशन मुझे/मेरे कार्यालय में .....(तारीख) को .....(बजे) *अभ्यर्थी/प्रस्थापक ..... (नाम) द्वारा परिदत्त किया गया ।

तारीख ..... रिटर्निंग आफिसर

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*लागू न होने वाले शब्द काट दीजिए ।

भाग 5

नामनिर्देशन पत्र को प्रतिगृहीत या रद्द करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के अनुसार परीक्षित कर लिया है और मैं निम्नलिखित रूप में विनिश्चय करता हूं :--

.....

.....

.....

तारीख..... रिटर्निंग आफिसर

.....(छिद्रण).....

भाग 6

नामनिर्देशन पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र उपस्थित करने वाले व्यक्ति को दी जाने के लिए)

नामनिर्देशन-पत्र की क्रम सं0 .....

.....का जो ..... विधान सभा निर्वाचन-क्षेत्र से निर्वाचन के लिए अभ्यर्थी हैं, नामनिर्देशन-पत्र मुझे/मेरे कार्यालय में ..... (तारीख) को ..... (बजे)अभ्यर्थी/प्रस्थापक द्वारा परिदत्त किया गया । सभी नामनिर्देशन-पत्रों की संवीक्षा .....(तारीख) को .....(बजे) ..... (स्थान) में की जाएगी

तारीख ..... रिटर्निंग आफिसर

*जो शब्द लागू न हो उसे काट दीजिए ।

प्ररूप 2ग

(नियम 4 देखिए)

नामनिर्देशन-पत्र

राज्य सभा के लिए निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सें.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

भाग 1

हम एतद्द्वारा राज्य सभा के निर्वाचन के लिए अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करते हैं :

अभ्यर्थी का नाम ..... (पिता/माता/पति का नाम) ..... उसका डाक पता ..... उसका नाम..... विधान सभा/*संसदीय निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 .....में क्रम सं0..... पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम .....विधान सभा के निर्वाचित सदस्य निर्वाचकगण के सदस्य हैं और हमारे नाम धारा 152 के अधीन रखी गई सूची में जैसा कि नीचे उपदर्शित किया गया है प्रविष्ट है और उस नामनिर्देशन के प्रतीक स्वरूप हम नीचे अपने हस्ताक्षर करते हैं ।

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर

क्रम सं0	धारा 152 के अधीन रखी गई सूची में प्रविष्टि क्रम संख्यांक	पूरा नाम	हस्ताक्षर	तारीख
1	2	3	4	5
1.				
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9.				
**10.				

*केवल जम्मू व कश्मीर के लिए ।

**प्रस्थापक विधान सभा के निर्वाचित सदस्यों में से दस प्रतिशत या निर्वाचकगण के सदस्यों में से दस प्रतिशत या संबंधित दस सदस्य, जो भी कम हों, होने चाहिएं ।

मैं, ऊपरिवर्णित अभ्यर्थी इस नामनिर्देशन के लिए अपनी अनुमति देता/देती हूं और घोषणा करता/करती हूं कि---

(क) मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख) मैंने ..... वर्ष की आयु पूरी कर ली है ;

(ग) मैं इस निर्वाचन में .....दल द्वारा खड़ा किया गया हूं/खड़ी की गई हूं ;

(घ) मेरा नाम और मेरे (पिता/माता/पति का नाम ऊपर ..... (भाषा का नाम) में सही रूप से लिखा गया है ;और

(ङ) अपनी पूर्ण जानकारी और विश्वास के अनुसार मैं राज्य सभा में रिक्त स्थान भरने के लिए चुने जाने के हेतु अर्हित हूं और निरर्हित नहीं हूं ।

मैं यह भी घोषणा करता हूं कि इसके साथ-साथ होने वाले राज्य सभा के विद्यमान द्विवार्षिक निर्वाचन/उप निर्वाचनों में दो स्थानों के लिए किसी अभ्यर्थी के रूप में नामनिर्दिष्ट नहीं किया गया हूं और न ही किया जाऊंगा ।

तारीख ..... अभ्यर्थी के हस्ताक्षर

भाग 2

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को--

(i) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की- (क) उपधारा (1) के अधीन किसी अपराध (अपराधों) के लिए ;या (ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए, सिद्धदोष ठहराया गया है ;या	हां/नहीं
(ii) ऐसे किसी अन्य अपराध (अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके (जिनके) लिए उसे दो वर्ष या अधिक के कारावास से दंडित किया गया है ।	

यदि उत्तर"हां"में है तो, अभ्यर्थी निम्नलिखित जानकारी देगा :

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने).....जिला(जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया था.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख(तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया था.....

(vi)अधिरोपित दंड [कारावासों की अवधि और/या (जुर्माने) की राशि उपदर्शित करें].....

(vii) कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/पुनरीक्षण फाइल किए गए थे :हां/नहीं

(ix) फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की तारीख व विशिष्टियां.....

(x) उस न्यायालय (उन न्यायालयों) का (के) नाम, जिसके (जिनके) समक्ष अपील (अपीलें)/पुनरीक्षण आवेदन फाइल किए गए थे.....

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है या वह/वे लंबित हैं.....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है, तो--

(क) निपटारे की तारीख(तारीखें).....

(ख) पारित आदेश (आदेशों की प्रकृति).....

स्थान: अभ्यर्थी के हस्ताक्षर

तारीख:

भाग 3

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन पत्र की क्रम सं0.....

यह नामनिर्देशन मुझे/मेरे कार्यालय में.....(तारीख) को.....(बजे)/अभ्यर्थी/प्रस्थापक..... (नाम) द्वारा परिदत्त किया गया ।

तारीख ..... (रिटर्निंग आफिसर)

टिप्पण :--जहां कहीं अनुकल्प दिए गए हैं वहां लागू होने वाले शब्दों को काट दें ।

भाग 4

नामनिर्देशन-पत्र को प्रतिगृहीत या रद्द करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के अनुसार परीक्षित कर लिया है और निम्नलिखित रूप में विनिश्चय करता हूं:---

.....

.....

.....

तारीख ..... रिटर्निंगआफिसर

.....(छिद्रण) .....

भाग 5

नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र प्रस्तुत करने वाले व्यक्ति को देने के लिए)

नामनिर्देशन-पत्र का क्रम संख्यांक .....

..... (राज्य) की विधान सभा के निर्वाचित सदस्यों/.....के निर्वाचकगण के सदस्यों द्वारा राज्य सभा के लिए निर्वाचन हेतु अभ्यर्थी है, नामनिर्देशन-पत्र मुझे/मेरे कार्यालय में ..... (तारीख) को ..... (बजे) अभ्यर्थी/प्रस्थापक ..... (नाम) द्वारा परिदत्त किया गया है । सभी नामनिर्देशन-पत्रों की संवीक्षा .....(तारीख) को ..... (बजे) ..... (स्थान) में की जाएगी ।

तारीख ..... रिटर्निंग आफिसर

प्ररूप 2घ

(नियम 4 देखिए)

नामनिर्देशन-पत्र

विधान सभा के सदस्यों द्वारा ..... (राज्य)की विधान परिषद् के लिए निर्वाचन ।

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सैं.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

भाग 1

हम एतद्द्वारा ऊपरिवर्णित निर्वाचन के लिए अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करते हैं ।

अभ्यर्थी का नाम .....[पिता/माता/पति का नाम] .....

उसका डाक पता.....उसका नाम .....विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम संख्या ..... पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम ..... विधान सभा के सदस्य हैं और हमारे नाम धारा 152 के अधीन रखी गई सूची में, जैसा कि नीचे उपदर्शित किया गया है, प्रविष्ट हैं और हम इस नामनिर्देशन के प्रतीक स्वरूप नीचे अपने हस्ताक्षर करते हैं :--

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर

क्रम सं0	धारा 152 के अधीन रखी गई सूची में प्रविष्टि क्रम संख्यांक	पूरा नाम	हस्ताक्षर	तारीख
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*प्रस्थापक विधान सभा के सदस्यों में से दस प्रतिशत या संबंधित दस सदस्य, जो भी कम हों, होने चाहिएं ।

मैं,ऊपरिवर्णित अभ्यर्थी, इस नामनिर्देशन के लिए अपनी अनुमति देता/देती हूं और एतद्द्वारा घोषणा करता/करती हूं कि--

(क) मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख) मैंने ..... वर्ष की आयु पूरी कर ली है ।

(ग) मैं इस निर्वाचन में ..... पार्टी द्वारा खड़ा किया गया हूं/खड़ी की गई हूं ।

(घ) मेरा नाम और मेरे [पिता/माता/पति का नाम]ऊपर..... (भाषा का नाम)में सही रूप से लिखा गया है ;और

(ङ) अपनी पूर्ण जानकारी और विश्वास के अनुसार मैं.....(राज्य)की विधान परिषद् में रिक्त स्थान को भरने के लिए विधान सभा के सदस्यों द्वारा, चुने जाने हेतु अर्हित हूं और निरर्हित नहीं हूं ।

तारीख .....

अभ्यर्थी के हस्ताक्षर

भाग 2

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को--

(i) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की--

(क) उपधारा (1) के अधीन किसी अपराध (अपराधों) के लिए ;या

(ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए,

सिद्धदोष ठहराया गया है ;या — हां/नहीं

(ii) ऐसे किसी अन्य अपराध (अपराधों) के लिए सिद्धदोष ठहराया गया है,

जिसके (जिनके) लिए उसे दो वर्ष या अधिक के कारावास से दंडित कियागया है।

यदि उत्तर"हां"में है, अभ्यर्थी निम्नलिखित जानकारी देगा :

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने).....जिला(जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया था.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख(तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया .....

(vi) अधिरोपित दंड [कारावास (कारावासों) की अवधि और/या (जुर्माने की राशि उपदर्शित करें]

(vii) कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/पुनरीक्षण फाइल किए गए थे :हां/नहीं

(ix) फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की तारीख व विशिष्टियां.....

(x) उस न्यायालय (उन न्यायालयों) का (के) नाम, जिसके (जिनके) समक्ष अपील (अपीलों)/पुनरीक्षण आवेदन फाइल किए गए थे.....

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है या वह/वे लंबित हैं.....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है, तो--

(क) निपटारे की तारीख(तारीखें).....

(ख) पारित आदेश (आदेशों की प्रकृति).....

स्थान:

तारीख: अभ्यर्थी के हस्ताक्षर

भाग3

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन-पत्र का क्रम सं0..... .....

यह नामनिर्देशन मुझे मेरे कार्यालय में.....(तारीख)को.....(बजे)अभ्यर्थी/प्रस्थापक.....(नाम)द्वारा परिदत्त किया गया ।

तारीख ..... रिटर्निंग आफिसर

भाग 4

नामनिर्देशन-पत्र को प्रतिगृहीत या प्रतिक्षेपित करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के अनुसार परीक्षित कर लिया है और मैं निम्नलिखित रूप में विनिश्चय करता हूं---

तारीख ..... रिटर्निंग आफिसर

.....(छिद्रण).....

भाग 5

नामनिर्देशन-पत्र को प्रतिगृहीत या प्रतिक्षेपित करने वाले रिटर्निंग आफिसर का विनिश्चय

(नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना)

नामनिर्देशन-पत्र का क्रम
सं0.....

.....का,जो.....(राज्य)की विधान परिषद् के लिए विधान सभा के सदस्यों द्वारा निर्वाचन के लिए अभ्यर्थी है, नामनिर्देशन पत्र मुझे मेरे कार्यालय में.....(तारीख)को .....(बजे).....अभ्यर्थी/प्रस्थापक ..... (नाम)द्वारा परिदत्त किया गया है । सभी नामनिर्देशन-पत्रों की संवीक्षा ..... (तारीख)को .....(बजे) ..... (स्थान)में की जाएगी ।

तारीख ..... रिटर्निंग आफिसर

टिप्पण :--जहां अनुकल्प दिया गया है वहां लागू न होने वाले शब्द(शब्दों) काट दीजिए ।

प्ररूप 2ङ

(नियम 4 देखिए)

नामनिर्देशन-पत्र

परिषद् निर्वाचन-क्षेत्र से .....(राज्य)की विधान परिषद् के लिए निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सैं.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें ।

भाग 1

हम .....(राज्य)कीविधानपरिषद्केनिर्वाचनकेलिए .....निर्वाचन-क्षेत्रसेअभ्यर्थीकेरूपमेंनिम्नलिखितकोनामनिर्देशितकरतेहैं।

अभ्यर्थीकानाम .....(पिता/माता/पतिकानाम)..... उसकाडाकपता .....उसकानाम ..... विधानसभा/निर्वाचन-क्षेत्रकीनिर्वाचकनामावलीकेभागसं0 .....मेंक्रमसं0 .....परप्रविष्टहै।

हम घोषणा करते हैं कि हम मतदाता हैं और हमारे नाम .....परिषद् निर्वाचन-क्षेत्र की निर्वाचक नामावली में, जैसा कि नीचे उपदर्शित किया गया है, प्रविष्ट हैं और इस नामनिर्देशन के प्रतीक स्वरूप हम नीचे अपने हस्ताक्षर करते हैं :

भाग 3

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन पत्र की क्रम सं0 .....

यह नामनिर्देशन मुझे/मेरे कार्यालय में ..... (तारीख) को ..... (बजे) अभ्यर्थी/प्रस्थापक ..... (नाम) द्वारा परिदत्त किया गया ।

तारीख ..... रिटर्निंग आफिसर

भाग 4

नामनिर्देशन-पत्र को प्रतिगृहीत या रद्द करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के अनुसार परीक्षित कर लिया है और मैं निम्नलिखित रूप में विनिश्चय करता हूं :---

तारीख ..... रिटर्निंग आफिसर

भाग 5

नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र प्रस्तुत करने वाले व्यक्ति को देने के लिए)

नामनिर्देशन पत्र का क्रम संख्यांक .....

का, जो ..... राज्य की विधान परिषद् के लिएनिर्वाचन हेतु ..... स्नातकों/अध्यापकों/स्थानीय प्राधिकरणों के निर्वाचन-क्षेत्र से अभ्यर्थी है, नामनिर्देशन-पत्र मुझे/मेरे कार्यालय में .....(तारीख) को ..... (बजे) अभ्यर्थी/प्रस्थापक .... (नाम)द्वारा परिदत्त किया गया है । सभी नामनिर्देशन-पत्रों की संवीक्षा ..... (तारीख)को ..... (बजे) ..... (स्थान) में की जाएगी ।

तारीख ..... रिटर्निंग आफिसर

टिप्पण :-- जहां अनुकल्प दिया गया है, वहां लागू न होने वाले शब्द काट दीजिए ।

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर

क्रम सं0	प्रस्थापक की निर्वाचक नामावली सं0		पूरा नाम	हस्ताक्षर	तारीख
	निर्वाचक नामावली की भाग सं0	उस भाग में क्रम सं0			
1	2	3	4	5	6

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*प्रस्थापक निर्वाचन-क्षेत्र के दस प्रतिशत मतदाता या दस ऐसे मतदाता, जो भी कम हों, होने चाहिए ।

मैं, ऊपरिवर्णित अभ्यर्थी इस नामनिर्देशन के लिए अपनी अनुमति देता/देती हूं और घोषणा करता/करती हूं कि :--

(क) मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है;

(ख) मैंने .....वर्ष की आयु पूरी कर ली है ;

(ग) मैं इस निर्वाचन में .....दल द्वारा खड़ा किया गया हूं/खड़ी की गई हूं;

(घ) मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर .....(भाषा का नाम) में सही रूप से लिखा गया है;और

(ङ) अपनी पूर्ण जानकारी और विश्वास के अनुसार मैं ..... परिषद् निर्वाचन-क्षेत्र से ..... (राज्य)की विधान परिषद् के रिक्त स्थान को भरने के लिए चुने जाने हेतु अर्हित हूं और निरर्हित नहीं हूं ।

मैं यह भी घोषणा करता हूं कि इसके साथ-साथ होने वाले विधान परिषद् के विद्यमान द्विवार्षिक निर्वाचन/उप निर्वाचनों में दो स्थानों के लिए किसीअभ्यर्थी के रूप में नामनिर्दिष्ट नहीं किया गया हूं और न ही किया जाऊंगा ।

तारीख..... अभ्यर्थी के हस्ताक्षर

*जो लागू न हो, उसे काट दें ।

भाग 2

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को--

(i) लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की--

(क) उपधारा (1) के अधीन किसी अपराध (अपराधों) के लिए ;या

(ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए, | हां/नहीं

सिद्धदोष ठहराया गया है ;या

(ii) ऐसे किसी अन्य अपराध (अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके (जिनके) लिए उसे दो वर्ष या अधिक के कारावास से दंडित किया गया है ।

यदि उत्तर "हां"में है, तो अभ्यर्थी निम्नलिखित जानकारी देगा :

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने)..... जिला (जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया था.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख/(तारीखें).....

(v)वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया था.....

(vi) अधिरोपित दंड कारावास (कारावासों) की अवधि और/या (जुर्माने) की राशि उपदर्शित करें .....

(vii) कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/पुनरीक्षण फाइल किए गए थे:हां/नहीं

(ix)फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की विशिष्टियां एवं तारीख.....

(x) उस न्यायालय (उन न्यायालयों) का (के) नाम, जिसके (जिनके) समक्ष अपील (अपीलें)/पुनरीक्षण आवेदन फाइल किए गए थे.....

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है या वह/वे लंबित हैं.....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है, तो-

(क) निपटारे की तारीख(तारीखें).....

(ख) पारित आदेश (आदेशों की प्रकृति).....

स्थान: अभ्यर्थी के हस्ताक्षर

तारीख:

प्ररूप 2च

(नियम 4 देखिए)

नामनिर्देशन-पत्र

भूटिया/लेप्चा मूल के सिक्किमियों के लिए आरक्षित निर्वाचन-क्षेत्र से सिक्किम विधान सभा का निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सें.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

भाग 1

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े किए गए अभ्यर्थी द्वारा उपयोग के लिए)

मैं सिक्किम विधान सभा के निर्वाचन के लिए..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करता हूं ।

अभ्यर्थी का नाम ..... उसका डाक पता ..... उसका नाम ..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0 .....पर प्रविष्ट है ।

मेरा नाम..... है और जो..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 ..... में क्रम सं0 .....पर प्रविष्ट है ।

तारीख.....प्रस्थापक के हस्ताक्षर

भाग 2

(मान्यताप्राप्त राजनैतिक दल द्वारा नहीं खड़े किए गए अभ्यर्थी द्वारा उपयोग के लिए)

हम सिक्किम विधान सभा के निर्वाचन के लिए..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित का नामनिर्देशन करते हैं ।

अभ्यर्थी का नाम.....पिता/माता/पति का नाम.....उसका डाक पता.....उसका नाम विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम उपरोक्त विधान सभा निर्वाचन-क्षेत्र के निर्वाचक हैं और हमारे नाम उस विधान सभा निर्वाचन- क्षेत्र के लिए निर्वाचक नामावली में जैसे कि नीचे उपदर्शित हैं, दर्ज हैं और हम इस नामनिर्देशन के प्रतीक स्वरूप नीचे अपने हस्ताक्षर करते हैं :--

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर ।

	प्रस्थापक का निर्वाचक नामावली संख्यांक		पूरा नाम	हस्ताक्षर	तारीख
क्रम सं.	निर्वाचन-क्षेत्र की निर्वाचक नामावली का भाग संख्यांक	उस भाग में क्रम सं.			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

कृपया ध्यान दें-- लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 33 की उपधारा (1) के परन्तुक के अधीन यथापेक्षित प्रस्थापकों के रूप में उस निर्वाचन-क्षेत्र के दस निर्वाचक होने चाहिएं ।

भाग 3

मैं, भाग 1*याभाग 2*में वर्णित अभ्यर्थी, इस नामनिर्देशन के लिए अपनी अनुमति देता हूं और घोषणा करता हूं कि--

(क)मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख) मैंने.....वर्ष की आयु पूरी कर ली है ;

(ग)(i)*मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो इस राज्य में मान्यताप्राप्त राष्ट्रीय दल*/राज्य दल*है और उपरोक्त दल के लिए आरक्षित प्रतीक मुझे आबंटित किया जाए ।

(ग)(ii)मुझे*इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो एक रजिस्ट्रीकृत-अमान्यताप्राप्त राजनैतिक दल*है/मैं यह निर्वाचन स्वतंत्र अभ्यर्थीके रूप में लड़ रहा हूं और मैंने जो प्रतीक चुने हैं, वे अधिमान क्रम में इस प्रकार हैं :--

(1).....(2).....(3).....

(घ) मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर.....(भाषा का नाम) में सही रूप में लिखे गए हैं ।

(ङ) अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार मैं इस राज्य की विधान सभा का स्थान भरने के लिए चुने जाने के लिए अर्हित हूं और निरर्हित भी नहीं हूं ।

मैं यह भी घोषणा करता हूं कि मैं भूटिया/लेप्चा मूल का सिक्किमी हूं ।

तारीख..... अभ्यर्थी के हस्ताक्षर

*जो लागू न हो वह काट दें ।

कृपया ध्यान दें :--'मान्यताप्राप्त राजनैतिक दल' से निर्वाचन आयोग द्वारा निर्वाचन प्रतीक (आरक्षण और आबंटन) आदेश, 1968 के अधीन सिक्किम राज्य में मान्यताप्राप्तकोई राजनैतिक दल अभिप्रेत है ।

भाग 4

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को कभी लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की--

(i) सिद्धदोष ठहराया गया है ;या (क) उपधारा (1) के अधीन किसी अपराध (किन्ही अपराधों) ;या (ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए,-- (ii) किसी अन्य अपराध (किन्हीं अन्य अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके लिए उसे दो वर्ष या अधिक के कारावास से दंडादिष्ट किया गया है ।	हां/नहीं

यदि उत्तर"हां"में है तो, अभ्यर्थी निम्नलिखित जानकारी देगा :

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने)....., जिला(जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया है.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख (तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया.....

(vi)अधिरोपित दंड [कारावास (कारावासों) की अवधि और/या जुर्माने (जुर्मानों) की राशि उपदर्शित करें].....

(vii)कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध अपील (अपीलों)/फाइल किए गए थे:.....हां/नहीं

(ix) फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की तारीख और विशिष्टियां : .....

(x)उस न्यायालय (न्यायालयों) के नाम, जिसके (जिनके) समक्ष अपील (अपीलें)/पुनरीक्षण आवेदन फाइल किए गए ।

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षित आवेदन (आवेदनों) का निपटारा हो गया है/वे लंबित हैं .....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षित आवेदन (आवेदनों) का निपटारा हो गया है तो-

(क) निपटारे की तारीख (तारीखें).....

(ख) पारित किए गए आदेश (आदेशों) की प्रकृति .....

स्थान: अभ्यर्थी के हस्ताक्षर

तारीख:

भाग 5

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन-पत्र की क्रम सं0.....

यह नामनिर्देशन मुझे, मेरे कार्यालय में.....(तारीख) को.....(बजे) अभ्यर्थी*/*प्रस्थापक द्वारा परिदत्त किया गया ।

तारीख..... रिटर्निंग आफिसर

*जो लागू न हो उसे काट दीजिए ।

भाग 6

नामनिर्देशन-पत्र को प्रतिगृहीत या रद्द करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के उपबंधों के अनुसार संवीक्षित कर लिया है और मैं निम्नलिखित विनिश्चय करता हूं :

तारीख..... रिटर्निंग आफिसर

भाग 7

नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र प्रस्तुत करने वाले व्यक्ति को दी जाने के लिए)

नामनिर्देशन-पत्र की क्रम सं0.....

..... का, जो.....विधान सभा निर्वाचन-क्षेत्र से निर्वाचन के लिए अभ्यर्थी है नामनिर्देशन-पत्र मुझे, मेरे कार्यालय में.....(तारीख) को.....(बजे)*अभ्यर्थी/*प्रस्थापक द्वारा परिदत्त किया गया । सभी नामनिर्देशन-पत्रों की संवीक्षा.....(तारीख) को.....(बजे).....(स्थान) में की जाएगी ।

तारीख..... रिटर्निंग आफिसर

---

*जो लागू न हो उसे काट दीजिए ।

प्ररूप 2छ

(नियम 4 देखिए)

नामनिर्देशन-पत्र

साधारण निर्वाचन-क्षेत्र या अनुसूचित जाति के लिए आरक्षित निर्वाचन-क्षेत्र से सिक्किम विधान सभा का निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सें.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

भाग 1

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े किए गए अभ्यर्थी द्वारा उपयोग के लिए)

मैं सिक्किम विधान सभा के निर्वाचन के लिए..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करताहूं ।

अभ्यर्थी का नाम ..... पिता/माता/पति का नाम ..... उसका डाक पता ..... उसका नाम ..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

मेरा नाम..... है और जो..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 ..... में क्रम सं0 .....पर प्रविष्ट है ।

तारीख..... प्रस्थापक के हस्ताक्षर

भाग 2

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े न किए गए अभ्यर्थी द्वारा उपयोग के लिए)

हम सिक्किम विधान सभा के निर्वाचन के लिए..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित का नामनिर्देशन करते हैं ।

अभ्यर्थी का नाम.....पिता/माता/पति का नाम .....उसका डाक पता.....उसका नाम..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम इस विधान सभा निर्वाचन-क्षेत्र के निर्वाचक हैं, और हमारे नाम इस विधान सभा निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में जैसे कि नीचे उपदर्शित हैं, दर्ज हैं और हम इस नामनिर्देशन के प्रतीक स्वरूप नीचे अपने हस्ताक्षर करते हैं :--

प्ररूप 2छ

(नियम 4 देखिए)

नामनिर्देशन-पत्र

साधारण निर्वाचन-क्षेत्र या अनुसूचित जाति के लिए आरक्षित निर्वाचन-क्षेत्र से सिक्किम विधान सभा का निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सें.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

भाग 1

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े किए गए अभ्यर्थी द्वारा उपयोग के लिए)

मैं सिक्किम विधान सभा के निर्वाचन के लिए..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करताहूं ।

अभ्यर्थी का नाम ..... पिता/माता/पति का नाम ..... उसका डाक पता ..... उसका नाम ..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

मेरा नाम..... है और जो..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 ..... में क्रम सं0 .....पर प्रविष्ट है ।

तारीख..... प्रस्थापक के हस्ताक्षर

भाग 2

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े न किए गए अभ्यर्थी द्वारा उपयोग के लिए)

हम सिक्किम विधान सभा के निर्वाचन के लिए..... विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित का नामनिर्देशन करते हैं ।

अभ्यर्थी का नाम.....पिता/माता/पति का नाम .....उसका डाक पता.....उसका नाम..... विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम इस विधान सभा निर्वाचन-क्षेत्र के निर्वाचक हैं, और हमारे नाम इस विधान सभा निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में जैसे कि नीचे उपदर्शित हैं, दर्ज हैं और हम इस नामनिर्देशन के प्रतीक स्वरूप नीचे अपने हस्ताक्षर करते हैं :--

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर

क्रम सं.	प्रस्थापक का निर्वाचक नामावली संख्यांक		पूरा नाम	हस्ताक्षर	तारीख
	निर्वाचन-क्षेत्र की निर्वाचक नामावली का भाग संख्यांक	उस भाग में क्रम सं.			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

कृपया ध्यान दें :लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 33 की उपधारा (1) के परन्तुक के अधीन यथापेक्षित प्रस्थापकों के रूप में उस निर्वाचन-क्षेत्र के दस निर्वाचक होने चाहिएं ।

भाग 3

मैं, भाग 1*याभाग 2*में वर्णित अभ्यर्थी, इस नामनिर्देशन के लिए अपनी अनुमति देता हूं और घोषणा करता हूं कि--

(क) मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख) मैंने.....वर्ष की आयु पूरी कर ली है ;

(ग)(i) *मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो इस राज्य में मान्यताप्राप्त राष्ट्रीय दल*/राज्य दल*है और उपरोक्त दल के लिए आरक्षित प्रतीक मुझे आबंटित किया जाए ।

(ग)(ii)*मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो रजिस्ट्रीकृत-अमान्यताप्राप्त राजनैतिक दल*है/मैं यह निर्वाचन स्वतंत्र अभ्यर्थी*के रूप में लड़ रहा हूं और मैंने जो प्रतीक चुने हैं, वे अधिमान क्रम में इस प्रकार हैं :--

(1).....(2).....(3).....

(घ) मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर.....(भाषा का नाम) में सही रूप से लिखे गए हैं ।

(ङ) अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार मैं इस राज्य की विधान सभा का स्थान भरने के लिए चुने जाने के लिए अर्हित हूं और निरर्हित नहीं हूं ।

*मैं यह भी घोषणा करता हूं कि मैं ..... जाति का सदस्य हूं, जो सिक्किम राज्य की अनुसूचित जाति है ।

तारीख..... अभ्यर्थी के हस्ताक्षर

*जो लागू न हो वह काट दें ।

कृपया ध्यान दें :--'मान्यताप्राप्त राजनैतिक दल' से निर्वाचन आयोग द्वारा निर्वाचन प्रतीक (आरक्षण और आबंटन) आदेश, 1968 के अधीन सिक्किम राज्य में मान्यताप्राप्तकोई राजनैतिक दल अभिप्रेत है ।

भाग 4

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को कभी लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की--

(i) सिद्धदोष ठहराया गया है ;या (क) उपधारा (1) के अधीन किसी अपराध (किन्हीं अपराधों);या (ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए,-- (ii) किसी अन्य अपराध (किन्हीं अन्य अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके लिए उसे दो वर्ष या अधिक के कारावास से दंडादिष्ट किया गया है ।	हां/नहीं

यदि उत्तर "हां"में है तो, अभ्यर्थी निम्नलिखित जानकारी देगा:

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने).....जिला (जिले).....राज्य.....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया है.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख (तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होंने) अभ्यर्थी को सिद्धदोष ठहराया.....

(vi)अधिरोपित दंड [कारावास (कारावासों) की अवधि और/या जुर्माने (जुर्मानों) की राशि उपदर्शित करें] .....

(vii)कारागार से निर्मुक्ति की तारीख (तारीखें).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/फाइल की गई थी: .....हां/नहीं

(ix) फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की तारीख और विशिष्टियां : .....

(x)उस न्यायालय (न्यायालयों) के नाम, जिसके (जिनके) समक्ष अपील (अपीलें)/पुनरीक्षण आवेदन फाइल किए गए .....

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है/वे लंबित हैं .....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) का निपटारा हो गया है तो-

(क) निपटारे की तारीख (तारीखें).....

(ख) पारित किए गए आदेश (आदेशों) की प्रकृति .....

स्थान:

तारीख: अभ्यर्थी के हस्ताक्षर

भाग 5

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन-पत्र का क्रम सं0.....

यह नामनिर्देशन मुझे, मेरे कार्यालय में.....(तारीख) को.....(बजे) अभ्यर्थी*/प्रस्थापक*द्वारा परिदत्त किया गया ।

तारीख..... रिटर्निंग आफिसर

*जो लागू न हो उसे काट दीजिए ।

भाग 6

नामनिर्देशन-पत्र को प्रतिगृहीत या रद्द करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के अनुसार संवीक्षित कर लिया है और मैं निम्नलिखित विनिश्चय करता हूं :--

तारीख..... रिटर्निंग आफिसर

भाग 7

नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र प्रस्तुत करने वाले व्यक्ति को दी जाने के लिए)

नामनिर्देशन-पत्र की क्रम सं0.....

..... का, जो..... विधान सभा निर्वाचन-क्षेत्र से निर्वाचन के लिए अभ्यर्थी नामनिर्देशन-पत्र मुझे, मेरे कार्यालय में.....(तारीख) को.....(बजे) *अभ्यर्थी /*प्रस्थापक द्वारा परिदत्त किया गया । सभी नामनिर्देशन-पत्रों की संवीक्षा.....(तारीख) को.....(बजे).....(स्थान) में की जाएगी ।

तारीख..... रिटर्निंग आफिसर

*जो लागू न हो वह काट दें ।

प्ररूप 2ज

[नियम 4 देखिए]

नामनिर्देशन-पत्र

संघा निर्वाचन-क्षेत्र से सिक्किम विधान सभा का निर्वाचन

पूरे चेहरे को सामने से उपदर्शित करते हुए श्वेत/श्वेताभ पृष्ठभूमि में (2 से.मी.X2.5 सें.मी.) स्टांप आकार नवीनतम फोटो चस्पा करें

भाग 1*

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े किए गए अभ्यर्थी द्वारा उपयोग के लिए)

मैं सिक्किम विधान सभा के निर्वाचन के लिए संघा विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित को नामनिर्दिष्ट करताहूं ।

अभ्यर्थी का नाम ..... पिता/माता/पति का नाम..... उसका डाक पता ..... उसका नाम विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0 .....पर प्रविष्टहै ।

मेरा नाम..... है और जो संघा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0 ..... में क्रम सं0 .....पर प्रविष्ट है ।

तारीख..... प्रस्थापक के हस्ताक्षर

भाग 2*

(मान्यताप्राप्त राजनैतिक दल द्वारा खड़े नहीं किए गए अभ्यर्थी द्वारा उपयोग के लिए)

हम सिक्किम विधान सभा के निर्वाचन के लिए संघा विधान सभा निर्वाचन-क्षेत्र से अभ्यर्थी के रूप में निम्नलिखित का नामनिर्देशन करते हैं ।

अभ्यर्थी का नाम.....पिता/माता/पति का नाम.....उसका डाक का पता.....उसका नाम संघा विधान सभा निर्वाचन-क्षेत्र की निर्वाचक नामावली के भाग सं0.....में क्रम सं0.....पर प्रविष्ट है ।

हम घोषणा करते हैं कि हम इस विधान सभा निर्वाचन-क्षेत्र के निर्वाचक हैं और हमारे नाम इस विधान सभा निर्वाचन-क्षेत्र के लिए निर्वाचक नामावली में जैसे कि नीचे उपदर्शित हैं, दर्ज हैं, और हम इस नामनिर्देशन के प्रतीक स्वरूप नीचे अपने हस्ताक्षर करते हैं :--

प्रस्थापकों की विशिष्टियां और उनके हस्ताक्षर

क्रम सं.	प्रस्थापक का निर्वाचक नामावली संख्यांक		पूरा नाम	हस्ताक्षर	तारीख
	निर्वाचन-क्षेत्र की निर्वाचक नामावली का भाग संख्यांक	उस भाग में क्रम सं.			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

कृपया ध्यान दें:लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 33 की उपधारा (1) के परन्तुक के अधीन यथापेक्षित प्रस्थापकों के रूप में उस निर्वाचन-क्षेत्र के दस निर्वाचक होने चाहिएं ।

*जो लागू न हो वह भाग काट दें ।

भाग 3

मैं, भाग 1*/भाग 2*में वर्णित अभ्यर्थी, इस नामनिर्देशन के लिए अपनी अनुमति देता हूं और घोषणा करता हूं कि-

(क) मैं भारत का नागरिक हूं और मैंने किसी अन्य विदेशी राज्य की नागरिकता अर्जित नहीं की है ;

(ख) मैंने.....वर्ष की आयु पूरी कर ली है ;

(ग)(i) *मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो इस राज्य में मान्यताप्राप्त राष्ट्रीय दल*/राज्य दल*है और उपरोक्त दल के लिए आरक्षित प्रतीक मुझे आबंटित किया जाए ।

(ग)(ii) *मुझे इस निर्वाचन में.....दल द्वारा खड़ा किया गया है, जो रजिस्ट्रीकृत-अमान्यताप्राप्त राजनैतिक दल*है/मैं यह निर्वाचन स्वतंत्र अभ्यर्थी*के रूप में लड़ रहा हूं और मैंने जो प्रतीक चुने हैं, वे अधिमान क्रम में इस प्रकार हैं :--

(1).....(2).....(3).....

(घ) मेरा नाम और मेरे पिता/माता/पति का नाम ऊपर.....(भाषा का नाम) में सही रूप से लिखे गए हैं ।

(ङ) अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार मैं इस राज्य की विधान सभा का स्थान भरने के लिए चुने जाने के लिए अर्हित हूं और निरर्हित नहीं हूं ।

मैं यह भी घोषणा करता हूं कि मैं .....जाति जो कि सिक्किम राज्य की अनुसूचित जाति है, का सदस्य हूं ।

तारीख..... अभ्यर्थी के हस्ताक्षर

कृपया ध्यान दें:'मान्यताप्राप्त राजनीतिक दल' से निर्वाचन आयोग द्वारा निर्वाचन प्रतीक (आरक्षण और आबंटन) आदेश, 1968 के अधीन सिक्किम राज्य में मान्यताप्राप्तकोई राजनैतिक दल अभिप्रेत है ।

भाग 4

(अभ्यर्थी द्वारा भरा जाए)

क्या अभ्यर्थी को कभी लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की--

(क) उपधारा (1) के अधीन किसी अपराध (किन्हीं अपराधों) ;या

(ख) उपधारा (2) में विनिर्दिष्ट किसी विधि के उल्लंघन के लिए,--

(i) सिद्धदोष ठहराया गया है ;या	हां/नहीं
(ii) किसी अन्य अपराध (किन्हीं अन्य अपराधों) के लिए सिद्धदोष ठहराया गया है, जिसके लिए उसे दो वर्ष या अधिक के कारावास से दंडादिष्ट किया गया है ।	

यदि उत्तर "हां"में है तो, अभ्यर्थी निम्नलिखित जानकारी देगा :

(i) मामला/प्रथम सूचना रिपोर्ट संख्यांक.....

(ii) पुलिस थाना (थाने).....जिला (जिले).....राज्य .....

(iii) संबद्ध अधिनियम (अधिनियमों) की धारा (धाराएं) और उस अपराध (उन अपराधों) का संक्षिप्त विवरण, जिसके (जिनके) लिए उसे सिद्धदोष ठहराया गया है.....

(iv) दोषसिद्धि (दोषसिद्धियों) की तारीख (तारीखें).....

(v) वह (वे) न्यायालय जिसने (जिन्होनें) अभ्यर्थी को सिद्धदोष ठहराया.....

(vi)अधिरोपित दंड [कारावास (कारावासों) की अवधि और/या जुर्माने (जुर्मानों) की राशि उपदर्शित करें] .....

(vii)कारागार से निर्मुक्ति की तारीख (तारीखे).....

(viii) क्या उपरोक्त दोषसिद्धि (दोषसिद्धियों) के विरुद्ध कोई अपील (अपीलें)/पुनरीक्षणफाइल किए गए थे :हां/नहीं

(ix) फाइल की गई अपील (अपीलों)/पुनरीक्षण आवेदन (आवेदनों) की तारीख और विशिष्टियां: .....

(x)उस न्यायालय (न्यायालयों) के नाम, जिसके (जिनके) समक्ष अपील (अपीलें)/पुनरीक्षण आवेदन फाइल किए गए ।

(xi) क्या उक्त अपील (अपीलों)/पुनरीक्षित आवेदन (आवेदनों) का निपटारा हो गया है/वे लंबित हैं .....

(xii) यदि उक्त अपील (अपीलों)/पुनरीक्षित आवेदन (आवेदनों) का निपटारा हो गया है तो-

(क) निपटारे की तारीख (तारीखें).....

(ख) पारित किए गए आदेश (आदेशों) की प्रकृति .....

स्थान: अभ्यर्थी के हस्ताक्षर

तारीख:

भाग 5

(रिटर्निंग आफिसर द्वारा भरा जाए)

नामनिर्देशन-पत्र का क्रम सं0.....

यह नामनिर्देशन मुझे, मेरे कार्यालय में.....(तारीख) को.....(बजे) *अभ्यर्थी /*प्रस्थापक द्वारा परिदत्त किया गया ।

तारीख..... रिटर्निंग आफिसर

*जो लागू न हो उसे काट दें ।

भाग 6

नामनिर्देशन-पत्र को प्रतिगृहीत या रद्द करने वाले रिटर्निंग आफिसर का विनिश्चय

मैंने इस नामनिर्देशन-पत्र को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 36 के उपबंधों के अनुसार संवीक्षित कर लिया है और मैं निम्नलिखित विनिश्चय करता हूं :--

तारीख..... रिटर्निंग आफिसर

भाग 7

नामनिर्देशन-पत्र के लिए रसीद और संवीक्षा की सूचना

(नामनिर्देशन-पत्र प्रस्तुत करने वाले व्यक्ति को दी जाने के लिए)

नामनिर्देशन-पत्र की क्रम सं0.....

..... का, जो संघा विधान सभा निर्वाचन-क्षेत्र से निर्वाचन के लिए अभ्यर्थी है नामनिर्देशन-पत्र मुझे, मेरे कार्यालय में.....(तारीख) को.....(बजे) *अभ्यर्थी/*प्रस्थापक द्वारा परिदत्त किया गया । सभी नामनिर्देशन-पत्रों की संवीक्षा.....(तारीख) को.....(बजे).....(स्थान) में की जाएगी ।

तारीख..... रिटर्निंग आफिसर

*जो लागू न हो उसे काट दें ।

[फा.सं. एच-11019(14)/2015-विधायी II]

डा. रीटा वशिष्ट, अपर सचिव

NOTIFICATION

New Delhi, the 16th September, 2016

S.O. 2969(E).—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961 namely:-

1. (I) These rules may be called the Conduct of Elections (Amendment) Rules, 2016.

   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961,-

   (I) for Form 2A to Form 2H, the following Forms shall be substituted, namely:-

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 fidl face view to bp attached.

STRIKE OFF PART 1 OR PART 11 BELOW WHICHEVER IS NOT APPLICABLE

PART 1

(To be used by candidate set up by recognised 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 7(Assembly constituency comprised within).. Parliamentary Constituency.

My name is .....and it is entered at S.No in Part No of the electoral roll for .7(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 . . Y (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

Sl. N0.	Name of component Assembly Constituency	**Elector Roll No. of Proposer**		Full Name	Signature	Date
		Pan No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6	7
I.						
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)* 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 byeelections being held simultaneously, to the House of the People from more than two Parliamentary Constituencies.

Date..... Signature of Candidate

---

[7]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 the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (l): or

(b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act. 1951 (43 of 1951): or Yes/No

(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 .....

Place•..... Signature of Candidate

Date• .....

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).

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.

FORM 2B

(See rule 4)

NOMINATION PAPER

Election to the House of the People

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

STRIKE OFF PART 1 OR PART 11 BELOW WHICHEVER IS NOT APPLICABLE

PART 1

(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. ..... in Part No .of the electoral roll for . ..... Assembly constituency.

Date..... Signature of Proposer

My name is .....and it is entered at Sl. No. .....part NO .....of the electoral roll for the.....Assembly constituency.

Date Signature of the Proposer

PART II

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 .....Assenlbly constituency.

We declare that we are electors of this Assembly constituency and our names are entered in the electoral roll for this 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

Sl. N0.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Pan No. of Electoral Roll	S. No. in that part			
1	2	3	4	5	6
I.					
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;*

(b) I have completed .....years of age;

(STRIKE OUT c(i) OR c(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(c) (i) I am set up at this election by the party. which is recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.

OR

(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); and

(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 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 byeelections 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" wrans a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order. 1968 in the State concemed.

PART III A

(To be filled by the candidate)

Whether the candidate— (i) has been convicted—

(a) of any offence(s) under sub-section (l); or

(b) for contravention of any law specified in sub-section (2) of section 8 of the Representation of the People Act, 1951 Yes/No

(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 fumish 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 quantam 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 the appeal(s)/application(s) for revision filed .....

(x) Name of the coun(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 ot- 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 .....

Place:.....

Date: ..... Signature of the 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).

Date..... Returning Officer

---

*Score out the word not applicable.

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, 195 1 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.

FORM 2C

(See rule 4)

NOMINATION PAPER

Election to the Council of States

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

PART I

We hereby nominate as a candidate for election to the Council of States:

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 the assembly/*Parliamentary constituency.

We declare that we are elected members of the Legislative Assembly of electoral college for..... and our names are entered as indicated below in the list maintained under section 152 and we append our signatures below in token of subscribing to his nomination:

Particulars of the proposers and their signatures

Sl. N0.	Sl.No. as entered in the list maintained under section 152	Full Name	Signature	Date
1	2	3	4	5
1.				
2.				

3.
4.
5.
6.
7.
8.
9.
**10.

* For Jammu and Kashmir only.

**There should be ten per cent. of the elected members of the Legislative Assembly or ten per cent. of the members of the electoral college or ten members concemed, whichever is less, as proposers.

I, the above-mentioned candidate, 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;***

(b) I have completed ..... years of age;

(c) I am set up at this election by the ..... party;

(d) my name and my [father's/mother's/husband's namel have been correctly spelt out above in .....(name of the language); and

(e) to the best of my knowledge and belief. I am qualified and not also disqualified for being chosen to till the seat in the Council of States.

I also declare that I have not been, and shall not be, nominated as a candidate at the present biennial election/ bye- elections being held simultaneously, to the Council of States for more than two seats.

Date ..... Signature of the candidate

PART II

(To be filled by the candidate)

Whether the candidate— (i) has been convicted—

(a) of any offence(s) under sub-section (l); or

(b) for contravention of any law specified in sub-section (2), of section 8.of the Representation of the People Act, 19.51 (43 of 195 1 or Yes/No

(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 quantam 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 .....

Place: .....

Date:..... Signature of the candidate

PART III

(To be filled by the Returning Officer)

Serial No. of Nomination Paper .....

This nomination was delivered to me at my office at ..... (hours) on .....(date) by the candidates/proposer ..... (Name).

Date . Returning Officer

NOTE.—Wherever alternative is provided score out the word(s) not applicable.

PART IV

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, 195 1 (43 of 1951) and, decide as follows:—

....
....
....

Date: ..... Returning Officer

.....Perforation.....

PART V

Receipt of 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 to the Council of States by the elected members of the Legislative Assembly of ..... (State)/Members of the Electoral College of .....

(State)/was delivered to me at my office at ..... (hour) on ..... (date) by the candidate/ proposer ..... (Name). All nomination papers will be taken up for scrutiny at .....(hour) on .....(date) at ..... (place).

Date Returning Officer(s)

FORM 2D

(See rule 4)

NOMINATION PAPERS

Election to the Legislative Council of .....(State) by the Members of the Legislative Assenlbly.

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

PART I

We hereby nominate as a candidate for the above election:

Candidate's name ..... father's/ mother's/ husband's name ..... His postal address

.....His name is enterd at S.No ..... in Part No. ..... of the electoral roll for the .....assembly constituency.

We declare that we are members of Legislative Assembly of and our names are entered as indicated below in the list maintained under section 152 and we append our signatures below in token of subscribing to his nomination.

Particulars of the proposers and their signatures

Sl. N0.	Sl.No. as entered in the list maintained under section 152	Full Name	Signature	Date
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				

7.

8.

9.

**10.

*There should be ten per cent. of the members of the Legislative Assembly or ten members concerned, whichever is less, as proposers.

I. the above-mentioned candidate. 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;***

(b) I have completed .....years of age;

(c) I am set up at this election by the .....party;

(d) my name and my [father's/mother's /husband's namel have been correctly spelt out above in ....(name of the language); and

(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 Legislative Council of .....(State) by the members of the Legislative Assembly.

Date..... Signature of the candidate

PART II

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (l); or

(b) for contravengion of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 195 1 or Yes/No

(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 quantam 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 .....

Place:

Date: Signature of the candidate

PART III

(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).

Date: ..... Returning Officer

PART IV

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, 195 1, and decide as follows:—

.....

.....

.....

Dated :..... Returning Officer

.....(perforation).....

PART V

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. nomination paper .....

The nomination paper of .....a candidate for election to the Legislative Council of (State) by the Members of Legislative Assembly was delivered to me at my office at ..... (hour) on ..... (date) by the candidate/proposer.....(Name). All nomination papers will be taken up for scrutiny at ..... (hour) on .....(date) at .....(place).

Date: ..... Returning Officer

Note:—wherever alternative is provided score out the word(s) not applicable.

FORM 2E

(See rule 4)

NOMINATION PAPER

Election to the Legislative Council of .....(State) from a Council constituency .....

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

PART 1

We hereby nominate as a candidate for election to the Legislative Council of ..... (State) from the 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 electorals and our name entered in the electoral roll for ..... (Council) constituency as indicated below and we append our signatures below in token of subscribing to this nomination:--

Particulars of the proposers and their signatures

Sl. N0.	Sl.No. as entered in the list maintained under section 152	Full Name	Signature	Date
1	2	3	4	5

1.

2.

3.
4.
5.
6.
7.
8.
9.
**10.

*There should be ten per cent. of the electors of the constituency or ten such electors whichever is less, as proposers.

I, the above-mentioned candidate, assent to this a nomination and hereby declare that—

(a) ***I am a citizen of India and have not acquired the citizenship of any foreign State;***

(b) I have completed ..... years of age;

(c) I am set up at this election by the ..... party;

(d) my name and my (father's/mother's/husband's name) has been correctly spelt out above in .... (name of the language); and

(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 Lzgislative Council of ..... (State) from ..... Council constituency.

I also declare that I have not been and shall not be, nominated as a candidate at the present biennial election/ bye-elections being held simultaneously, to the Legislative Council of ..... (State) from more than two Council constituencies in the State.

Date : ..... Signature of the Candidate

*Score out the words not applicable

PART II

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (l); or

(b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No

(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 quantam 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 .....

Place: .....

Date:..... Signature of the candidate

PART III

(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).

Date..... Returning Officer

PART IV

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 and decide as follows:—

.....

.....

Date ..... Returning Officer

PART V

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 to the Legislative Council of .... (State) from the .....Graduates'/(Teachers'/Local Authorities') constituency was delivered to me at my office at ..... (hour) on ..... (date) by the candidate/ proposer ..... (Name). All nomination papers will be taken up for scrutiny at ..... (hour) on ..... (date) at .....(Place).

Date:..... Returning Officer

Note:—wherever alternative is provided score out the word(s) not applicable.

FORM 2F

(See rule 4)

NOMINATION PAPER

Election to the L.egislative Assembly of Sikkim from a Constituency reserved for Sikkimese of Bhutia-Lepcha origin

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

PARTI

(To be used by candidate set up recognised political party)

I nominate as a candidate for election to the Lzgislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name ..... Father' s/mother's Name ..... his postal address ....his name is entered at S. No .....in Part number of ..... the electoral roll for the ..... Assembly Constituency.

My narne is .....and it is entered at S.No .....in Pan No of the electoral roll for the Assembly Constituency.

Date: ..... Signature of Proposer

PART II

(To be used by candidate not set up recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name ..... Father's/mother's husband's name ..... his postal address ..... His name is entered at S. No ..... in Part number ..... of the electoral roll for the ..... Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this 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

Sl. N0.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	S.No. in that pan			
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 as required under the proviso to sub-section (I) of Section 33 of the Representation of the People Act. 1951

PART III

I. the candidate mentioned in Part I*/Part II* 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.***

(b) 1 have completed ..years of age;

(c) (i)* I am set up at this election by the ..... party, which is recognised National Partv*/State Party* in this State and that the symbol reserved for the above party be allotted to me.

(c) (ii)* L 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* and that the symbols that I have chosen, in order of preference.

are:—

(1)..... (2)..... (3) .....

(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 Legislative Assembly of this State.

I further declare that I am a Sikkimese of Bhutia/Lepcha origin.

Date :..... Signature of Candidate

*Strike out which is 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 of Sikim.

PART IV

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (I); or

(b) for contravention of any law specified in sub-section (2). of section 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No

(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 .....

Place: ..... Signature of the Candidate Date:

PART V

(To be filled by the Returning Officer) Serial number of nomination paper

This nomination was delivered to me at my Office at (hour) on (date) by the

*candidate/*proposer

Date :..... Returning Officer

---

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

.....

.....

Date :..... Returning Officer

PART VII

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

---

*Strike out which is not applicable].

FORM 2G

(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a general Constituency or a constituency Reserved for Scheduled Caste

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name ..... Father' s/mother' s/husband' s name..... his postal address ..... his name is entered at S. No ..... in Part number .... of the electoral roll ..... the ..... Assembly Constituency.

My name is .....and it is entered at S.No..... in Part No ..... of the electoral roll for the. Assembly Constituency.

Date: ..... Signature of proposer

PART II

(To be used by candidate not set up recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name ..... Father' s/mother's husband's name ..... His postal address..... his name is entered at S. No. .....in Part number .....of the electoral roll for the ..... Assembly Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this 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

Sl. N0.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	S.No. in that pan			
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 as required under the proviso to sub-section (l) of Section 33 of the Representation of the People Act, 1951

PART III

I, the candidate mentioned in Part I*/Part II* , assent to this nomination and hereby declare that—

(a) ***I am a citizen of India and have not acquired the citizenship ofany foreign State.***

(b) I have completed .....year of age;

(c) (i) * I am set up at this election by the ..... party; which is recognised National Party/*State Party* in this State and that the symbol reserved for the above party be allotted to me.

(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* and that the symbols I have chosen, in order of preference, are:—

(I)..... (2) ..... (3) .....

(d) my name and my father's/mother's/husband's name have been correctly spelt out above in (name of the language); and

(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 Lzgislative Assembly of this State.

*I further declare that I am a Member of the caste which is a Scheduled Caste of the State of Sikkim

Date : ..... Signature of Candidate

---

*Strike out which is not applicable.]

N.B.—A 'recognised political party' means a political party recognised Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State of Sikkim.

PART IV

(To be filled by the candidate)

Whether the candidate—
(i) has been convicted—
(a) of any offence(s) under sub-section (l 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 (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 inforrnation:

(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)/applieation(s) for revision tiled .....

(x) Name of the coufl(s) before which the appeal(s)/application(s) revision filed .....

(xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending ....

(xii) lf the said appeal(s)/application(s) for revision has/have been disposed of—

(a) Date(s) of disposal .....

(b) Nature of order(s) passed .....

Place: .....

Date: ..... Signature of the Candidate

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper .....

This nomination was delivered to me at my Office at .....(hour) on .....(date) by the *candidate/*proposer .....

Date : ..... Returning Officer

---

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have scrutinised this nomination paper in accordance with the provisions of section .36 of the Representation of the People Act. 1951 and decide as follows:—

.....

.....

Date Returning Officer

PART VII

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

*Strike out which is not applicable.]

FORM 21-1

(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from Sangha Constituency

Recent stamp süe (2cm X 2.Scm) photogmph in whüe/off whüe background wüh fullface view.

PART I*

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the Sangha Constituency.

Candidate's name ..... Father's/mother's/husband's name ..... his postal address ..... his name is entered at S. No ..... in part number ..... of the electoral roll for the .....Assembly Constituency.

My name is ..... and it is entered at S.No ..... in Part No .....of the electoral roll for the ..... Sangha Constituency.

Date : ..... Signature of proposer

PART II*

(To be used by the candidate not set up by the recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the .... Sangha Constituency.

Candidate's name .....Father's/mother' smusband's name ..... his postal address ..... is name is entered at S. No. ..... in part number ..... of the electoral roll for the ..... Sangha Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this 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

Sl. N0.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	S.No. in that pan			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B. There should be ten electors of constituency as proposers as required under the proviso to sub-section (l) of section 33 of the Representation of the People Act, 1951.

*Strike out the part which is not applicable.

PART III

I. the candidate mentioned in Pan I*/Part II* 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.***

(b) [have completed ..... years of age:

(c) (i) * I am set up at this election by the pnrty, which is recogniscd National Party/*State Pany* in this State and that the symbol reserved tk)r the above patty be allotted to me.

(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* and that the symbols I have chosen. in order of preference.

are:— (1) ..... (2) ..... (3) .....

(d) my name and my father's/mother•s/husband's name have been correctly spelt out above in (name of the language): and

(e) to the best of my knowledge and belief. I am qualitied 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 which is a Scheduled Caste of the State of Sikkim.

Date: ..... Signature of Candidate

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 of Sikim.

PART IV

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted—

(a) of any offence(s) under sub-section (l): or

(b) for contravention of any law specified in sub-section (2). of section 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No.

(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) .....

(ix) Date and particulars of appeal(s)/application(s) for revision filed ..... Yes/N0.

(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

Place : .....

Date : ..... Signature of the Candidate

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper .....

This nomination was delivered to me at my Office at ..... (hour) on .....(date) by the *candidate/

*proposer.....

Date :..... Retuming Officer

---

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

Date :..... Returning Officer

PART VII

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper nomination paper of a candidate for election from the Sangha 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 which is not applicable.

[F.N0.H.11019 (14)/2015-Leg. III]
DR. REETA VASISHTA, Addl. secy.

Uploaded by Dte. of Printing at Government of India Press, Publications, Ring Road, Delh110054. Mayapuri, New Delhi-1 10064

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and Published by the Controller of

INSTRUCTION Sl. No. 10

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 3/4/2016/SDR'Vol.I Dated: 06th March, 2019

To

The Chief Electoral Officer
Sikkim
Gangtok

Subject: - Amendments in Nomination Forms 2F, 2G & 2H appended to the Conduct of Assembly Elections (Sikkim) Rules, 1979-regarding.

Sir,

I am directed to state that Form 2F, 2G & 2H have been amended vide ministry of Law & Justice's Notification S.O. 1022(E) date 26/02/2019. A copy of the said notification has already been sent to you vide the Commission's letter No. 3/4/2019/SDRNo1.1 dated 28th February, 2019.

2. The amendments made in the aforesaid notification have been incorporated in the existing Form 2F, 2G & 2H and amended forms are enclosed herewith.

3. The amended Nomination Forms may be circulated to all DEOs, ROs for Assembly constituencies for necessary action on their part. This shall also be circulated to all political parties based in the State, i.e. the State Units of the recognized parties and recognized state parties of other States and all registered un-recognized political parties with headquarters based in your state.

4. Please acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T. Bhutia)
Secretary

FORM 2F
(See rule 4)
NOMINATION PAPER
Election to the Legislative Assembly of Sikkim from a Constituency reserved for Sikkimese of Bhutia-Lepcha origin

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be attached.

PART I*

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name..... Father's/mother's/husband's Name ..... His postal address..... ..... His name is entered at S. No.....in Part number ..... of the electoral roll for the ..... Assembly Constituency.

My name is ..... and it is entered at S.No ..... in Part No ..... of the electoral roll for the ..... Assembly Constituency.

Date_____ Signature of proposer

PART II*

(To be used by candidate not set up by recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name ..... Father's/mother's/husband's name ..... His postal address .... His name is entered at S. No ..... in Part number ..... of the electoral roll for the ..... Assembly Constituency.

*Strike out the part which is not applicable.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this 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

Sl. No.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	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 as required under the proviso to sub-section (1) of Section 33 of the Representation of the People Act, 1951

PART III

I, the candidate mentioned in Part I*/Part II* 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.

(b) I have completed.....years of age;

(c) (i) *I am set up at this election by the .....party, which is recognised National Party*/State Party* in this State and that the symbol reserved for the above party be allotted to me.

(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* and that the symbols that I have chosen, in order of preference, are:—

(1)_____(2)_____(3)_____

(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 Legislative Assembly of this State.

I further declare that I am a Sikkimese of Bhutia/Lepcha origin.

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 Sikkim from more than two Assembly constituencies.

Date ..... Signature of Candidate

*Strike out which is 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 of Sikkim.

PART IV

(To be filled by the candidate)

(1) 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), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or — Yes/No

(*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……

(3) Whether the candidate has been declared as insolvent by any Court?..... (Yes/No)

-If Yes, has he been discharged from the insolvency……..…

(4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

-If Yes, give details……

(5) Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?..... (Yes/No)

-If Yes, the period for which the candidate has been disqualified……

(6) 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……

(7) 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 the details of subsisting contract(s)…….

(8) Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five percent share?..... (Yes/no)

-If Yes, with which Government and the details thereof …… ……

(9) Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951 …….. (Yes/No)

-If yes, the date of disqualification……

Place: Signature of the Candidate

Date:

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper_____

This nomination was delivered to me at my Office at_____(hour) on_____ (date) by the *candidate/*proposer_____.

Date_____ Returning Officer

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

Date …….. Returning Officer

PART VII

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

---

*Strike out which is not applicable].

FORM 2G
(See rule 4)
NOMINATION PAPER
Election to the Legislative Assembly of Sikkim from a general Constituency or a constituency Reserved for
Scheduled Caste

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be attached.

PART I*
(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the ..... Assembly Constituency.

Candidate's name ..... Father's/mother's/husband's name ..... His postal address .... His name is entered at S. No .....in Part number ..... of the electoral roll for the ..... Assembly Constituency.

My name is ..... and it is entered at S.No ..... in Part No ..... of the electoral roll for the ..... Assembly Constituency.

Date_____ Signature of proposer

PART II*
(To be used by candidate not set up by recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the_____Assembly Constituency.

Candidate's name_____Father's/mother's/ husband's name_____

His postal address.....

His name is entered at S. No.....in Part number .....of the electoral roll for the .....Assembly Constituency.

*Strike out the part which is not applicable.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this 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

Sl. No.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	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 as required under the proviso to sub-section (1) of Section 33 of the Representation of the People Act, 1951

PART III

I, the candidate mentioned in Part I*/Part II*, 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.

(b) I have completed.....year of age;

(c) (i) * I am set up at this election by the .....party; which is recognised National Party/*State Party* in this State and that the symbol reserved for the above party be allotted to me.

(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* and that the symbols I have chosen, in order of preference, are:—

(1)_____(2)_____(3)_____

(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 Legislative Assembly of this State.

*I further declare that I am a Member of the..... Caste which is a Scheduled Caste of the State of Sikkim

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 Sikkim from more than two Assembly constituencies.

Date ..... Signature of Candidate

*Strike out which is not applicable.

N.B.—A 'recognised political party' means a political party recognized by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State of Sikkim.

PART IV

(To be filled by the candidate)

(1) 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), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or — Yes/No

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more. — Yes/No

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 the State Government?..... (Yes/No)

-If Yes, details of the office held.....

(3) Whether the candidate has been declared as an insolvent by any Court?..... (Yes/No)

-If Yes, has he been discharged from insolvency.....

(4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

-If Yes, give details.....

(5) Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?..... (Yes/No)

-If Yes, the period for which the candidate has been disqualified.....

(6) 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.....

(7) 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).....

(8) Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative 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 ....

(9) Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of People Act, 1951..... (Yes/No)

-If yes, the date of disqualification.....

Place: Signature of the Candidate
Date:

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper_____

This nomination was delivered to me at my Office at_____(hour) on_____(date) by the *candidate/*proposer_____.

Date ..... Returning Officer

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

Date ..... Returning Officer

PART VII

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

*Strike out which is not applicable.]

FORM 2H
(See rule 4)
NOMINATION PAPER
Election to the Legislative Assembly of Sikkim from Sangha Constituency

Recent stamp size (2cm X 2.5cm) photograph in white/off white background with full face view to be attached.

PART I*
(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from the Sangha Constituency.

Candidate's name ..... Father's/mother's/husband's name ..... His postal address ..... His name is entered at S. No ..... in part number ..... of the electoral roll for the Sangha Assembly Constituency.

My name is ..... and it is entered at S.No. ..... in Part No. ..... of the electoral roll for the Sangha Constituency.

Date ..... Signature of proposer

PART II*
(To be used by the candidate not set up by the recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the Sangha Constituency.

Candidate's name ..... Father's/mother's/husband's name ..... His postal address ..... His name is entered at S. No. ..... in part number.....of the electoral roll for the Sangha Constituency.

*Strike out the part which is not applicable.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this 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

Sl. No.	**Elector Roll No. of Proposer**		Full Name	Signature	Date
	Part No. of Electoral Roll of the Constituency	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 constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People Act, 1951.

PART III

I, the candidate mentioned in Part I*/Part II* 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.

(b) I have completed.....years of age;

(c) (i) * I am set up at this election by the .....party, which is recognised National Party/*State Party* in this State and that the symbol reserved for the above party be allotted to me.

(ii)* I am set up at this election by the _____party, which is a registered-unrecognized political party*/that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are:—

(1)_____(2)_____(3)_____ ;

(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 Legislative Assembly of this State.

I further declare that I am a member of the Sangha Community.

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 Sikkim from more than two Assembly constituencies.

Date ..... Signature of Candidate

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 of Sikkim.
*Strike out which is not applicable.

PART IV
(To be filled by the candidate)

(1) 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),
of section 8 of the Representation of the People Act, 1951 (43 of 1951); or | Yes/No.

(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 the State Government?..... (Yes/No)

-If Yes, details of the office held.....

(3) Whether the candidate has been declared as an insolvent by any Court?..... (Yes/No)

-If Yes, has he been discharged from insolvency.....

(4) Whether the candidate is under allegiance or adherence to any foreign country?.....(Yes/No)

-If Yes, give details.....

(5) Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?..... (Yes/No)

-If Yes, the period for which the candidate has been disqualified.....

(6) 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.....

(7) 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).....

(8) Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five percent share?..... (Yes/no)

-If Yes, with which Government and the details thereof ....

(9) Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of People Act, 1951..... (Yes/No)

-If yes, the date of disqualification.....

Place: Signature of the Candidate
Date:

PART V

(To be filled by the Returning Officer)

Serial number of nomination paper_____

This nomination was delivered to me at my Office at_____(hour) on_____(date) by the *candidate/ *proposer_____

Date …….. Returning Officer

*Strike out which is not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the nomination paper

I have scrutinized this nomination paper in accordance with the provisions of section 36 of the Representation of the People Act, 1951 and decide as follows:—

Date …… Returning Officer

PART VII

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 Sangha 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 which is not applicable.

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 891] नई दिल्ली, मंगलवार, फरवरी 26, 2019/ फाल्गुन 7, 1940
No. 891] NEW DELHI, TUESDAY, FEBRUARY 26, 2019/PHALGUNA 7, 1940

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1022(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात्, विधान सभा निर्वाचनों का संचालन (सिक्किम) नियम, 1979 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :--

1. (1) इन नियमों का संक्षिप्त नाम विधान सभा निर्वाचनों का संचालन (सिक्किम) (संशोधन) नियम, 2019 है।

(2) ये उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. विधान सभा निर्वाचनों का संचालन (सिक्किम) नियम, 1979 में (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्ररूप 2च में,--

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंत:स्थापित किया जाएगा:--

मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुन:संख्यांकित किया जाएगा और इस प्रकार पुन:संख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंत:स्थापित किए जाएंगे, अर्थात्:--

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पद धारण किया हुआ है?..... (हां/नहीं)

--यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है.....

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मो के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत अंश है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हता की तारीख ....."

3. मूल नियमों के प्ररूप 2छ में,--

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंत:स्थापित किया जाएगा:--

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुन:संख्यांकित किया जाएगा और इस प्रकार पुन:संख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंत:स्थापित किए जाएंगे, अर्थात्:--

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ के पद पर है?..... (हां/नहीं)

-- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

-- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें.....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख.....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मो के निष्पादन के लिए कोई शेयर है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) को जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हता की तारीख ....."

4. मूल नियमों के प्ररूप 2ज में,--

(क) भाग 3 में "मैं यह भी घोषणा करता हूं" से संबंधित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित पैरा अंत:स्थापित किया जाएगा:--

"मैं यह भी घोषणा करता हूं कि मुझे वर्तमान आम निर्वाचन या साथ ही साथ सिक्किम विधान सभा के लिए होने वाले उप-निर्वाचन में दो से अधिक विधान सभा निर्वाचन क्षेत्रों से अभ्यर्थी के रूप में नाम निर्देशित नहीं किया गया है और न ही किया जाएगा।"

(ख) भाग 4 में विद्यमान पैरा को उसके पैरा 1 के रूप में पुन:संख्यांकित किया जाएगा और इस प्रकार पुन:संख्यांकित पैरा के पश्चात् और "(अभ्यर्थी के हस्ताक्षर)" के पूर्व निम्नलिखित अंत:स्थापित किए जाएंगे, अर्थात्:--

"2. क्या अभ्यर्थी भारत सरकार या राज्य सरकार के अधीन लाभ का कोई पदधारण किया हुआ है?..... (हां/नहीं)

-- यदि हां, तो धारण किए गए पद के ब्यौरे.....

3. क्या अभ्यर्थी को किसी न्यायालय द्वारा दिवालिया घोषित किया गया है?.....(हां/नहीं)

- यदि हां तो क्या वह दिवालियापन से उनमोचित हो चुका है .....

4. क्या अभ्यर्थी किसी विदेश के प्रति राज्यनिष्ठा या अनुषक्ति के अधीन है?..... (हां/नहीं)

- यदि हां तो उसके ब्यौरे दें .....

5. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8क के अधीन राष्ट्रपति के आदेश द्वारा निरर्हित किया गया है? .....(हां/नहीं)

- यदि हां, तो वह अवधि जिसके लिए अभ्यर्थी को निरर्हित किया गया है.....

6. क्या अभ्यर्थी को भारत सरकार या किसी राज्य सरकार के अधीन पदधारण करने के दौरान भ्रष्टाचार के कारण या अभक्ति के लिए पदच्युत किया गया था?.....(हां/नहीं)

- यदि हां तो ऐसी पदच्युति की तारीख .....

7. क्या अभ्यर्थी की, सरकार के साथ व्यक्तिगत हैसियत में या ऐसे न्यास या भागीदारी द्वारा, जिसमें अभ्यर्थी का, उस सरकार को किसी माल के प्रदाय के लिए या उस सरकार द्वारा किए गए संकर्मो के निष्पादन के लिए कोई अंश है, कोई विद्यमान संविदा (संविदाएं) हैं?.....(हां/नहीं)

- यदि हां तो किसी सरकार के साथ और विद्यमान संविदा (संविदाओं) के ब्यौरे.....

8. क्या अभ्यर्थी किसी ऐसी कंपनी या निगम का (सहकारी सोसाइटी से भिन्न) जिसकी पूंजी में केन्द्रीय सरकार या राज्य सरकार का कम से कम पच्चीस प्रतिशत शेयर है प्रबंध अभिकर्ता या प्रबंधक या सचिव है?.....(हां/नहीं)

- यदि हां तो किस सरकार के साथ और उसके ब्यौरे.....

9. क्या अभ्यर्थी को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क ने अधीन आयोग द्वारा निरर्हित किया गया है.....(हां/नहीं)

- यदि हां तो निरर्हता की तारीख ....."

[फा.सं.एच-11019/13/2016-वि.2]

डॉ. रीटा वशिष्ट, अपर सचिव

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ.संख्यांक 519, तारीख 7 सितंबर, 1979 द्वारा प्रकाशित किए गए थे और का.आ.सं. 3263(अ), तारीख 16 सितंबर, 2016 द्वारा उनका अंतिम संशोधन किया गया।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 26th February, 2019

S.O. 1022(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Assembly Elections (Sikkim) Rules, 1979, namely:—

1. (1) These rules may be called the Conduct of Assembly Elections (Sikkim) Amendment Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Assembly Elections (Sikkim) Rules, 1979 (hereinafter referred to as the principal rules), in Form 2F,–

(a) in Part III, after the Paragraph relating to "further declaration" and before the "(Signature of the Candidate)", the following Paragraph shall be inserted, namely:–

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

(b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:–

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government ?------- (Yes/No).

– If Yes, details of the office held----------.

3. Whether the candidate has been declared as an insolvent by any court?------ (Yes/No).

– If Yes, has he been discharged from the insolvency ----------.

4. Whether the candidate is under allegiance or adherence to any foreign country? ---------- (Yes/No).

– If Yes, give details ----------.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?------- (Yes/No).

– If Yes, the period for which the candidate has been disqualified ----------.

6. 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 ----------.

7. 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 the details of subsisting contract(s) --------.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?---------- (Yes/No).

– If Yes, with which Government and the details thereof ----------.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951---------- (Yes/No).

– If yes, the date of disqualification----------.".

3. In the principal rules, in Form 2G,–

(a) in Part III, after the Paragraph relating to "further declaration" and before the "Signature of the Candidate", the following Paragraph shall be inserted, namely:–

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

(b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:–

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government ?------- (Yes/No).

– If Yes, details of the office held----------.

3. Whether the candidate has been declared as an insolvent by any court?---------- (Yes/No).

– If Yes, has he been discharged from the insolvency ----------.

4. Whether the candidate is under allegiance or adherence to any foreign country? ---------- (Yes/No).

– If Yes, give details ----------.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?------- (Yes/No).

– If Yes, the period for which the candidate has been disqualified ---------.

6. 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 ----------.

7. 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 the details of subsisting contract(s) ---------.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?---------- (Yes/No).

– If Yes, with which Government and the details thereof ----------.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951---------- (Yes/No).

– If yes, the date of disqualification----------.".

4. In the principal rules, in Form 2H,–

(a) in Part III, after the Paragraph relating to "further declaration" and before the "Signature of the Candidate", the following Paragraph shall be inserted, namely:–

"I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-elections being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.";

(b) in Part IV, the existing Paragraph shall be numbered as Paragraph 1 thereof and after the Paragraph 1 as so numbered and before the "(Signature of the Candidate)", the following Paragraphs shall be inserted, namely:–

"2. Whether the candidate is holding any office of profit under the Government of India or the State Government ?------- (Yes/No).

– If Yes, details of the office held ----------.

3. Whether the candidate has been declared as an insolvent by any court? ---------- (Yes/No).

– If Yes, has he been discharged from the insolvency ----------.

4. Whether the candidate is under allegiance or adherence to any foreign country? ---- ------- (Yes/No).

– If Yes, give details ----------.

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?------- (Yes/No).

– If Yes, the period for which the candidate has been disqualified ---------.

6. 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 ----------.

7. 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 the details of subsisting contract(s) ----------.

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. share?---------- (Yes/No).

– If Yes, with which Government and the details thereof ----------.

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951---------- (Yes/No).

– If Yes, the date of disqualification----------.".

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

Foot Note : The principal rules were published in the Gazette of India, Extraordinary, *vide* number S.O. 519, dated the 7th September, 1979 and were last amended *vide* number S.O. 3263 (E), dated the 16th September, 2016.

अधिसूचना

नई दिल्ली, 26 फरवरी, 2019

का.आ. 1023(अ).—केन्द्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 33 के साथ पठित धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2019 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्वाचनों का संचालन नियम, 1961 के प्ररूप 26 में,-

I. भाग अ में,-

(i) पैरा 4 और उसके नीचे की सारणी के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"(4) स्थायी खाता संख्या (पैन) और आयकर विवरणी फाइल करने की प्रास्थिति:

क्रम सं.	नाम	पीएएन (स्थायी खाता संख्या)	वह वित्तीय वर्ष जिसके लिए अंतिम आय-कर विवरणी फाइल की गई है	पिछले पांच वित्तीय वर्षों (31 मार्च को) के लिए आय-कर विवरणी में दर्शित कुल आय(रुपये में)
1.	स्वयं			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	पति/पत्नी			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	हिंदू अविभक्त कुटुंब (यदि अभ्यर्थी कर्ता या सहदायिक है)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	आश्रित-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	आश्रित-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	आश्रित-3			(i)

				(ii)
				(iii)
				(iv)
				(v)

टिप्पण : स्थायी खाता संख्या (पैन) धारक के लिए स्थायी खाता संख्या (पैन) का उल्लेख करना आज्ञापक होगा और कोई स्थायी खाता संख्या (पैन) न होने की दशा में यह स्पष्ट रूप से कथन करना चाहिए कि "कोई स्थायी खाता संख्या (पैन) आबंटित नहीं हुआ है"।

(ii) पैरा 7 में,-

(क) "क. जंगम संपत्तियों का ब्यौरा" शीर्षक के नीचे "टिप्पण 5" के पश्चात् निम्नलिखित टिप्पण अंत:स्थापित किया जाएगा, अर्थात्:-

"टिप्पण: 6. ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।

स्पष्टीकरण,- इस टिप्पण के प्रयोजन के लिए "अपतट आस्तियों" पद से विदेशी बैंकों और किसी अन्य विदेशी निकाय या संस्था में सभी जमा राशियों या विनिधानों के ब्यौरे और विदेशों में सभी आस्तियों और दायित्वों के ब्यौरे अभिप्रेत हैं;

(ख) सारणी में "पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंत:स्थापित किया जाएगा ;

(ग) "ख. स्थावर आस्तियों के ब्यौरे" शीर्षक के नीचे-

(अ) "टिप्पण 2" के पश्चात् निम्नलिखित टिप्पण अंत:स्थापित किया जाएगा, अर्थात्:-

"टिप्पण : 3. ब्यौरों में अपतट आस्तियों का स्वामित्व या उनमें हित सम्मिलित होना चाहिए।"

(आ) सारणी में" पति/पत्नी" स्तंभ शीर्षक के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंत:स्थापित किया जाएगा।"

(iii) पैरा (8) की सारणी में, दोनों स्थानों पर आने वाले "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंत:स्थापित किया जाएगा ";

II. भाग ख में, पैरा (11) के नीचे सारणी में-

(i) क्रम संख्या 7 में, प्रविष्टि (ग) के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी,अर्थात् : -

"(ग) हिंदू अविभक्त कुटुंब

(घ) आश्रित";

(ii) क्रम संख्या 8 में,

(क) विद्यमान शीर्षक के स्थान पर निम्नलिखित शीर्षक रखा जाएगा, अर्थात् : -

"आस्तियों और दायित्वों (अपतट आस्तियों सहित) के रुपयों में ब्यौरे";

(ख) सारणी में, "पति/पत्नी" स्तंभ के पश्चात् "हिंदू अविभक्त कुटुंब" शीर्षक के साथ एक नया स्तंभ अंत:स्थापित किया जाएगा;

III. उक्त प्ररूप के अंत में सत्यापन के पश्चात् आने वाले "टिप्पण:4" के पश्चात् निम्नलिखित टिप्पण अंत:स्थापित किया जाएगा, अर्थात्:-

"टिप्पण: 5. शपथ पत्र का प्रत्येक पृष्ठ अभिसाक्षी द्वारा हस्ताक्षरित होना चाहिए। इसके अतिरिक्त, शपथ पत्र के प्रत्येक पृष्ठ पर ऐसे नोटरी या शपथ आयुक्त या मजिस्ट्रेट जिसके समक्ष शपथ पत्र सत्यापित किया जाता है, की स्टांप होनी चाहिए।"।

[फा. सं. एच-11019/13/2016-विधायी 2]
डॉ. रीटा वशिष्ट, अपर सचिव

पाद टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में का.आ. संख्यांक 859, तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए थे और का.आ. संख्यांक 5196(अ), तारीख 10 अक्तूबर, 2018 द्वारा अंतिम संशोधन किया गया था।

NOTIFICATION

New Delhi, the 26th February, 2019

S.O. 1023(E).—In exercise of the powers conferred by section 169 read with section 33 of the Representation of People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. *(1)* These rules may be called the Conduct of Elections (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961 in FORM 26,—

I. in PART A—

(i) for paragraph (4) and the Table thereunder, the following shall be substituted, namely:—

"(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 (as on the 31st March).
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta			(i)

	or Coparcener)			(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	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".

(ii) in paragraph (7), —

(a) under the heading "A. Details of movable assets", after "Note 5", the following Note shall be inserted, namely:—

'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';

(b) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted.";

(c) under the heading "B. Details of Immovable Assets"—

(A) after the "Note 2", the following Note shall be inserted, namely:—

"Note: 3. Details should include the interest in or ownership of offshore assets."

(B) in the Table, after the column heading "Spouse", a new column with heading "HUF" shall be inserted ."

(iii) in paragraph (8), in the table, after the column "Spouse" occurring at both the places, a new column with heading "HUF" shall be inserted.";

II. in PART B, in paragraph (11), in the Table thereunder—

(i) in serial No. 7, for entry (c), the following entries shall be substituted, namely:—

"(c) HUF

(d) Dependent";

(ii) in serial No. 8, —

(a) for the existing heading, the following heading shall be substituted, namely:—

"Details of Assets and Liabilities (including offshore assets) in rupees";

(b) in the Table, after the column "Spouse", a new column with heading "HUF" shall be inserted;

III. at the end of the said FORM, after the "Note: 4", occurring below the heading "Verification", the following Note shall be inserted, namely:—

"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.".

[F. No. H-11019/13/2016-Leg. II]

Dr. REETA VASISHTA, Addl. Secy.

Footnote : The principal rules were published in the Gazette of India, Extraordinary, *vide* number S.O. 859, dated the 15th April, 1961 and last were amended *vide* number S.O. 5196(E), dated the 10th October, 2018.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2019.02.26 17:10:35 +05'30'

INSTRUCTION Sl. No. 11

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 3/ER/2023/SDR/Vol.V Dated: 27th February, 2024

To

The Chief Electoral Officers of
All States and Union Territories

Sub: Filing of nominations by candidates at an election to the Legislative Assembly and to the House of the People- reg.

Ref:

1.	No. 3/ER/94/JS-II	dated 16th August, 1994
2.	No. 576/3/96-JUD-II	dated 20th September, 1996
3.	No. 576/3/2009/SDR	dated 10th February 2009
4.	No. 576/3/2011/SDR	dated 22th March, 2011
5.	No. 576/3/2013/SDR	dated 21st January, 2013
6.	No. 576/3/2013/SDR	dated 31st October, 2013
7.	No. 576/3/2013/SDR	dated 30th September, 2013
8.	No. 576/3/2013/SDR/236	dated 13th November, 2013
9.	No. 3/ER/2020/SDR/Vol.III	dated 01st October, 2020
10.	No. 576/3/2007/JS-II	dated 8th August, 2007
11.	No.3/ER/2011/SDR	dated 20.7.2012 and 12.10.2012
12.	No. 3/ER/ECI/LET/FUNC/JUD/SDR/2016	dated 18.08.2016
13.	No/4/ECI/LET/FUNC/JUD/SDR/Vol I/2016	dated 29.12.2016
14.	No. 576/3/2013/SDR/VOL-I	dated 07.02.2019, and
15.	No. 576/3/2013/SDR/VOL-I	dated 31.10.2023

Madam/Sir,

I am directed to state that the election process commences on issue of notification(s) by the President of India in the case of general election to the House of the People (Lok Sabha) and by the Governor of the State in the case of general election to the Legislative Assembly of that State (Vidhan Sabha). In the case of all bye-elections, such notifications are issued by the Election Commission. The election notification by the President or the Governor, as the case may be, is issued on the date(s) recommended by the Election Commission. 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(hereinafter 'the Act').

2. As per the provisions of Section 32 of the Representation of the People Act, 1951, any person may be nominated as a candidate for election to fill a seat if he is qualified and not disqualified to be chosen to fill that seat under the provisions of the Constitution and the Act or under the provisions of the Government of Union Territories Act, 1963, as the case may be. The provisions pertaining to qualifications and disqualifications to fill a seat in Parliament and State Legislature are given under the Articles 84, 102, 173 and 191 of the Consitution of India and Sections 3 to 10A of the Act.

3. Keeping in view of the forthcoming general election to the Lok Sabha 2024 and for clarity on the subject, a comprehensive instructions consolidating all relevant legal provisons and instructions issued from time to time as listed above, is being issued for compliance during all future elections.

4. Issue of Public Notice:

On the issue of the notification by the Election Commission fixing the schedule of election under Section 30 of the Representation of the People Act, 1951, a public notice of the intended election is required to be issued by the Returning Officer concerned under Section 31 of the Act. This public notice shall be given in Form 1 appended to the Conduct of Elections Rules, 1961. By this public notice, the Returning Officer invites nominations of candidates for the election in his constituency and specifies, among others, the place at which nomination papers are to be delivered, date, time and place of scrutiny, date of withdrawal and date of hours of poll. The public notice shall be issued in English as well as in the languages used for official purposes in the State. The same are to be published on the notice board of the Returning Officer and at such other places as he considers necessary for giving wide publicity, including the offices of Gram Panchayat, Panchayat Samitis, etc.

5. Form of nomination papers:

5.1 Rule 4 of the Conduct of Elections Rules, 1961 prescribes that every nomination paper shall be in such one of the Forms appended to Conduct of Elections Rules, 1961, as may be appropriate. The nomination of a candidate for election to the House of the People shall be made in Form 2A, while relevant Form for filing nomination at an election to the State Legislative Assembly is Form 2B. For an election to the legislative assembly of Sikkim from a constituency reserved for the Sikkimese of Bhutia- Lepcha origin, the nomination is to be made in Form 2F. The relevant nomination Form for an election to the legislative assembly of Sikkim, from a general constituency or a constituency reserved for scheduled caste is Form 2G and for election from Sangha constituency is Form 2H appended to the Conduct of Elections Rules, 1961.

5.2 Copies of the nomination papers can be downloaded from ECI/CEO's website or may be obtained from the office of 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 downloaded/ 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.

6. Prescribed date and time for making nomination:

6.1 As per Section 30 of the Act, the last date for making nominations is the seventh day after the date of publication of the notification or if that date is public holiday, the next succeeding day which is not a public holiday. Thus eight days (including the day on which the notification is issued) are

available for the making nominations. However, nomination cannot be filed on the intervening public holidays.

6.2 As per Section 33 of the Act, nomination papers can be filed at any time between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon. Nomination paper should not be received before eleven o'clock in the forenoon and after three o'clock in the afternoon on any day of making nominations.

6.3 The nomination papers can be filed, starting from the date of the notification till the last date prescribed for making nominations (both dates inclusive), which is not a public holiday (as already explained).

6.4 On the last date for making nominations after 2.30 PM, frequent announcements should be made outside the room of the RO/ARO that the filing of nominations will not be permitted after 3 PM on the last date of making nominations. Slips signed by RO/ARO shall be prepared and distributed to candidates, who enter the room by 3 PM in sequence of their entry into the room.

6.5 If more than one candidate or their proposers turn up in the Returning Officer's office at 3.00 p.m. or just prior to that for presenting their nominations, it will not be possible for the Returning Officer to deal with all such nominations by 3.00 p.m. In such case, the Returning Officer shall receive nominations of all intending candidates who are present in the office of the Returning Officer at 3.00 p.m. for filing nomination and treat these nomination papers to have been delivered within the prescribed time under the law. For this purpose, Returning Officer may close the entry to his office room exactly at 3.00 p.m. and deal with the nomination papers of only such candidates who entered the room by 3:00 PM.

6.6 No one should be allowed to enter Returning Officer's room after 3.00 PM for the purpose of delivering nomination paper or any supporting documents of any intending candidates.

7. Meaning of public holiday:

As defined in Section 2(h) of Act, "public holiday" means any day which is a holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881. Every Sunday, the second and fourth Saturdays of a month are public holidays. No nominations can be filed or received on public holiday.

8. Separate bank account to be opened by each candidate for election expenditure:

8.1 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. This Account Number 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.

8.2 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 name of any family members 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 in any of the banks

including the cooperative banks or post office. The bank account so opened shall be a fresh one. The existing bank account of the candidate should not be used for this purpose.

8.3 The Returning Officer, at the time of filing nomination papers, shall issue a notice to each such candidate who has not opened the bank account.

9. Candidate's name in the nomination paper:

In normal course, candidate's name mentioned in the nomination paper would be as it is entered in the electoral roll. However, if he/she considers 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.

10. Proposers for nomination:

10.1 The proposer(s) must be an elector for the constituency from which the candidate is seeking election. 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:

10.1.1 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.

10.1.2 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.

10.2 If a State Party recognized in one State sets up candidates at an election in another State in which it is not recognized as State Party, the nomination of candidate(s) set up by that party in such other State is required to be subscribed by ten (10) electors of the constituency, as proposers.

11. Number of nomination papers:

11.1 Section 33 (6) of the Act, specifies that any candidate can be nominated by more than one nomination papers, provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same constituency. The Returning Officer or Specified Assistant Returning Officer must, therefore, ensure that the same candidate does not file more than 4 sets of nomination papers.

11.2 No candidate can be nominated from more than two Parliamentary/ Assembly constituencies at a General Election to the House of the People or a State Legislative Assembly. The same embargo applies in relation to bye-elections to any House held simultaneously, and not more than two bye-elections can be contested to the same House if called upon simultaneously by the Election Commission.

11.3 If a candidate violates this provision and files nomination papers for election from more than two constituencies of the same class, his nomination papers in the third, fourth and all such subsequent constituencies going by the date and time of filing should be rejected by the

Returning Officers concerned for non-compliance with the provisions of Section 33(7) of the RP Act 1951. However, the Returning Officers must be fully satisfied about the fact of the candidate having violated the law on this point before rejecting any of his nomination papers on this ground.

12. Presentation of nomination papers:

12.1 The presentation of the nomination paper and requirements for a valid nomination is governed by Section 33 of the Act. It, inter-alia, provides that the nomination paper shall be presented, in person either by a candidate or by his/her proposers and by no one else.

12.2 The nomination papers shall be delivered to the Returning Officer of the constituency or to such Assistant Returning Officer who has been nominated in Form 1 by the Returning Officer in public notice.

12.3 The nomination paper shall be delivered at the place specified in aforesaid Form 1 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.

13. Security Deposit by the candidate:

13.1 As per Section 34 of the Act, a candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited an amount of Rs. 25,000 in the case of an election from a Parliamentary Constituency or an amount of Rs. 10,000 in the case of an election from a Assembly Constituency.

13.2 It further provides that the candidate who is a member of a scheduled caste or scheduled tribe shall deposit half of the amount in the respective elections irrespective of whether he is contesting election from a general constituency or reserved constituency.

13.3 Section 33(2) provides that in a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a scheduled caste or, as the case may be a scheduled tribe of the state.

13.4 For the purpose of getting concession in security deposit, it is not obligatory for such a candidate contesting an election from a general constituency to fill up the declaration in the nomination paper that he is member of a Scheduled Caste or a Scheduled Tribe. However, the candidate to be eligible to deposit the concessional amount must satisfy Returning Officer that he is a member of a Scheduled Caste or a Scheduled Tribe through a certificate issued by an authority duly authorized by the State Government for the purpose.

13.5 Where a candidate has been nominated by more than one nomination papers for election in the same constituency not more than one deposit shall be required. However, if a candidate is contesting from more than one constituency, or two different constituencies, he shall deposit or cause to be deposited separate deposits in each such constituencies. It is already clarified that no candidate can be nominated from more than two Parliamentary/Assembly constituencies. Security deposit cannot be made by a cheque.

13.6 The amount of security deposit by the candidate shall be made on or before filing of his/her nomination papers.

13.7 The security deposit can be deposited either in cash with the Returning Officer or by filing a challan in the Reserve Bank of India or a Government Treasury. Where the deposit has been made in the Reserve Bank or in a government treasury, a receipt issued by the bank or the treasury in this behalf must be enclosed with the nomination paper. The candidate may also submit security deposit by online mode while filling nomination Form online through ECI's suvidha portal https://suvidha.eci.gov.in.

13.8 Arrangements for receiving security deposit at the time of filing nomination should be made in the same room in which nominations are being received.

13.9 The deposit should be made under the following Head of Account for Election to Parliament: - 8443-CIVIL DEPOSITS-121-DEPOSITS IN CONNETION WITH ELECTIONS-2-DEPOSITS MADE BY CANDIDATES FOR PARLIAMENT.

13.10 The deposit for Election to State/Union Territory Legislatures: - 8443-CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-1-DEPOSITS MADE BY CANDIDATES FOR STATE/UNION TERRITORIES LEGISLATURES.

14. Serial number of nomination papers:

14.1 Each nomination paper as soon as it is presented must be serially numbered without fail by Returning Officer or by the Specified Assistant Returning Officer receiving it. RO or specified ARO must also note on the body of the nomination paper the date and exact time at which it was received and should put his/her signature thereon. The nominations received by Returning Officer shall be serially numbered as (Number)/ LA or HP/(Year)/ RO and those received by the Specified Assistant Returning Officers as (number)/LA or HP/(year)/ARO, if the Assistant Returning Officer is receiving nomination papers in a different place. Returning Officer or the Specified Assistant Returning Officer shall not make any entries on the nomination papers other than dated initials and serial number as above. In view of the limitation on the number of nomination papers that can be delivered by a candidate, Returning Officer should ask the Specified Assistant Returning Officer (who has been authorized by Returning Officer to receive nomination papers) to work in close coordination with him if he is receiving nomination papers in a different place.

14.2 In case more than one nomination papers have been filed by or on behalf of a candidate, the Returning Officer should keep all relavant documents including nomination papers filed by him in one file/ folder for his convenience at the time of scrutiny of nomination papers.

14.3 When a number of nomination papers are delivered to Returning Officer he/she must assign serial numbers to them in the order in which he dealt with them one after the other.

15. Preliminary examination of nomination papers:

15.1 On presentation of a nomination paper, the Returning Oficer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer(s) as entered in the nomination paper are the same as those entered in the electoral rolls. Thus, the preliminary examination of nomination paper, as required by law under Section 33 (4) of the Act, is from the technical standpoint. Therefore,

the Returning Officer is not required to hold any formal scrutiny of any nomination papers at this stage.

15.2 If the candidate is an elector in a constituency other than the constituency where he is filing nomination paper, the Returning Officer or the Specified Assistant Returning Officer should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of that constituency or the relevant part thereof or certified copy of such entry submitted by him. In such case the copy of the electoral roll or the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny.

15.3 The Returning Officer or the Specified Assistant Returning Officer while receiving nomination paper shall also check whether the related documents have been properly filed by the candidate.

15.4 The Commission has issued a separate and detailed instructions on filing of affidavit by the candidate. The Returning Officer shall go through the same.

15.5 Oath by the candidate has to be taken after filing nomination paper and before the date fixed for scrutiny begins.

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

15.7 When a candidate files nomination paper, the Returning Officer or the Specified Assistant Returning Officer shall indicate in the second column of the check list whether the documents concerned have been filed or the other/requirements fulfilled. If there is any defect or short coming in the documents, the same should be specified.

15.8 While deciding the case in Civil Appeal No.4956 of 2010 – Ramesh Rout Vs. Ravindra Nath Rout [2012 (1) SCJ 567]), the Supreme Court observed that once the Returning Officer records in the CHECK LIST prepared by him at the time of presentation of the nomination paper that a particular document/requirement has been filed/fulfilled, he cannot later take the stand that the document was not in order. The Commission has directed that while checking the documents filed with nomination paper and filling up the Check List, the Returning Officer or the Specified Assistant Returning Officer should also make an endorsement about defect, if any, noticed in the documents filed with the nomination papers. In cases where a candidate set up by a political party has either not filed Form "A" and Form "B", or the Forms filed are not as per the requirements (i.e. not properly filled up or are not signed in original, etc.), the Returning Officer should point out this shortcoming in the checklist and also while preparing Form 3A (Notice of Nomination) he should mention to this effect under Column 6 with respect to such candidate(s).

15.9 The check list shall be prepared in two copies. Both the copies of the check list shall be signed by the Returning Officer or the Specified Assistant Returning Officer as well as by the candidate/ proposer who has filed the nomination paper. The duplicate copy of the check list shall be handed over to the candidate/proposer who files nomination paper, while retaining the original with the nomination paper filed by the candidate. The RO should maintain proper records of the documents filed and checklist prepared.

15.10 The copy of the check list handed over as above, will serve the dual purpose of acknowledging the receipt of the documents submitted as well as of notices for submitting the relevant documents.

Therefore, no separate notice is required to be given to the candidates in respect of the items mentioned in this check list. However, acknowledgements of nomination paper will continue to be given as per the Format in the last part of the prescribed nomination paper.

15.11 If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued to the candidates, clearly mentioning the date and time at which the document is required to be filed. This should also be indicated in the appropriate place in the original check list retained by the Returning Officer.

16. Photograph of the candidate:

16.1 At every election, the candidate is required to submit his/her photograph along with his/ her nomination paper(s) and, in any case, latest by the date fixed for scrutiny of nominations. 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:

16.1.1 The photograph should have been taken during the preceding period of 3 months before the date of notification.

16.1.2 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.

16.1.3 The photo may be in colour or black and white as may be convenient for the candidate.

16.1.4 Photograph should be in normal clothing. Photograph in uniform is not permitted. Caps/ hats should be avoided.

16.1.5 Dark glasses should also be avoided.

16.2 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.

16.3 The photographs being submitted should be identical to the photograph affixed on the nomination Form. If a candidate does not submit additional copy of photograph for printing on the ballot paper, the photograph already affixed on the nomination paper shall be used for printing on the ballot paper. It may be noted that non-submission of photograph by the candidate shall NOT be a ground for rejection of the nomination paper of the candidate.

16.4 All the nomination papers and the accompanying documents received should be kept in the personal custody of the Returning Officer or the specified ARO and no other person should have access to them.

17. Discrepancies and errors in electoral rolls:

17.1 Proviso to Section 33(4) of the Act provides that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposers or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in

the electoral roll or the nomination paper shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as is commonly understood. Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. Returning Officer has no power in law to allow any other error to be corrected.

17.2 Similarly, if there is a complaint regarding mismatch of photograph affixed in the nomination paper and in the photo electoral roll, Returning Officer shall overlook the same after satisfying himself/ herself about the identity of the person through some other document produced by him.

17.3 Points, which Returning Officer is thus required to dispose of under Section 33(4) of the said Act, should invariably be disposed of at this stage. It will be undesirable for the Returning Officer at the time of scrutiny to reject a nomination paper for defects, which could have been thus cured at the earlier stage of the presentation of the nomination paper.

18. Signatures of candidates and proposers in nomination papers:

18.1 Every nomination paper shall be signed by the candidate and required number of proposer(s). The candidate or his proposer, however, is not required to write his name in full by way of signature. He may adopt his usual Form of signature e.g., one or more initial letters followed by the surname, it should be treated as valid signature for the purposes of the Act. It is not obligatory that the signature on the nomination paper should tally exactly with the full name of the person as printed in the electoral roll.

18.2 A proposer can sign more than one nomination papers of the same candidate or of different candidates. Having signed a nomination paper as a proposer, the proposer cannot withdraw from being such proposer later.

18.3 If a candidate or his proposer is unable to write his name to signify his signature, he shall be deemed to have signed the nomination paper, if he has placed a mark or thumb impression on that paper in the presence of the Returning Officer or the Specified Assistant Returning Officer or any administrative officer not below the rank of sub-divisional officer. Such officer on being satisfied as to the identity of that person shall attest the mark / thumb impression of the candidate or the proposer, as the case may be. The thumb impression shall be marked in the presence of such officer before attesting it.

18.4 In case the signature or the thumb impression, as mentioned above, is not made/marked by the required number of proposer(s), such nomination paper shall not be treated as valid nomination paper as prescribed under section 33 of the Represenation of the Pepole Act, 1951. This deficiency is a defect of substantial character and shall be a ground for rejection of nomination paper at the time of scrutiny of nominations.

19. Receipt and notice of scrutiny and allotment of symbols:

The serial number of the nomination paper, name of the candidate, date, time and venue for scrutiny of nominations etc. shall be indicated in the last part of the nomination paper and be handed over to the

person presenting the nomination paper. Returning Officer can also issue separate receipt and notice in the same Format for convenience.

20. Oath or affirmation by candidates:

20.1 A candidate at an election to the Parliament, State Legislature or Legislative Assembly in a Union Territory as required under Article 84(a) or Article 173(a) of the Constitution, section 4(a) of the Government of Union Territories Act, 1963, or section 4(a) of the Government of National Capital Territory of Delhi Act, 1991, or section 16(a) of the Jammu & Kashmir Reorganization Act, 2019 as the case may be, shall make and subscribe an oath or affirmation in the prescribed Form before some person authorized in that behalf by the Election Commission.

20.2 The Election Commission has authorized, the Returning Officer and the Assistant Returning Officers of the constituency concerned, 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 the officers, before whom oath or affirmation may be made and subscribed.

20.3 Further, in the case of a candidate who is 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 also 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. 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 any person authorized by such diplomatic or consular representative. Where the candidate is for any other reason is unable to appear or is 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 nominated by the Election Commission on an application made to it in this behalf.

20.4 Section 36(2) of the Act provides that the candidate should be qualified and not disqualified on the date of scrutiny. The oath or affirmation should be made before the date fixed for scrutiny of nominations begins. The Supreme Court in Pasupati Nath Singh versus Harihar Prasad Singh (A.I.R. 1968- SC-1064) and Khader Khan Hussain Khan and others vs. Nijalingappa (1970-1 SCA-548) have clarified the position and removed all doubts in regard to the actual making and subscribing the oath or solemn affirmation. According to these decisions, the oath or solemn affirmation can be made and subscribed by a candidate only after his nomination paper has been delivered and cannot be so made and subscribed on the date of scrutiny. Returning Officer should, therefore, advise the candidate to make the oath or affirmation immediately after presenting his/her nomination paper and in any case not later than the day previous to the date of the scrutiny. As such oath taken at any time on the day previous to the date notified for scrutiny of nomination paper should be treated within time.

20.5 It is not necessary that the oath or affirmation should be made more than once if a candidate is nominated from more than one constituency at a general election and has taken oath for one constituency of the same house. All that is required under Articles 84(a) and 173(a) is that the person concerned should make and subscribe an oath or affirmation according to the Form set

out for the purpose in the Third Schedule to the Constitution. The candidates should show to the Returning Officer that oath has been validly made in respect of the nomination filed in the other constituency. It would also be open to the candidate to make another oath in respect of the second constituency also.

20.6 The onus of proving that a candidate had made or subscribed the oath or affirmation before some other authorized person rests on the candidate himself. It is sufficient if the candidate or his representative produces before Returning Officer the certificate issued to the candidate by the authorized person that he has made and subscribed the oath or affirmation before him. The date and time of making oath should be mentioned in the certificate.

21. Manner of making and subscribing oath or affirmation:

21.1 The oath or affirmation has to be first made and then signed by the candidate before the authorized person. It should be borne in mind that mere signing on the paper on which the Form of oath is written is not sufficient. The candidate must make the oath before the authorized person. The latter should ask the candidate to read aloud 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 authorized person should read out the oath and ask the candidate to repeat the same and thereafter take his thumb impression on the Form. In all cases, the authorized person should endorse on the Form that the oath of affirmation has been made and subscribed by the candidate on that day and hour.

21.2. The authorized person will forthwith give a certificate to the candidate that he has made and subscribed the oath before him on that day at a particular hour. The certificate should be given to the candidate without his applying for it. This will avoid all controversy later on as to whether the candidate had taken the oath or not.

21.3. If the authorized person is the Superintendent of the Prison or Commandant of the 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 most expeditious means of transmission to Returning Officer indicating the date and time at which the particular candidate made and subscribed the oath or affirmation. He will also send the Returning Officer the original copy of the oath or affirmation made and signed by the candidate.

21.4 If the authorized person is a medical superintendent of a hospital or medical practitioner or a diplomatic or consular representative of India in the country where the candidate happens to be or the district judge or person belonging to the judicial service of a State or stipendiary presidency magistrate or stipendiary magistrate of the first class or any other person nominated by the Election Commission, he should as soon as the candidate has made and subscribed the oath or affirmation, 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.

21.5 The Returning Officer and the specified Assistant Returning Officer should get these Forms of oath printed, cyclostyled or typed in the official language of that State and in English and keep them ready at hand. If any person intending to contest an election asks for a copy of the Form it should be supplied to him. When a candidate who is confined to bed owing to illness takes his oath before

a medical officer of a hospital or before a medical practitioner it will be his responsibility to obtain two copies of the oath Form to enable the medical officer or the medical practitioner to administer the oath.

22. Nomination by overseas electors:

An overseas elector who is registered in the electoral roll under section 20A of the Representation of the People Act, 1950 would be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located. Enrolment in the electoral roll also confers on an overseas elector the right to contest elections, subject to the fulfillment of the other requirements of the law. One of the essential qualifications prescribed under the law is that candidate should make and subscribe an oath or affirmation in the prescribed Form, before a person authorized by the Commission in this behalf. In the case of a candidate who is an overseas elector and 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 the oath of affirmation. In case an overseas elector is in India at the time of filing nomination, he may make the oath or affirmation before the Returning Officer or the Assistant Returning Officer. If a candidate who is an overseas elector appears before the Returning Officer or the Assistant Returning Officer to make the oath, the Returning Officer or the Assistant Returning Officer concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars in the passport of that person. Such person will necessarily have to produce his/her original passport for verification by the Returning Officer or the specified Assistant Returning Officer at the time of making the oath or affirmation.

23. Nomination by dismissed govt servant:

23.1 As per Section 9 of the Act, 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.

23.2 Further Section 33 (3) of the Act provides that such person during the period of 5 years from the date of dismissal shall not be deemed to be duly nominated as a candidate unless his nomination paper is accomapanied by a certificate issued in prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption and disloyalty to the State.

23.3 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.

24. Online filling up of nomination papers:

24.1 The Commission has extended an optional facility to the candidates for online data entry of personal details in nomination Form. This facility will be available for the candidates through the Election Commission's Suvidha portal https://suvidha.eci.gov.in.

24.2 The candidate will have to do the registration and login with the mobile number and OTP. At present, the facility is available in two languages namely, English and Hindi. Validation checks at each step of the process will help the candidates to fill the Form in proper Format and without errors. The facility

for online payment of security deposit by the candidates is also available through the same suvidha portal.

(a) The following are the steps:-

Step 1 - The Candidate will have to do the registration and login with the mobile number and OTP. After a successful login, the candidate needs to enter the EPIC number and the relevant details will be auto-fetched from the electoral roll.

Step 2 - The candidate then needs to make data entry of his personal details in the nomination Form. In case of error or mistake entries, filled in the Form, can be edited/corrected, till the finalization by the candidate.

Step 3 - After complete details verification, the candidate has to finalize the Form and proceed further for selection of 3 preferable dates from the dates given, by ticking at the same, for physical submission of the Form before the Returning Officer.

Step 4 - the candidate can submit the security deposit online by choosing the available options from net banking. Optionally, the candidate can choose to enter the details of challan or indicate the option to deposit it by cash.

Step 5 - It is to be noted that the Form in which the online data entry was made by candidate, will only be treated duly submitted if a printout with QR Code is taken from the system, signed in ink both by the candidate and proposer(s), and delivered by hand, either by the candidate himself or by his proposer between the hours of 11.00 in the forenoon and 3.00 in the afternoon to the Returning Officer or Specified ARO for this purpose, on the appointed date and place, specified by him. The online Nomination Facility will be closed one day prior to the last date of making nominations.

(b) Provision of IT infrastructure and manpower-

(i) Returning officers should set-up a workstation for physical verification of online data entry of personal details made by candidate in nomination from the date of notification till the last day of nomination.

(ii) Returning Officer should ensure the availability of one or more computers along with printer, scanner, webcam, stationary and other essentials as per requirement at the workstation. The computer/laptop should be with webcam and minimum i3 processor, 2 GB RAM, and at least 50 GB of free space available. If the webcam is inbuilt in the laptop/desktop then it should be at least 2 mega pixels while in case of a separate webcam, the same should be of at least 5 mega pixel.

(iii) Operating system and Browser should be updated with updated antivirus JavaScript support.

(iv) The system and hardware shall be checked by Returning Officer, well in advance, by scanning a sample QR code and also the quality of scanning and printing.

(v) Returning Officer should identify the staff and arrange training of the identified staff for the purpose of scanning, printing etc, well in time, scanning of QR Code, verification of physical

and electronic copy filled up by the candidate, generating and taking print out of the receipt from the system.

(c) Processing and verifying Nomination Forms in which data entry made by candidate online-

(i) The Returning Officer will login and complete the process of nomination Form, in which online data entry was made and received through the ENCORE portal https:/encore.eci.gov.in.

(ii) The Returning Officer can view all the preferences indicated by the candidates for dates for delivering print out of nomination Form in which online data entry was made and give appointments accordingly.

(iii) The nomination Forms, which have been filled using the suvidha portal are required to be downloaded, printed and completed in all respects and then hard copy delivered physically by the candidate or his proposer, to the Returning Officer. Before verifying each such nomination Form, the Returning Officer shall check the QR Code at the top of the first page. The scanning of QR Code shall be done at the first instance by the Returning Officer, which will mark the time of receipt of the application. (if in any case, the QR Code is not readable through the webcam, the Returning Officer has the option to enter the system generated nomination id printed on the Form and proceed for verification.)

(iv) After scanning, the details of the physically handed over Form shall be checked and verified from the online submitted Form.

(v) In case of a difference between a Form in which online data entry made and physically submitted Form, the nomination Form should be treated as submitted offline Form and procedure for processing of physically submitted Form be followed. In such a case, the online nomination Form should be discarded.

(vi) Returning Officers shall verify the details of online payment of security deposit. In case the amount has not been credited to the treasury/ bank account of the designated institution/ bank, the same will be recorded in the nomination Form and this be informed to the candidate through check list. In such case, the manual method of security deposit, as prescribed by the Election Commission of India, shall be followed.

(vii) After the verification of nomination Form as per the above procedure, the Returning Officer shall fill part (IV) in the system and proceed for receipt generation.

(viii) Returning Officer should verify the details in the receipt generated and signed copy be handed over to the candidate as per the rules.

(ix) Returning Officer shall prepare the checklist and the same will be handed over to the candidate against a proper receipt.

25. Notice of nominations:

25.1 As per Section 35 of the Act, the Returning Officer shall on receiving the nomination paper inform the person delivering the same of the date, time and place fixed for scrutiny of nominations and shall enter on the nomination paper its serial number. He shall sign thereon a certificate stating

the date on which and the hour at which the nomination has been delivered to him, and shall as soon as may be thereafter, caused to be affixed in some conspicuous place in his office a notice of nomination paper containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer(s) in Form 3A for the election for the House of the People or the Legislative Assembly. The Form 3A shall be published after 3 p.m. on each day between the date of notification and the last date for making nominations, both days inclusive on his notice board.

25.2 The Specified Assistant Returning Officer should also do the same in respect of the nomination papers presented before him at the end of each day if he is receiving nomination papers at a different place i.e. if the office of the specified ARO is outside the headquarters of the RO but within the Assembly constituency. If more nomination papers than one have been presented before Returning Officer in respect of the same candidate, notice must be given of all of them. A copy of this daily notice should be forwarded to Returning Officer by the Specified Assistant Returning Officer from day to day so that Returning Officer may be aware of the latest position in the constituency as a whole.

26. In cases where the offices of both the RO and ARO are located outside the boundary of the constituency, then one set of nomination should be displayed on the notice board of the RO and another set should be displayed in some public premises within the constituency limits accessible to the general public. If anyone furnishes any information contradicting the statements in the nomination Form by means of a duly sworn affidavit, copies of such papers should also be displayed on the notice board.

27. Transmission of nomination papers by specified Assistant Returning Officer:

The Returning Officer shall instruct the Specified Assistant Returning Officer to forward to him, for further necessary action, all the nomination papers received by him as also all other papers connected therewith, immediately after the last day for making nominations or if convenient, in batches from day to day basis. In any case, all such papers should reach Returning Officer latest by 7 p.m. of the last day for making nominations.

28. Submission of Form A and Form B:

28.1 The political party of the candidate shall submit, along with the nomination paper latest by 3 p.m. on the last date of making nominations, Form A and Form B duly signed in ink by the authorized person, before the Retuning Officer. The conditions to become a candidate of the political party

28.1.1 The candidate should declare in the relevant column in the nomination paper that he is a candidate set up by the party.

28.1.2 The political party concerned should submit Form A and Form B nominating the candidate concerned as its candidate. Accordingly, Returning Officer shall accept only those intimations from the political parties, in Forms A and B latest by 3.00 p.m. on the last date for making nominations. Any intimation received by Returning Officer thereafter shall not be taken into consideration for any purpose. In such cases the time of receipt of the Form shall be recorded by Returning Officer on the Form. If the Form is delivered by the candidate or any other person, his/her signature should also be obtained under such entries made by Returning Officer. Form A and B should bear original signature of authorized office bearer(s) of the political party concerned. Email, Fax copies etc. of such

Forms are not acceptable. Form B submitted for the main candidate can be used for the substitute candidate.

28.2 It is the responsibility of the party or candidates concerned to submit Form-A to CEO and Forms A and Form B to the Returning Officer(s). It is not the responsibility of the CEO to forward Form-A to Returning Officers. Unless and until both the two Form A and Form B are submitted to the Returning Officer as per the requirements of symbol order, the candidates concerned shall not be treated as candidates set up by the political party.

29. Preparation of consolidated list of nominated candidates:

29.1 Immediately after 3.00 p.m. on the last date for filing nominations, or as soon as possible after Returning Officer has received all the nomination papers from the Specified Assistant Returning Officer, he should prepare a consolidated list of all the nomination papers, presented either before him or before the Specified Assistant Returning Officer.

29.2 Even if more than one candidate has claimed to be set up by the same party, the names of all such candidates should be included in the relevant category, i.e., category (i) or (ii), as may be relevant. However, suitable remarks should be given in respect of each such candidate in columns 6 and 7 of the above list, taking into consideration the intimation received, if any, from the party concerned in the prescribed Forms A and Form B by 3.00 p.m. on the last date for making nominations. This will facilitate Returning Officer's task at the time of scrutiny of nomination papers of the concerned candidates.

29.3 Returning Officer should also indicate in the above list, the symbols chosen, in the order of preference, by each candidate. For this purpose, the choice indicated in the nomination paper first delivered in respect of the candidate should be taken into account. However, in the case of a candidate claiming to have been set up by a recognized National or State party, and in whose favour the requisite intimation in Forms A and Form B has been received from the political party concerned within the stipulated date and time, the symbol reserved for that party should be shown in column 4, provided that the candidate concerned has, in any of his nomination papers duly filed by him, made a declaration that he has been set up by such party and sought allotment of the reserved symbol of that party.

29.4 Send one copy of this list to the Chief Electoral Officer by the fastest means of communication, marked 'Election Immediate'. One copy of the list should also be sent forth with to the Election Commission. Returning Officer should ensure that complete address of each candidate is indicated properly in the list of nominated candidates.

29.5 Clarification has been sought regarding cases where a candidate files nomination as candidate set up by more than one political party and both/all such parties send Forms A and B in his favour. To deal with such situations, it may be noted that in Form 'B', the political party concerned is required to make a declaration that the candidate who is being set up as the party's candidate is a member of that party. One person cannot be member of two different parties at the same time. Therefore, if a candidate claims in his nomination papers to be set up by two or more political parties and both/all such parties have submitted Forms and Form B in his favour, the Returning Officer will, at the time of scrutiny, examine the facts as to which of the political parties the candidate belongs to as its

member and whether the candidate has ceased to be a member of the other political party/parties mentioned in his nomination papers, and decide the party affiliation of the candidate accordingly.

29.6 In order to prevent cases of non-SC/ST persons contesting election from reserved constituencies, the Returning Officers at the time of scrutiny of nominations should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be. Wherever in doubt, the Returning Officer must insist on production of SC/ST certificate issued by competent authorities. Where, however, the certificate produced by the candidate is also challenged, the Returning Officer need not go into that question, except where it is alleged, that the certificate produced is forged or is not issued by competent authority. In the case of any allegation/suspicion about the genuineness of the certificate, the Returning Officer should get the position cross checked with the authority which purportedly issued the SC/ST certificate in question, before deciding the validity of the nomination paper of the candidate concerned. If on such cross-checking/verification, the Returning Officer is satisfied that the certificate in question is not genuine, he should not only reject the nomination of the candidate concerned, but should also initiate criminal proceeding against the candidate for adducing forged documentary evidence before him.

30. Vehicle & number of persons allowed at the time of filing of nomination papers-

Maximum three vehicles are allowed to come within the periphery of 100 meters of the office of the Returning Officer or the specified Assistant Returning Officer where nominations are being received. Proper barricading shall be done demarcating 100 meters periphery. The officer of the level of Dy. S P or ACP shall be responsible for ensuring proper barricading with sufficient number of security personnel Total number of persons allowed to enter the chamber of the Returning Officer or the specified Assistant Returning Officer during filing of nomination shall not be more than five including the candidate.

31. Videography:

During the entire process of making nominations a 360 degree CCTV coverage with uninterrupted power supply at the room of the RO/ specified ARO and at the entry and the exit places shall be made. If 360 degree CCTV is not feasible, videography shall be done in the same manner. It shall be ensured that the recording in the CCTV or video camera shall be continuous during the time from 11:00 AM to 03:00 pm daily during the entire process of nomination. Proper time stamping shall be done in the recording apparatus. The CCTV or Videography shall be installed in such a way that it captures entry of the candidate, presentation of nomination papers by him before the RO/ ARO and exit of the candidate and also the clock placed in the room of the RO/ ARO. It shall be ensured that time by the clock inside the room and the time stamping done in the CCTV/ Video camera shall be correct and identical.

32. Publication of criminal antecedents:

In pursuance of the directions of the Supreme Court, in WP (C) No. 784 of 2015 (Lok Prahari vs. Union of India & Others) and in WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. vs. UoI & Anr.), in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011 and in contempt petition (C) No. 656 of 2020 in contempt petition (C) no. 2192 of 2018 in writ petition (civil) no. 536 of 2011, the Commission has issued a separate and detailed instructions for publication of criminal antecedents by the candidates having criminal antecedents and by the political parties who sponsor such candidates. However, for the sake of brevity, it is reiterated that the candidate having criminal antecedents, convicted or contemplated, shall have to publicize his/ her criminal antecedents in Format C1 three times starting from the day following

the last date of withdrawal and upto the 48 hours ending with the hour fixed for conclusion of the poll, as under:-

i. Within first 4 days of withdrawal of candidatures.

ii. Between next 5th - 8th days.

iii. From 9th day till the last day of campaign (the second day prior to date of poll)

(***Illustration:*** *if the last date for withdrawal is 10th of the month and poll is on 24th of the month, the publication of declaration shall be done in the following time period: -*

i. First block for publication shall be done between 11th and 14th of the Month,

ii. Second block for publication shall be done between 15th and 18th the Month

iii. and the third block for publication shall be done between 19th and 22nd of the Month)

32.1 The details of criminal antecendants in Format-C1 has to be published in two news papers and in TV/Cable. The minimum font size for publishing in the newspaper is 12 and in the TV/Cable of the standard size. The telecast in TV/Cable should be made during 8 A.M. to 10 P.M. This has to be published also by independent candidates having criminal antecedents and also by those candidates who return uncontested and have criminal antecedents.

32.2 The Returning Officer while receiving nomination papers of such candidate should remind him in Format-C3 and obtain acknowledgment.

33.3 The Returing Officer shall compile brief of candidates having criminal antecedents contesting in his constituency in Format-CA and send it to the Chief Electoral Officer.

33. Protection for persons belonging to weaker section during filing of nominations:

33.1 The following provisions are available to prevent undue influence, threat, intimidation, coercion, abduction or creating obstrucitons for the candidates belonging to weaker sections while filing nomination papers by them or for securing withdrawal of candidatures of the candidates belonging to weaker section:-

(a) Section 171B of the Indian Penal Code- Bribery at elections:

(1) Whoever-

(i) gives a gratification to any person with the object of including him or any other person to exercise any electoral right or of rewarding any person for having exercise any intimidation, wrongful confinement or use of force, intimidation, wrongful confinement or use of force, 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:

(1) 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.

(b) Section 171C of the Indian Penal Code-Undue influence at elections:-

2 (1) Whoever voluntarily interfere or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of Sub-Section (1), whoever:-

(a) Threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(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 render 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)".

(c) Section 171A of the Indian Penal Code defines Electoral Right to mean the right of a person to stand, or not to stand as, or to withdraw from being a candidate, or to vote or to refrain from voting at an election.

(d) The offences of 'bribery' and 'undue influence' under Sections 171B and 171C are punishable with imprisonment upto one year or with fine or with both under Sections 171E and 171F of the IPC.

(e) Under Sections 123(1) and 123(2) of the Representation of the People Act, 1951, 'bribery' and 'undue influence' to interfere with the free exercise of electoral right of a person are corrupt practices which are grounds for declaring the election as void by the High Court and for disqualifying the persons found guilty.

33.2 While the jurisdiction to take action for a corrupt practice is vested with the High Court on an election petition, penal action can be initiated against the offenders in these cases under the relevant provisions of the Indian Penal Code by the Police authorities when the matter is reported to them by any one.

33.3 The Commission desired that as soon as any complaint or information of prevention, intimidation or use of force, bribery or undue influence, in the matter of nomination of candidates, or securing withdrawal of a candidate at any election is received by any Returning Officer or District Election Officer or Chief Electoral Officer, he shall report the matter forthwith to the Police Authorities for making necessary enquiries and to prosecute the offenders. The Returning Officers/ District Election Officer/ Chief Electoral Officer, shall at the same time, report the facts of each case to the Commission and send report on the progress on each such complaint periodically till such time the offenders are dealt with by the appropriate Courts at such time as the Commission directs the officers concerned not to send the progress reports anymore.

34. Retention of nomination papers: Clause (c) of the Conduct of Elections Rules, 1961 provides that the election papers, other than those mentioned in clause (a), (aa) and (b) of the said Rule, shall be retained for

such period as the Commission may direct. The Commission directs that the nomination papers and all the supporting documents filed by the candidates shall be retained for a period of six years after completion of elections or till the disposal of election petition, if any, or any other suit/petition in any court in which any of the declarations made by any of these documents is under challenge.

35. The above instructions shall be brought to the notice of all the District Election Officers, Returning Officers, other election related officials and the political parties and the candidates based on your state.

Yours faithfully,

(S. B. JOSHI)
Principal Secretary

INSTRUCTION Sl. No. 12

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No.4/2014/SDR/Vol.I Dated: 26th April, 2014

To

The Chief Electoral Officer of

All States and UTs

Sub: Filing of False Affidavit in Form 26-reg.

Sir/Madam,

You are aware that the format of affidavit in Form 26 appended to the Conduct of Elections Rules, 1961 was amended with effect from 1/8/2012. Now the candidates are required to make declarations about assets and liabilities including that of spouse and dependents, candidate's criminal antecedents and educational qualification, in the affidavit in Form 26. The affidavit in Form 26 is provided under Section 33A and any false declaration or concealing of information in the affidavit in Form 26 will attract the provisions of Section 125A. Under the said Section 125A, furnishing of any false information or concealing of information in the affidavit in Form 26 is an electoral offence punishable with imprisonment upto 6 months, or with fine, or both.

2. Prior to the amendment to Form 26 in August 2012, the affidavit regarding declaration about assets, liabilities, criminal antecedents and educational qualification was given in the format prescribed by the Commission. In the case of complaints about false statement in the said affidavit, the Commission, vide its circular letter No. 3/ER/2004, dated 2/6/2004, had clarified that if complaints were filed before the Returning Officer raqising the issue of false declaration in the affidavit and if the RO was prima facie satisfied about the merits of the complaint, then the RO was to file a complaint before the competent Court under Section 177 of IPC read with Section 195 of Cr.P.C.

3. Now that the affidavit is in Fomr 26 under Section 33A of the R.P.Act, 1951, making false declaration/ concealing of information in the affidavit would be covered under Section 125A of the Act. Under Section 125A, there is no stipulation that complaints under that section have to be made by the public servant concerned (in this case the R.O.). Therefore, it would be open to any aggrieved person to move petition before the appropriate Court of competent jurisdiction with petition for action under Section 125A in the case of any false declaration or concealing of information in the affidavit in Form 26.

4. Therefore, it will be no longer necessary under the Cr.PC for the Returning Officer to move the competent court in relation to any complaint about a false affidavit. The complainant himself can be the complainant before the court as well.

5. The above instructions may be brought to the notice of all DEOs and ROs for elections to both the Houses of Parliament and State Legislature for their guidance so that in the event of complaints about false

statements in the affidavit in Form 26, the complainant can be informed that it would be open for him to move the appropriate court of law for action under Section 125 A of the RP Act 1951

Kindly acknowledge receipt.

Yours faithfully,

(K.L. Wilfred)
Principal Secretary

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली–110001

सं. 4/2014/एस डी आर – खण्ड – I दिनांक : 26 अप्रैल, 2014

सेवा में,

सभी राज्यों और संघ षासित क्षेत्रों

के मुख्य निर्वाचन अधिकारी।

विषय : फार्म–26 में असत्य शपथ–पत्र दाखिल करना –तत्संबंधी।

महोदय/महोदया

आप यह जानते हैं कि निर्वाचनों का संचालन नियम, 1961, से संलग्न फार्म–26 में शपथ–पत्र का प्रारूप दिनांक 1.8.2012 से संषोधित किया गया था। अब अभ्यर्थियों से यह अपेक्षा की जाती है कि वे फार्म–26 में शपथ–पत्र में अपने पति/पत्नी एवं आश्रितों सहित परिसम्पत्तियों और देयताओं, अभ्यर्थियों के आपराधिक पूर्ववृत्त एवं शैक्षिक योग्यताओं की घोषणा करें। फार्म–26 में शपथ–पत्र, धारा 33क के अंतर्गत उपबन्धित है और फार्म–26 में शपथ पत्र में किसी भी प्रकार की असत्य घोषणा करने या सूचना छिपाने पर धारा 125क के प्रावधान लागू होंगे। उक्त धारा 125क के अधीन, फार्म–26 में शपथ–पत्र में किसी भी प्रकार की असत्य सूचना प्रस्तुत करना या सूचना छिपाना एक निर्वाचन अपराध है जो छः महीने तक की कैद, या जुर्माने से या दोनों से दण्डनीय है।

2. अगस्त–2012 में फार्म–26 में संशोधन करने से पूर्व, परिसम्पत्तियों, देयताओं, आपराधिक पूर्ववृत्तों और शैक्षिक योग्यताओं के बारे में की जाने वाली घोशणा का शपथ–पत्र आयोग द्वारा निर्धारित प्रपत्र में दिया जाता था। उक्त शपथ–पत्र में असत्य कथन से संबंधित शिकायतों के मामले में आयोग ने दिनांक 2.6.2004 के अपने परिपत्र संख्या 3/ई आर/2004 के तहत यह स्पष्ट किया था कि यदि रिटर्निंग आफिसर के समक्ष शपथ–पत्र में असत्य घोषणा के मुद्दे को उठाते हुए शिकायतें दर्ज कराई गईं हैं और यदि रिटर्निंग आफिसर प्रथम–दृष्ट्या शिकायत की सत्यता से संतुष्ट हो गए हैं, तो रिटर्निंग आफिसर द्वारा आपराधिक प्रक्रिया संहिता की धारा 195 के साथ पठित भारतीय दंड संहिता की धारा 177 के तहत सक्षम न्यायालय में शिकायत दर्ज कराई जानी होती थी।

3. अब, यह शपथ–पत्र लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 33क के तहत फार्म–26 में होने के कारण शपथ–पत्र में असत्य घोषणा करना/सूचना को छिपाना उक्त अधिनियम की धारा 125क के तहत आएगा। धारा 125क के तहत ऐसा कहीं भी अनुबंधित नहीं है कि इस धारा के तहत आने वाली शिकायतों को संबंधित लोक सेवक (इस मामले में रिटर्निंग आफिसर) द्वारा ही दर्ज कराया जाएगा। अतः, फार्म–26 में षपथ–पत्र में कोई असत्य घोषणा करने या सूचना छिपाने के बारे में अब कोई भी पीड़ित व्यक्ति सक्षम क्षेत्राधिकार वाले उपयुक्त न्यायालय में धारा 125क के तहत कार्रवाई करने का अनुरोध करने हेतु याचिका दायर कर सकेगा।

4. अतः आपराधिक प्रक्रिया संहिता के तहत रिटर्निंग आफिसर को असत्य शपथ पत्र के बारे में किसी शिकायत के संबंध में सक्षम न्यायालय में जाने की अब कोई आवश्यकता नहीं होगी। न्यायालय के समक्ष शिकायतकर्ता स्वयं शिकायत दायर कर सकता है।

5. उपर्युक्त अनुदेशों को संसद के दोनों सदनों एवं राज्य विधानमण्डलों के निर्वाचन हेतु मार्ग–दर्षन के लिए सभी जिला निर्वाचन अधिकारियों एवं रिटर्निंग आफिसरो के ध्यान में लाया जाए ताकि फार्म–26 में शपथ–पत्र में असत्य कथन के बारे में शिकायतें किए जाने पर शिकायतकर्ता को यह सूचित किया जा सके कि वह लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 125क के तहत कार्रवाई करने हेतु उपयुक्त न्यायालय में जा सकता है।

कृपया इसकी पावती भेजें ।

भवदीय,

(के. एफ. विल्फ्रेड)
प्रधान सचिव

INSTRUCTION Sl. No. 13

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 4/2014/SDR-Vol.I Dated: 17th September, 2014

To

The Chief Electoral Officers
of all States and Union Territories.

Sub: - Order passed by the Hon'ble High Court of Andhra Pradesh in the matter of Dubbaka Narsimha Reddy Vs Election Commission of India & Ors. – WP No. 12066/2014 regarding filing of false affidavit.

Sir/Madam,

I am directed to forward herewith a copy of the Order dated 9th July, 2014 passed by the Hon'ble High Court of Andhra Pradesh in the aforesaid matter.

2. In this writ petition, the petitioner has sought a clarification to the election machinery with regard to make an enquiry about the filing of false information by the returned candidate educational qualification, and to take appropriate action by the election officials under Section 125A of the R. P. Act 1951. While disposing of the petition the Hon'ble High Court has observed as under:

" 14. From a reading of the aforesaid Section (Section 125A of the Representation of the People Act, 1951), it does not appear that Election Officer has to take any step for initiating any criminal proceedings. The aforesaid provision nowhere says that it is the duty coupled with power or power coupled with duty or power to take any action. It merely provides penal measure for filing affidavit giving false information or concealing information.

1***5. Further more, there is a Circular issued by the Election Commission of India to all the Chief Electoral Officers of all States and Union territories with regard to filing of false affidavits in Form-26*** (Commission's letter No 4/2014/SDR-vol-I dated 26th April 2014). ***Paragraph 3 of the aforesaid Circular, reads as follows:***

"3….. Under Section 125A , there is no stipulation that complaints under that section have to be made by the public servant concerned (in this case the R.O.). Therefore, it would be open to any aggrieved person to move petition before the appropriate Court of competent jurisdiction with petition for action under section 125A in the case of any false declaration or concealing of information in the affidavit in Form 26."

When the guidelines have been issued that have got statutory force also, have to be followed by all the concerned officials unless Statute requires expressly an officer appointed thereunder has duty or power coupled with duty to act. The Court of law cannot mandate, for concept of rule of law does not permit so."

3. The above order of the High Court may be brought to the notice of all District Election Officer and Returning Officers for elections to both the Houses of Parliament and State Legislature for their guidance.

Yours faithfully,

(N.T.Bhutia)
Under Secretary

INSTRUCTION Sl. No. 14

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/ECI/LET/FUNC/JUD/SDR/2013 Dated: 7th February, 2019

To

The Chief Electoral Officers of
All states and Union Territories

Subject: The CHECK LIST of documents required to be filed by a candidate along with the nomination paper-regarding

Sir/Madam,

I am directed to refer to the Commission's letter of even No. dated 12th January 2017, on the subject cited, circulating therewith the **Check list of documents in connection with filing of nomination by candidates.** Reference is also invited to the Commission's letter No. 3/4/2017/SDR/Vol.II, dated 10.10.2018, with which the amended format of Form 26 was circulated. It would be seen that the provisions of the additional affidavit regarding dues in respect of Government accommodation have now been incorporated in the amended Form 26, and therefore, the said additional affidavit is not required to be filed by candidates.

2. In view of the amendment in Form 26, the Checklist of documents has been amended. A format of amended Check list is enclosed herewith.

3. Please replace the existing format of Check List in the ROs Handbook as well as in other relevant records by this amended Check List.

4. The revised format of the CHECK LIST should be brought to the notice of the all Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha and Legislative Councils (in the States having Legislative Council). You may kindly ensure that all the Returning Officers, receive a copy of this letter along with the revised CHECK LIST and acknowledgement of receipt be obtained from all to ensure that they have received the same.

Kindly acknowledge receipt.

Yours faithfully,

(Binod Kumar)
Under Secretary

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 .....

Sl. 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 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.	Form A and B (applicable in the case of candidates set up by political parties)	
4.	Copy of caste certificates (if the candidate claims to belong to SC/ST)	
5.	Security deposit (whether made)	
6.	Oath and affirmation (whether taken)	

Contd.

<u>The following documents which have not been filed should be filed as indicated below: -</u>

(a) _____ should be filed latest by_____

(b) Above mentioned columns in the Affidavit in Form 26 have been left blank. You must submit a revised 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 _____

Received

…… ……..

(Signature of candidate) (Signature of RO/ARO)

Date & time:

Place:

N.B.

1. The Affidavit in Form 26 and Form 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.

INSTRUCTION Sl. No. 15

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110001

No.4/2021/SDR/Vol.II Dated: 24th August, 2021

To

The Chief Electoral Officers

Of all States / Union Territories

Subject: Filing of False Affidavit in Form 26-reg.

Sir/Madam,

I am directed to refer to refer to the Commission's instruction issued vide its letter No. 4/2014/SDR/Vol. I dated 26.04.2014 on the subject cited and to state that under Section 125A of the RP Act, 1951, there is no stipulation that complaints under that Section have to be made by the public servant concerned (in this case the R.O.). Therefore, it would be open to any aggrieved person to move petition before the appropriate Court of competent jurisdiction with petition for action under Section 125A in the case of any false declaration or concealing of information in the Affidavit in Form 26.

2. Further, attention is invited to the Commission's Press note no. ECI/PN/42/2020 dated 16.06.2020 in this matter of filing of false Affidavit in Form 26. The Commission has reviewed the above referred position of filing complaints by any aggrieved person in the competent court under Section 125A of the RP Act, 1951. And, it has been decided that, in pursuit of a level-playing field, the Commission would take cognizance of complaints regarding furnishing of false information in the Affidavit, which indicate serious omission on the part of the candidate, and refer such mattes to the relevant investigating authorities on a case-to-case basis.

3. The complaints regarding false affidavits during the process of nomination will continue to be dealt in accordance with the instructions laid down in Para 6.6.1 of the Handbook for Returning Officers' (February, 2019 edition), wherein it is specified that:-

"Even if no objection has been raised with regard to a nomination paper, Returning Officer has to satisfy himself/herself that it is valid in law. If any objection is raised, Returning Officer shall have to hold a summary inquiry to decide the same and to treat the nomination paper to be either valid or invalid. Returning Officer should record his/her decision in each case giving briefly the reasons where an objection has been raised or why he/she rejects the nomination paper. Returning Officer's decision could be challenged later in an election petition and hence the importance of recording a brief statement of reasons at this time. If Returning Officer accepts the nomination paper of a candidate overruling the objections raised by an objector, he may supplied with a certified copy of his/her decision upon his request."

4. In this connection, attention is also brought to the decision of the Hon'ble High Court of Madras in B. Ramamoorthy v. CEC, ECI & Ors., (W.P. No. 14260 of 2021) dated 14.07.2021, wherein it has been directed that:

"13. It is necessary that the Election Commission devises a procedure for dealing with complaints of the present kind. Ideally, a notice should be issued to the relevant candidate and his explanation sought and the matter be closed by a reasonable order if the explanation is found suitable or satisfactory. If, however, the explanation is found unsatisfactory, the Election Commission should pursue the matter with full rigour, irrespective of the political allegiance of the relevant candidate"

5. Any complaint of false affidavit subsequent to nomination process may be dealt in the following manner:-

   (i). A complaint of false affidavit without any substantial document/evidence may be disposed of appropriately with reasoned order and suggesting that he/she may himself/herself approach the competent court; if required.

   (ii). A complaint of false affidavit with supporting document/evidence will be referred to the CEO of the State/UTs, who consequent upon examination will act in accordance with the directions of the Commission in the matter.

   (iii). On examination of supporting documents, CEO would refer such cases of serious omission or commission on a case-to-case basis where he considers it appropriate to seek Commission's directions.

   (iv). In case of 5(ii) and 5(iii), complainant would be asked to file an affidavit clearly stating that averments made in his complaint and supporting documents attached therewith are all true and genuine.

   (v). References so forwarded by CEO would be dealt on case-to-case basis and Commission may refer them to appropriate authority for enquiry/comments.

6. The above instructions may be brought to the notice of all DEOs and ROs for their guidance and further compliance.

   Kindly acknowledge.

Yours faithfully,

(Ashwani Kumar Mohal)
Secretary

INSTRUCTION Sl. No. 16

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 3/ER/2023/SDR/Vol.IV Dated: 6th March, 2024

To

The Chief Electoral Officers of
All States and Union Territories

Subject: Affidavit to be filed by candidates along with nomination paper- reg.

Ref:

(i) No. 3/ER/2003/JS-II dated 27th March, 2003
(ii) No. 3/ER/2003/JS-II dated 07th August, 2003
(iii) No. 3/ER/2004/JS-II dated 09th March, 2004
(iv) No. 3/ER/2004/JS-II dated 01st April, 2004
(v) No. 3/ER/2004/JS-II dated 02nd June, 2004
(vi) No. 3/ER/2005/JS-II dated 17th January, 2006
(vii) No. 3/ER/2008/JS-II dated 04th July, 2008
(viii) No. 3/ER/2009/SDR dated 21st March, 2009
(ix) No. 3/ER/2009/SDR dated 3rd April, 2009
(x) No. 3/ER/2011/SDR dated 23rd March, 2009
(xi) No. 3/ER/2011/SDR dated 08th February, 2011
(xii) No. 3/ER/2011/SDR dated 25th February, 2011
(xiii) No. 3/ER/2011/SDR dated 16th March, 2011
(xiv) No. 3/ER/2011/SDR dated 01st June, 2011
(xv) No. 3/ER/2011/SDR 2nd June, 2011
(xvi) No. 3/ER/2011/SDR dated 01st September, 2011
(xvii) No. 3/ER/2011/SDR dated 11th January, 2012
(xviii) No. 3/ER/2012/SDR dated 02nd July, 2012
(xix) No. 3/4/2012/SDR dated 24th August, 2012
(xx) No. 3/4/2012/SDR dated 26th September, 2012 (two letters)
(xxi) No. 3/ER/2011/SDR dated 12th October, 2012
(xxii) No. 576/3/2013/SDR dated 21st January, 2013
(xxiii) No. 3/4/2012/SDR dated 20th February, 2013
(xxiv) No. 3/ER/2013/SDR dated 12th June, 2013
(xxv) No. 576/3/2013-SDR dated 30th September, 2013
(xxvi) No. 576/3/2013/SDR dated 13th November, 2013
(xxvii) No. 3/ER/2013/SDR Vol.-V dated 03rd March, 2014

(xxviii) No. 3/ER/2014/SDR/Vol.I dated 19th March, 2014
(xxix) No. 3/ER/2014/SDR/Vol.I dated 17th April, 2014
(xxx) No. 509/11/2004-J.S.-I dated 4th February, 2016
(xxxi) No. 3/ER/2016/SDR dated 31st May, 2016
(xxxii) No. 3/ER/ECI/LET/FUNC/JUD/SDR/2016 dated 18.08.2016
(xxxiii) No. 4/ECI/LET/FUNC/JUD/SDR/2017 dated 16th January, 2017
(xxxiv) No. 576/3/2017-SDR dated 26th July, 2017
(xxxv) No. 3/ER/ECI/LET/FUNC/JUD/SDR/Vol. IV/2017 dated 16th October, 2017
(xxxvi) No. 576/3/2018/SDR dated 16th April, 2018
(xxxvii) No. 3/4/2017/SDR/Vol.II dated 10th October, 2018 (Partially)
(xxxviii) No. 3/4/2019/SDR-Vol.I dated 28th February,2019
(xxxix) No. 3/ER/2023/SDR-Vol.IV dated 19th March, 2020
(xl) No. 3/ER/2020/SDR/Vol.III dated 01st October, 2020, and
(xli) No. 3/ER/2022/SDR dated 26th February, 2022

Madam/Sir,

I am directed to state that as per Section 33 of The Representation of the People Act, 1951 (herein after the Act) each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on or before the date appointed under Section 30(1) of the Act deliver to the Returning Officer a nomination paper completed in the prescribed form and signed by the candidate and his proposer(s). Rule 4 of the Conduct of Elections Rules, 1961 prescribes the form of the nomination paper.

2. Further, Section 33A (2) of the Act inter-alia provides that the candidate or his proposer shall at the time of delivering the nomination paper under the provisions of Section 33, referred to above, also deliver to the RO an affidavit in the prescribed form. Rule 4A of the 1961 Rules prescribes the form of affidavit, i.e., Form 26 which is to be sworn by the candidate before a Magistrate of the First Class or a Notary.

3. In the matter of filing of Nomination and affidavit by the candidate or his/her proposer, before the Returning Officer, the Commission has issued various instructions from time to time vide the letters listed above. For more clarity and convenience of all the concerned, these instructions have now been consolidated and exhaustive instructions are hereby issued in supersession of all 41 (forty-one) aforesaid instructions.

4. Right to Information: -

(a) As per Section 33A of the Act, a candidate shall, apart from any information which he is required to furnish in his nomination paper shall also furnish the information as to whether-

(i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;

(ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(b) Sub-section (3) of Section 33A further says that the returning officer shall, as soon as may be after the furnishing of information to him, display the aforesaid information by affixing a copy of the affidavit at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered.

(c) In this context, the Supreme Court vide its judgment dated 13.09.2013, in WP (C) No. 121 of 2008 titled Resurgence India vs. Election Commission of India and others in the matter of filing of incomplete affidavits by candidates held that the voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/ State Assemblies and such right to get information is universally recognized as a natural right flowing from the concept of democracy and is an integral part of Article 19(1)(a) of the Constitution of India.

(d) The Hon'ble Supreme Court also maintained that the candidates are required to fill up all columns in the affidavit and no column can be left blank. If 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.

(e) Accordingly, the Commission has issued directions to the Returning Officer to check whether all columns of the affidavit being filed are filled up or not and in case no information is to be furnished by the candidate, the remarks such as 'NIL' or 'Not Applicable' or 'Not Known', as may be applicable, shall be indicated in such column. The Returning Officer may take the assistance of one suitable officer exclusively to check the affidavit. If any column is left blank in the said Affidavit or the information given is vague or illegible then the same should be pointed out immediately through the prescribed checklist specifically pointing out the defects and asking the candidate to file fresh affidavit rectifying the defects and with all columns completely filled in.

5. **Time of Filing of Affidavit: -** The requirement of the election laws referred to above is that the affidavit should be filed along with nomination paper latest by 3.00 pm on the last date of making nominations. The failure to submit the affidavit by the aforesaid date and time shall be considered a defect of substantial nature entailing rejection of the nomination at the time of scrutiny. In case the candidate had filed affidavit and the Returning Officer has pointed out, through check list, defect(s) in that affidavit, the fresh affidavit can be filed upto the time of commencement of scrutiny. If, even after such reminder, a candidate fails to submit fresh affidavit or files incomplete affidavit by the time of commencement of scrutiny, the nomination of such candidate shall be liable to be rejected by the Returning Officer at the time of scrutiny of nominations.

6. **Affidavits to be filed on stamp papers: -** In pursuance of the judgment of Madras High Court, in a writ petition (No. 8682 of 2011 and M.P, No. 1 of 2011), the Commission has directed that the affidavits filed by the candidates should be on stamp paper of such denomination as prescribed under the State Law of the respective State. The minimum denomination of stamp paper, however, may vary as the value of stamp paper for affidavits is prescribed under the State Law.

7. **Check List containing defects in Nomination: -** Apart from affidavit, the candidate has to submit other documents to support his nomination. In order to ensure transparency and accountability and to streamline the procedure of filing of nomination and scrutiny of nomination, the Commission directs that on each occasion of filing of nomination paper or supportive documents including affidavit by the candidate, the Returning Officer should check the documents and the affidavit and point out the defects

in the CHECK LIST **attached herewith**. The Returning Officer shall specifically mention the kind of defect and the time by which such defects have to be rectified by the candidate. The Returning Officer shall obtain the signature of the candidate or the proposer, as the case may be, and give one copy of check list to such person and keep original with him for records.

8. Statutory requirement of display of Affidavit:

(a) In pursuance to the provisions contained in Section 33A read with Rule 4A, referred to above, the Commission has directed that copies of affidavits filed by the candidates should be displayed on the notice board of the Returning Officer/Assistant Returning Officer of the constituency concerned. Copies should also be supplied freely and liberally to all other candidates and representatives of media by the Returning Officer. The District Election Officer shall compile all the affidavits pertaining to the constituencies within the district and supply them, on demand, on payment of standard copying charges. This fee may be obtained in cash, for convenience, against proper receipt etc. It may also be noted that copies of the affidavits, and counter affidavits, if any, should be supplied on demand to any individual, political party, organization, agency, etc. without any discrimination.

(b) If anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn and notarized affidavit (counter affidavit), such counter affidavit shall also be disseminated along with the affidavit of the candidate concerned and supplied in the same manner, i.e. by displaying copy on the notice boards and furnishing the same on demand.

(c) In cases where the offices of the AROs are outside the headquarters of the RO but within the boundary of the constituency, copies of the affidavits should also be displayed in the offices of such AROs.

(d) In those cases where the offices of the ROs and AROs both are situated outside the boundary of the constituency, one set of copies of affidavits should be displayed on the notice board of the RO and another set should be displayed in some public premises accessible to the general public within the constituency. It is clarified that in such cases, the copies of affidavits should be displayed in the office of the BDO or in a Panchayat Office within the constituency that are widely known to the public.

(e) Part B of Form 26 (abstract of the details given in the affidavit) filed by the candidates shall be displayed at specified additional public offices such as (1) Collectorate, (2) Zila Parishad Office, (3) SDM Office, (4) Panchayat Samiti office (i.e. Block Office), (5) office of Municipal Body or bodies in the constituency (6) Tahsil/Taluka office, and (7) Panchahyat Office. This shall be done within 5 days of date of withdrawal of candidature. In the Collectorate and Zila Parishad Office, abstracts of affidavits of all candidates pertaining to all the constituencies in the District shall be displayed. The abstracts of all the candidates of one constituency should be displayed together for ease of access. Similarly, if there is more than one constituency in a Sub-Division, abstracts of all the candidates in such constituency shall be displayed in SDM's office.

9. Uploading of Affidavit on the Chief Electoral Officer's website:

(a) The Commission has directed that the affidavits in respect of all the candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the CEO's website soon after the candidates file the same and strictly within 24 hours of filing

the affidavits. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.

(b) If anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn and notarized affidavit, the same may also be uploaded, along with the affidavit of that candidate, within 24 hours of receiving it. All the affidavits and counter affidavits received on the last date of making nominations shall be uploaded on the same day.

(c) At every election, press releases should be issued at the State and District level stating that affidavits of the candidates and counter affidavits, if any, are available for the electors to see and clearly mentioning in the press release of the DEO, place(s) at which copies of the affidavits have been displayed. The press releases should also make it clear that the affidavits can also be viewed on the website, and the path to locate them on the website should also be mentioned.

10. Multiple affidavits:

(a) Section 33(6) of the Act states that any candidate may be nominated by more than one nomination paper. A candidate can file maximum four nomination papers for a constituency. Such facility is given under the law enabling him to have options to file his nomination as a candidate sponsored by political party(ies) or as an independent candidate with same or different proposers.

(b) The requirement of law, as provided in sub-section 3 of section 33A of the Representation of the People Act, 1951, is that the electors of the constituency get the information about the candidates contesting in that constituency. The requirement of filing affidavit is complete when a candidate himself or through his proposer submits, before the Returning Officer, a completely filled in, duly sworn and notarized affidavit in prescribed form i.e. latest Form 26, within prescribed time limit i.e. by 3:00 PM on the last date of making nominations.

(c) It shall be noted that in case a candidate has filed more than one affidavit in a constituency, the Returning Officer shall check all such affidavits. In case either of the affidavits conforms to the requirement of proper filing of affidavit, the Returning Officer shall take into consideration this fact while deciding his candidature at the time of scrutiny of nominations. If one of the affidavits meets the requirement of filing affidavit and other affidavits are found defective, the Returning Officer shall not issue notice to the candidate in respect of the defective affidavits as the legal requirement of filing an affidavit has already been met in such case.

(d) The Returning Officer shall display all the affidavits pertaining to that candidate at the notice boards across all places as specified in abovementioned paras and upload on the website with a note that the candidate has filed two or more, as the case may be, affidavits indicating therein the dates of filing affidavits.

(e) If a candidate has filed more than one affidavit and neither of the affidavits is complete in all respect, the Returning Officer in such case shall give notice, in checklist, pointing out defects in all such individual affidavits and give time for filing revised affidavit by the time of commencement of scrutiny. The defects in each affidavit shall be pointed out clearly in different checklists.

(f) There may be some instances where the status of the candidate, so far as it relates to the information in the affidavit, get changed or he himself discovers that some information needs to be revised. In such case if the candidate files revised affidavit in supersession of his earlier filed affidavit(s), on his

own volition, the candidate shall give an undertaking to the Returning Officer, that the affidavit being submitted is in supersession of the earlier affidavit(s) and that the revised affidavit shall be taken into consideration. The Returning Officer shall take into consideration the latest affidavit accompanied with above said undertaking submitted by the candidate and proceed for scrutiny of nominations accordingly. Such affidavit shall also be displayed and uploaded on the CEO's website along with the undertaking. The earlier filed affidavit(s), shall however not be removed.

11. The requirement of law as contained in Section 33(A) is met when the affidavits are displayed at conspicuous places by the Returning Officer. As aforesaid wider dissemination of affidavits i.e. uploading on website additional to the requirements of law and consistent with the Commission's policy of making the process transparent and informative. Any one may obtain certified copies of the affidavits from the office of the Returning Officer or the District Election Officer by depositing the requisite fee in this regard.

12. Each page of the Affidavits should be signed by the deponent concerned. In addition, the affidavits should bear on each page the stamp of the Notary/Oath Commissioner/Magistrate before whom the Affidavit is sworn. It would be for the Returning Officer to decide the validity of the affidavit in Form26.

13. No Dues Certificates:

(a) The Delhi High Court in its order dated 07.08.2015 in W.P.(C) number 4912/1998 (Krishak Bharat Vs. Union of India and others), had directed that every candidate at the time of filing nomination paper shall also file an additional affidavit along with the "No Dues Certificates" issued from the agencies providing electricity, water, telephone and accommodation, in case he/she had been in occupation of any government accommodation during the last ten years. Failure to file the additional affidavit along with "No Dues Certificate" would be treated as a defect of substantial nature for the purpose of Section 36 of the Representation of the People Act, 1951.

(b) The Election Commission, in pursuance to the above order of the High Court had issued directions for filing of additional affidavit alongwith 'No Dues Certificates' at the time of fling of nomination by the candidates.

(c) The Form 26 has now been amended and the provision related to "No Dues Certificates" has been incorporated in Form 26 (under item 8). Therefore, there is no requirement to file additional affidavit, however, the candidate is required to furnish requisite information at the relevant column together with the "No Dues Certificates" from the concerned authorities along with Form 26 before the Returning Officer. No Dues Certificates are required to be furnished only by those candidates who have 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. The date of the "No Dues Certificate" should be the last date of the 3rd month prior to the month in which the election is notified or any date thereafter. It is reiterated that failure to submit to the Returning Officer, "No Dues Certificate" from the agencies concerned shall be treated as defect of substantial nature for the purpose of section 36 of the Representation of the People Act, 1951. The cut-off time for submitting "No Dues Certificates" is 3:00 PM on the last date of making nominations.

14. E-Filing of Affidavit:

(a) In order to minimize scope of mistakes in filling details in the affidavit (Form-26), the Commission has decided to provide an optional facility to the candidates for making online data entry of personal

details in the nomination paper and in the affidavit. This facility will be available for the candidates through the Election Commission's Suvidha portal https://suvidha.eci.gov.in. The online facility for data entry will, however, be closed one day prior to the last date of making nominations.

(b) **Physical submission of affidavit filled online-** It is to be noted that the online entering of data in the affidavit is to ensure that all the columns in the affidavit are filled up properly and is complete in all aspect. The affidavit populated with information using the Suvidha portal will be treated duly submitted only when it's printout with QR Code is taken and completed in all respects viz signed in ink, notarized etc, and then hard copy is delivered, physically by the candidate or his proposer, to the Returning Officer concerned. It shall be delivered to the Returning Officer between the hours of 11:00 o'clock in the forenoon and 3:00 o'clock in the afternoon on the appointed date and place, specified by the Returning Officer. For the sake of clarity, it is clarified that only physical Form of affidavit is a statutory document and on-line facility is to enhance ease of filing affidavit.

(c) **Function of Returning Officer-** The Returning Officer after receiving the affidavit filed physically by the candidate or his proposer, as the case may be, shall follow the standard protocol of preliminary checking and issuing of notice in the checklist if defects are found. Thereafter, the affidavit shall be uploaded on the website in the ENCORE portal against the name of that candidate and also on the CEO's website.

15. The Commission directs that no document other than affidavit, which has not been prescribed in the Commission's instructions, shall be uploaded on the Commission's portal or disseminated anywhere. Attention is invited to the provisions of Section 37 of THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES, BENEFITS AND SERVICES) ACT, 2016. It is also directed that all such uploaded documents which may contain Aadhaar details shall be identified and the related details shall be either removed or masked in the Commission's portal so that such details are not seen by the public at large.

16. **Period of retention of affidavit:**

(a) The Commission has directed that all the affidavits pertaining to an election, whether general of bye-election, filed before the Returning Officer shall be retained, in physical form, for a period of six years after the completion of election or till the disposal of election petition, if any or any other suit/ petition in any court in which any of the declaration made, whichever is later.

(b) The facility of uploading of affidavits on the website is over and above the statutory requirement under section 33A of the Act, and therefore, it stands at a different footing. However, the affidavits uploaded on the website shall also be retained for a period of six years after the completion of election or till the disposal of election petition, if any or any other suit/ petition in any court in which any of the declaration made, whichever is later.

17. The above directions shall be brought to notice of all the District Election Officers, Returning Officers and all other election related authorities and all the registered political parties having address in the State, including State units of recognized National and State parties, and also to the contesting candidates, for their information and compliance.

Yours faithfully,

(S.B. JOSHI)

PRINCIPAL SECRETARY

INSTRUCTION Sl. No. 17

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/9/2007/JS-II Dated: 16th October, 2007

To

1. The Chief Secretaries of
   all States/Union Territories.
2. The Chief Electoral Officer s of
   all States/Union Territories.

Subject:- Restrictions on the Printing of pamphlets, posters etc.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/9/2004/JS-II, dated 24th August, 2004 regarding the provisions of section 127A of the Representation of the People Act, 1951.

2. It has been brought to the notice of the Commission that advertisements are brought out in print media, some surrogate and some under the name of some organizations.

3. The following points may be noted in respect of the advertisements that appear in the print media, especially newspapers, for and against particular political parties and candidates during election period :

(a) In the case of advertisements, the source of which is traceable, the following action may 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 may 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 you may contact and get the information from the Newspaper concerned, and consider appropriate action, as above.

4. The District Election Officers, Returning Officers alongwith other election authorities may be informed of the Commission's abovementioned instructions for their compliance. Action taken in this regard may please be confirmed by endorsing to the Commission, a copy of the instructions issued to the District Election Officers, Returning Officers etc.

5. Please acknowledge receipt of this letter.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

INSTRUCTION Sl. No. 18

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 4/LET/ECI/FUNC/JUD/SDR/2016 Dated: 25th July, 2016

To

The Chief Electoral Officers
of all States & Union Territories.

Sub: - Restriction on the printing on pamphlets posters etc.-clarification.

Sir/Madam,

I am directed to invite your attention to the Commission's letters No. 3/9/2004/JS.II dated 24th August, 2004 and no. 3/9/2007/J.S.II dated 16-10-2007 (Copies enclosed) regarding the provisions of section 127A of Representation of the People Act, 1951 in the matter of printing and publication of election pamphlets, posters, etc.

2. Sub-Section (1) of Section 127A provides that 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 publisher. The other requirements to be fulfilled in this connection have been given in sub-section (2) thereof.

3. Clarification has been sought as to whether hoardings, Flex board, etc, on election matter would be covered under Section 127A. It is clarified that hoardings, flex board, etc. containing any election related advertisement have to be treated as coming within the meaning of 'poster' mentioned in Section 127A. The requirement for giving the name and address of the publisher should be followed in the case of hoarding, flex board, etc., including on hoardings of photos of party leaders,

4. As regards the provisions of sub-section (2) of Section 127A, attention is invited to the directions in the Commission letter no 3/7/2008/J.S.II dated 7th October, 2008. As per the said directions, in the case of hoardings, flex board, etc. prior permission is required to be obtained from the owner of the property before displaying them. In the case of such materials whether in public place or in private premises, the party/candidate concerned has to give information to the Returning Officer as per the format attached with the said letter dated 7th October, 2008 along with two photographs of such hoarding/flex boards (copy of format enclosed herewith for ready reference).

The above clarification may be conveyed to all DEOs/ROs and others concerned.

This may also be brought to the notice of all political parties in the State/UT.

Yours faithfully,

(ANUJ JAIPURIAR)
SECRETARY

INSTRUCTION Sl. No. 19

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 3/8/2018/SDR/Vol.I Dated: 5th September, 2018

To

The Chief Electoral Officers
of all States & Union Territories

Subject: - Instructions on prevention of defacement of open spaces and public property -regarding.

Sir,

I am directed to invite your attention to the Commission's letter No. 509/241/ECI/LET/FUNC/JUD/RCC/2011 dated 20th April, 2018 (copy enclosed), on the subject cited, and to state that the instructions in item (6) under Para 2 of the said letter pertaining to time limit for use of loudspeakers in connection with election campaign has been modified in line with the instructions issued in pursuance of the Hon'ble Supreme Court's Order dated 18.07.2005, vide letter no. 3/8/2005/JS-II dated 26th September, 2005 (copy enclosed) specifying the prohibited period of use of loudspeakers for election campaign as between 10.00 PM and 6.00 AM.

Accordingly, Para 2(6) of the Commission's letter dated 20.04.2018 has been modified as under: -

"6.During MCC period there shall be a prohibition on campaign related activity including door-to-door campaign, SMS, WhatsApp, Calls, usage of loud speakers etc. between ***10.00PM to 6.00AM*** as it is necessary to respect the privacy of the citizens and reduce disturbance to public life in general."

This may be brought to the notice of the District Election Officers, Returning Officers and all other election related authorities for information and compliance. This may also be communicated to State units of national parties, recognised State Parties and registered un-recognised based in your State/UT for compliance.

Yours faithfully,

(N.T.Bhutia)
SECRETARY

Copy to : PA to Dir (Law)

INSTRUCTION Sl. No. 20

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2023/SDR Dated: 12th October, 2023

To

The Chief Electoral Officers of

All States and Union Territories

Sub: Prevention of Defacement of Property and Other Campaign Related Items- regarding

Ref:

16. No. 3/7/1994/J.S.-II dated 05th January, 1994
17. No. 3/7/2008/JS-II dated 7th October, 2008
18. No. 3/7/2008/JS-II/SDR dated 10th November, 2008
19. No.3/7/2014/SDR dated 11th March, 2014
20. No. 3/7/2014/SDR dated 26th September, 2014, and
21. No. 437/6/INST/2015-CCS dated 29th December, 2015

Madam/Sir,

I am directed to state that Clause (6) of Part I of the Model Code of Conduct for the guidance of Political Parties and candidates provides that no political party or candidate shall permit their followers to make use of any individual's land, building, compound wall etc., without his/her permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc. However, it is observed that, at the time of elections, political parties indulge in defacement of public as well as private buildings, by sticking posters and wall writings and sometimes without permission of owners of the buildings. After elections are over, the cost of removing the posters and wall writings are borne out of the public exchequer in case of a public building and by the individual owners themselves in case of private buildings. In either case, it is the general public at large which has to bear the cost for no fault of theirs'.

2. Some States have local laws and passed legislations for property defacements under which the authorities are empowered to prevent such defacement and bring to book the defaulters. The Election Commission has also recommended the enactment of such provisions in all States/UTs.

3. The Commission had also issued instructions to ensure strict compliance with the provisions of the local laws relating to prevention of defacement of property and to prosecute and proceed against those who indulged in the violation of extant laws. The instructions, inter-alia, provided that the party/association/ body/ candidate or any other person who had written or painted or pasted any slogans, symbols or posters on any public or private building without written permission of the owner of the building should be required to get the defaced walls and buildings whitewashed or painted at its/his cost so as to restore them to the original position.

4. However, it was noted that despite several States having enacted State laws, there was no uniformity throughout the county and therefore, a need was felt for having a comprehensive guidelines on

defacement of property for guidance of political parties, law enforcing authorities and the Election Commission's Observers deployed during elections. Accordingly, the Election Commission issued fresh detailed guidelines in supersession of all earlier instructions on 7th October, 2008 and later additional instructions were also issued from time to time to supplement the instructions.

5. Now, in supersession of all the existing instructions, the following consolidated instructions are being issued for information and compliance of the electoral authorities:-

(i) Defacement of Public Places

a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/ displaying of cutouts, hoardings, banners, flags etc. shall be permitted on any Government premises (including civil structures). A Government premise would include any government office and the campus wherein the office building is situated.

b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisements, etc., in any public place, (as against a government premises) on payment or otherwise, this may be followed 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.

c) 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 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 PSU's Building and Premises:

a) Buildings and premises of PSUs shall be treated at par with Govt. premises for the purpose of displaying political ads during election period. The Commission has directed that no political advertisements shall be displayed/pasted at the buildings/civil structures or any other structure owned by Public Sector Undertakings (PSUs) or in their premises during the period Model Code of Conduct is in force.

b) In case there is no specific provision in the by-laws of PSUs or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the advertisement agency for placing commercial advertisements that *"No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airports, railway stations, Inter State/Local Bus Stands, Govt transportation post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct. If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."*

(iii) Defacement of Government Halls/Auditoriums and Other Public Properties

a) If local laws/guidelines do not preclude political meetings at Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, there is no objection to do it. However, it should be ensured that allocation is done on equitable basis and banners, buntings, flags, cut-outs, displayed at the premises during meeting no defacement shall be permitted after conclusion of the meeting.

b) Educational institutions including their grounds {whether Govt. aided, private Or Govt.} shall not be used for political campaigns and rallies.

(iv) Defacement of Private Places

a) In the State where there is no local laws on the subject, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the express permission of the occupant. Such banner or flag should not create any nuisance to others. Photo-copy of the permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners. The permission should be an act of free will and not extracted by any pressure or threat.

b) Where the local laws 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 photocopy of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, along with a statement giving the particulars in the prescribed format. The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention the name and address of the owner of the property from whom such permission has been obtained, and expenditure incurred or likely to be incurred for the purpose.

c) In those States where the State/local defacement law specifically prohibits display of flags, banners, hoardings etc., the provisions in the law will strictly apply and such material shall not be displayed on private property or property in public view.

d) 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/UTs where there is no local law on the subject of prevention of defacement of property.

e) If the state/local law does not so specifically prohibit display of flag or hoarding or banner, etc. on private property, then such material (flag, banner, hoarding) can be allowed to be displayed on private property, on own volition of the owner/occupier of the property, subject, however to any court decision/direction to the contrary. In the case of display on others' property, prior permission should be obtained from the owner/occupier concerned.

(v) Defacement of Vehicles

a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules framed there under 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 (Illegal payments in connection with an election) of the IPC would be attracted.

b) 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/Retuning Officer and the display thereof in original on the wind screen.

c) 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.

d) On buses of State Road Transport Corporations and Municipal Corporations As it would not be practically possible to ensure equitable sharing of space for the purpose of advertisements on such government owned buses / vehicles, both in terms of the quantity as well as for particular bus routes, the Commission has directed that the State Road Transport Corporation buses and buses owned by Municipal Corporations etc. and other govt. owned vehicles shall not be used for display of political advertisements during the period when the Model Code of Conduct is in force.

(vi) Election Advertisements by Political Parties/Candidates/Private Persons

a) 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 related to prevention of defacement, if any or under the provisions of the general law for causing willful damage to the property of others).

b) 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 vo1ition 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.

c) Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display.

d) 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 published 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.

e) The expenditure incurred on this mode of specific campaign of candidate(s) shall be added to the election expenditure made by the concerned candidate. Expenditure incurred on exclusive campaign for a party without indicating name of any candidate shall not be added to the candidate's expenditure account. The contesting candidate shall furnish such information, village/loca1ity/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission from the concerned for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

f) In context with defacement of property by sticking of posters etc., attention is also invited to the provisions of section 127A of the Representation of the People Act, 1951 which, interalia, provides that 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. The Commission has issued separate instructions on restriction on the printing on pamphlets, posters etc. However, it is reiterated that if any officer, who is responsible for the enforcement of the provisions of the above law and the directions of the Commission, is found to have failed in the due diligence of his duties in this regard, he shall be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

(vii) Timeline for Removal of Unauthorized Defacement

The Election Commission has fixed the following timelines for removal of unauthorized display of electioneering material:-

a) Defacement of Government property- For this purpose, a Government premise would include any Government office and the campus wherein the office building, compound and other establishment are situated. All wall-writings, posters/papers or defacement in any other form, including cutout/hoardings, banners, flags etc, on Government property shall be removed within 24 hours from the announcement of elections by the Election Commission.

b) Defacement of public property and misuse of public space- All unauthorized political advertisements, in the form of wall writings/ posters/papers or defacement in any other form, cutouts/hoardings, banners/flags etc. at public property and in public space like railway stations, bus stands, airports, railway bridges, roadways, government buses, electric/

telephone poles, municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections.

c) Defacement of private property- Subject to any local law and Court's direction, all unauthorized political advertisements displayed at a private property, shall be removed within 72 hours from the announcement of elections by the Election Commission.

d) Subject to the local laws and Court's directions any defacement to the government, public or private property subsequent to the announcement of elections shall be dealt with as per the standard protocol provided in the guidelines of redressal of complaints received at C-Vigil. The cases of defacement, other than received at C-Vigil, shall also be redressed promptly, as soon as complaints are received.

6. Above instructions shall be brought to the notice of the District Election Officers, Returning Officers and all other election related authorities and all registered political parties based in the State, including State units of recognized National and State parties, and also the contesting candidates, for information and compliance. Further, for implementation of guidelines as envisaged in Para 5(ii) Defacement of PSU's Buildings and Premises', the PSUs located in the concerned States should also be advised accordingly.

Yours faithfully,

(S.B. JOSHI)
PRINCIPAL SECRETARY

STANDARD DISTRIBUTION

INSTRUCTION Sl. No. 21

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/1/2004/JS-II Dated: 3rd April, 2004

To

The Chief Electoral Officers of
All the States and Union Territories.

Subject: Names of leaders of political parties for the purposes of section 77(1) of the Representation of the People Act,1951.

Sir,

I am directed to say that under Explanation 2 below section 77(1) of the Representation of the People Act, 1951, the political parties are required to communicate names of their leaders for availing of the benefit of clause (a) of Explanation 1 under the said Section, to the Commission and to the Chief Electoral officers of the States/Union Territories.

You are requested to supply copies of each of the lists received from political parties in this regard, to all the Observers in the States and to all District Election Officers and Returning Officers.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

INSTRUCTION Sl. No. 22

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 76/2004/J.S.II Dated: 10th April, 2004

To

The Chief Electoral Officers of

All the States and Union Territories.

Subject: Expenditure to be incurred on barricades and rostrums etc.

Sir/Madam,

I am directed to refer to Commission's letter No. 437/6/OR95/MCS/1158 dated 29th March, 1996 read with Commission's order No. 437/6/ES/0025/94/MCS dated 21st October, 1994 (reproduced as item No. 133 in the Compendium of Instructions, 2004) wherein it has been laid down that expenditure incurred on security arrangements like barricading/rostrums etc. In connection with the campaigning by any political leader or candidate shall be borne by the concerned political party. The Commission has received queries to the effect whether the expenditure on construction of rostrums/barricades will be charged to the political party or to the account of the individual candidate or a group of candidates belonging to the political party who are present on the occasion of a meeting where " leaders' of the political party participate.

2. The guiding principles to distinguish between the expenditure incurred by the political party and the expenditure incurred by the candidates were enunciated by the Supreme Court in Kanwar Lal Gupta v Amar Nath Chawla (AIR 1975 SC 308) wherein the Apex Court had observed; 'when the political party sponsoring a candidate incurs expenditure in connection with his election as distinguished from expenditure incurs expenditure in connection with his election as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it and participates in the programme or activity and fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, say in special circumstances, that he authorised the political party to incur such expenditure and he cannot escape the rigours of the ceiling by saying that he has not incurred the expense, but his political party has done so.?

3. With the amendment to Section 77 of the Representation of People act, 1951 only the expenses on account of travel of leaders of the political parties. Covered under explanation 2 below Section 77, will be exempted from being included in the account of election expenses of the candidate. All other expenses – incurred/authorized by the political parties. Other associations. Body of persons/individuals – are required to be included in the account for the candidate.

4. The Commission has considered the matter carefully and keeping in view the provisions of law has directed as follow:-

    1. The expense 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 are 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 respective 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". These accounts will be duty verified by the Election Observer or the Designated Officer appointed for scrutiny of the accounts.

5. The Commission has further directed that in all cases where the constructions of barricades/rostrums are being done by government agencies the candidate/political party/organizer will deposit the estimated cost of barricades/rostrum in advance.

6. For expenditure already incurred on such items between the date of notification issued for the first and second phases of the current general election. The concerned DEOs shall immediately take action as per para 4 above and inform al candidates concerned.

Yours faithfully,

(K.F. Wilfred)
Secretary

INSTRUCTION Sl. No. 23

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 76/2007/JS-II Dated: 29th March, 2007

To

The Chief Electoral Officers
of all States and Union Territories.

Subject:- Section 77 of the Representation of the People Act, 1951- Election Expenditure of candidates- regarding.

Sir/Madam

Section 77(1) of the Representation of the People Act, 1951, provides that every candidate at an election shall keep it the correct account of all expenditure incurred or authorized by the candidate/his election agents in connection with the election of the candidate. The expenditure incurred on travel by leaders of a political party whose names have been communicated to the Commission and the Chief Electoral Officer as required under Explanation –2 to Section 77(1) is not deemed to be expenditure incurred or authorized by a candidate of that political party for the purposes of the said Section.

2. Some CEOs and Observers have sought clarifications about the effect of expenditure incurred by political parties on advertisements on the election expenditure accounts of the candidates.

3. In this context, attention is invited to the Commission's letter No. 76/2004/J.S.II, dated 10th April, 2004 (copy enclosed) on the issue of expenditure incurred by political parties in connection with election rallies, etc.

4. In the judgment of the Hon'ble Supreme Court, in *Kanwar Lal Gupta vs. Amar Nath Chawla (A.I.R. 1975 SC 308)*, referred to in the abovementioned letter dated 10.4.04, the Hon'ble Supreme Court has held that the expenditure incurred by the political party, as distinguished from expenditure on general party propaganda, which can be identified with the election of a given candidate would be liable to be added to the expenditure of that candidate as being impliedly authorized by the candidate. The Apex Court has further held in that matter that *a party candidate does not stand apart from his political party and if the political party does not want the candidate to incur the disqualification, it must exercise control over the expenditure which may be incurred by it directly to promote the poll prospects of the candidate*.

5. The expenditure incurred by a political party on advertisements, in connection with any election could be categorized into the following:

   (i) Expenditure on general party propaganda seeking support for the party and its candidates in general, but, without any reference to any particular candidate or any particular class/group of candidates:

   (ii) Expenditure incurred by the party, in advertisements etc. directly seeking support and/or vote for any particular candidate or group of candidates;

(iii) Expenditure incurred by the party which can be related to the expenditure for promoting the prospects of any particular candidate or group of candidates.

6. Applying the ratio of the judgment in *Kanwar Lal Gupta's case*, it is clarified that in the case of any advertisement by political parties, whether in print or electronic or any other media, falling in category (i) above, which is not relatable to the election of any particular candidate or a given group of candidates, the expenditure may be treated as expenditure of the political party on general party propaganda. In the cases of expenditure falling in categories (ii) and (iii) above, i.e. cases where the expenditure is relatable to the election of a particular candidate or a group of candidates, the expenditure shall be treated as expenditure authorized by the candidates concerned and such expenditure shall be accounted for in the election expenses accounts of the candidates concerned. In those cases where the expenditure is incurred by the party for the benefit of a given group of candidates, the expenditure is to be apportioned equally among the candidates.

7. The contents of this letter may be brought to the notice of all District Election Officers, Returning Officers, Election Observers, and other election authorities. This may also be brought to the notice of all the political parties in the State, including the State units of the recognized political parties.

8. Please acknowledge receipt of this letter.

Yours faithfully,

(K. F. WILFRED)
SECRETARY

INSTRUCTION Sl. No. 24

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.76/2007/JS-II Dated: 4th April, 2007.

To

The All Chief Electoral Officers

of the States & Union Territories.

Sub: Account of election expenses of candidates - Section 77(1) of the Representation of the People Act. 1951 – regarding.

Sir/Madam,

Section 77(1) of the Representation of the People Act., 1951 mandates every contesting candidate at an election to maintain the correct account of expenditure incurred/authorised in connection with the election. Clause (a) of Explanation 1 to Section 77(1) provides that the expenditure on travel incurred by leaders of a political party for propagating programme of that party shall not be treated as expenditure in connection with the election incurred/authorised by a candidate of that political party for the purposes of the said Section. Explanation 2 to Section 77(1) provides that the list of leaders of a political party (40 in the case of recognized parties and 20 in the case of registered unrecognized parties) is to be submitted within 7 days from the issue of notification to the Commission and to the Chief Electoral Officer of the State concerned for availing of the benefit of Clause (a) of Explanation 1.

Clarifications have been sought regarding accounting of travel expenses of a leader of a political party covered under Explanation 2 to Section 77(1) when such leader happens to be a candidate himself. It is only logical to conclude that the visit of a contesting candidate to the constituency from where he is contesting election is for the purpose of promoting his own election prospect. When a candidate travels in his constituency for election campaigning, the expenses incurred in connection with the journey has to be treated as part of his election expenses. Therefore, it is clarified that, in such situations, the expenses incurred on account of the journey(s) performed by such leader within the constituency from where he/she is contesting election cannot be exempted from the election expenditure account of that person.

2. It has been observed that in some cases political parties, while communicating the names of leaders of that party under Explanation 2 to Section 77(1), have included the names of persons who are leaders of other political parties or who are not members of that political party. It is made clear that as per the provisions of the law referred to above, a political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1&2 to Section 77(1). In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1).

3. It has also been seen in the past that after submitting the list of leaders with the Commission, the political parties approach the Commission for substituting the names therein. In this context, it is pointed out that as per the proviso to Explanation 2, 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.

4. These instructions/clarifications may be brought to the notice of all the District Election Officers/Returning Officers and all election authorities. This may also be brought to the notice of all political parties based in the State including the State Units of recognized national and State parties.

5. Please acknowledge receipt.

Yours faithfully,

(K. F. WILFRED)
SECRETARY

Copy to all recognized political parties for information and compliance.

INSTRUCTION Sl. No. 25

ELECTION IMMEDIATE
BY SPECIAL CAMP BAG

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 4/2004/SDR Dated: 19th March,, 2014

To

The Chief Electoral Officers of
All the States and Union Territories.

Subject: Elections – star campaigners –clarification.

Sir/Madam,

As per the provisions of Explanation (1) and Explanation (2) of sub-section(1) of Section 77 of the RP Act 1951, a political party may communicate the list of leaders of the party for the purposes of clause(a) of Explanation(1). The list is required to be submitted within a period of 7 days from the date of notification for such election published in the Gazette of India or official Gazette of the State, as the case may be.

2. The schedule of general elections to Lok Sabha and Legislative Assemblies of the States of Andhra Pradesh, Odisha, Sikkim and bye-elections from 23 assembly constituencies of 8 states have been announced on 5th March,2014. Subsequently, the schedule for general election to the Arunachal Pradesh Legislative Assembly simultaneously with Lok Sabha was announced on 10th march,2014. The elections in many of the States will be conducted in more than one phase. The Notification for the bye-elections, wherever announced, will also be issued separately.

3. Clarification has been sought whether in the case of multi-phase election, apolitical party can submit separate lists of leaders of different phases and separate list for bye-election is same then how to account for the expenditure incurred on their travel.

4. It is hereby clarified that the specific requirement of law is that the names of leaders of a political party should be communicated within 7 days from the date of notification for the election. Therefore, a party can communicate such names for each phase of general election and for the bye-election separately. However, as the schedule for all the phases of general election and the bye-election has been announced with a single press note, the names of leaders of political parties communicated within 7 days from the date of notification for the 1st phase will be valid for all the phases of elections unless separate list is submitted later separately with regard to subsequent phases.

5. In case, any party wants to give fresh list for each phase of election and the bye-election then the benefit of exemption of expneses from the of accounts of candidates under Explanation (1) (a) could be confined to the travel to the constituencies concerned. In other words, if a header 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 eligible to substitute a star campaigner, expect in the contingencies mentioned in the said explanation.

Yours faithfully,

(Ashish Chakraborty)
Secretary

INSTRUCTION Sl. No. 26

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 4/2014/SDR/Vol.1 Dated: 3rd April, 2014

To

The Chief Electoral Officer,
Jharkhand,
Ranchi

Subject: Star Campaigners – clarification

Sir,

Please refer to your letter No. 1365 dated 24-03-2014. The points raised in your letter are clarified as follows: -

(i) If the list of Star Campaigners is received either in the Commission or by the CEO within the prescribed time limit (i.e. within seven days from the date of notification for the election), it can be treated as substantial compliance with the provisions of Explanation 2 under section 77(1) of Representation of the people Act, 1951. For calculating the period of 7 days, the date of issue of notification may be excluded. It should, however, be noted that only the list of names received from the Central office of the party shall be entertained.

(ii) A recognized National Party may give a common list of Star Campaigners for the whole country, a group of States, or State-wise for different States.

(iii) A recognized State Party can submit a list of 40 leaders for the State in which it is recognized as a State Party. In the other States, where it is not recognized, the party can submit a list of maximum of 20 leaders as Star Campaigners.

Yours faithfully

(Ashish Chakraborty)
Secretary

Copy to the Chief Electoral Officers of all States and Union Territories

INSTRUCTION Sl. No. 27

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/8/2022/SDR/Vol.I Dated: 5th February, 2022

To

1. The Chief Secretaries of
   all States and Union Territories

2. The Chief Electoral Officers of
   all States and Union Territories.

Subject: Providing security cover to Star Campaigners - regarding

Sir/Madam,

I am directed to state that it has been brought to the Commission's notice that the Star Campaigners in the ongoing general elections to the legislative assemblies of the five states have faced security issues. The star campaigners constitute an integral part of the election process is of utmost importance for ensuing free and fair elections.

2. The Commission has taken cognizance of the matter and has decided that the Star Campaigners [leaders referred to in explanation 1(a) under Section 77(1) of the RP Act, 1951] appointed by the political parties shall be provided adequate security cover within the state during the period of conduct of elections.

3. Therefore, the Political Parties concerned shall provide visit plan, route chart & any other necessary information for providing necessary security cover to their Star Campaigners, to the concerned CEO and the DEOs.

4. The security arrangements of Star Campaigners shall be monitored by a Nadal Officer, at the State level and a Nodal Officer at the District level, to be appointed by the concerned State/UT Government.

Yours faithfully,

(ASHWANI KUMAR MOHAL)
SECRETARY

Copy to:- The President/General Secretary of recognized National/State political parties with the request to provide suitable details, as advised at para 3 above, to be CEO/DEO

INSTRUCTION Sl. No. 28

Election Commission's letter No. 49/2000/ J.S.II dated 12.12.2000, addressed to the Chief Electoral Officers of all States/UTs

Subject: Instructions for disposal of surplus and waste ballot papers - Amendments.

I am directed to invite your attention to the Commission's instructions in Para 13 of Chapter XVIII (Miscellaneous) of the Handbook for Returning Officers, 1998 (Para 14 of the said Handbook for EVMs) regarding the manner of disposal of surplus and waste ballot papers. As per the said instructions, the surplus and waste ballot papers, along with floor sweeping in the Govt. Press, are to be destroyed by burning in the presence of the Chief Electoral Officer himself or of a Senior Officer duly authorized by him in writing. Further,

if the Govt. Press is situated at a District Head Quarter away from the State capital, the destruction of the surplus and waste ballot papers along with floor sweeping, should be done by burning in the presence of the District Collector/District Magistrate/Deputy Commissioner or a Senior Officer authorised by him.

2. The above instructions have been reviewed in the light of the air-pollution created due to burning of huge quantity of paper in an open area. The Commission has, therefore, directed that the surplus and waste ballot papers along with floor sweeping kept in Govt. Press should hereafter be shredded and made into pulp instead of burning. This should be done in the presence of the Chief Electoral Officer himself or a Senior Officer duly authorized by him in writing, if the Govt. Press is situated in the State capital. As regards destruction of surplus and waste ballot papers at the Govt. Press at a District Head Quarter, this should be done in the presence of the District Election Officer or a Senior Officer not below the rank of Sub Divisional Magistrate duly authorised by him in writing. The shredded material may be sold to the Khadi and Village Industries Commission or similar Govt. funded Organisations to the best advantage of the Govt. in preference to selling them through public auction.

3. In view of the above, Para 13 of Chapter-XVTO (Miscellaneous) of the Returning Officers' Handbook (1998), and Para 14 of Chapter-XVIII (Miscellaneous) of the Returning Officers' Handbook (where EVMs are used), may be substituted by the revised paragraphs as given in the Annexure hereto.

4. These amendments may also be brought to the notice of the Returning Officers, District Election Officers and other election related authorities for information and strict compliance.

5. This disposes of letter No. 3216IElecs./F/2000- (, dated 16-11-2000 from Chief Electoral Officer, Andhra Pradesh.

6. The receipt of this letter may be acknowledged immediately.

INSTRUCTION Sl. No. 29

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2013/SDR 18th June, 2013

To

Chief Electoral Officers of all States and Union Territories

Sub: - Preparatory activities for Exercise of Franchise by persons on election duty.

Sir,

You are aware that very large numbers of persons are put on duty for the purpose of conduct of elections. In the last Lok Sabha election approximately one crore persons were put on election duty. These include person in polling teams including Presiding Officers and Polling Officers, Police personnel used in elections, sector and zonal officers, Returning Officers, Assistant Returning Officers, District Elections Officers and their staff, micro-observers, Assistant Expenditure Observers, Observers of the COI+II+II5Sion, drivers conductors and cleaners of vehicles used in elections and police personnel, etc. It is a known fact that many of these persons are not able to exercise their franchise because of being on election duty. The Commission is keen that all persons on election duty are able to exercise their franchise as per law.

2. Under the law, there are two ways in which franchise can be exercised by a person on election duty. If the person is on duty in the same constituency where he is enrolled as an elector, he is given in the Election Duty Certificate (EDC), which entitles him to cast his vote in the polling station of the constituency where he is on election duty. If on the other hand, the person is on duty in some constituency other than the one in which he is enrolled as an elector, he is entitled to vote by Postal Ballot.

3. Common reasons why a person may not be able to exercise his franchise when on election duty are: -

3.1. Problems with enrolment in electoral rolls —

3.1.1. Many Persons on Election Duty are not enrolled at all.

3.1.2. Many Persons on Election Duty are not enrolled at their ordinary place of residence, but continue to be enrolled in their native villages or towns where they are not living any longer.

3.1.3. Many Persons on Election Duty are enrolled at more than one place.

3.2. Problems with requesting Postal Ballot or EDC —

3.2.1. Many Persons on Election Duty are not aware that they are entitled to EDC or Postal Ballot.

3.2.2. Many Persons on election Duty are not aware of the application forms required to be filled for the purpose of applying for EDC or Postal Ballot.

3.2.3. Many Persons on Election Duty do not know their enrolment details and are therefore not able to fill the application forms correctly.

3.2.4. Many Persons on Election Duty do not have access to the application forms.

3.2.5. Many Persons on Election Duty are not able to send the application forms to the concerned Returning Officer in time.

3.3. Problems with issuance of EDC and Postal Ballot —

3.3.1. Returning Officers do not receive request forms for EDC and Postal ballot from most persons on poll duty in time.

3.3.2. Many request forms received are either incomplete or have wrong information, thus making it difficult to issue an EDC or Postal Ballot. There is no time to send the form back for correction.

3.3.3. Even if EDC or Postal Ballot is issued, it is difficult to get them delivered to the Person on Election Duty in time.

3.4. Problems with return of marked postal ballot for counting —

3.4.1. There are postal delays due to which postal ballots do not come back to the Returning officer in time for counting.

4. Recently, the Commission has tried to improve the system of Postal Balloting by persons on poll duty. This has resulted in significant imrovement. One of the important Cessons learnt in the process is the fact that it is difficult to collect all information required for Postal Balloting and also ensure enrollment of persons on election duty at their place of ordinary residence in the short time available after the announcement of elections. It will be much better if these preparatory activities are undertaken much before the announcement of elections.

5. **Preparatory Activities** — The following preparatory activities should be undertaken immediately by all DEOs: -

5.1. **Preparation of a database of Persons likely to be on election duty** — There are existing instructions of the Commission to prepare a database of all Government Employees posted in the district for the purpose of randomization and allocation of election duties. So far this database has been prepared after announcement of elections. The Commission ha.s directed that every district should. prepare this database immediately and keep it updated if there are transfers, retirements or new recruitments. The database should include net only employees of the State Government, it should include all employees of State Government, Central Government and Central and State PSUs. It should also include all police personnel posted in the district including Home Guards etc. This database should include drivers, conductors and cleaners of Government vehicles, vehicles of State Road Transport Corporation etc. An effort "should be made to get the information of drivers, conductors and cleaners of private vehicles in the district like trucks, buses, minibuses etc. with the help" of vehicle owners associations. Apart from other things, Information relating to Cell

"Phone numbers and Email Ids of all persons shall a1so be collected and stored in the database. The software for preparation of this database shall be developed by the Commission and be made available on the website of the Commission soon. The work of preparation of the database should be completed by the end of August 2013.

5.2. **Checking the enrolment status of persons in the database** — Information about enrolment status and EPIC numbers shall be collected in the database. Based on this information the DEO

should undertake a search in the elector database to find, whether any person is not enrolled at all, or enrolled at more than one place or enrolled at a place other than place of ordinary residence. This search should be. completed by end of September 2013.

5.3. **Correction in electoral roll entries** — Based on the search described above, if any correction in the enrollment in electoral roll becomes necessary, appropriate forms should be got filled from the persons concerned and corrections in electoral roll entries should be made after following statutory procedure. This activity will coincide with the summary revision of electoral rolls for the next year. After all corrections are made, all persons in the database should be enrolled at the place of their ordinary residence. They should be enrolled only once and all of them should have an EPIC. It should be made clear to all Government Employees by a circular sent to all Government Offices that enrolment at more than one place is an offence and that a person is entitled to be enrolled only at the plàce of his or her ordinary residence and not in the native village or town.

5.4. **Linking of database of persons likely to be used for elections with electoral roll database** — The database of persons likely to be used for elections prepared in the manner described above should then be linked with the electoral roll database on the basis of the EPIC number. This will be useful at the time of elections for filling on-line Form 12 for issue of Postal Ballot or Form 12A for issue of EDC.

5.5. **Information regarding Home District and posting history in the entire service** — Information regarding home" district and previous posting shall also be collected in the database of employees. This information will be useful fôr transfers of employees according to ţhe transfer policy of the Commission.

6. **On-line Applications in Form 12 and Form 12A** -Software for on-line applications in Form 12 and Form12A requesting Postal Ballot and EDC is being developed and will be released for use soon. This will simplify the task of collecting Form12 and Form12A.

7. **Issue of Postal Ballots and EDC and preparation of Marked Copy of the Electoral Roll** — Software for issue of EDC and Postal Ballots and automation of preparation of marked copy of electoral rolls is also being prepared and will be soon released. It is therefore recommended that arrangements for printing of Form 12 and Form 12A, printing of EDC and postal ballots and printing of marked copies of electoral roll in adequate number should be kept ready at the time of elections. For this purpose, a small cell with adequate number of computers, laser printers and Internet connection should be kept ready.

8. These instructions should be communicated to all concerned and strict monitoring should be done to ensure that all preparatory activities are carried out according to the deadlines given in this letter.

Yours faithfully,

(Ashish Chakrabortyj)
Secretary

INSTRUCTION Sl. No. 30

ELECTION URGENT BY
EMAIL/CAMP BAG

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.52/2014-SDR/ Dated : 7th March, 2014

To

The Chief Electoral Officers of
all States and Union Territories.

Subject:- Guidelines for issue of Election Duty Certificate — regarding.

Sir/Madam,

A very large numbers of persons are put on duty for the purpose of conduct of elections. These include persons in polling teams including Presiding Officers and Polling Officers, all Police personnel, Sector and Zonal Officers, Returning Officers, Assistant Returning Officers, District Election Officers and their staff, Micro-Observers, Assistant Expenditure Observers, drivers conductors and cleaners of vehicles used in elections etc. The Commission is keen that all persons appointed on election duties who are registered as electors and by reason of being on election duty are unable to vote at the assigned polling station are able to exercise their franchise as per law.

2. Under the provisions of rule 20 of the C.E. Rules, 1960, there are two ways in which franchise can be exercised by a person on election duty. If the person is on duty in the same constituency where he is enrolled as an elector, he is given "**Election Duty Certificate**" (EDC), which entitles him to cast his vote in another polling station of the same constituency where he is on election duty. 1f on the other hand, the person is on duty in some constituency other than the one in which he is enrolled as an elector, he is entitled to vote by **Postal Ballot (PB)**. Many Persons on election duty are not even aware that they are entitled to EDC or Postal Ballot.

3. During the general elections to the Legislative Assemblies of various States held in the past when only postal ballot option was made available to "voters on election duty" as officials are normally not assigned duty in the constituency where they are registered as electors, it posed a great challenge to properly manage various activities connected with issue of postal ballot papers, provide facility for casting of vote at the Facilitation Centre. handling of polled PBs received by post or dropped in person after the actual date of poll in the constituency, transmission of polled PBs to the respective ROs within the district as well as inter district etc. and again at the time of counting of votes. Certain other problems, such as, the officials not collecting the PB even after applying for the same, many persons not voting at the facilitation center after obtaining the PB, persons not enrolling at their ordinary place of residence but continuing to be enrolled in their native villages or towns where they are not living any longer, enrolling at more than one place etc. were encountered. Apart from this, some candidates asked for list of voters issued with PB, etc.

4. During the ensuing General Election to Lok Sabha 2014, polling staff would be primarily drawn from and posted within the parliamentary constituency itself, though they may not be deployed in their own

Assembly Constituencies. Therefore, most of the voters on election duty can vote by using EDC. Voting through EDC has following advantages -

a) No special arrangements have to be made to facilitate casting of ballot by employees who have been issued EDC;

b) No special monitoring of casting of ballots has to be made by the RO;

c) Allegations of violation of secrecy of ballot, and influencing or intimidation of voters, are avoided;

d) Complaints about issue of Postal Ballot even after the poll day are completely avoided;

e) No special arrangements have to be made to send polled Postal Ballot to the Returning Officer concerned for counting.

f) Time consumed in counting of postal ballot is saved.

5. In view of the above advantages of management of EDC over Postal Ballot, the Commission hereby directs that employees randomization software shall be made in such a manner that to the extent possible the polling staff is deployed in election duty in the same Parliamentary Constituency in which they are registered as voter but not in the same assembly segment where they are resident.

6. As per the provisions of sub-rule (2) of rule 20 of C.E. Rules 1961, if a voter on election duty, being a Polling Officer, Presiding Officer or other public servants on election duty in a constituency of which he is an elector, wishes to vote in person at an election in the constituency, he shall send an application in **FORM 12A** (Annexure-1) to the Returning Officer so as to reach him at least **4 days or such shorter period** as the RO may allow before the date of poll. The RO, after he is satisfied that the applicant is such public servant and voter on election duty in the constituency, shall issue an Election Duty Certificate in **FORM 12B** (Annexure-2) to authorise the voter on election duty to vote at any polling station in said constituency where he may be on duty on the date of poll.

7. The Election Duty Certificate in Form 12B shall be printed in adequate number either centrally by the CEO or the DEO, as may be convenient, and each such certificate shall be serially numbered with a unique serial number.

8. In the format of application for EDC in Form 12 A, there is column for mentioning the number and name of the polling station within the constituency where he is posted on election duty and also the S. No. & Part No. of the electoral roll in which his/her name is registered as an elector. While the details of the assembly constituency, Part No. of electoral roll, Sl. No. of the voter where his/her name is entered in the roll and EPIC number will be available in the employees database, the details of polling station where s/he is posted on election duty would be known only after the third round of randomization is done to assign specific polling station. Therefore, the details regarding the polling station where posted for duty need not be filled by the applicant. The rule also mandates that the letters "**EDC**" should be indicated in the "**marked copy of the electoral roll**" against the name of the person to whom EDC is issued to ensure that the same person is not allowed to vote at the polling station where he would otherwise have been entitled to vote. The voter on election duty can exercise his/her franchise **in person** on the basis of the EDC at the polling station where he is deployed on poll duty.

9. In the case of polling staff while issuing the appointment orders drafting them on election duty after first randomization, the copy of Form- I2A (either pre-filled generated from the employees database or blank Form where the database is not populated with electoral roll particulars) shall be sent to them.

10. In the case of police personnel who are also treated as voters on election duty, the SP or other competent officer will maintain a database of all police personnel in the district. In that database, the elector details, like, No. & Name of Assembly Constituency, Part No. & Sl. No. of electoral roll where name is registered as an elector shall also be populated. The SP shall prepare the deployment plan for the police officials in the district well in advance. At this stage the constituency where they are deployed on election duty would be known, whether within the constituency where registered as elector or in a different constituency. Those posted within the constituency will be eligible for voting on the basis of "EDC" and those posted outside the constituency will be eligible for voting through **Postal Ballot**. The SP shall appoint a Nodal Officer to coordinate all activities related to facilitating the exercise of franchise by pol ice personnel through postal ballot or EDC. Form l2A (for EDC) or Form 12 (for Postal Ballot) shall be provided by the SP or the nodal officer identified for this purpose to enable the police personnel to make application for EDC or PB, as the case may be. The SP or the nodal officer shall ensure that these applications in Form 12 and l2A with the electoral roll details duly entered and signed by the police personnel are sent to the concerned Returning Officer at least 7days before the date of poll so that **EDC or PB**, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

11. Similarly, in the case of drivers/conductors/cleaners and other persons appointed for specific election related duties also a Nodal Officer may be appointed. The enrolment details like No. & Name of Constituency, Part No. and Sl. No. of entry in the electoral roll of the persons so drafted for election duty shall be ascertained by the Nodal Officer and they shall be provided Form 12A (for EDC) if posted on election duty within the constituency of enrolment or Form 12 (for Postal Ballot) if posted in a different constituency to enable them to make application for EDC or PB, as the case may be. The nodal officer shall ensure that these applications in Form 12 and l2A with the electoral roll details duly entered and signed by the driver, conductor etc. drafted or election duty are sent to the concerned Returning Officer at least 7 days before the date of poll so that **EDC or PB**, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

12. **Marking of 'EDC' in the marked copies of electoral roll** should be done **as early as possible** after the officials would have submitted applications for EDC in Form l2A. The ROs may not insist upon the mentioning of P.S. No. in application in Form l2A. Preparation of marked copy of electoral roll should not be delayed till the stage of issue of EDC. Once Form 12A application is submitted, the officials concerned can only vote using the EDC (Form l2B) at the polling station where he is on duty or in a nearby polling station if he is not assigned any specific polling station.

13. Similarly, when an official is deployed on election duty in the capacity of Zonal Magistrate or Sector Officer in a parliamentary constituency where he is a voter, he should also be given EDC so that he can exercise his franchise in any one of the polling stations that comes under the zone/sector allotted to him.

14. The question whether particular polling personnel is deployed on election duty at a polling station or is in reserve will be known immediately after second randomization. At that stage, the total number of staff going to be deployed in polling stations inside the PC will be known.

15. In the case of the officials who would be eligible for EDC, they should be briefed about the EDC facilities at the first training. As mentioned above, a copy of the Form l2A should be sent to the officials requisitioned for election duty together with the duty order. The officials should be instructed to submit the same duly signed, when they come for the first training itself. In this Form l2A they need not mention the Sl. No. and name of P.S. where they are posted on election duty within the constituency in that Form as that would not be known before third randomization of polling personnel.

a) In case Form l2A is generated from the database then he should check the electoral roll details already printed and correct mistakes if any in the AC No. & Name, Part No. & SI. No. of electoral roll and EPIC number.

b) In case Form 12A is not generated, then he should fill up the details legibly. Those officials who do not know the part no. and serial no. of their entry in the electoral roll may be provided all necessary assistance to ascertain the same to enable the polling personnel to mention in Form- 1 2A the particulars relating to their electoral roll entries (SI No., Part No. of entries in the electoral roll). The copies of the electoral rolls will be kept in separate counters, assembly segment wise with sufficient number of staff to assist the election duty officials to locate their name in the roll.

c) The Form 12A should be submitted together with a copy of the duty order and photocopy of EPIC in order to ensure that no ineligible person is issued an EDC.

d) Applications in Form-12A, completed in other respects and duly signed by the polling personnel, would be collected at the first training class itself. These, again, should be collected assembly segment wise.

e) The DEO shall make arrangements to ensure that all applications received in Form 12-A are immediately forwarded to the concerned RO.

16. The RO shall prepare the Election Duty Certificate in respect of all personnel who have submitted duly signed application in Form l2A. This should be done well before the second training/facilitation so that the EDC can be delivered to the electors on the second training/facilitation day. While preparing the EDC, the Part No. should be suffixed after the serial No. of the elector in the space provided for this in the format of EDC, (like 415/25 i.e. SI. No.415 in Part No.25 of electoral roll).

l7. At this stage, proper account of the EDCs issued shall be maintained in a register. The names of the polling personnel issued with EDC and unique serial no. of the EDC should be entered in the register and the signature of the polling personnel obtained against that entry as and when EDC is issued to them. The Register shall be in the format enclosed herewith as Annexure-3.

18. The persons who after making application for EDC do not come to collect the EDC on the second day of training/facilitation may be asked to collect it from the RO/Officer-in-charge on a subsequent date as may be decided by the RO. Any leftover personnel can be given the EDC at the time of dispatch of polling party.

19. For the polling personnel kept as reserves, if they are deployed on duty in any polling station on the day of poll, they can cast vote using EDC in such polling station. For other staff on reserve who are not assigned to any particular polling station they can vote in any polling station located near the place where the reserve personnel are stationed.

20. At the polling stations, the Presiding Officers should brief the polling agents about the facility provided to the polling personnel to vote in that polling station using EDC. It may also be made clear to them that once EDC is issued they can vote only on the basis of EDC.

21. The Presiding Officer of a polling station shall take following action as per provision of rule 35A of C.E. Rules, 1961, whenever any polling staff presents EDC for casting of vote at that polling station :-

    a) Obtain the signature of the person producing the EDC on the EDC;

    b) Have the name and electoral roll details as mentioned in the EDC entered at the end of the marked copy of the electoral roll along with the particulars of electoral roll details;

    c) Each such entry should be serially numbered consecutively after the last serial number of entries in the relevant part of electoral roll.

    d) The EDC shall be retained by the first polling officer.

22. Thereafter, the person shall be allowed to vote by following the usual procedure. In the Form l7A (register of voters), in the column meant for serial number of elector in the electoral roll, the serial number, part number and the name of Assembly Segment of the EDC holder shall be mentioned. For example, if the EDC holder is enrolled at Sl. No. 415 in part No. 25 of Assembly Segment XYZ', the entries in column 2 of Form l7A in that case would be '415/25/XYZ'. In the remarks column of Form l7A, "EDC voter' shall be written.

23. The polling personnel using EDC facility should cast vote at the time when the polling agents are present in the polling station except in cases where no polling agent turns up. In the case of the reserve polling personnel, they should be advised to vote as soon as possible in the beginning itself, as they may be required later or to be shifted to different polling stations to meet emergent situations.

24. The Presiding Officer should note the total number of electors who voted on production of EDC against the relevant item in the PO Diary. In **Item** No.1 **of Form** 17C **(Part-I)** regarding the total number of electors assigned to the Polling Station, the figures of total number of electors as per the relevant part of the electoral roll plus electors who voted on production of EDC shall ;be indicated. The actual number of electors assigned as per the total number of electors in that part of electoral roll may be shown first followed by votes polled on production of EDC. For example, if the total no. of electors assigned to a polling station is 1 125 and 9 votes were cast on production of EDC, then in Form l7C it shall be shown as "1134 (1125 + **EDC 9**)".

25. The Presiding Officer shall keep all the EDCs produced in the polling station in a separate envelope mentioning thereon the No. & name of the polling station and the total number of EDCs inside the envelope. This envelope shall be sealed and returned along with the other election material.

26. In the collection center, all the envelopes containing EDCs should be kept separately and these envelopes should later be stored in a separate trunk. In the event of any repoll in any polling station, the electors who voted in that polling station on the basis of the EDC shall be issued a fresh EDC to enable them to exercise their franchise during the repoll at the concerned polling station. In case any person cast vote by EDC in the polling station going to repoll his details can be known by opening the envelope in which the EDCs used at that polling station are kept.

27. The DEO will be responsible for proper coordination of the whole activities.

28. In the States of Mizoram, Nagaland & UTs of A & N Islands, Chandigarh, Daman & Din, D & N Haveli, Lakshadweep and Puducherry having only one parliamentary constituency, every category of voters on election duty will be issued EDC only.

29. In the States of Andhra Pradesh, Odisha and Sikkim where simultaneous election will be held for Lok Sabha and Legislative Assembly all voters on election duty viz. polling personnel/police personnel/Drivers, cleaners, videographers and all other category of voters on election duty will be issued only Postal Ballot Paper as otherwise as per the existing randomization norm of posting within PC but outside AC they will get one EDC for PC and PB for AC.

30. The above instructions may be brought to the notice of all concerned for implementation without any deviation.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Annexure--1

FORM 12A

[See rule 20(2)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To,

The Returning Officer,

Assembly	constituency
Parliamentary	

Sir,

I intend to cast my vote in person at the ensuing election to the Legislative Assembly/ House of the People from the constituency.

I have been posted on election duty within the constituency at ..... (No. and name of the polling station) but my name is entered at

Serial No..... Part No.....of the electoral rolls for. assembly constituency comprised within ..... Parliamentary constituency.

I request that an Election Duty Certificate in Form 12B may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address:-

Place..... Yours faithfully

Date..... (signature)

Name in full

Note: ***Please attach a*** copy ***of the*** appointment order/EPIC or Service ID with photograph

Annexure--2

FORM 12B

[See rule 20(2) and 35A]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To,

The Returning Officer,

No.....

Certified that ..... is an elector in the .....Assembly / Parliamentary constituency, his electoral roll number being ..... That by reason of his being on electlon duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorized to vote at any polling station in the said constituency where he may be on duty on the date of poll.

Place.....

(signature)

Returning Officer

SEAL

Annexure--3

REGISTER OF ACCOUNT OF "EDCs" ISSUED

No. & Name of the PC/AC: .....

No.& Name of Assembly Segment :.....

(in the case of PC) : .....

Running Sl. No.	Unique Sl. No. of "EDC"	Name of voter on election duty	Sl. No./ Part No. of electoral roll in which registered	Signature
1				
2				
3				
4				
5				
6				
		PAGE 2		
7				
8				
9				
12				

Total No. of electors issued EDC ..... (in number)

.....(in words)

(Signature)

RO/ARO/Nodal Officer

INSTRUCTION Sl. No. 31

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2015/SDR Dated: 16th March, 2015

To

The Chief Electoral Officers
Of all States and Uts.

Sub: Printing of ballot papers-photograph of candidate to be also printed along with the other particulars.

Madam/Sir,

Under Rule 49B of the conduct of Elections Rules, 1961, the ballot paper to be displayed on the balloting unit of the EVM shall contain such particulars as the Commission may specify. Similarly, Rules 22 and 30 provide, inter alia, that the particulars on the postal ballot paper and ordinary baliot paper shall be as specified by the Commission.

2. In terms of the abovementioned Rules 22, 30 and 49B, the Commission has specified the particulars to be printed on the ballot paper to be displayed on the balloting unit and the postal ballot paper. The particulars so specified at present are the serial numbers for the candidates, names of candidates and the election symbol allotted to each candidate and a panel for 'None of the Above' after the name of the last candidate. The existing directions which apart from the particulars to be printed, also contain specifications on other aspects such as, size of the baliot paper, size of panels, number of columns, etc, have been given in the Handbook for the Returning Officers.

3. The Commission has noted that there are many cases where candidates with same or similar names contest from the same constituency. Although appropriate suffixes are added to the manes of candidates in the event of two or more candidates having same name, the Commission considers that additional measures are required for removing confusion in the minds of electors at the time of voting. There is also a writ petition on this very subject pending before the Hon'ble Supreme Court [WP (C) No. 541 of 2014-Akash Gahlot Vs. Election Commission of India & another].

4. Having considered all aspects of the matter, the Commission in partial modification of its existing directions under Rule 22, Rule 30 and Rule 49B of the Conduct of Elections Rules, 1961 Hereby specifies that for elections to be held from 1st May, 2015 onwards, the postal ballot papers, the ordinary ballot papers and the ballot papers to be displayed on the balloting unit of EVM Shall, in addition to the particulars as per the Existing directions, also Contain the photograph of the candidate. The photograph of the candidate shall be printed in the panel for the name of the candidate and shall appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph printed on the ballot paper shall be 2 cm X2.5 cm. (tow cm. in breadth and 2.5 cm. in hight). A sample ballot paper for election to Lok Sabha is enclosed for reference (Annexure-1)

5. The above direction for printing of photograph of candidate on the ballot paper shall also apply in relation to elections by Assembly members and elections from Council constituencies. In respect of the said elections, the directions are in exercise of powers under Rule 30 as made applicable to these elections by Rule 70 of the said Rules.

6. The specifications for the photograph are as follows:

   (i) Candidates are required to submit their recent photograph (taken during the preceding period of 3 Months before the date of notification).

   (ii) Photograph should be of stamp size 2 cmX 2.5 Cm.(tow 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 also to be avoided.

7. The Candidates at every election shall be required to submit their photograph Conforming to the above requirements/specifications along with their nomination papers and in any case, latest by th date fixed for scrutiny of nominations. The photograph should bear the signature of the candidate/election agent on the reverse side of the photograph. 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. A printed format for the declaration as annexed (annexure-2) to this letter shall be kept with the RO/ARO for this purpose.

8. When the nomination is field, if the photograph of the candidate is not submitted, the RO shall give a notice asking the candidate to submit the photograph latest by the date of scrutiny of nomination. In the same Notice, it shall also be added that if the photograph is not submitted, his/her photograph will not be printed on the ballot paper. If any candidate still fails or refuses to give his photograph, that candidate will not have his photograph printed on the ballot paper. It may be added that non-submission of the photograph by the candidate shall NOT be a ground for rejection of the nomination of the candidate.

9. The Returning Officer shall display a list of validly nominated candidates with the photographs of the candidates against their names on the day following the date fixed for scrutiny of nominations. The Returning Officer shall inform the candidates at the time of scrutiny that the photographs to be printed on ballot paper will be displayed on his notice board on the next day (time may also be specified). If there is any error in the photograph or other particulars, the candidates/others will get on opportunity to point out the same to the Returning Officer for rectifying the error.

10 These directions may be brought to the notice of all DEOs, ROs and other election authorities in the State/ UT. These may also be brought to the notice of all political parties based in your State, including the State Units of recognized parties. A press release may also be given for wider dissemination of the directions.

11. Please note that as mentioned in paragraph 4 above, these directions shall be applicable for elections to be held from 01-05-2015.

11. Please acknowledge receipt.

Yours faithfully,

(K.F. WILFRED)

PRINCIPAL SECRETARY

INSTRUCTION Sl. No. 32

By Speed Post/E- Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2015/SDR Dated: 19th January, 2016

To

The Chief Electoral Officers
of all States/UTs.

Sub: - Printing of ballot papers-photograph of candidate to be also printed along with the other particulars-reg.

Sir,

I am directed to invite reference to the Commission's letter of even number dated 16th March, 2015 on the subject cited above. In paragraph 8 of the said letter it has been directed that if the photograph of the candidate is not submitted alongwith nomination paper, the RO shall give a notice asking the candidate to submit the photograph latest by the date of scrutiny of nomination.

There have been some suggestions that a format for this notice to be given, as referred to above, should also be prescribed by the Commission. Accordingly, the Commission has now prescribed a standard format for such notice. Copy of the format approved for this purpose is enclosed.

This may be brought to the notice of all DEOs, ROs and other authorities concerned for compliance to all future election. The political parties based in the States may also be informed.

Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)
Under Secretary

INSTRUCTION Sl. No. 33

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2018/SDR Dated: 24th April, 2018

To

The Chief Electoral Officer of Karnataka,
Bengaluru

Sub: - Printing photograph of candidates on ballot paper-reg.

Sir,

As per the existing instructions of the Commission, photograph of candidates are required to be printed on ballot paper. Reference is invited to the Commission's letter No. 576/3/2015/SDR dated 16.03.2015...fhotographs are also to be printed on the list of contesting candidates.

2. The Commission has directed that special care should be taken to ensure that the photographs are printed against the correct names and that there is no mismatch in this regard. For this purpose, the ARO/ Official entrusted with the responsibility of verification of particulars on the ballot paper should also meticulously verify the photographs of candidates printed thereon and certify that they have been printed correctly.

3. These instructions may be brought to the notice of all Returning Officers for compliance so that there is no case of wrong printing of photographs on ballot papers.

Yours faithfully,

(K.F. WILFRED)
Sr. PRINCIPAL SECRETARY

INSTRUCTION Sl. No. 34

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.576/3/2019/SDR-Vol-III Dated:19th March, 2019

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: Printing of photograph of candidate on ballot paper.

Sir/Madam,

Please refer to the Commission's letter No. 576/3/2015/SDR-Vol.II dated 21st May, 2015, and the direction enclosed therewith regarding printing of photograph of candidates on the ballot paper to be inserted on the balloting unit and on postal ballot papers. As per the instruction in the said letter, candidates are required to submit a recent stamp size photograph for printing on the ballot paper. If a candidate does not submit photograph for the purpose of printing on ballot paper, the current instructions provide that the candidate should be issued a reminder to submit the same while also informing the candidate that if he/she fails to submit photograph even after reminder, his/her photograph will not be printed on the ballot paper.

2. The format of nomination (from-2A, 2B etc.) have since been amended and there is a box now provided in the nomination form itself for the candidates to affix their recent photograph. Further photograph is also required to be affixed on the affidavit in Form-26. Therefore, photograph on the nomination paper itself can be used for printing of photograph on the ballot paper.

3. The Commission has considered the matter in the light of the subsequent amendments in nomination form. It has been decided that henceforth, the candidates shall be asked to submit and additional photograph along with the photograph affixed on the nomination paper. The two photographs should be identical and should be as per the specifications given in the Commission's direction dated 21st May, 2015, referred to above. Further, it is also directed that if a candidate does not submit additional copy of photograph for printing on the ballot paper, the photograph already affixed on the nomination paper shall be used for printing on the ballot paper.

4. The above instructions should be brought to the notice of all returning officers and also be communicated to all political parties.

Yours faithfully,

(K.F. WILFRED)
Sr. PRINCIPAL

INSTRUCTION Sl. No. 35

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.470/2019/SDR/Vol.I Dated: 4th May, 2019

To

The Chief Electoral Officers of
All States and Union Territories

Sub: Lok Sabha General Election, 2019-counting of postal ballots of service voters transmitted through ETPBS- infrastructure and advance planning-regarding.

Sir/Madam,

Postal ballot papers for service voters are transmitted electronically from RO to the Record Office/ Unit Office through ETPBS. Such postal ballots, after marking vote, are returned to the respective Returning Officer through postal service. All the ballot papers that reached the Returning Officer by the hour fixed for commencement of counting are to be taken up for counting.

2. In the case of postal ballots sent through ETPBS, at the time of counting of votes, certain additional measures by way of reading the QR Codes on the labels affixed on the envelopes (Form 13C and 13B) and on the declaration by electors (Form 13A) have been put in place in order to confirm their genuineness. This exercise has to be carried out first before these ballot papers are taken up for counting. The past experience shows that, on an average, about one minute will be required for QR Code Reading of the documents in respect of one envelope. This would mean that if 300 envelopes are assigned to one table/team for QR Code Reading work, the exercise may take up to 5 hours to complete. Therefore, it is imperative that Returning Officers should make an assessment of the estimated number of ETPBs that are likely to come back in time, and accordingly, carry out advance planning about the number of tables and teams that would be required for completing the QR Code Reading without undue delay. Purchasing the QR Code Readers should also be completed well in advance and the Readers should be tested for error-free functioning. While estimating the time that may be taken for the pre-counting exercise of QR code reading and planning the no. of teams for QR code reading, Returning Officers should take into account the total time likely to be taking for EVM counting, including the time taken to complete the mandatory VVPAT counting of 5 polling stations per Assembly Constituency. The planning should be for making arrangements in such a way that the initial QR code verification and subsequent counting of Postal Ballots are all managed so that the whole work is completed without delaying the overall process of counting.

3. QR code reading work may be done in a separate hall. However, this should be close/adjacent to the main counting hall. Suitable seating arrangements for one agent for each candidate may also be made within the room for them to watch the process of QR code reading.

4. When multiple tables and teams are provided for QR Code Reading work, each team will be given a separate login credentials which will enable to trace the envelopes and documents read by that team. Each team should comprise a Supervisor and an Assistant with a QR Code Reader. One ARO should be assigned to supervise a maximum of ten QR Code Reading teams. The SOP for QR Code Reading is given in Annexure-1. After reading the QR Codes on the outer envelope and the documents (declaration in Form-13A and the envelope in Form 13B containing the postal ballot paper), all these papers shall be placed

back in the bigger envelope. After completing the QR Code reading for all envelopes, the set of envelopes to be taken up for counting will be assigned to the counting tables for the postal ballot paper. Further course of action for counting will be as per the provisions of Rule 54A of the Conduct of Elections Rules, 1961 and the Commission's instructions on the subject.

4. These instructions should be communicated to all District Election Officers and Returning Officers with instructions to make advance planning as per the requirement of the individual constituencies.

5. Please acknowledge receipt and confirm action being taken.

Yours faithfully,

(K.F. WILFRED)
Sr. PRINCIPAL SECRETARY

SOP for Counting of Service Voters using ETPBS

Note: Scanning of QR Codes should be done in sequence without fail. Form 13-C should be scanned first, followed by both the QR Code on Form 13-A and then Form 13-B of the same postal ballot. Sequence of QR Code scanning should not be change under any circumstances.

Step 1: The Outer covers (Form 13-C) which is having QR Code on lower right hand side, it will be read by the QR Code Reader and necessary valid checks will be performed for possible duplicates and verification of the service voter. A unique serial number will be provided by the computer. This serial number will also be manually marked by RO on the envelope being verified.

Step 2: If no duplicate and correct verification is found, then only outer envelope (Form 13-C) will be open.

Step 3: Open the outer cover (Form 13-C) and take out the two documents which are required to be found inside. The first one is declaration (Form 13-A) and the second one is inner cover (Form 13-B) containing the postal ballot paper.

Step 4: RO should take out the declaration from Outer Envelope, Form 13-A and the inner cover in Form 13-B.

Step 5: Now scan two QR Codes on Form 13-A one by one and after that scan the QR Code which is on lower right side on Form 13-B.

Step 6: Note down the Sl. No. generated in all the above Covers.

Step 7: If the QR Code reading does not raise any anomaly, keep Form 13B envelope and the Declaration back in Form 13C envelope and keep the envelope in a tray meant for valid Envelopes to be taken up for counting. If the QR Code reading indicates any discrepancy such as the documents not being genuine or multiple copies of the document have been received, such envelopes shall be kept in a separate tray meant for rejected envelopes.

In the case of rejection of envelope/documents on QR code reading, the ARO in-charge of the team should see and satisfy himself about the discrepancy shown in QR code reading that results in rejection.

INSTRUCTION Sl. No. 36

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.470/2019/SDR/Vol.I Dated: 20th May, 2019

To

The Chief Electoral Officers of
All States and Union Territories

Sub: Lok Sabha General Election, 2019-counting of postal ballots of service voters transmitted through ETPBS- infrastructure and advance planning-regarding.

Sir/Madam,

In Continuation of the Commission's letters No.470/2019/SDR/Vol.I dated 04th May, 2019, I am directed to state that doubts have been raised during the training sessions provided to the Returning Officers for counting of votes regarding scanning of QR code of the ballot papers.

2. It is hereby clarified that QR code of the postal ballot paper is not required to be scanned during the counting of the ETPBS. QR code scanning will be for the code on Form 13C Label (outer envelope), QR codes on declaration (13A) and on the inner envelope (Form 13B).

3. This instruction should be immediately communicated to all Election Observers appointed in your State/ UT, District Election Officers and Returning Officers.

4. Please acknowledge receipt and confirm action being taken.

Yours faithfully,

(Binod Kumar)
Under Secretary

INSTRUCTION Sl. No. 37

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2019/SDR Dated: 23rd May, 2019

To

The Chief Electoral officer of
All States and Union Territories.

Subject: Counting of ETPBs – Problems in QR Code reading – regarding

Sir,

As per the instructions on counting of ETPBs, there is a pre-counting QR Code Reading for verification of the authenticity and to rule out duplicates. It is reported that problems are encountered in some places in QR Code reading for various reasons including network problems

It is informed that wherever QR Code reading is not working for any reason, verification shall be done manually be following the steps explained below:

(i) Open the outer cover in Form 13C and take out the declaration (Form 13A) and the smaller envelope(Form 13B),

(ii) Form 13A containing declaration of elector and attestation should be verified for its correctness to ensure that the same is in order.

(iii) Compare 40 digit alpha numeric code printed on Form 13A and 13B to confirm that both completely match.

(iv) All such Form 13A and 13B should be verified for uniqueness on the above 40 digit alpha numeric code. If two or more Form 13A and 13B covers bear the same name, the alpha numeric code shall be checked to confirm whether it is a case of duplicate. If found to be duplicate both the set shall be rejected as invalid.

(v) Again, while taking out the ballot paper for counting, the 40 digit code printed on the inner envelope (Form 13B) shall be matched with the 40 digit code on the ballot paper. The ballot papers found matching in this respect will be counted.

The above clarification may be brought to the notice of the R.Os urgently.

Yours faithfully

(K.F. Wilfred)
Sr. Principal Secretary

INSTRUCTION Sl. No. 38

Speed Post/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/4/2019/SDR/Vol.-IV Dated: 15th January, 2020

To

The Chief Electoral Officers of
all States and Union Territories.

Sub: Postal ballot voting facility for "Absentee Voters" to vote through postal ballot-Amendment in the Rules- regarding.

Sir,

I am directed to refer to state that on the proposal of the Commission, the Law Ministry vide Notification S.O. no. 3786(E) dated 22nd October, 2019 (copy enclosed) and corrigendum, has amended Part IIIA of the Conduct of Elections Rules, 1961 to provide option of Postal ballot voting to the 'Absentee Voters', i.e. those electors an essential services and are not able to be present in polling station on the day of poll on account of demands of their duties, senior citizens (80 plus years) and persons with disabilities (PwD) already flagged in the rolls, as may be notified by the Commission under Section 60(c) of Representation of People Act 1951. For availing the facility, such electors have to submit application, in newly inserted Form 12D, to the Returning Officer within 5 days after the date of notification of election.

A corrigendum dated 19th November, 2019 (copy enclosed) rectifying some printing errors in the above said Notification dated 22nd October, 2019 is also enclosed herewith.

Instructions and Guidelines in this regard will be issued separately

This may be informed to all ROs/AROs, all concerned election officials and Political Parties based in your state.

Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)
Secretary

INSTRUCTION Sl. No. 39

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 576/3/2023/SDR Dated: 7th July, 2023

To

The Chief Electoral Officers
of all States and Union Territories.

Sub: Provision for "None of the above" option on the EVM/Ballot Paper-Instructions.

Ref:

22. No. 576/3/2013/SDR dated 11th October, 2013
23. No. 576/3/2013/SDR dated 07th December, 2013
24. No. 576/3/2013/SDR-Vol.II dated 24th January, 2014
25. No. 576/3/2014/SDR-Vol.II dated 27th February, 2014
26. No. 576/3/2014/SDR-Vol.II dated 18th March, 2014
27. No. 576/3/2014/SDR/Vol.II dated 26th August, 2015
28. No. 576/3/2014/SDR-Vol.II dated 18th September, 2015, and
29. No. 576/3/2018/SDR-Vol.III dated 11th September, 2018

Sir/Madam,

In supersession of Commission's existing instructions issued from time to time on provision for "None of the above" option in the EVM/Ballot Paper, the consolidated instructions are being issued as below:

A. NOTA option on the EVM/Ballot Paper in elections to House of the People and State Legislative Assembly

1. The Hon'ble Supreme Court, in its judgment dated 27th September, 2013, in Writ Petition (C) No. 161 of 2004 (People's Union for Civil Liberties & Anr. Vs Union of India & Anr), has directed that the Commission should make necessary provision in the ballot papers/ EVMs for "None of the Above (NOTA)" option 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 copy of the operative part of the judgment is enclosed at **Annexure-1**.

2. Accordingly, the Commission has issued the following directions:-

   (i) After the last panel containing the name and particulars of the contesting candidates on the postal ballot paper and the ballot papers to be affixed on the Balloting Unit of the EVM, there shall be a panel below, with the words "None of the Above" written therein, for the benefit of those electors who may wish to exercise the option of not voting for any of the candidates in the fray. These words shall be written in the same language or languages as used in the case of names of candidates. The Hindi version for "None of the above" approved by the Commission is "इनमें से कोई नहीं". The Commission has directed that the version in the

regional language(s) in your State for "None of the Above" to be printed on the ballot paper should be as per the said Hindi version. The size of the panel shall be the same as in the case of the candidates.

(ii) In Part II (Result of Counting) of Form 17C, after the name and votes for the last candidate, the votes recorded against "None of the Above" shall also be mentioned in column 2 and 3. The total votes to be indicated in this Part shall also include the votes against "None of the Above".

(iii) In Form 20 (Final Result Sheet), in the last but one column of the table in Part-I, the number of votes recorded against "None of the Above" option shall also be mentioned for each polling station and the total votes for NOTA option for all polling stations shall be mentioned at the bottom of the table. Similarly, in Part II of Form 20 also, the number of votes recorded against "None of the Above" option for each Assembly segment shall be mentioned.

(iv) In Form 21E (Return of Election), after the name and number of votes in respect of the last candidate, the Number of votes against "None of the Above" shall be mentioned.

(v) A sample of each of the postal ballot paper and ballot paper to be affixed on the balloting unit, Form 17C Part-II, Form 20 and Form 21E are enclosed for guidance (**Annexure-2 collectively**).

3. The Presiding Officers and Polling Officers should be told that where ballot papers are used for taking poll, the ballot papers returned as "spoilt" under rule 41(1) shall continue to be kept and sealed in a separate packet.

4. It is also clarified that NOTA has the same effect as not voting for any candidate under the earlier provisions of rule 49-O. Therefore, even if, in any extreme case, the number of votes against NOTA is more than the number of votes secured by the candidates, the candidate who secures the largest number of votes among the contesting candidates shall be declared to be elected as per the provisions of rule 64.

5. Further, under Section 158 of the Representation of the People Act, 1951, it is the total number of valid votes polled by all the contesting candidates that is to be taken into account for calculating the one-sixth of votes polled by individual candidates for return of security deposit. As the votes polled against the NOTA option cannot be treated as valid votes, the same 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.

B. Symbol of NOTA

1. The Commission has specified the symbol printed below for "None of the Above" option. The same shall be printed on the ballot paper against "None of the Above" in the column meant for printing of election symbol. The entries will appear on the ballot paper as shown below: -

(Sr. No.)

.....

.....

.....

.....

(Sr. No.) None of the Above



2. The design of the symbol for NOTA may be obtained from M/s ideal Cottage, Ideal Cottage Industries, Chandpole Bazar, Jaipur-302001, Rajasthan or M/s Times Engineering, 14, S.L.V. complex, Srinivasa Mandira Road, Balapet Cross, Bangalore-560053 (Email- timesengineering19@gmail.com)

C. Provision for "None of the above" option not applicable in elections to Rajya Sabha and State Legislative Council

1. The Hon'ble Supreme Court in WP (C) no. 631 of 2017 (Shailesh Manubhai Parmar Vs. ECI & Ors.) vide its decision dated 21.08.2018, it has been held that NOTA should be provided only in direct elections (i.e. elections to Lok Sabha/Legeslative Assembly) and None of the Above (NOTA) option should not be made applicable for elections to Council of States and Legislative Councils.

2. The above instructions shall be informed to the District Election Officers, Returning Officers, Assistant Returning Officers of all Parliamentary and Assembly Constituencies in the State/ Union Territory for their strict compliance. This may also be brought to the notice of all political parties based in your State, including the State units of National and State recognized political parties.

3. Kindly acknowledge receipt of the letter.

Yours faithfully,

(S.B. JOSHI)
PRINCIPAL SECRETARY

STANDARD DISTRIBUTION

INSTRUCTION Sl. No. 40

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2023/SDR-Vol.II Dated: 20th August, 2023

To

The Secretary
Department of Posts,
Ministry of Communications and IT,
Dak Bhawan,
New Delhi-110001

Subject: Booking of Electronically Transmitted Postal Ballot for all general and bye elections – regarding.

Sir/Madam,

I am directed to state that the Election Commission has provided the facility of one way transmission of postal ballot papers which reaches electronically to the service voters for casting of their votes.

2. In this system, as you are aware, the Returning Officer concerned has to transmit the postal ballot papers to the service voters electronically through the Record Officers/Unit Officers designated in this regard. It may be stated here that Service Voters are the electors belonging to members of the Armed Forces, Para Military Forces etc. and persons who are employed under the Government of India on a post outside India. After recording of votes on postal ballot paper, the service voters are required to send it to the Returning Officer concerned by post. For ensuring timely delivery to the Returning Officer, the Commission has decided that the return of the envelopes containing postal ballot will be by 'Speed Post'.

3. The Service Voters are not required to bear the cost of postal service for this purpose. The postage expenses will be borne by the election machinery at the State/District Level.

4. For smooth management of the system, you are requested to issue the following instructions to all Post Offices regarding receiving and delivering of envelopes containing postal ballot:-

(i) The Post Office will book the speed post without taking any charges during the booking and the applicable postage charges will be paid by the Chief Electoral officer of the State concerned.

(ii) The "customer id" provided by the Department of Post for Election Commission of India and bar code, has already been printed on Form 13-C. The Department of Post will ensure that booking of envelope containing ETPB should be made by scanning this bar code and without taking any charges from the service voter.

(iii) The Department of Posts will also ensure that all postal ballots are trackable and are delivered to the respective Returning officer of the Constituency concerned on top priority basis. It is pointed out that postal ballots including ETPBs delivered after stipulated time and date of commencement

of counting of votes are not taken up for counting, therefore it should be ensured that delivery of Postal ballots is not delayed.

(iv) ETPB booked upto a day prior to counting of votes may be accepted for delivery to the Returning Officers.

Kindly acknowledge receipt.

Yours faithfully,

(S.B. JOSHI)
PRINCIPAL SECRETARY

Copy to:- All Chief Elector Officers of States/ UTs.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

No. 52/2023/SDR-Vol.II Dated: 4th September, 2023

To

The Secretary
Department of Posts,
Ministry of Communications and IT,
Dak Bhawan,
New Delhi-110001

Subject: Bye-elections to7 Legislative Assembly Constituencies of Jharkhand, Tripura, Kerala. West Bengal, Uttar Pradesh and Uttarakhand– Instructions of delivery of Electronically Transmitted Postal Ballot System (ETPBS) through Speed Post-regarding.

Sir,

I am directed to refer Commission's letter of even no. dated 20th August, 2023(copy enclosed) regarding booking of Electronically Transmitted Postal Ballots whereby it was communicated that the Service Voters are not required to bear the cost of postal service for this purpose. The postage expenses will be borne by the election machinery at the State/District Level. The postal department will book the speed post by using the 'customer id' provided by the Department of Post for election Commission of India and bar code, has already been printed on Form-13C.

2. The Commission vide Press Note No.ECI/PN/47/2023 dated 08.08.2023 has announced **the bye elections to the 33-Dumri Assembly Constituency of Jharkhand, 98-Puthuppally Assembly Constituency of Kerala, 20-Boxanagar and 23-Dhanpur Assembly Constituencies of Tripura, 15-Dhupguri(SC) Assembly Constituency of West Bengal, 354-Ghosi Assembly Constituency of Uttar Pradesh and 47-Bageshwar(SC) Assembly Constituency of Uttarakhand**.

3. In view of the above, you are requested to issue the following instructions to all Post Offices regarding receiving and delivering of envelopes containing postal ballot:-

(i) Postal ballots delivered after stipulated time and date of counting of ballot papers i.e. after 8A.M on 08-059-2023 will not be counted, therefore it should be ensured that delivery of Postal ballots is not delayed.

(ii) ETPBS booked upto07-09-2023 may be accepted for delivery to the Returning Officers, as counting of votes is scheduled for 08-09-2023 from 8.00A.M.

Yours faithfully,

(S.B. JOSHI)
PRINCIPAL. SECRETARY

INSTRUCTION Sl. No. 41

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2023/SDR/Vol.IV Dated: 18th October, 2023

To

The Joint Secretary (Administration),
Ministry of Defence, Govt. of India.

Subject: Modified Guidelines relating to Procurement of Envelopes by Record Officer of Service Voters instead of Chief Electoral Officer in Assembly and Parliamentary Elections- regarding.

Ma'am/Sir,

As you are aware that in order to exercise the right to franchise by the Service Voters the postal ballot paper (ETPB), in an election, is transmitted electronically by the Returning Officer to the Service Voter through Record Officer/Unit Officer.

2. Further, Rule 23 and Rule 27E of the Conduct of Elections Rules, 1961 provide that the following documents shall be issued/transmitted together with the postal ballot to the service voter:

(i) Form 13A-Declaration by Elector,

(ii) Form 13B- Cover A (Inner Envelope),

(iii) Form l3C-Cover B (Outer Envelope),

(iv) Form l3D- Instructions for the Guidance of Elector.

3. The Service Voter, after marking his choice put the ETPB in the inner envelope (Form 13B) and seal the envelope. Thereafter, he after signing the declaration in Form 13A and getting it attested by the attesting officer put both of them (inner envelope and Form 13A) in the outer envelope and seal it. Thereafter it is dispatched through speed post for the return journey of the ETPB to the Returning Officer. The envelopes are separately forwarded by the Chief Electoral Officers to the Record Officers directly for using them by the Service Voters.

4. I**t is also informed that the labels for Form 13B and Form 13C which contain particulars like name of the constituency and address of the Returning Officer are sent electronically**. These are downloaded and then required to be cut from the perforated line and to be pasted on the respective envelopes by the Service Voter.

5. In this regard, it is stated that during last meeting with the Nodal Officers the matter regarding providing envelopes to service voters by the respective establishments instead of by the Chief Electoral Officers was thoroughly discussed. In view of inputs received in the meeting, the Commission has decided that from now onwards (ongoing elections and future elections) **the envelopes will not be forwarded by the CEOs to the Record Officers instead the Record Officer/Unit Officer/Commandant or any other competent authority, as the case may be, shall procure the envelopes and provide them for use by Service Voters**.

6. The envelopes should be plain and of white colour. The dimensions of the said two envelopes are

mentioned as under: -

(i) Inner envelope (Form 13B) – 4″ x 9″

(ii) Outer envelope (Form 13C) – 4.75″ x 11″

7. Further, the Service voters are not required to bear the cost of postal service for return of ETPB to the Returning Officer. The postage expenses will be borne by the election machinery at the State/ District level and booking of envelope will be made by scanning the QR code provided on the outer envelope. Commission's instruction dated 20.08.2023 is enclosed for ready reference.

8. The above instructions may be brought to the notice of the Record Officer/Unit Officer/Commandment/ Competent Authority of the Forces for immediate necessary action.

9. All CEOs are requested to give due publicity about the change of procedure.

Kindly acknowledge receipt.

Yours faithfully,

(S. B. JOSHI)
Principal Secretary

Copy to:

1. The Nodal Officers of all wings of Armed Forces, Para Military Forces.
2. The Chief Electoral Officers of all States and UTs.

INSTRUCTION Sl. No. 42

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2023/SDR/Vol.IV Dated: 31st October, 2023

To

The Chief Electoral Officers of
All States and Union Territories

Subject: Guidelines on Postal Ballot Papers in a General/Bye Election to the House of the People, Legislative Assemblies of the States/ UTs - regarding.

Reference:

1. Letter No. 52/2008/J.S.II dated 21.10.2008
2. Letter No. 52/2009/SDR (JS-II), dated 25.03.2009.
3. Letter No. 52/2012/SDR, dated 13.08.2012.
4. Letter No. 52/2012/SDR, dated 16.10.2012.
5. Letter No. 52/2012/SDR, dated 01.11.2012.
6. Letter No. 52/2014-SDR/, dated 07.03.2014.
7. Letter No. 52/2014-SDR-Vol. I, dated 09.04.2014.
8. Letter No. 576/3/2015/ SDR/ Vol. II, dated 21.05.2015.
9. Letter No. 52/2015/SDR-Vol. I, dated 18.09.2015.
10. Letter No. 52/2016/SDR-Vol.I dated 24.02.2016.
11. Letter No. 52/ECI/LET/FUNC/JUD/SDR/2016 dated 04.10.2016.
12. Letter No. 576/3/ECI/LET/FUNC/JUD/SDR/2016 dated 13.10.2016.
13. Letter No. 52/ER/ECI/LET/JUD/SDR/VOL.I/2014, dated 20.01.2017.
14. Letter No. 52/ECI/LET/JUD/SDR/2017/VOL-I, dated 22.02.2017.
15. Letter No. 52/LET/ECI/FUNC/JUD/SDR/2018-Vol.I dated 15.02.2018.
16. Letter No. 52/LET/ECI/FUNC/JUD/SDR/2018-Vol.II dated 09.08.2018.
17. Letter No. 52/2019/SDR - Vol.III, dated 08.03.2019.
18. Letter No. 52/2020/SDR/Vol.I, dated 03.10.2020.
19. Letter No. 52/2021/SDR/VOL.I, dated 02.02.2021.
20. Letter No. 52/2021/SDR/VOL.I, dated 08.03.2021, and
21. Letter No. 52/2021/SDR/VOL.I, dated 17.03.2021.

Madam/Sir,

I am directed to state that Section 60 of the Representation of the People Act, 1951 specifies the special procedure for voting by postal ballot by certain classes of persons. It provides that provision for postal ballot may be made by the rules under the Act. Accordingly, a complete legal framework has been put in place in Rules 17 to 27L of the Conduct of Elections Rules, 1961.

2. For smooth functioning of postal ballot system defined under Section 60 and Rules referred to above, the Commission has been issuing detailed instructions from time to time for voting by postal ballot by each of the categories of voters mentioned therein. These instructions have been modified and refined at various occasions. For giving clarity to various aspects of postal ballot system, exhaustive instructions consolidating all the instructions on the subject listed above are hereby issued in supersession of the existing instructions –

I. General Instructions:

3. **Rule position:** As mentioned above, all the relevant rules relating to the process of postal ballot system, persons entitled to vote by post, Form of ballot paper and envelopes, process of recording of vote, etc. are given in Rule 17 to Rule 27L contained in PART-III and PART-IIIA of the Conduct of Elections Rules, 1961. The concept of 'postal ballot' has evolved into an important mode of voting for the voters who are not able to physically vote at polling station, due to various reasons. In 2016, an amendment was made in Rule 23, to make a provision for one-way online transmission of postal ballot for Service Voters. Similarly, in 2019 category of 'Absentee Voters' was introduced by modifying Rule 18. A new class of voter, i.e., 'COVID 19 suspect or affect persons' was added to 'Absentee Voter', defined in Rule 27A, by a further amendment to the rules in June, 2020. This year, with insertion of Rule 18A for a Voter on Election Duty, voting at facilitation centre has been made mandatory.

4. **Categories of voters entitled to vote by postal ballot:** As per Rule 18, the following classes of persons are entitled to vote by post in an election to House of the People and State Legislative Assembly:

(i) Special voters,

(ii) Service Voters, other than those who opt for proxy voting (CSV),

(iii) Voters on Election Duty,

(iv) Electors subjected to preventive detention,

(v) Persons notified under clause (c) of Section 60 of the Representation of the People Act, 1951, including 'Absentee Voters'.

5. **Intimation/application by voters for postal ballot and time limit for submission:** A voter belonging to any of the above categories who wishes to vote by post at an election shall send an intimation/ application in a statutory Form specified under Rules 19, 20 and 27C to the Returning Officer with in the given period. A Special Voter who wishes to vote by post shall send intimation in Form 12 to the Returning Officer so as to reach him at least 10 days before the date of poll. A Voter on Election Duty shall make an application in Form 12 to the Returning Officer so as to reach him at least 7 days or such shorter period as the Returning Officer may allow before the date of poll. A voter on election duty who is being deployed as polling officer, presiding officer or other election duty in the constituency of which he is an elector, wishes to vote in person and not by post, he shall submit an application in Form 12A to the Returning Officer so as to reach

him at least 4 days or such shorter period as he may allow before the date of poll, the Returning Officer shall issue to the applicant an Election Duty Certificate (EDC) in Form 12B. Persons of various classes of Absentee Voters can submit application in Form 12D to the Returning Officer within a period starting from date of commencement of election schedule upto 5 days following date of notification. As a Service Voter does not have the option for physical voting at a polling station, he is not required to submit any application for postal ballot and the Returning Officer shall issue postal ballot to all the Service Voters registered in the last part of the electoral roll of the constituency.

6. Specifications and Forms of postal ballot for different categories:

6.1. Form, language and particulars of Postal Ballot for Service Voters: The following specifications are prescribed for preparation of postal ballot for Service Voters:

(i) Name of the candidate and party affiliation shall be printed together. The name of political party which has set up the candidate is to be printed below the name of the candidate in the same panel. In the case of an independent candidate, the word "Independent" shall be printed in place of a political party.

(ii) These particulars shall be both in the official language of the State and in English.

(iii) Photographs of candidates shall be printed on the right side of the name - between the name and the column for marking vote/preference

(iv) Election Symbol of the candidates is not to be printed.

(v) The width of the printed portion in the ballot papers shall be between 4" and 6".

(vi) The last panel below the panels containing the name and particulars of the candidates shall be for "None of the Above".

(vii) The particulars on the counterfoil shall be printed in English only.

(viii) The template of postal ballot for Service Voters is provided in the ETPBMS portal. The counterfoil in case of ePB is maintained in the data base and is corresponding to the ePB number generated electronically for each ePB.

6.2. Form, language and particulars of Postal Ballots for voters other than Service Voters: The postal ballots for other categories (i.e. other than Service Voters) are prepared conventionally. The specifications for the Postal Ballot papers for these categories are as under:

(i) Names of candidates shall be printed both in the official language of the State and also in English.

(ii) The photograph of the candidate shall be printed in the panel for the name of the candidate. It shall appear on the right side of the name in between the name of the candidate and the symbol.

(iii) Party affiliation of the candidate is not required to be printed. However, election symbol allotted to the candidate shall be printed.

(iv) The election symbol shall be printed on the right side of the photograph of the candidate between the photograph and the space for marking vote.

(v) The name of a candidate and his symbol shall be inscribed in one panel. The panels will be separated from each other by shaded area of 3 em width.

(vi) There will be a thick black border of 1 em at the bottom. The width of the ballot paper, when printed in one column, shall be between 4" and 6" as may be considered convenient by the Chief Electoral Officer.

(vii) The last panel below the panels containing the names and particulars of the candidates shall be for "None of the Above". The symbol for "None of the Above" option as specified by the Commission shall be printed against the column meant for printing of election symbol.

(viii) Every such postal ballot paper shall have a counterfoil attached to it. The counterfoil shall be at the top of the postal ballot paper and its depth shall not ordinarily exceed **15 cm. The particulars on the counterfoil shall be printed in English only**. The counterfoil should be at the top and should have space for stitching the postal ballot from at the top;

(ix) These postal ballot papers shall be stitched into convenient bundles, with consecutive serial numbers. The serial number of each ballot paper and its counterfoil shall be identical.

(x) The postal ballot paper shall have a black border of 1 em at the top of the counterfoil;

(xi) The particulars of the election, as mentioned below, printed immediately below item.

(xii) The words "Electoral Roll Part Number and Serial Number of Elector," shall be printed one below the other on the left-hand side or right-hand side as may be convenient;

(xiii) Serial number of the ballot paper on the left-hand side either on the front or on the back as may be convenient.

(xiv) One block of lines of 1 em with a perforated rule/disjointed straight lines below, separating the ballot paper from the counterfoil.

(xv) There shall be one block of lines of 1 em below the perforated rule/disjointed lines on the postal ballot paper.

(xvi) On the top of the front face of the ballot paper, the particulars (No. and name of constituency as mentioned in Delimitation Order) of the constituency and the type of election (General election/Bye-election) shall be printed. In the case of State/Union Territories the whole of which form a Parliamentary Constituency, their names will not find mention in the Delimitation Order. The name of such State/Union Territory shall be mentioned as the name of the Parliamentary Constituency. The year of election and the legend "Genl." or "Bye" will also be printed after the year depending on whether the ballot paper is printed for a general election or a bye-election. The word "Postal Ballot Paper" shall be endorsed below that entry. The following illustrations will make the position more clear:

a) For General Election to the House of the People Postal Ballot Paper (on white paper) "8-Rampur PC. /2019 Genl. Postal Ballot Paper"

b) For Bye-election to the House of the People Postal Ballot Paper (on white paper) "8 – Rampur PC. /2022 Bye Postal Ballot Paper"

c) For General Election to the Legislative Assembly Postal Ballot Paper (on pink paper)"11– Almora AC./2021 Genl. Postal Ballot Paper"

d) For Bye-election to the Legislative Assembly Postal Ballot Paper (on pink paper)"11– Almora AC./2021 Bye Postal Ballot Paper"

6.3. Common specifications for both the categories of postal ballot papers:

(i) The size of the photograph printed on the ballot paper for both types of postal ballots shall be 2em in breadth and 2.5em in height.

(ii) The names of the contesting candidates will appear in the same order as they appear in the list of contesting candidates in Form 7A (but without the headings of the three categories of candidates mentioned therein).

(iii) Where the number of contesting candidates exceeds 8, the postal ballot paper shall be printed in two or more columns depending upon the number of candidates. Ordinarily, the number of candidates along with provision for "None of the above" panel in one column should not exceed nine, but it should not exceed fifteen in any case. If the number of columns is two, three or more, the width of the ballot paper and its counter-foil shall be dependent on the number of columns, which are provided on the postal ballot paper. In such case, each column shall be separated by a shaded area of half an inch width from top to bottom.

(iv) These names of contesting candidates will be printed starting from Serial No. 1 to Serial No. 9 in Form 7A in the first column, while candidates from Serial No. 10 onwards in Form 7A will be printed in the second column and so on.

(v) If the number of contesting candidates is 10 then the panel showing "None of the Above" will be at Sl. No.11 in the second panel of the second column. If the number of contesting candidates including the provision for "None of the Above" panel is not exactly divisible by the number of candidates in each column, the end panels on the right side of the ballot paper will be completely shaded.

7. Documents to be issued by Returning Officer along with postal ballot paper:

Rule 23 and Rule 27E provide that on receipt of an application in the specified Form from an eligible voter, the Returning Officer shall issue/provide a postal ballot to him together with following documents:

(v) Postal Ballot Paper,

(vi) Form 13A - Declaration by Elector,

(vii) Form 13B - Cover A (Inner Envelope),

(viii) Form l3C - Cover B (Outer Envelope),

(ix) Form l3D - Instructions for the Guidance of Elector.

8. Colour of postal ballot paper and envelopes: The postal ballot papers and envelopes for Service Voters shall be of white colour in all types of election. The colour of postal ballot papers and envelopes for voters other than Service Voters shall be as follows:

(i) White colour for Lok Sabha election, whether general or bye-election;

(ii) Pink colour for Vidhan Sabha election whether general or bye-election.

9. Timeline for issuing postal ballots by Returning Officer: When the Returning Officer issues a postal ballot paper to a voter, the serial number of the elector in the relevant part of electoral roll is to be entered in the counterfoil of the said ballot paper. Simultaneously, the Returning Officer will mark "PB" in the marked copy of the electoral roll against the name of the elector to indicate that a postal ballot paper has been issued to the elector and he shall not be allowed to vote at the polling station. This marked copy will be given to the concerned Presiding Officer for marking the names of electors who cast their vote at the polling station on the day of poll. It is clear from the above that once the marked copy of the electoral roll is ready to be sent to the Presiding Officers under clause (a) of sub rule (5) of Rule 23, no postal ballot paper can be issued by the Returning Officer. It should be noted that once a postal ballot paper is issued to a voter on election duty, he/she can vote only through the Postal Ballot and option of voting at polling station will not be available to him.

10. Status of Postal Ballot Papers returned undelivered: Rule-26 provides that if a postal ballot paper and the other connected papers sent by post are returned to the Returning Officer undelivered, he may re-issue them by post or may deliver it to the elector personally on a request being made by the elector. In case there is no request for re-issue, the Returning Officer shall keep them separately in an envelope superscribed 'Postal Ballot Papers Returned Undelivered'. The Returning Officer shall maintain a day-to-day record of all such postal ballots returned undelivered. On the day of counting, the candidates should be intimated the total number of such postal ballot papers returned undelivered. After election, the sealed envelope containing postal ballot returned undelivered should be kept in the safe custody of District Election Officer along with the documents specified in sub- rule (2) of Rule 92.

11. Recording of vote, sealing and returning of marked postal ballot:

11.1. Before the postal ballot papers are issued to all electors entitled to vote through Postal Ballot, except Service Voters (who are issued ETPBs), the facsimile signature of the RO will be stamped on the reverse side of the postal ballot paper two times, one which will appear in full and the other in such a manner that part of the signature appears side of postal ballot paper and the remaining part appears on the reverse of counterfoil of the ballot paper. A sample is enclosed for guidance at **ANNEXURE 1**.

11.2. Rule 24 specifies the method of recording of choice by an elector on a postal ballot paper. The detailed directions relating to recording of vote by the elector, attestation on declaration, sealing of envelopes and sending the same to the Returning Officer are contained in Form 13D. There is no specified mark of recording of vote. A voter can put a 'cross' (X) or 'tick'(√) against the name of the candidate of his choice. After marking the choice, he will fold the postal ballot paper, put in the inner cover in Form 13B and paste it. Then the voter shall sign the declaration in Form 13A in the presence of and have the signature attested by the concerned authority as mentioned in Form 13D. Thereafter, both Form 13B containing the postal ballot and duly attested Form 13A shall be put separately in outer envelope in Form 13C and sealed by the voter himself. This envelope shall be

returned to the Returning Officer by post/ at facilitation centre/ through the poll team, as the case may be.

II. Procedures of voting through postal ballot by various categories of voters:

12. Special Voters:

12.1. As defined in Rule 17, a 'Special voter' means any person holding a declared office under the provisions of sub-section (4) of Section 20 of the Representation of the People Act, 1950. Spouse of such person, if he or she has been ordinarily residing with her/him is also eligible to be registered as a special voter. If a special voter wishes to vote by post at an election, he/she shall send intimation in Form 12 to the Returning Officer so as to reach him at least 10 days before the date of poll.

12.2. The Returning Officer shall prepare a list of the Special Voters whose intimation has been received in time and manner and issue Postal Ballot Paper to each of such voters as per the address given by him/ her in Form 12. As provided in Rule 23, the Returning Officer may deliver the postal ballot and other Forms, or cause them to be delivered, to such voters, personally.

13. Service Voters:

13.1. Section 20(8) of the RP Act, 1950 defines the term 'Service Voter'. 'Service Voter' is one who is:

(i) a member of the armed forces of the Union; or

(ii) a member of a force to which the provisions of the Army Act, 1950 have been made applicable whether with or without modifications(e.g., member of para military force); or

(iii) a member of an armed police force of a State, who is serving outside that state; or

(iv) a person who is employed under the Government of India, in a post outside India.

13.2. Plainly speaking, the following categories of personnel/ government officials have service qualification and thus are eligible for enrolment as Service Voters and consequently entitled for voting by post –

(i) Members of Indian Army, Navy and Air Force

(ii) Personnel of Central Paramilitary Forces, namely, GREF, BRO, BSF, ITBP, Assam Rifles, NSG, CRPF, CISF and SSB

(iii) Personnel of State Armed Police Force, posted outside the State, and

(iv) Government of India employees posted in Indian Missions abroad.

13.3. The spouse of the Service Voter ordinarily residing with him/her at the place of posting is also eligible for registration as Service Voters and thus entitled for the facility of postal ballot. However, the persons other than spouse (like parents, children, siblings and domestic servants etc.), are not entitled for the postal ballot facility even if they are ordinarily residing with the Service Voter.

13.4. The Service Voters are enrolled in the last part of the roll of the constituency. Since the Service Voters cannot vote physically at the polling station, they have option of voting by 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 option 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 CSV is required to appoint a person who is resident of the area covered by the constituency concerned, as his/her proxy in Form 13F submitted to the Returning Officer before the last date for making nomination at that election. The proxy should be of at least 18 years of age and shall not be disqualified for registration as an elector. Appointment of a proxy, 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 Returning Officer, on the basis of Form 13F of CSV allows the appointed proxy to vote at the polling station of the area which covers CSV's home address. The CSV who has appointed a proxy shall not be issued a postal ballot paper.

13.5. Transmission of postal ballot (ETPBMS):

13.5.1. In order to improve the postal ballot system for Service Voters and to reduce the travelling time of postal ballots, an amendment was made in 2016 in Rule 23 to introduce one-way electronic transmission of e-Postal Ballot (ePB) to Record Officer/ Unit Officers/Incharge Officers in Missions. In view of this provision, the postal ballot papers for Service Voters are now prepared and transmitted electronically through a dedicated portal called 'Electronically Transmitted Postal Ballot Management System' (ETPBMS). The return of the ePB from Service Voter is to be made by speed post.

13.5.2. ETPBMS is a highly secured system with multiple layers of security. The complete set of ePB file is encrypted and downloaded only using onetime password (OTP) with a time lapse mechanism to avoid any misuse. There is a provision of dashboard and MIS reports for all users such as Returning Officer, District Election Officer, Chief Electoral Officer, ECI Admin, Record Officer/Unit Officer and Nodal Officer. It has also provision of alert in format of SMS and email at different stages of transmission of ePB.

13.5.3. ETPBMS is integrated with Department of Posts for tracking of ePB and facilitation of their transmission through speed post in return journey, without any charge on Service Voter.

13.5.4 **Stages of transmission of ePB:**

(i) Central Administration Officer (C- Admin) initiates the 'RO operation' by populating ETPBMS portal with the 'start' date & time and the 'end' date & time. (ii) Action by Returning Officer: The Returning Officer shall login into etpbms.eci.gov.in and perform the following activities for transmission of ePB and connected Forms, electronically:

(a) enter/view the election data of RO's constituency

(b) enter/view download window for ePB

(c) enter full and exact postal address for receiving back the marked ePB from the Service Voters

(d) load template of the ePB and all connected Forms (Form 13A to 13D).

(e) check the names of candidates, their order and symbol allotted for each of them

(f) generate and approve the sample ePB

(g) generate the PIN and password protected ePB in bulk

(h) transmit PIN to Record Officer and ePB to Unit Officer

(iii) Action by Record Officer/Unit Officer/Incharge in Missions:

(a) Record Officer and Unit Officer will login into etpbms.eci.gov.in

(b) go to dashboard

(c) click on download (ePB PIN/ePB) or view the report

(d) Record Officer will download ePB PIN

(e) Unit Officer will download ePB

(f) The Record Officer shall send PIN to the concerned Service Voter. The Service Voter will inform PIN to the Unit Officer. The Unit Officer downloads ePB and open ePB through secured OTP. He will handover the printout of ePB along with Form 13A, Form 13D and labels of Form 13B and Form 13C together with blank envelopes to the Service Voter.

(g) Nodal Officer of the concerned Force is also able to monitor download of ePB/ PIN by Unit Officer/ Record Officer and send alert message to those officers whose download is pending

13.5.5. The Returning Officers shall ensure that uploading of ePB and the connected papers mentioned above on the ETPBMS portal is completed by the day following the last date for withdrawal of candidatures. He shall issue a certificate to the effect that all the uploading has been done well in the time as specified above.

13.5.6. Timely action by Returning Officer in transmission of ePB will provide more time to the Units for downloading and printing of the ePB and further delivery to the Service Voters concerned and also to the Service Voters to cast vote and return marked ePB to the Returning Officers, by post.

13.5.7. While specifying the timeline, the Commission has further instructed that Unit Officers shall download ePB and other connected papers uploaded by the Returning Officers on the portal latest by the eighth day after the last date for withdrawal of candidature. Uploading the ballot paper by the day following the last date for withdrawal by the Returning Officer will leave clear seven days for Unit Officers to complete all functions of downloading, printing and distribution of ePB and other papers to the Service Voters. Unit Officer shall ensure that the ePB and the accompanying documents meant for a particular Service Voter is handed over to him only on the very same day and to no one else.

13.5.8. The Unit Officer shall maintain a record of ePB handed over to each Service Voter under his charge. This record shall be preserved in the unit concerned for the next five years so that the same can be produced for inspection before any authority or before Courts in the event the same is required to be inspected.

13.6. Colour and measurement of Postal Ballot and envelopes for Service Voters: Since, ePB for the Service Voters are generated electronically, the Commission has directed that ePB shall be printed in A4 size white papers for any type of elections, whether general or bye-elections. This can be distinguished by the identity given to it i.e., for PC or AC and General or Bye. As mentioned above, the Unit Officer shall handover printout of postal ballot along with print of all Forms and required blank envelopes to the concerned Service Voter. The measurement of inner envelope meant for Form 13B will be 4"x9" while for the outer envelope for Form 13C the size will be 4.75"x11". Both the envelopes shall be in white color. Commission further directs that the envelopes will not be forwarded by the CEOs to the Record Officers instead the Record Officer/Unit Officer/Commandant or any other competent authority, as the case may be, shall procure the envelopes and provide them for use by Service Voters. The Service Voters shall paste the labels of Form 13B and Form 13C on the inner envelope and outer envelope respectively, before dispatching the postal ballot to the Returning Officer, by speed post.

13.7. Recording of vote and return of ePB by Service Voter:

13.7.1. The process of recording of vote and sealing of envelopes by a Service Voter will be the same, as mentioned in paragraph 11.2 above

13.7.2. The Service Voter shall place the marked ballot paper inside the inner envelope, close the envelope by gum and paste the label for Form 13B on this envelope. Also, the serial number of the ballot paper shall be noted on the Form 13B at the space provided for the purpose on that envelope, if not already printed thereon.

13.7.3. He shall then fill up the declaration in Form 13A, sign the same and get it attested by the Unit Officer/officer designated for attestation.

13.7.4 Form 13B containing the marked postal ballot and the declaration in Form 13A shall be put separately in the outer envelope and close the same using gum.

13.7.5. Paste the label for Form 13C on the outer envelope and put signature in the place marked for signature of sender.

13.7.6. AC wise data of postal ballots in the case of Service Voters may be sent by Returning Officer in the **FORMAT 7 (ANNEXURE 2)** and compiled State data is forwarded to the Commission by the Chief Electoral Officer in **FORMAT 8 (ANNEXURE 3)**.

13.7.7. Dispatch the envelope (Form 13C) back to the Returning Officer through post.

13.7.8. No postage stamp needs to be affixed on the envelope (Form 13C) if posted, within India.

13.7.9. The Department of Post has been instructed that the Service Voter shall not bear the cost of the ETPB postage being sent by speed post. The postage expenditure will be borne by the election machinery at the State/ District level. The Chief Electoral Officer should inform General Manager, Post Office to accept the envelope for speed post-delivery to addressee and that the charges would be paid by Chief Electoral Officer's office.

13.7.10. For effective monitoring of ETPBMS, it is necessary to maintain record of the number of postal ballots received back, in time, the number of postal ballots rejected during

counting, etc. Accordingly, all Returning Officers shall collect information in the Table below in respect of ETPBs received back from the Service Voters:

Name of AC	No. of ETPBs issued	No. of ETPBs received back before commencement of counting	No. of ETPBs found invalid by the system

14. Voters on Election Duty:

14.1. As per Rule 17, "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 at the polling station where he is entitled to vote. In view of the above provision, all public servants who are deployed on election duty are entitled to the facility of voting by postal ballot. To further clarify, all polling officials, all police personnel in the State (who are covered under the notification issued by the State Govt. in terms of Section 28A of the RP Act 1951), deployed on election duty and all the Commission's Observers and the staff members accompanying them are Voters on Election Duty for this purpose.

14.2 Further, the Commission has also extended this facility of postal ballot to all private persons and non-government staff engaged in election work, such as drivers, conductors, cleaners of vehicles, videographers, staff of expenditure monitoring teams, staff working in control room, helpline staff, those appointed for dispatch and receiving of poll material, EVM maintenance, etc., who are specifically assigned any official work in connection with election on the day of poll and because of that they are not be able to vote at the polling station.

14.3 However, those persons who may have been assigned specific task related to election during pre-poll period, but would not be on such election duty on the day of poll, cannot be treated as Voters on Election Duty for the purpose of postal ballot facility.

14.4 Preparation of Database of Voters on Election Duty: A database of persons to whom postal ballots are to be issued on account of being on election duty should be prepared, well in advance. The database should necessarily have the following information:

(i) No. and name of Assembly Constituency,

(ii) Part No. and the Serial Number of the person in electoral roll,

(iii) EPIC number,

(iv) Location and address of Facilitation Centers for postal balloting,

(v) Information about all the trainings for which the person is to be called for. The order of appointment sent to the polling personnel asking them to attend the training shall contain AC/Part/Serial no. detail of each staff.

14.4.1. The District Election Officer will prepare separate database of government employees; one for the persons to be appointed on duty with polling parties, and second for persons drafted for other election duties like sector officers, zonal officers, micro-observers etc.

14.4.2. In the case of police personnel to be deployed on election duty, the Superintendent of Police of District or other competent officer will prepare a similar database of all police

personnel (including home guards, if deployed on election duty) in the district. A deployment plan shall also be charted out for the police officials, well in advance, for issue of EDC if deployed within the constituency where they are registered as elector or issue of postal ballot if posted outside the constituency. A Nodal Officer shall also be appointed to coordinate all activities related to distribution of necessary Forms such as Form 12 (for Postal Ballot) or Form 12A (for EDC) to enable the police personnel to make application for EDC or PB, as the case may be. It shall be ensured that the duly filled in applications are signed by the police personnel and sent to the concerned Returning Officer. The request for issue of EDC shall reach to the Returning Officer at least 4 days before the date of poll and that for PB at least 7 days before the date of poll so that EDC or PB, as the case may be, can be issued after making necessary entries in the marked copy of the electoral roll.

14.4.3. In the case of non-government workers like drivers/conductors/cleaners and other persons deployed on specific election related duties, a Nodal Officer will be appointed. The Nodal Officer after ascertaining all the details of these workers and cause to distribute Form 12A (for EDC) if they are posted on election duty in the same constituency where their names are enrolled. If they are posted in a different constituency, they may be provided Form 12 to enable them to apply for Postal Ballot. The Nodal officer shall ensure that these applications in Form 12A/Form 12 and with the electoral roll details duly entered and signed by the person concerned so drafted on election duty and the same are sent to the concerned Returning Officer within the specified period.

14.5. Issue and collection of Form 12/Form 12A:

14.5.1 As mentioned above, a Voter on Election Duty has to make application for postal ballot in Form 12, along with a copy of appointment letter for election duty. The Returning Officer should arrange distribution of pre-filled Form 12 to all government officials or non-government persons drafted for election duty. Form12 can be pre-filled with the details mentioned in para 14.4 above, which should be available in the database of employees prepared by the District Election Officer. A note should be printed at the bottom of Form 12, that the employee should check the pre-filled details and make corrections if these details are not correct.

14.5.2. Duly filled in and signed Form 12, along with a copy of the appointment letter as a proof of having been drafted for election duty and photocopy of EPIC in order to ensure that no ineligible person is issued a Postal Ballot should be collected on the first day of training or as soon as possible through the Nodal officer appointed for the purpose. Efforts should be made to collect signed Form 12 well before the last date of withdrawal of candidature. However, if for some reason Form 12 of some persons on election duty could not be collected before this date, they should be collected even after this date as soon as possible.

14.5.3. The District Election Officer shall appoint a Nodal Officer for facilitation centre who shall provide Form 12 to such Voters on Election Duty, if pre-filled Form 12 has not been received by them, collect duly filled-in Form 12 from them. The Returning Officers shall provide the list (**ANNEXURE 4**) of such voters to the Nodal Officer who shall maintain AC wise and date wise record of Form 12 distributed and received from them. Nodal Officer shall segregate all filled-in Form 12 AC wise and keep them in separate sealed covers,

superscribed with names of the respective AC and District on them. The Nodal Officer will send Form 12 immediately to the respective Returning Officers for issuing postal ballot to such voters through the Nodal Officer.

14.6. Setting up of Facilitation Centre for Voters on Election Duty:

14.6.1. 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. **It is, therefore, clarified that all the Voters on Election Duty shall cast their votes at the Facilitation Centers and not in any other manner**.

14.6.2. The Commission has directed that voting through postal ballot by Voters on Election Duty at the Facilitation Centre shall be done in a completely transparent manner. The District Election Officer shall provide necessary logistics for setting up Facilitation Centres by the Returning Officers. The Facilitation Centres shall be set up at the Training Venue and at the office of the Returning Officer. One facilitation centre shall 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.

14.6.3. Ideally, all the Facilitation Centres of the Assembly Constituencies of a district, should be located at the same venue; however, if that is not possible due to distance, the Facilitation Centre for an Assembly Constituency located in a far flung area can be set up at the training venue in the Headquarters of the said Assembly Constituency.

14.6.4. The polling parties and the other associated civilian staff put on election duty accompanying the polling parties shall vote at the respective Facilitation Centres set up at the training venue.

14.6.5. The additional facilitation centre set up in the training venue shall also function as help desk. It will also cater to those Voters on Election Duty who are electors in the ACs of other districts.

14.6.6. 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. This may include all the police personnel, videographers, cleaners and other staff engaged in election duty.

14.6.7. The details of Facilitation Centres, shall be fed in the database of the Voters on Election Duty, well in advance so that information about facilitation centre can be given in the appointment letters issued to Voters on Election Duty.

14.6.8. The Returning Officer shall appoint an officer of the level of Group-B or above as Incharge of the Facilitation Centre for conducting postal balloting. He shall be assisted by three officials in conducting voting through postal ballot at the facilitation centre.

14.6.9. The Returning Officer may assign the responsibility of supervision of logistics and overall postal ballot voting process at Facilitation Centres to a dedicated ARO.

14.7. Time and duration of the functioning of the Facilitation Centre:

14.7.1 The Facilitation Centres at the training venue shall function during training hours on the second and subsequent training days. In order to ensure smooth conduct of postal ballot voting, the training should be conducted in batches. Those voters who have completed training shall cast their vote immediately thereafter.

14.7.2. The facilitation centre at the office of the Returning Officer shall function 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.

14.7.3. 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.

14.8. Preparation of Postal Ballot papers before issue to the Voters on Election Duty:

14.8.1. The Returning Officer will prepare the Postal Ballot papers for those Voters on Election Duty who have submitted signed Form 12 after checking the details to his satisfaction. This should be done as soon as possible after postal ballot papers are printed. The Returning Officers will send these postal ballots along with related Forms, envelopes, and other related material together with list of Voters on Election Duty who have been issued postal ballot to the Facilitation Center through Assistant Returning Officer appointed for this purpose.

14.8.2. If the Facilitation Center is outside the jurisdiction of the Returning Officer who issues the postal ballot, but within the district then also he will send it directly to the Assistant Returning Officer concerned of the Facilitation Center instead of routing it through the District Election Officer.

14.8.3. Returning Officer shall maintain record containing Sl. No., Part No. and AC No. of all such Voters on Election Duty to whom postal ballot papers have been issued. This record/list of electors can be shared with candidates, if any request is received from them. However, the list should not contain Sl. No. of the postal ballot issued.

14.8.4. Before handing over the postal ballot and other Forms to the elector, the Returning Officer shall make sure that the field in Form 13B meant for Sl. No. of ballot paper issued, is duly filled-in so that chance of getting ballot paper rejected during the counting of votes on this ground can be avoided. Therefore, the duty of filling Sl. No. of postal ballot in Form 13B should be assigned to a staff of office of Returning Officer.

14.9. Arrangements for casting Postal Ballot in secrecy: Sufficient number of voting compartments similar to the voting compartments set up at the polling station shall be installed at each Facilitation Center to enable Voters on Election Duty to mark their postal ballot in complete secrecy and also to avoid rush at the facilitation centre. Arrangement of pen, glue/gum shall be made for marking of the choice and sealing of the envelopes.

14.10. Availability of Group A/Group B officers for attestation of declaration: In case of Voters on Election Duty, the declaration and signature of the elector in Form 13A is to be attested by a Group A or Group B officer. For this purpose, the Incharge of each of the facilitation centre shall attest the declaration in Form 13A after the voter has marked his choice and put the postal ballot in the inner envelope. The officer shall attest the declaration based on the identification of the voter by his identity documents. He must check before attestation that the Sl. No. of the ballot paper is filled up in the space provided in the declaration, it is signed by the elector in his presence and his address is duly mentioned. The attesting officer should append full signature with date and write in hand or put a stamp showing his designation & office address.

14.11. Identification of voters and issue of Postal Ballots at the Facilitation Center:

14.11.1. The Incharge of the facilitation centre will be assisted by three officials on the lines of polling officials posted in a polling station, the first official will be in charge of the list of Voters on Election Duty as provided by the Returning Officers and responsible for identification of the voter. He will verify the identity of Voters on Election Duty based on EPIC or any other photo identity document, and obtain signature of each voter in a register as per the **ANNEXURE 5**. After voting is over, the register should be sealed in the same manner as the Register in Form 17A and kept along with other statutory covers mentioned in Rule 93 (1). Copy of the above register may be given to the candidates who request for it.

14.11.2. The second official will be in charge of indelible ink. After identification and signature of voter in the register, the second official shall apply indelible ink in the left hand's forefinger of such voter.

14.11.3. The third official will be in-charge of postal ballots, and will issue postal ballot to the Voter on Election Duty.

14.12. Casting of postal ballot at Facilitation Centre:

14.12.1. After receiving the postal ballot, the voter shall go into the voting compartment and mark his choice against the name of the candidate in the postal ballot in secrecy. He shall write the serial number of the postal ballot paper, if not already filled up, in the space provided for the same in the declaration in Form 13A and on the inner envelope (Form 13B - Cover A) in which the polled postal ballot is kept. The marking of choice on postal ballot and sealing of envelopes will be same as mentioned in paragraph 11.2 above. After sealing of envelope in Form 13C, the same will be dropped in the drop box kept in the drop box kept in facilitation centre.

14.12.2. 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.

14.12.3. After all voters have cast their votes, the envelopes containing postal ballots shall be segregated AC wise and be sent to the Returning Officers of Assembly Constituency concerned.

14.12.4. After each day of voting is over, the polled postal ballots received from facilitation centre shall be kept in a large cotton bag with name of Assembly Constituency, date of polling and number of postal ballots polled written on the bag. The bag shall be deposited with the Returning Officer for each day. There shall be separate bags for different days/ facilitation centre. The Returning Officer shall maintain date wise and facilitation centre wise record of total number of polled ballot papers received by him.

14.13. Arrangements for representatives of candidates/political parties: All Recognized Political Parties will be informed in writing the venue, schedule and details about facilitation centres. They shall be allowed to send their representatives to witness the process of voting at the Facilitation Center. Arrangement shall also be made for candidates to sit and watch the process of voting. No person shall be allowed to interfere in the voting process and in case of any interference; the incharge of facilitation centre can order such a person to leave the premises immediately.

14.14. Videography of the voting process: The entire process of voting at Facilitation Centres will be videographed.

14.15. Collection of polled postal ballots from facilitation centre: It is further clarified that after all the postal ballots for the day have been cast, the drop box will 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 6)** 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.

14.16. Storage of Postal Ballots received by the Returning Officer: Returning Officer of the concerned Assembly Constituency shall keep the envelope containing postal ballots along with the copy of **FORMAT 1** in a special strong room made especially for this purpose. Returning Officer shall send a copy of FORMAT 1 to the District Election Officer.

14.17. Monitoring of the process of Postal Balloting at the Facilitation Centers: On the basis of information given in **FORMAT 1**, the District Election Officer of every district will compile the return in **FORMAT 2 (ANNEXURE 7)** for his district every day till the facilitation for postal ballots

is over in the district, for the postal ballots cast in the Facilitation Centers of his district. A copy of this return will be sent every day to the Chief Electoral Officer. Chief Electoral Officer will compile the returns of the entire State in **FORMAT 3 (ANNEXURE 8)** and will send a copy of the compiled **FORMAT 3** to the Commission phase wise immediately after completion of postal balloting at all the Facilitation Centers setup in the State after each phase of election. Chief Electoral Officer will also send a copy of return in FORMAT 3 to all recognized political parties.

14.18. Orientation of Voters on Election Duty on how to cast vote through postal ballot: The Commission directs that the entire procedure for casting of votes through postal ballots shall be explained by the Returning Officers/Assistant Returning Officers thoroughly to the Voters on Election Duty of all categories, so that there is no error in casting votes by them.

14.19. It should be clarified that all Voters on Election Duty that once a postal ballot has been issued to a voter by the Returning Officer, the voter has no option to vote in any manner other than voting at facilitation centre. There is no provision for sending the postal ballot by post or through special messenger, if a voter fails to collect his postal ballot and cast his vote at the facilitation centre. The Incharge of facilitation centre shall keep all such postal ballots which have not been collected by the voters concerned in sealed cover and deposit the same with the Returning Officer superscribing on the bigger envelope the name of AC and the no. of such ballot papers.

15. Absentee Voters:

15.1 Rule 27A defines 'Absentee Voter' as a person belonging to such class of persons as may be notified, under clause (c) of Section 60 of the Representation of the People Act, 1951 and who is employed in essential services and includes an elector belonging to the class of senior citizen or persons with disability (PwD) or the COVID 19 suspect or affected persons.

15.2 Classes of Absentee Voters and their eligibility: In view of the above provision the following classes of persons are eligible for facility of postal ballot system under 'Absentee Voters' –

(i) **Senior citizens (AVSC):** An elector above 80 years of age. The age is mentioned in electoral roll database and is not required to give any additional certificate or undertaking with Form 12D.

(ii) **Persons with disability (AVPD):** An elector who is flagged in the database for electoral roll and having a benchmark disability certificate (not less than 40% of a specified disability) as certified by the concerned certifying authority, under Section 2 of the Rights of Persons with Disabilities Act, 2016.Accordingly, these persons are eligible to apply for postal ballot facility. The elector in this category while submitting the application in Form 12D has to enclose copy of benchmark disability certificate with it.

(iii) **COVID 19 suspect or affected persons (AVCO):** an elector who is hospitalized at the time of election on account of COVID-19, in a hospital within the State or is in Home/ Institutional Quarantine on account of COVID-19 and hence not be in a position to cast vote personally at the polling station as per medical advice and if such elector makes request for issue of Postal Ballot, having a copy of certificate / instructions from

competent health authorities which show the applicant is hospitalized in the State or is in quarantine within the State (Home or Institutional) on account of COVID 19.

(iv) **Persons employed in essential services (AVES):** The Election Commission in consultation with the Government notifies the class of persons employed in essential services. Accordingly, the officials of these categories who are enrolled in the electoral roll in the State and who would be certified to be on duty on the day of poll, and on account of their such official duties, will not be able to be cast their vote at their respective polling stations, will be eligible for voting through postal ballot as absentee voters in the essential service category. They have to submit Form 12D, giving a certificate by the Nodal Officer appointed by the organization concerned, in PART II of Form 12D.

15.3 **Voting by Absentee Voters:** Rules 27E and 27-I provide that the issue of Postal Ballot paper to the Absentee voters and return thereof after voting by them shall be in such manner as the Election Commission may direct. Accordingly, the Commission has laid down the following procedure/guidelines for facilitating voting through postal ballot by the Absentee Voters of the classes mentioned above.

15.3.1. Form of application and time limit for submission of the same: The facility of postal ballot for Absentee Voters is only an additional option available, in addition to physical voting at polling station. An Absentee Voter wishing to vote by postal ballot has to make an application in Form 12D to the Returning Officer of the constituency concerned, giving all requisite particulars so as to reach Returning Officer from date of announcement of election to 5 days following the date of notification of the schedule of the election concerned.

15.3.2. Actions by the Returning Officer:

(i) Adequate publicity should be given for the facility being provided to these categories of electors. Form 12D should be distributed to AVSC, AVPD and AVCO through BLOs. Form 12D should be put on the website of the District Election Officer. One Assistant Returning Officer shall be assigned to handle all work related to postal ballot voting by Absentee Voters of all categories. It shall be the responsibility of such Assistant Returning Officer to carry forward the postal voting programme from the stage of receipt of applications in Form 12D and take all necessary action in this regard.

(a) In case of AVCO, the arrangement shall be made in coordination with the Nodal Officer for COVID-19, designated by the Chief Secretary of the state concerned.

(b) In case of AVES, Form 12D should be made available to the Nodal Officer of the respective organizations for dissemination to the electors concerned.

(ii) **Distribution, receipt and approval of Form 12D:** One Sector Officer shall be designated for a cluster of polling stations who will supervise the work of BLO on daily basis. The BLO will visit to the houses of the absentee voters in category of AVSC, AVPD and AVCO, as per details provided by the Returning Officer, in the Polling Station area and deliver Form 12D to the electors concerned and obtain acknowledgements from

them. BLO shall deposit all the acknowledgements obtained from such electors with the Returning Officer/Assistant Returning Officer on daily basis. If an elector is not available, BLO will share his contact details and revisit the place to collect it within the period of five days following the date of the notification for election in the constituency. It may be made clear that the option of voting through postal ballot is an additional facility and it is not compulsory that such electors have to vote through postal ballot only. The electors may or may not opt for Postal Ballot. If the elector opts for Postal Ballot, then the BLO will collect the filled-in Form 12D from the house of the elector and deposit with the Returning Officer forthwith on daily basis. The task of collecting back filled-in Form 12D shall be completed within the period of 5 days following the date of the notification. Sector Officer, under the overall supervision of Returning Officer/ Assistant Returning Officer, shall supervise the process to ensure timely distribution and collection of Form 12D through BLOs.

15.3.3 Approval of Form 12D by Returning Officer and drawing of list: On receipt of 12D, the Returning Officer shall check that the particulars given in the Form and enclosed certificate (in case of AVPD and AVCO) are in order and are in time. After approval of Form 12D, the Returning Officer will draw a list of Absentee Voters (AVSC, AVPD and AVCO) who are to exercise the option of voting through Postal Ballot. The list shall be prepared in format enclosed herewith at **ANNEXURE 9**.

15.3.4. Thereafter, the Returning Officer shall indicate entry 'PB' in the marked copy of the electoral roll against the names of such electors, to show that a postal ballot paper has been issued to them, without however recording therein the sl. no. of the ballot papers issued to them.

15.3.5. The Returning Officer shall also ensure that elector who has been issued postal ballot is not allowed to vote at a polling station.

15.3.6. Further, the Returning Officer shall share list of all such notified absentee electors whose applications in Form 12D for availing Postal Ballot facility have been approved by him, with the Contesting Candidates of recognized political parties in printed hardcopy.

16. Process of delivering and collection of postal ballot from Absentee Voters: The process of absentee voters in the categories of AVSC, AVPD and AVCO is different from the process being followed in respect of AVES. While poll teams visit places/residences/hospital of AVSC, AVPD and AVCO, in case of AVES postal voting centres are established for a specified period. The guidelines issued by the Commission in respect of voting through postal ballot by the above categories of absentee voters are given in the succeeding paragraphs.

16.1. Process of voting through postal ballot by AVSC, AVPD and AVCO:

16.1.1. Material required for team visit:

Each team of poll officers should be provided with all necessary material for taking poll, in particular, the following:

(i) The list of AVSC, AVPD and AVCO electors;

(ii) Sufficient number of postal ballot papers as per the number of Absentee Voters assigned to the team, with 10% surplus for the eventuality of some ballot papers getting damaged and requiring issuing of fresh ballot paper under rule 26(2);

(iii) Sufficient number of Form 13A, inner envelope (Form 13B - Cover A), in which the polled postal ballot is kept and outer envelope (Form 13C - Cover B);

(iv) Pen for marking vote;

(v) Ink-pad (for thumb impression wherever required);

(vi) Glue stick for closing the envelopes;

(vii) Register for obtaining signatures of electors on issue of ballot paper **(ANNEXURE 10)**;

(viii) Material for setting up voting compartment;

(ix) A sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils of ballot papers;

(x) For the poll officers deputed to AVCO electors, appropriate protection equipment including PPE kit shall be provided in consultation with the concerned Nodal Health Officer;

(xi) Other essential stationeries that may be considered necessary.

16.1.2. Home Visits of Poll teams:

(i) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose. A micro observer should also accompany the teams of Poll officers.

(ii) Number of teams of Poll Officers to be appointed would depend on the number of Absentee Voters in the constituency to whom postal ballot papers have been issued.

(iii) The team of poll officers shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

(iv) The electors will be intimated, in advance, about the date and approximate time of visit of poll officers. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form 12D. In other cases, the intimation may be given by post and /or through the BLO.

(v) If the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.

(vi) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired, depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process. The appointment should be made by the candidate

or the election agent in writing and under their signature. Form 10 (the format for appointment of polling agents in polling stations) may be used for appointment of such agent.

(vii) The list of AVSCs, AVPDs and AVCOs shall be divided for distribution among the different teams of Poll Officers in such manner that each team gets a list of persons in geographically compact area.

(viii) The visiting poll officers shall ascertain the identity of the elector before issuing postal ballot paper.

(ix) Name of elector and the document produced for identification shall also be entered in a register, format of which is enclosed herewith at **ANNEXURE 10**, to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team to be sent to the RO along with envelopes containing polled postal ballots.

(x) It shall be the responsibility of each team of poll officers to

(a) issue postal ballot to each of the Absentee Voters assigned to it,

(b) brief the elector about the procedure to be followed for voting through postal ballot,

(c) make sure that the elector votes without anyone influencing his choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by him due to blindness or physical infirmity, he shall be allowed to take the assistance of any adult person for casting vote, assistance of polling agents or candidates or prohibited parties may not be taken. In this matter, all the provisions of Rule40 will be applicable. The companion has to give declaration (ANNEXURE 11) that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector and Poll officers shall keep a record of such cases in Form 14A.

(xi) While briefing the electors about the procedure of voting and formalities to be observed on their part, the poll official shall clearly explain the following points to them:

(a) signing the declaration in Form 13A and getting it attested by the poll officer himself,

(b) entering the serial number of postal ballot paper, in the space provided for the same, both on Form 13A and on the smaller inner envelope (Form 13B - Cover A),in which the polled postal ballot is kept,

(c) manner of marking vote, i.e. by placing either cross mark or tick mark against the name of the candidate of choice. The polled postal ballot should not be shown to the officer whose attestation is obtained on the declaration in Form 13A,

(d) folding and placing the marked ballot in the inner envelope meant for this purpose and seal it properly

(e) placing the declaration in Form 13A, duly filled up, signed and attested along with inner envelope (Form 13B - Cover A) containing the marked ballot paper, inside the outer envelope (Form 13C - Cover B)and seal this as well,

(xii) Handing over the outer envelope (Form 13C - Cover B) to the poll officer.

(xiii) Poll officer is authorized to attest the declaration in Form 13A. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of an AVCO on treatment in Hospital, the Medical Officer attending to the person also authorised to attest the declaration.

(xiv) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officers will collect the same.

(xv) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of Absentee Voters should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

(xvi) Visits by poll teams to the address of Absentee Voters should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9th of that month.

16.2. Guidelines for Voting through postal ballot by Absentee Voters in the category of Essential Service (AVES):

As soon as the Election Commission notifies the classes of persons employed in essential services such officials who are enrolled in the electoral roll in the State and who would be certified to be on duty on the date of poll shall be eligible to cast their votes by postal ballot as absentee voters in the category of Essential Services.

16.2.1. Centre for voting through postal ballot:

(i) Sub-rule (3) of Rule-27F provides that recording of vote by Absentee Voter shall be in such centre as specified by the Commission.

(ii) The Returning Officer shall identify a suitable venue and room at a suitable location to be used as the Postal Voting Centre (PVC) for issuing of postal ballot paper to such Absentee Voters facilitating their voting, and thereafter for collection of such postal ballot paper from the PVC. For this purpose, the Returning Officer shall identify a suitable location to be PVC for Absentee Voters within the territory of the Constituency, and should be located, as much as possible, towards the central part of the constituency area so that the travelling time to reach the PVC is not unduly long.

16.2.2. Intimation regarding issue of Postal Ballot Paper and Voting:

(i) All the persons who have applied for postal ballot paper in AVES category shall be duly intimated about the following:

(a) The full address of the PVC venue where postal ballot voting is to be arranged;

(b) Dates on which the postal ballot voting facility will remain open;

(c) The hours fixed for postal ballot voting.

(ii) The intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form 12D. In other cases, the intimation may be given by post and/or through the BLO. In addition, this information should also be disseminated through the Nodal Officer of the Organization concerned and advertisements in local newspapers and also through the website of the District Election Officer. It should be explained that Absentee Voters who have applied for postal ballot voting may come for casting vote on any of the three days and during the hours fixed for the purpose. It should also be explained that those who have been approved for voting though this facility can only vote at such PVCs and not in any other manner.

(iii) The contesting candidates in the constituency shall also be given prior intimation on the abovementioned points. While intimating about the process of postal voting at the PVC, they should also be informed in writing that they may appoint their agents for watching the proceedings. The appointment should be made by the candidate or the election agent in writing and under their signature. Form 10 (the format for appointment of polling agents in polling stations) may be used for appointment of agent for the PVC.

16.2.3. Period and hours during which Postal Voting Centre (PVC) shall be open:

(i) Postal Voting Centre (PVC) shall be open for up to three consecutive days in each of the constituencies. The three days' period shall be so fixed that it is completed at least three days before the date fixed for poll in the constituency.

(ii) On each of the three days, the PVC shall remain open from 9 AM to 5 PM.

16.2.4. Deployment of polling staff for the postal voting centre (PVC):

(i) Each postal voting centre should have adequate staff for smoothly carrying out the work in such PVC. The number of staff required should be worked out based on the number of AVES category voters who are voting in the PVC.

(ii) Each PVC should have at least one Group A or Group B officer for attesting the declaration of elector in Form 13A. The number may be increased depending on the number of electors in the particular PVC.

16.2.5. Responsibilities of staff for Postal Voting Centre - Work and functions of Staff of postal voting centre are as follows:

(i) Issuing postal ballot paper along with all connected documents after duly verifying the identity of the voter.

(ii) Form 13D need not be given to individual electors. A copy of the same can be made available in the PVC for reference, if sought, by any elector. However, the electors should be briefed about the requirements on their part. Form 13D and a chart indicating the procedure for voting should be displayed at the PVC for the information of the electors.

(iii) Name of elector and the document produced for identification shall also be entered in a register to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. A format for the register is annexed at **ANNEXURE 10**. Further, a tick mark shall be placed against the name of the elector in the list of AVES to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be detached and kept in safe custody to be sent to the RO along with envelopes containing polled postal ballots.

(iv) The electors should be briefed about the procedure for voting and formalities to be observed on their part. They should be clearly briefed on the following points:

(a) signing the declaration in Form 13A and getting it attested by the gazetted officer present in the PVC,

(b) entering the serial number of postal ballot paper, in the space provided for the same, both on Form 13A and on the inner envelope (Form 13B - Cover A), in which the polled postal ballot is kept,

(c) manner of marking vote, i.e. by placing either cross mark or tick mark against the name of the candidate of choice. The polled postal ballot should not be shown to the officer whose attestation is obtained on the declaration in Form 13A,

(d) manner of folding and placing the marked ballot in the inner envelope meant for this purpose and seal it properly,

(e) manner of placing the declaration in Form 13A, duly filled up, signed and attested along with Form 13B containing the marked ballot paper, inside Form 13C and seal this as well,

(f) manner of dropping Form 13C in the drop box kept in the PVC for this purpose.

16.2.6. Material required in PVC:

Each PVC should be provided with all necessary material for taking poll, in particular, the following:

(i) List of Absentee Voters assigned for voting in the PVC with three extra copies **(ANNEXURE 12)**;

(ii) Sufficient number of postal ballot papers as per the number of Absentee Voters assigned to the PVC, with 10% surplus for the eventuality of some ballot papers getting damaged and requiring issuing of fresh ballot paper under rule 26(2);

(iii) Sufficient number of Form 13A, Form 13B, in which the polled postal ballot is kept and Form 13C;

(iv) Pen for marking vote;

(v) Ink-pad (for thumb impression wherever required);

(vi) Glue stick for closing the envelopes;

(vii) Drop Box in which the envelopes containing marked ballot paper is to be dropped;

(viii) Register for obtaining signatures of electors on issue of ballot paper **(ANNEXURE 10)**;

(ix) Material for setting up voting compartment;

(x) A sufficiently big canvas bag for sending the ballots after voting and the counterfoils of ballot papers to the RO on a daily basis;

(xi) Furniture for the polling staff, agents of candidates and for setting up voting compartment.

(xii) Other essential stationeries that may be considered necessary;

16.2.7. Close of poll protocol on each day:

(i) After the day poll closes, the envelopes in Form 13C in the drop box shall be taken out, and sealed in a larger packet super scribed "**Postal Ballots in PVC**". The following particulars should be clearly mentioned on this large packet:

(a) Name and number of Constituency,

(b) Name of the Essential Service,

(c) Name of location of PVC,

(d) The date on which the votes were cast,

(e) The number of envelopes in Form 13C in the packet.

(ii) The counterfoils of postal ballots shall also be seated in a separate packet super scribed "**Counter foils of PBs in PVC**". The particulars given under item (i) above except no. (e) shall also be entered on such packet.

(iii) Both the packets containing the polled postal ballots and the counterfoils shall be sent to the Returning Officer on the same day.

(iv) Signature of the agents of candidates present in the PVC should be obtained on each day of voting in the PVC. (**ANNEXURE 13**)

(v) At the end of the three days voting period, all other material supplied to the PVC shall be collected by the ARO in charge of the PVC and retained at the headquarters as per standard protocol for the material concerned.

(vi) If an Absentee Voter does not turn up for voting in the PVC, there is no requirement of sending the postal ballot to him/her by post. The procedure prescribed for postal voting by them is voting in the PVC and in no other manner.

17. Deposit of canvas bag containing marked ballot papers:

17.1 At the end of each day of postal balloting by Absentee Voters, the envelopes in Form 13C containing postal ballot paper etc., the counterfoils of ballot papers and the register containing the signature/ thumb impression of electors and other particulars shall be collected by the designated Assistant Returning Officer from the team of poll officers and PVC. The Assistant Returning Officer shall make arrangements to have the same delivered at the headquarters of the Returning Officer for keeping them in safe custody and shall maintain the record indicating the number of ballots sent on each day of postal balloting. This record shall also be shared with the Returning Officer.

17.2. Information regarding Postal Ballot in the categories of Absentee Voters shall be compiled by the Returning Officer on each day of postal balloting in **FORMAT 4** (**ANNEXURE 14**). The Returning Officer shall send this information to the District Election Officer immediately after completion of postal balloting. The Chief Electoral Officer shall obtain the requisite information in respect of the ongoing election from the District Election Officers concerned and furnish the same in compiled form in respect of entire State phase wise in FORMAT 5 (**ANNEXURE 15**).

18. Electors Subjected to Preventive Detention and issue of postal ballot to them: The names of electors under preventive detention, if any, may have been entered in one or the other parts of the electoral roll for the constituency.

18.1. As per Rule 21, the appropriate Government shall, 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 that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

18.2. The Returning Officer shall prepare a list of all electors subjected to Preventive Detention whose intimation along with place of detention has been received by him, directly through such person or the appropriate govt., and issue postal ballots to each of them to the address intimated to him.

18.3. The specification of the Postal Ballot and envelopes for the special voters shall be similar to the specification of the Postal Ballots for Voters on Election Duty as mentioned at Para 6.2 above.

18.4. The marking of choice and sealing of the ballot paper by the Electors Subjected to Preventive Detention shall be done in the same manner as mentioned at Para 8 above and thereafter dispatch the ballot paper to the Returning Officer. The incharge of the detention place shall make

arrangements to deliver the polled postal ballots to the Returning Officer concerned, by post or through messenger, as the case may be.

III. Instructions on return of postal ballots and their storage:

19. Receipt of Postal Ballots by Post (Service Voters, special voters and preventive detention voters):

19.1 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 center for that Assembly/Parliamentary Constituency. The list of counting centers and the addresses of ROs offices will be communicated in writing to the Postal Department by the CEO.

19.2 Political Parties and Candidates to be present at the time of receipt of postal ballots by post: All recognized 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 center on counting day for this purpose.

19.3. Procedure of receiving postal ballots by post: 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 Returning Officer. The entire process will be videographed.

19.4. Storage of postal ballots received by post: The Retuning 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.

20. Sending postal ballots to the place of counting where counting is not done at RO Headquarters: 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 centers, 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 center. Candidates and their representatives shall be allowed to follow the vehicle carrying postal ballots. The box containing postal ballots will then be kept in the strong room for postal ballots at the counting center in the presence of the candidates and their representative's, strong room will then be sealed and signatures of candidates and their representatives shall be taken as proof of their presence. Candidates and their representatives shall be allowed to keep watch on the strong room for which they will be provided reasonable facilities by the DEO. 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 Centers to the table where the postal ballots will be counted.

21. Tallying of postal ballot numbers before counting: The envelopes received from Facilitation Centers 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 Center. The result of such tallying will be shown to the candidates and their election agents before the counting of postal ballots. Similarly, the register maintained for the postal ballots received by post and from PVC shall also be shown to the candidates and their election agents.

22. Return of Postal Ballots for Simultaneous Elections:

22.1 The postal ballot papers in respect of Parliamentary Constituencies are to be returned to the Returning Officers of the constituency and not to the Assistant Returning Officers. With that end in view at a simultaneous election, all the Forms viz., Forms 13A, 13B, 13C and 13D must be sent in two sets, one pertaining to the Parliamentary and the other to the Assembly Constituency.

22.2. Each of these sets should be put in the respective covers, viz, Form 13C, with the address of Returning Officer concerned specified thereon.

22.3. It is clarified that during Lok Sabha elections, the printing and dispatch of postal ballot papers shall be done at the level of the Returning officers of the Parliamentary Constituency concerned. In the case of simultaneous general or bye-election to the State Legislative Assembly with general or bye elections to the Lok Sabha, the printing and dispatch of postal ballot papers for the Assembly election shall also be done at the level of the Returning Officer for the Parliamentary constituency, with the assistance of the Assistant Returning Officers in all the Assembly segments falling under the Parliamentary Constituency.

23. As for the counting of postal ballot papers, detailed instructions have been issued vide the Commission's letter No.464/Counting Process/2023/EPS dated 19th July, 2023.

24. The above instructions shall be brought to notice of all concerned including District Election Officers, Returning Officers and other officers engaged for election related work, for their information and strict compliance.

Yours faithfully,

(S. B. JOSHI)
Principal Secretary

INSTRUCTION Sl. No. 43

Speed Post/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2023/SDR/Vol.IV Dated: 14th March, 2024

To

The Chief Electoral Officers of
All States and Union Territories

Subject: Guidelines on printing of postal ballot papers, their transportation and storage-regarding.

Madam/Sir,

In continuation to the Commission's letter of even number dated 31.10.2023 and letter No. 3/4/2022/SDR/Vol.II dated 04.03.2024, I am directed to state that the following supplementary instructions related to printing of postal ballot papers, their transportation and storage are hereby issued.

1. Printing of Postal Ballots:

1.1 The printing of postal ballot papers for categories other than service voters shall commence immediately after publication of list of contesting candidates in Form 7A and shall be completed within 72 hours. The District Election Officer shall plan the logistics in this regard in advance viz; finalization of printing press, safe and secure transportation of paper for printing and printed postal ballots, appointment of one Assistant Returning Officer (Printing) for each constituency for overseeing all the arrangements at the printing press as well as checking the correctness of the postal ballot during printing and storage of printed postal ballots.

1.2 The printing of postal ballot will be done preferably at a government or semi-government press. However, in case a government/semi-government printing press is not available or does not have required capacity, a private printing press with required capacity can be selected after following due procedure; and adequate provision of security & safety of the process will be ensured as per instructions contained in Para 1.6 below.

1.3 The candidates/their agents shall be informed, immediately after preparation of Form 7A, the plan of printing of postal ballots. The candidates can deploy their representatives, one each for each candidate, to witness the printing process, transportation and storage of printed postal ballots.

1.4 The postal ballots shall be printed in bundles of 50 ballot papers each and assigned sequential serial numbers. It shall be ensured that the serial number of ballot paper and its counterfoil in each leaf shall be identical. Proper records shall be maintained for the ballot papers printed.

1.5 In view of the urgency of the matter, the Chief Electoral Officer/District Election Officer shall ensure uninterrupted power supply and proper security to the printing press during the printing of postal ballots. DGP/SP shall provide proper security during printing at the printing press premises and transportation of printed postal ballots.

1.6 The District Election Officer shall depute an Assistant Returning Officer (Printing), assisted by adequate supporting staff for printing of ballot papers. They shall be suitably briefed about the sensitivity and importance of the work. Accurate and timely printing of postal ballot should be ensured by the Superintendent/Incharge of printing press and the Returning Officer.

1.7 For printing of postal ballots, paper of required specifications shall be procured centrally from government press in sufficient quantity and be distributed among the District Election Officers with proper account. In case procurement of paper for printing of postal ballot paper from government press is not feasible or government press does not exist in the State/UT the paper of the standard specification may be procured from a semi-government or private press/agency following due procedure. District will be printing postal ballots on the same paper. The blank paper should be kept in a separate room. The key of the room should remain with the responsible person nominated by the Superintendent/Incharge of printing press. The paper will be issued on specific job cards in exact number of sheets and not in terms of reams. The register has to be maintained by the Assistant Returning Officer (Printing) and nominated official in the printing press. In the printing hall, there should be no paper other than the paper earmarked for printing of postal ballots.

1.8 The Assistant Returning Officer (Printing) will check that the sufficient quantity of paper, "type high-numbering machines", CDs/electronic storage device containing soft form of election symbols supplied by the firm/ company authorized by the Election Commission and other necessary material is available with the printing press. He will ensure that services of responsible press employees are utilized in checking each individual postal ballot particularly that –

(i) Each bundle contains 50 postal ballots in consecutive serial number and no ballot paper is missing,

(ii) The particulars of each candidate, photograph and election symbol are correctly printed,

(iii) The names of contesting candidates are in the same serial order and in the manner as provided in Form 7A,

(iv) NOTA option is also correctly printed.

1.9 The serial number of postal ballots will be printed in 6 digits or 7 digits, as may be convenient through "type high-numbering machines". Serial number shall start from 100001/1000001 and not from 000001 as sometimes the figure '0' does not appear in full during printing. By deputing checker at machines, skipping or jumping of numbering machines can be checked simultaneously. Numbering of all postal ballots of a constituency should be done through one type of numbering machine only.

2. Checking of printed postal ballot-

2.1 As soon as the postal ballots are printed, cut into size and ready for checking, the checking parties authorized by the Returning Officer will check the postal ballots before packing. The Assistant Returning Officer (Printing) should also do random checking of the finally packed bundles of postal ballots.

2.2 When the packing of printed postal ballots is finally done, the Superintendent/Incharge of press will handover such packets to the Assistant Returning Officer (Printing) under proper receipt.

3. Disposal of surplus and waste postal ballot papers at printing press-

3.1 The surplus and waste ballot papers at the printing press will be shredded and made into the pulp in the presence of the Assistant Returning Officer (Printing) and Superintendent/Incharge of printing press and both will jointly sign a certificate for that purpose and make an entry in the register. The register should contain account of every single sheet of paper consumed or wasted in the printing. The register for each constituency shall be submitted to the District Election Officer.

3.2 The District Election Officer will submit to the Chief Electoral Officer the account containing the particulars of paper utilized i.e. the papers consumed in printing, disposed of as waste and the remaining stock of the paper left in balance, in his district.

4. Transportation and storage of the printed postal ballot papers-

4.1 The Assistant Returning Officer (Printing) will take delivery of the printed postal ballots from the printing press and the same will be transported in the vehicles under police guard. The representatives of the candidates may also be allowed to join the team to witness transporting of printed postal ballot from printing press to the designated place of storage. The Assistant Returning Officer (Printing) or any other officer, as the case may be authorized by the Returning Officer will receive the packets of printed postal ballots in the direct supervision of the Returning Officer. After making proper entry in the register maintained for the purpose, these printed postal ballots shall be kept in steel trunk(s) of appropriate size(s) with double lock and key on them. This steel trunk(s) shall be stored in a separate room under the direct supervision of the Returning Officer. One of the keys of the trunk containing printed postal ballot papers shall be with Returning Officer and the other with the Assistant Returning Officer (Printing) assigned for this task. The room meant for keeping these printed postal ballots should be in the same building/premises where Returning Officer is located. CCTV, up-to-date firefighting equipment and proper security shall be deployed for safety and security of the printed postal ballot.

4.2 A log book shall be maintained to record the proceedings of each occasion of opening and closing of the room where such printed postal ballot papers are stored. Signature of Returning Officer and other officials entrusted with the task shall be obtained on each occasion.

5. Colors of postal ballot paper and envelopes-

5.1 The color of postal ballot papers and envelopes for voters other than Service Voters shall be as follows: -

(i) White color for Lok Sabha election, whether general or bye-election;

(ii) Pink color for Vidhan Sabha election, whether general or bye-election

5.2 The postal ballot papers and envelopes for Service Voters shall be of white color in all types of election.

5.3 In case of simultaneous elections also, the color of postal ballot paper and the envelopes will remain the same as prescribed above.

6. Custody of postal ballot papers after counting-

6.1 As per rule 92(2) of the Conduct of Elections Rules, 1961, the District Election Officer concerned shall be responsible for the safe custody of postal ballot papers used at an election, along with

voting machines and packets containing Form 17A and other election papers listed under the said rule.

6.2 In case of multi - district constituency following shall be the custodian of Postal Ballots post counting in terms of Rule 92 of the Conduct of Elections Rules, 1961: -

Election (General/Bye) Custodian

Parliamentary Election District Election Officer who is Returning Officer of the Parliamentary Constituency or District Election Officer in whose division Returning Officer's Headquarters is located.

Assembly Election District Election Officer in whose jurisdiction Returning Officer's Headquarters is located.

6.3 Further, rule 93(1) of the Conduct of Elections Rules, 1961 provides that the postal ballot papers while in custody of the District Election Officer shall not be inspected by or produced before, any person or authority except under the order of a competent court.

7. The above directions should be brought to notice of all the District Election Officers, Returning Officers and all other election related authorities/officers for their information and strict compliance.

Yours faithfully,

(S.B. JOSHI)
PRINCIPAL SECRETARY

INSTRUCTION Sl. No. 44

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2021/SDR/Vol-III Dated: 11th January, 2022

To

The Chief Electoral Officers
All States/Union Territories

Subject: Publication of criminal antecedents by contesting candidates and political parties in pursuance of the Hon'ble Supreme Court decision in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India and Others and in WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.) and in contempt petition (c) no. 2192 of 2018 in WP (C) no. 536 of 2011 - regarding.

Reference: -

1- No. 3/4/2017/SDR/Vol.II dated 10th October, 2018
2- No. 3/4/2019/SDR/Vol.I dated 19th March, 2019
3- No. 76/ECI/INST/FUNC/EEM/EEPS/2019/VOL. XVII dated 8th May, 2019
4- No. 3/4/2019/SDR/Vol.III dated 30th August, 2019
5- No. 3/4/2020/SDR/Vol.III dated 6th March, 2020
6- No. 3/4/2020/SDR/Vol.III dated 19th March, 2020
7- No. 3/4/2019/SDR/Vol.IV dated 16th September, 2020
8- No. 3/4/2019/SDR/Vol.IV dated 30th October, 2020
9- No. 3/4/2020/SDR/Vol.III dated 11th January, 2021
10- No. 3/4/2021/SDR/Vol.III dated 26th August, 2021

Sir/Madam,

I am directed to refer to the above letters on the subject cited and Commission's letter No. 3/4/2021/SDR dated 26th February, 2021 vide which a booklet containing "Guidelines on publicity of criminal antecedents by political parties and candidates" was forwarded to you.

2. In light of Hon'ble Supreme Court's judgment dated 10.08.2021 in the matter; the above booklet has been updated and is being forwarded herewith for your information and future reference.

3. This shall be informed to all DEOs/ROs in the State/ Union Territory for necessary action on their part.

4. This shall also be circulated to all the political parties based in the State i.e. the State Units of the recognised National parties and recognised State parties of other States and all registered un-recognised National/ State political parties with headquarters based in your State/ Union Territory, with instructions to take note of the above direction for strict compliance both by the parties and their candidates in all future elections.

Yours faithfully,

(NARENDRA. N. BUTOLIA)
Sr. PRINCIPAL SECRETARY

GUIDELINES OF ELECTION COMMISSION OF INDIA ON PUBLICITY OF CRIMINAL ANTECEDENTS BY POLITICAL PARTIES & CANDIDATES

In Compliance with Hon'ble Supreme Court's Decisions in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and in WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI & Anr.), in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011 and in contempt petition(C) No. 656 of 2020 in contempt petition (C) no. 2192 of 2018 in writ petition (civil) no. 536 of 2011

January-2022

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

(Available at eci.gov.in)

Code: 324.6.SDR:BK:001:2022

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Subject: - Publicity of criminal antecedents by Political Parties & Candidates-

Reference: -

1- No. 3/4/2017/SDR/Vol.II dated 10th October, 2018

2- No. 3/4/2019/SDR/Vol.I dated 19th March, 2019

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6- No. 3/4/2020/SDR/Vol.III dated 19th March, 2020

7- No. 3/4/2019/SDR/Vol.IV dated 16th September, 2020

8- No. 3/4/2019/SDR/Vol.IV dated 30th October, 2020

9- No. 3/4/2020/SDR/Vol.III dated 11th January, 2021

10- No. 3/4/2021/SDR/Vol.III dated 26th August, 2021

INTRODUCTION

Indian elections are extremely competitive. In 17th General Elections, 2019, a total of **8054** candidates belonging to **673** political parties including independents vied for **543** seats in the Lok Sabha. One of the main concerns of electoral environment has been the participation of some candidates with criminal backgrounds. Hon'ble Supreme Court in its catena of judgments [dated 13th March, 2003 in Civil Appeal No. 490 of 2002

(People's Union for Civil Liberties and another v Union of India)] facilitated disclosure of full background including criminal antecedents and financial status of every candidate in the form of affidavit. Subsequently, in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr. the Court on 25th September, 2018 directed vide Para 4:

(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 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."

2. *In pursuance of this, Election Commission issued detailed instructions on 10th October 2018. In its directions, it prescribed six forms for the following purposes:*

Formats	Action to be taken by	Platform
C1	Candidates	News Paper & TV
C2	Political Parties	Newspaper, TV & Political Party's website,
C3	Returning Officer	Reminder to the Candidate.
C4	Candidate To DEO	Report to be submitted before the DEO (in case of elections to Lok Sabha and Vidhan Sabha) or the RO (in case of elections to Rajya Sabha and Vidhan Parishad)
C5	Political Parties To CEO of the State concerned	Report about publishing of the declaration.
C6	CEO To The Commission	Report regarding compliance by the political parties

3. The Commission also released detailed Frequently Asked Questions (FAQs) on 5th November, 2018 which was reiterated on 19th March, 2019 in this regard.

4. Further, in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011, the Hon'ble Supreme Court on 13th February, 2020, in the matter related to candidates with criminal antecedents, directed,

> *"4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India:*
>
> *(1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of*

the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.

(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.

(3) This information shall also be published in :

(a) One local vernacular newspaper and one national newspaper;

(b) On the officials social media platforms of the political party, including Facebook & Twittter.

(4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.

(5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.

(6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."

5. Meaning of 'National' and 'Local Vernacular' Newspapers, in the context of Hon'ble Supreme Court's Order dated 13th February, 2020, as approved by the Commission, is as below: -

(a) National Newspaper- Any daily newspaper which meets all the following norms:

1. At least one edition with circulation beyond 75000 as stated by DAVP/Audit Bureau of Circulation in publicly available records.

2. Editions in more than one State, as reflected in the publicly available records of DAVP/Audit Bureau of Circulation.

(b) Local Vernacular Newspaper- Any daily newspaper which meets all the following norms:

1. At least one edition published within the geographical territory of the State/UT, in the local vernacular language, with a circulation of at least 25,000, as stated by DAVP/ Audit Bureau of Circulation in publicly available records. However, Chief Electoral Officer may, if deemed necessary, fix a lower circulation floor, not below 15,000, in the States of Arunachal Pradesh, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and in UTs except Delhi and Chandigarh.

2. Registered with the DIPR of the concerned State/UT, and eligible for receiving advertisements from it.

3. List of local vernacular languages in each State/UT shall be specified by the CEO of the State/UT who may, if deemed necessary, seek advice from the DIPR of the State/UT, in the matter.

6. The Commission, in pursuance to this, on 6th March, 2020 prescribed two more forms for compliance by the political parties,

Formats	Action to be taken by	Purpose
C7	Political Parties	Newspapers, social media platforms & website of the party.
C8	Political Parties To Commission	Report of compliance of the

7. The Commission has now decided to consolidate all related instructions on this matter so that concerned political parties and candidates comply with the directions of Hon'ble Supreme Court, in the interest of electors, without any difficulty.

8. Also, for ensuring periodic awareness of electors during the campaign, the Commission has now 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 5th – 8th days.

   iii. From 9th day till the last day of campaign (the second day prior to date of poll)

   (Illustration: if the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the publication of declaration shall be done in the following time period: -

   i. First block for publication shall be done between 11th and 14th of the Month,

   ii. Second block for publication shall be done between 15th and 18th the Month

   iii. and the third block for publication shall be done between 19th and 22nd of the Month)

9. However, timeline for publishing the details of criminal cases on the three occasions, in case of the Rajya Sabha and State Legislative Council elections by Members of Legislative Assembly (MLAs), shall be as under:

   i. within first 2 days of withdrawal

   ii. Between next 3rd – 4th days; and

   iii. From 5th day to 6th day i.e. prior to date of poll.

10. As directed by Hon'ble Supreme Court, such political parties must disclose the reasons of such selection, publicize it, and intimate in the prescribed format to the Commission with 72 hours. Failure to comply with this need to be reported for contempt.

11. All contesting candidates, who have criminal antecedents must publicize the details in the prescribed format as per timeline described at Para 7 above.

12. All those candidates who return uncontested and have criminal antecedents must publicize the details in the prescribed format as per timeline described at Para 7 above.

13. All such candidates must disclose expenditure incurred in this regard in the prescribed format C-4 to the concerned District Election Officer at the time of filing of her/his return, and Abstract statement of Election Expenses of candidates.

14. All such political parties must disclose expenditure incurred in this regard at the time of filing their returns in format C-5 and statement of Election Expenditure of Political Parties.

15. It has been noticed that a number of candidates with criminal antecedents, have not published the declaration in the newspapers even once as prescribed by the Commission vide its two instructions dated 10th October, 2018 and 16th September, 2020, which is in contravention to the directions of the Hon'ble Supreme Court. In view of this, the Commission has decided to serve a Notice to such defaulting candidates by the CEO. The Format of the Notice may be seen in the annexure.

16. In furtherance of the directions issued by the Constitution Bench in ***Public Interest Foundation (supra)*** and its earlier Order dated 13.02.2020, Hon'ble Supreme Court in contempt petition (civil) No. 656 of 2020 in contempt petition (civil) no. 2192 of 2018 in writ petition (civil) no. 536 of 2011, on 10th August, 2021, directed that:-

> *"(i) Political parties are to publish information regarding criminal antecedents of candidates on the homepage of their websites, thus making it easier for the voter to get to the information that has to be supplied. It will also become necessary now to have on the homepage a caption which states "candidates with criminal antecedents";*
>
> *(ii) The ECI is directed to create a dedicated mobile application containing information published by candidates regarding their criminal antecedents, so that at one stroke, each voter gets such information on his/her mobile phone;*
>
> *(iii) The ECI is directed to carry out an extensive awareness campaign to make every voter aware about his right to know and the availability of information regarding criminal antecedents of all contesting candidates. This shall be done across various platforms, including social media, websites, TV ads, prime time debates, pamphlets, etc. A fund must be created for this purpose within a period of 4 weeks into which fines for contempt of Court may be directed to be paid;*
>
> *(iv) For the aforesaid purposes, the ECI is also directed to create a separate cell which will also monitor the required compliances so that this Court can be apprised promptly of non-compliance by any political party of the directions contained in this Court's Orders, as fleshed out by the ECI, in instructions, letters and circulars issued in this behalf;*
>
> *(v) We clarify that the direction in paragraph 4.4 of our Order dated 13.02.2020 be modified and it is clarified that the details which are required to be published, shall be published within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations; and*
>
> *(vi) We reiterate that if such a political party fails to submit such compliance report with the ECI, the ECI shall bring such non-compliance by the political party to the notice of this Court as being in contempt of this Court's Orders/directions, which shall in future be viewed very seriously."*

17. In pursuance of the Hon'ble Supreme Court's above judgment dated 10.08.2021 the Commission has taken following steps:-

i) A dedicated mobile application naming 'Know Your Candidate' has been developed which contains information regarding criminal antecedents of the candidates as declared by them. The mobile application is available on Commission's website and can also be downloaded from Google Play Store and Apple App Store.

ii) A dedicated fund has been created for voter's awareness campaign and to make available the information regarding criminal antecedents of all contesting candidates for general public. Any fine imposed by Hon'ble Supreme Court on political parties regarding non-compliance of its above orders is to be submitted in the above fund. This has been intimated to all political parties vide Commission's letter no. No. 3/4/2021/SDR/VOL.III, dated 26th August, 2021.

iii) A separate dedicate Cell has been created in the Commission to deal with the matters pertaining to publication of criminal antecedents of the candidates vide Commission's Office Order dated 17.09.2021.

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 25th 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:

(A) Pending criminal cases

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) Details about cases of conviction for criminal offences

Sl. No.	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	**Maximum Punishment Imposed**

*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 25th 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**	**(A) Pending criminal cases**		**(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	Maximum Punishment Imposed.

*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.**

Format C-3

(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 25th 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 5th -8th days

iii) From 9th 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 25th 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 25th 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)
	Period during which displayed	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.)	

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.

Format C-6

Statement regarding publishing of criminal cases against candidates set up by political parties as per directions in the Commission's letter No. 3/4/2017/SDR/Vol.II dated 10th October, 2018- Report regarding compliance by Political Parties

Name of State/UT - .....

Name of the Election -..... (General/Bye-election, Lok Sabha/Rajya Sabha/Legislative Assembly/ Legislative Council)

Date (s) of Poll - .....

No. & Name of Assembly/ Parliamentary Constituency	**Name of the Political Party**	**Whether submitted Report in Format C-5 by the party (Yes/No).** **If yes, then date of submission.**	**Whether declaration has been published on the website of the party as per direction (Yes/No).**	**Publishing in Newspaper by the party**		**Publishing on Television by the party**	
				Name(s) of Newspaper	Date(s) of publishing	Name(s) of Channel	Date(s) & time of insertion/ telecast
01-abc	ABC						
	…						
	…						
	…						
02-def	DEF						
	…						
	…						
and so on							

Note 1 - Only such Political Parties which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to submit Report in this regard to the CEO concerned.

Chief Electoral Officer

Name of the State……

Format C-7

(for political parties to publish in
the newspapers, social media platforms
& website of the party)

Information regarding individuals with pending criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition(C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party: _____

***Name of the Election:** _____

Name of State/UT: _____

(1) Name of the Constituency-……..

Name of the candidate-……..

Sl. no.

1. Criminal antecedents

a.	Nature of the offences
b.	Case no.
c.	Name of the Court
d.	Whether charges have been framed or not (Yes/No)
e.	Date of conviction, if any
f.	Details of punishment undergone, if any
g.	Any other information required to be given

2. The reasons for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere "winnability"at the polls (not more than 100 words)

3. Reasons as to why other individuals without criminal antecedents could not be selected as candidates (not more than 100 words)

(2) Name of the Constituency-……..

Name of the candidate-……..

……..and so on

* In the case of election to Council of States or States or election to Legislative Council by MLAs, mention the election concerned in place of name of Constituency.

Signature of office bearer of the Political Party

Name and designation……..…….

Note:-

(1) Political parties (at the Central and State election level) shall upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.

(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.

(3) This information shall also be published in:

(a) One local vernacular newspaper and one national newspaper;

(b) On the officials social media platforms of the political party, including Facebook & Twittter.

(4) The matter in newspapers shall be published in font size of at least 12.

(5) The above information shall be published State wise for each State/UT.

(6) These details shall be published within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations.

(7) The political party concerned shall then submit a report of compliance in Format C-8 with the Election Commission within 72 hours of the selection of the said candidate.

Format C-8

Report of political party as required under the Commission's directions issued in pursuance of the Order dated 13-02-2020 of Hon'ble Supreme Court in Contempt Petition(C) No. 2192 of 2018 in WP (C) No. 536 of 2011.

Name of political party : _____

Details of Social Media Accounts of the party: (i)

(Facebook, Twitter etc.) (ii)

(iii)

Name of Election: _____

Gen Election/ Bye –election to Lok Sabha / Leg. Assembly/Biennial election/ Bye election to Council of States/ Leg Council

(Write the appropriate alternative)

Name of State: _____

It is certified that _____ (name of political party) has published detailed information regarding the persons with pending criminal cases in the Format prescribed by the Commission (Format C-7) as per the directions in the Commission's letter No. _____, dated _____in the following media:

Sl. no.		Date of publication & cost of publication to be mentioned in column below	
		Date	Cost
1.	One National Newspaper (copy to be furnished)		
2.	One Local Vernacular Newspaper (copy to be furnished)		
3.	Social Media Platforms of the party (print to be furnished)		
4.	Website of the party (printout of the material enclosed)		

Declaration

It is declared that full information, explanation and details have been published in respect of each of the persons with pending cases who have been selected to be the candidates of the party in the abovementioned election, as per the directions in the Order dated 13-02-2020 of the Hon'ble Supreme Court referred to above, and nothing has been concealed.

Place:

Signature of office bearer of the Political Party

Name and designation……..

Date:

(seal of the Party)

Note:- This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 72 hours of selection of the candidate, whichever is earlier.

Format-CA

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/Council of States/Legislative Councils to be held in _____20

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme court in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

S. No.	Name of State	No. & Name of Constituency	No. of seats	Party affiliation	Name of Candidates	Whether the candidate has declared anything about pending criminal case(s) against him/her in item 5 of Form 26 (Yes/No)	Whether the candidate has declared anything about cases(s) of conviction(s) for criminal offence(s) in item 6 of Form 26 (Yes/No)	If the information given in column no. 7 & 8 is yes, whether the political party has sent report in Format C8 (Yes/No)
1	2	3	4	5	6	7	8	9

Signed by RO of the Constituency_____

Date:

Countersigned by CEO_____State

Annexure			
Sl. No.	**Commission's Instruction**	**Date**	**Page No.**
1.	No. 3/4/2017/SDR/Vol.II	10th October, 2018	25-28
2.	No. 3/4/2019/SDR/Vol.I	19th March, 2019	29-31
3.	No. 3/4/2019/SDR/Vol.III	30th August, 2019	32
4.	No. 3/4/2020/SDR/Vol.III	6th March, 2020	33-35
5.	No. 3/4/2020/SDR/Vol.III	19th March, 2020	36
6.	No. 3/4/2020/SDR/Vol.IV	16th September, 2020	37-40
7.	No. 3/4/2019/SDR/Vol.IV	30th October, 2020	41-43
8.	No. 3/4/2020/SDR/Vol.III	11th January, 2021	44-45
9.	No. 3/4/2020/SDR/Vol.III	26th August, 2021	46-47

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2017/SDR/Vol-II Dated: 10th October 2018

To

The Chief Electoral Officers of
all States and Union Territories

Sub:- (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;

(ii) Amendments in Form-26 (Format of affidavit by candidates).

Sir/Madam,

The candidates at all elections are required to file affidavit in Form-26, along with nomination paper, declaring information about criminal cases, assets, liabilities and educational qualifications. Form-26 has now been amended vide Ministry of Law & Justice Notification No. H.11019(4)/2018-Leg.II, dated 10th October, 2018. The amendments made in Form-26 are in pursuance of the directions in the judgments of the Hon'ble Supreme Court in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the said notification along with a copy of the updated Form-26 is enclosed herewith. The candidates are now required to file the affidavit in the amended Form-26.

In the judgment 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 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. In pursuance of the abovementioned judgment, the Commission, after due consideration, has given the following directions to be followed by candidates at elections to the Houses of Parliament and Houses 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 a declaration about 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, at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll. 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.

(Illustration: If the lost date for withdrawal is 10th of the Month and poll is on 24th of the Month, the publishing of declaration shall be done between 11th and 22nd of that Month).

(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.

(c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Fom-26, the Returning Officer shall 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. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.

(d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted Item (6A).

4. The Political Parties — recognized parties and registered un-recognized parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto. Publishing of the declaration in newspapers and TV channels is required to be done at least on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

5. It may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form-26 itself under Item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26. Accordingly,

the candidates are now not required to file the additional affidavit prescribed under the Commission's Order No. 509/11/2004-JS-I, dated 3rd February, 2016, as the provisions are now part of Form-26 itself.

6. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the above directions and the amendments in Form-26.

7. Please acknowledge receipt and confirm action taken.

Yours faithfully,

(K.F. WILFRED)
Sr. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2019/SDR/Vol-I Dated: 19th March, 2019

To

The Chief Electoral Officers of
All States and UTs

Subject: - FAQs on Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court Judgment dated 25/09/2018 in W.P.(C) No. 536 of 2011- regarding.

Sir/Madam,

I am directed to invite your reference to the Commission's directions in letter of even No. dated 10/10/2018 issued in pursuance of Hon'ble Supreme Court Judgment dated 25/09/2018 in W.P.(C) No. 536 of 2011. In view of the various queries raised in this regard, a set of FAQs and clarifications in this regard is enclosed.

2. The FAQs may be circulated to all DEOs, Returning Officers, officers connected to elections and the Political Parties based in your State, for their information.

3. In the Commission's abovementioned letter, it has been inter alia, directed that after the election the candidates shall submit a report about publishing of declaration to the DEO and the Political parties to the CEO of the State. The Commission has provided formats C-4 and C-5 for this purpose. The formats are also enclosed. These shall also be circulated to the DEOs, ROs and all political parties based in the State.

Yours faithfully,

(N.T. Bhutia)
Secretary

Copy to: All Recognized National and State Political Parties

Annexure

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 of2011.

Q.I 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 indicative list of various newspapers which have wide circulation in the various district/different constituency areas in the State prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.

Q.2 When has it to be publicised?

Ans. It has already been clearly mentioned in the Commission's letter dated10-10-2018 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.

Q.3 There is no column for 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.

Q.4 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, 51 and Section 171G of IPC].

Q.5 Which TV channel the declaration has to be publicised?

Ans. Please refer to the answer against Q.I above. It has to be done in TV channels which are available/popular in the areas concerned.

Q.6 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.

Q.7 If a candidate does not have any criminal record, whether he/she is required to publicise?

Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to publish the declaration.

Q.8 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 ofForm-26, are required to be mentioned.

Q.9 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 that revised status only. If it is NIL, the candidate is not required to publish it.

Q.10 Who will bear the expenses for publishing?

Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.

Q.11 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.

Q.12 Can RO act on any discrepancy in such details if pointed out?

Ans. No. RO is not supposed to enquire into correctness of declarations published by candidate/political parties.

Q.13 In what manner, such candidates will submit the information about publicity of cases to the 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.

Q.14 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.

Q.15 What are the Hours during which the information on TV channels is to be displayed?

Ans. Information should be published on TV channels during the period between 8AM and 10PM.

Q.16 What will be the language in which the information is to be published on TV channels?

Ans. The information should be published in vernacular language or in English.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/4/2019/SDR – Vol.III Dated: 30th August, 2019

To

The Chief Electoral Officers of
all States and Union Territories.

Sub: (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;

(ii) Amendments in Form-26 (Format of Affidavit to be filed by candidates).

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 3/4/2017/SDR/Vol.II dated 10.10.2018 and letter dated 19.03.2019 whereby in pursuance of the decision of the Hon'ble Supreme Court in the judgment in WP(c) No. 784 of 2015 (Lok Prahari Vs. UoI & Ors) and WP(C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI and Anr.), the Commission had issued a direction that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates shall publish a declaration in newspapers and TV Channels in the manner prescribed in the letters referred to above. Further, as per Para 4 of the above mentioned letter, all CEOs are requested to submit a report to the Commission confirming compliance by parties concerned, and pointing out cases of defaulters, if any.

In this context, it is to inform that the Commission has devised a Format C-6 for sending the compliance report. You are, therefore requested to send the abovementioned report regarding compliance by the political parties to the Commission in the Format C-6 in respect of the Lok Sabha general election. The report may be submitted latest by 30.09.2019.

Yours faithfully,

(N.T. Bhutia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2019/SDR/Vol-I Dated: 19th March, 2019

To

The Chief Electoral Officers of
all States and Union Territories.

Sub: (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;

(ii) Amendments in Form-26 (Format of Affidavit to be filed by candidates).

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 3/4/2017/SDR/Vol.II dated 10.10.2018 and letter dated 19.03.2019 whereby in pursuance of the decision of the Hon'ble Supreme Court in the judgment in WP(c) No. 784 of 2015 (Lok Prahari Vs. UoI & Ors) and WP(C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI and Anr.), the Commission had issued a direction that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates shall publish a declaration in newspapers and TV Channels in the manner prescribed in the letters referred to above. Further, as per Para 4 of the above mentioned letter, all CEOs are requested to submit a report to the Commission confirming compliance by parties concerned, and pointing out cases of defaulters, if any.

In this context, it is to inform that the Commission has devised a Format C-6 for sending the compliance report. You are, therefore requested to send the abovementioned report regarding compliance by the political parties to the Commission in the Format C-6 in respect of the Lok Sabha general election. The report may be submitted latest by 30.09.2019.

Yours faithfully,

(N.T. Bhutia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2020/SDR/Vol.III Dated: 6th March, 2020

To

The President/General Secretary/Chairperson/Convener,
of all recognized National and State Political Parties.

Sub: Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011 - Requirement of publishing details regarding candidates with pending criminal cases- regarding.

Sir/Madam,

I am directed to bring to your notice of the Hon'ble Supreme Court's Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011.

2. In this connection your attention is drawn to the Commission's instructions contained in letters no. 3/4/2017/SDR/Vol.II & 3/4/2019/SDR/Vol.I dated 10th October, 2018 and 19th March, 2019 respectively in compliance of the Hon'ble Supreme Court's judgement dated 25th September, 2018, in Public Interest Foundation & Ors. V. Union of India & Anr. [WP (Civil) No. 536 of 2011].

3. The Hon'ble Supreme Court in its Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011, referred to above,has given the following directions: -

"4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India:

(1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.(2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere "winnability" at the polls.

(3) This information shall also be published in :

(a) One local vernacular newspaper and one national newspaper;

(b) On the officials social media platforms of the political party, including Facebook & Twittter.

(4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.

(5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.

(6) If a political party fails to submit such compliances report with the Election Commission, the Election

Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."

4. In pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 and in addition to the Commission's earlier instructions dated 10th October, 2018 and 19th March, 2019, the Commission, after due consideration has directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates shall be published by the political party in the newspapers, social media platform and website of the party in the enclosed **Format C-7 within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier**.

5. A compliance report in the enclosed **Format C-8 shall be sent to the Commission within 72 hours of the selection of the candidate**.

6. The party may note that failure to abide by the abovementioned directions will render the party liable to contempt proceedings before the Hon'ble Supreme Court.

7. It is clarified that failure to abide by the above directions will also be treated as failure to follow a lawful direction of the Commission for the purposes of Paragraph-16A of the Elections Symbols (Reservation & Allotment) Order, 1968.

Yours faithfully,

(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

Copy to: - The Chief Electoral Officers of all States and UTs with the request that a copy of this letter may be sent to all registered political parties with headquarters in the State/UT including the State Units of the recognized National and State Parties.

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/4/2020/SDR – Vol.III Dated: 19th March, 2020

To

The Chief Electoral Officers of
All States and UTs

Subject: - Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP (C) No. 536 of 2011- Requirement of publishing details regarding candidates with pending criminal cases- regarding.

Sir,

I am directed to refer to the Commission's letter of even No. dated 06.03.2020, on the above subject and addressed to recognized political parties, a copy of the letter endorsed to CEOs and to say that in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020, if a political party fails to submit compliance report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of the court's order. Accordingly, the political parties shall publish information regarding candidates with criminal antecedents with the reason for selection of such individuals in Format C-7 within the given time and a compliance report shall be sent in Format C-8 to the Commission within 72 hours of the selection of the candidates.

The CEOs are requested to obtain information with regard to the individuals with criminal antecedents, selected as candidates by the political parties, in the elections being held in their states, from the ROs concerned and furnish the same in compiled form, in the enclosed Format CA. The information shall be sent to the Principal Secretary/Secretary of the concerned Territorial Zone/Biennial Election Division in the Commission by the last date of making nominations for the said election so that information of non-compliance by the political parties may be submitted to the Supreme Court, in time.

Yours faithfully

(N.T. Bhutia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2019/SDR/Vol.IV Dated: 16th September, 2020

To

The Chief Electoral Officers of
all States and Union Territories.

Sub: Supreme Court's Judgment on the petition regarding requirement of publishing details regarding people with criminal antecedents contesting elections;

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 3/4/2017/SDR/Vol. II dated 10.10.2018, and letter dated 19.03.2019,issued in pursuance of the Judgment of Hon'ble Supreme Court in WP(C) No. 784 of 2015 (Lok Prahari Vs. UoI &Ors) and WP(C) NO. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI and Anr.). In the said letters the Commission has directed that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates, shall publish declaration in newspapers and TV Channels in the manner prescribed in the letters referred to above.

3. Subsequently, in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 passed in Contempt Petition(C) No. 2192 of 2018 in WP(C) NO. 536 of 2011 and in addition to the directions in the Commission's above said two letters, the Commission vide letter No. 3/4/2020/ SDR/Vol.III dated 6th March 2020, has also directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction, shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for selection of such candidates, as also as to why other individuals without criminal antecedents could not be selected as candidates, shall be published by the political party in the newspapers, social media platform and website of the party within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.

4. The Commission has also considered the issues relating to the publicity by the uncontested returned candidates and directed that in view of above said directions of Hon'ble Supreme court such candidates must also publicize their criminal antecedents in the manner as prescribed for other contesting candidates..

5. As per the Commissions directions, the details regarding criminal cases are to be published on three occasions during the campaign period for the purposes of publishing of such details. Now, Commission has considered the matter and directed that the period specified will be decided with three blocks in following manner, so that electors have sufficient time to know about the background of such candidates:

   a. Within first 4 days of withdrawal.

   b. Between next 5th- 8thdays.

   c. From 9th day till the last day of campaign (the second day prior to date of poll)

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

5. The other directions in this regard as given in the Commission's letters referred to in Para 1 & 2 above shall continue to be followed.

6. While filing the a/c of election expenses the details regarding publishing of instruction on criminal antecedents, if any, shall be provided in the prescribed format (Format C-4). In the case of election to Rajya Sabha or State legislative council, these details shall be submitted to the RO for the election.

7. It may again be stated here that **as far as political parties are concerned, they will be bound to disclose details regarding candidates selected by them in terms of the above mentioned Hon'ble Supreme Court's Order dated 13.02.2020, Communicated vide Commission's letter No. 3/4/2020/SDR/Vol.III dated 6th March, 2020, even if their candidature is rejected during scrutiny and/or withdraws his candidature** may be followed in this regard.

8. It may be reiterated that all the expenses incurred by the candidate and the political party in connection with the publication of the aforesaid criminal antecedent will be accounted for the purpose of election. In this regard, the Commission's letter No 3/4/3029/SDR/Vol.-I dated 19th March 2019 may be referred to.

9. In order to streamline the existing Formats as prescribed by the Commission and in compliance of the Order of the Hon'ble Supreme Court, Formats C1, C2, and C3 have been modified by adding suitable guidelines (copies enclosed).

10. This letter may be circulated to all DEOs/ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State i.e. the State Units of the recognized parities and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instruction to take note of the above directions for strict compliance both by the parties and their candidates in all future elections.

11. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

(N.T. Bhutia)
Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/4/2019/SDR/Vol.IV Dated: 30th October, 2020

To

The Chief Electoral Officer,
Bihar,
Patna.

Sub: - Non-Publishing declaration about criminal antecedents by the candidates-Notice-regarding.

Sir,

I am directed to state that as per the information received from you in the Commission, it has been noticed that a number of candidates with criminal antecedents, have not published the declaration in the newspapers even once as prescribed by the Commission vide its two instructions dated 10th October, 2018 and 16th September, 2020, which is in contravention to the directions of the Hon'ble Supreme Court.

In view of above, the Commission has decided to serve a Notice to such defaulting candidates by the CEO. The format of the Notice is sent herewith.

Yours faithfully,

(Abhishek Tiwari)
Under Secretary

Template

NOTICE

Whereas, in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.), the Hon'ble Supreme Court on 25th September, 2018 directed vide Para 4:

(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 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."

Whereas, in pursuance of the above said Judgment of Hon'ble Supreme Court of India, Election Commission issued directions vide letter No. 3/ER/2018/SDR, dated 10-10-2018 and letter No. 3/4/2019/SDR/Vol.IV dated 16-09-2020, that all candidates with criminal cases-either pending cases or cases of conviction in the past, should 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 in Format C-1 (copy enclosed). 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 5th -8th days

iii) From 9th day till the last day of campaign (the second day prior to date of poll)

Whereas, as per the information received by the RO/DEO, it has come to the notice that you have not published the declaration in the newspapers even once as prescribed by the Commission vide its above referred two letters dated 10th October, 2018 and 16th September, 2020, which is in contravention to the Directions of the Hon'ble Supreme Court.

Now, therefore, you are being given an opportunity to explain as to why not necessary legal action should be initiated against you for such failure. You may send your explanation by … AM on … , 2020 positively, failing which this office shall be constrained to initiate further action including lodging of FIR etc. without any further reference to you.

By Order,

Chief Electoral Officer,

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To,

…….

…….

…….

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2020/SDR/Vol.III Dated: 11th January, 2021

To

The President/General Secretary/Chairperson/Convener,
of all recognized National and State Political Parties.

Sub: Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011 - Requirement of publishing details regarding candidates with pending criminal cases in Rajya Sabha and State Legislative Council elections- regarding.

Sir/Madam,

I am directed to draw your attention to the Commission's letter no. 3/4/2020/SDR/VOL-III, dated 16th September, 2020, issued in pursuance of the Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 in WP(C) No. 536 of 2011. As per the Commission's above directions the details of criminal cases are to be published on the following three occasions during the campaign period so that electors have sufficient time to know about the background of such candidates:

(i) Within first 4 days of withdrawal

(ii) Between next 5th -8th days.

(iii) From 9th day till the last day of campaign (the second day prior to date of poll).

2. In this connection, clause (d) of Section 39 of the Representation of the people Act 1951 relating to elections to Council of States and State Legislative Councils, is read as under:-

(1) As soon as the notification calling upon the elected members or the members of the legislative assembly of a State or the members of the electoral college of a Union territory to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint-

(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the seventh day after the last date for the withdrawal of candidatures; and

3. In view of the aforesaid provision, date of poll, in case of Rajya Sabha and State Legislative Council elections by Members of Legislative Assembly (MLAs), if required, shall be a date not earlier than the seventh day after the date of withdrawal of candidature. Accordingly, timeline for publishing the details of criminal cases on the three occasions, in case of the aforesaid two elections i.e. Rajya Sabha and State Legislative Council elections by Members of Legislative Assembly (MLAs), shall be as under:

(i) Within first 2 days of withdrawal

(ii) Between next 3rd -4th days; and

(iii) Form 5th day to 6th day i.e. prior to date of poll.

4. Kindly acknowledge receipt.

Yours faithfully,

(N.T. Bhutia)
SECRETARY

Copy to: - Chief Electoral Officers of all States and UTs for information.

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2021/SDR/VOL.III Dated: 26thAugust, 2021

To

The President/General Secretary
of recognized National/State political parties
(As per the list)

Subject: Publication of criminal antecedents by contesting candidates and political parties – Hon'ble Supreme Court order dated 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora &Ors. - regarding.

Sir,

I am directed to refer to the subject cited and to state that the Hon'ble Supreme Court vide its judgment dated 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors. has given the following directions:

"**73.** In furtherance of the directions issued by the Constitution Bench in Public Interest Foundation (supra) and our Order dated 13.02.2020, in order to make the right of information of a voter more effective and meaningful, we find it necessary to issue the following further directions:

(i) Political parties are to publish information regarding criminal antecedents of candidates on the homepage of their websites, thus making it easier for the voter to get to the information that has to be supplied. It will also become necessary now to have on the homepage a caption which states "candidates with criminal antecedents";

(ii) The ECI is directed to create a dedicated mobile application containing information published by candidates regarding their criminal antecedents, so that at one stroke, each voter gets such information on his/her mobile phone;

(iii) The ECI is directed to carry out an extensive awareness campaign to make every voter aware about his right to know and the availability of information regarding criminal antecedents of all contesting candidates. This shall be done across various platforms, including social media, websites, TV ads, prime time debates, pamphlets, etc. A fund must be created for this purpose within a period of 4 weeks into which fines for contempt of Court may be directed to be paid;

(iv) For the aforesaid purposes, the ECI is also directed to create a separate cell which will also monitor the required compliances so that this Court can be apprised promptly of non-compliance by any political party of the directions contained in this Court's Orders, as fleshed out by the ECI, in instructions, letters and circulars issued in this behalf;

(v) We clarify that the direction in paragraph 4.4 of our Order dated 13.02.2020 be modified and it is clarified that the details which are required to be published, shall be published within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations; and

(vi) *We reiterate that if such a political party fails to submit such compliance report with the ECI, the ECI shall bring such noncompliance by the political party to the notice of this Court as being in contempt of this Court's Orders/directions, which shall in future be viewed very seriously."*

2. In compliance of the Hon'ble Supreme Court directions the Election Commission of India has created a Fund in which fines for contempt of court can be deposited. The fines can be deposited by way of cheque in the name of PAY AND ACCOUNTS OFFICER or through electronic mode in the Punjab National Bank receipt accounts i.e. A/c No. 0153002100000180 (Name of the account "Collection A/c Election Commission of India") IFSC code PUNB0015300. In case the payment is made through electronic mode the details of the transaction namely UTR No., Bank Name, Date of transaction etc. may be intimated to the Commission, immediately.

The above may be noted for future compliance.

Yours faithfully,

(Ashwani Kumar Mohal)
Secretary

Copy to: - The Chief Electoral Officers of all States and UTs.

Code: 324.6.SDR:BK:001:2022

INSTRUCTION SL.NO. 45

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.4/2023/SDR/Vol.I Dated: 31st May, 2023

To

1. The Chief Secretaries of all States & UTs
2. The Chief Electoral Officers of all States & UTs

Sub: Disciplinary proceedings against officials appointed for election related activities– Consolidated instructions- regarding.

Reference:

1. Order No. 4/2001/JS-II dated 07.02.2001
2. Letter No. 4/2009/SDR dated 07.11.2009
3. Letter No. 4/2009/SDR dated 02.02.2010
4. Letter No. 464/INST/2009/EPS dated 31.03.2009, and
5. Letter No. 464/INST/2019/EPS dated 17.12.2019

Madam/Sir,

Under Article 324(1) of the Constitution of India superintendence, direction and control of the preparation of the electoral rolls and the conduct of all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice President shall be vested in the Election Commission. Conduct of election and preparation of electoral rolls involve diverse activities at various levels which require sizable number of officials and field level functionaries of the State Governments involved in such exercises. For this purpose, Article 324(6) further provides that the President or the Governor of the State, shall, when so requested by the Election Commission; make available such staff as may be necessary for the discharge of the above functions conferred on the Election Commission.

2. In pursuance of the above constitutional provisions, a well defined structure of electoral machinery has been provided in the election laws, contained in Part II(A) (Sec.13A to 13CC) of R.P.Act, 1950 and corresponding provisions given in Part IV (Sec.20 to 29) of R.P.Act, 1951.

3. The officials shall be on deemed deputation to Election Commission of India.

3.1 In this connection, attention is invited to Section 13CC of the R.P. Act, 1950 which is reproduced as under: -

Section 13CC of the Representation of the People Act, 1950. Chief Electoral Officers, District Election Officers, etc., deemed to be on deputation to Election Commission.—The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be

on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

3.2 A similar provision is contained in Section 28A of the R.P. Act, 1951 which states as follows:

Section 28A of the Representation of the People Act, 1951. Returning officer, presiding officer, etc., deemed to be on deputation to Election Commission.—The returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed under this Part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

3.3 In view of Section 28A of 1951 Act, all the State Govt. officials who have been involved in elections in any capacity, also shall deemed to be on deputation to the Commission. These include the Chief Secretary, Home Secretary and all police officers / police personnel starting from the DGP/IGP/ Commissioner of police at the top level to Inspectors, Sub-Inspectors and Constables (including home guards). They are thus by law, officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable to the Commission, for any act of Commission on their part while performing any election related duties.

4. **Extent of disciplinary/jurisdiction of ECI** -

4.1 The question of true purport and extent of discipline jurisdiction of the Commission under Section 13CC of the RP Act, 1950 and Section 28A of the RP Act, 1951, was raised before the Hon'ble Supreme Court in WP(C) No. 606 of 1993 (Election Commission of India Vs. Union of India and others).

4.2 The Hon'ble Supreme Court, by its Order dated 21.09.2000 disposed of the above writ petition in terms of the Terms of Settlement arrived at between the Commission and the Union Government.

The Terms of Settlement referred to above are reproduced below:

"That the disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties during election period shall extend to-

(a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;

(b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;

(c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;

(d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under administrative control."

4.3 In pursuance of the Hon'ble Supreme Court's above said Order dated 21.09.2000, the Govt. of India (Department of Personnel & Training) issued an OM on 7.11.2000 and a letter dated 8.11.2000 to all State Govt. / UT Administration asking them to comply with the above terms of settlement. Consequently the Commission has issued an Order No. 4/2001/JS-II dated 07.02.2001 (copy enclosed) that the disciplinary action against officers, staff and police personnel deputed to perform election duties during an election shall be governed by the above principles and decisions agreed to between the Union Government and the Election Commission and as held by the Supreme Court in the said Order dated 21.09.2000.

4.4 DoPT vide OM dated 07.11.2000 had clarified that it was not necessary to amend the service rules for exercise of powers of suspension by the Commission since these powers were derived from the provisions of Section 13CC of the RP Act, 1950 and Section 28A of the RP Act, 1951, which would have overriding effect over the disciplinary rules. Despite the unambiguous position regarding the Commission's disciplinary jurisdiction, there have been some cases where the certain disciplinary authorities didn't comply with in letter and spirit and the officials who were placed under suspension on the orders of the Commission were reinstated by the State Governments unilaterally without consulting the Commission. Therefore, in this context, the Commission addressed a letter to Cabinet Secretary to reiterate the position regarding the disciplinary jurisdiction of the Commission over the election related officers as brought out and explained in the DoPT OM dated 07.11.2000.

4.5 Consequently Ministry of Personnel, Public Grievances and Pensions (DoPT) vide their OM No. 11012(4)/2008-Estt.(A) dated 28.07.2008 conveyed to all ministries/departments of Govt. of India that it shall be mandatory for the disciplinary authority to consult with Election Commission. The matter is proposed to be closed on basis of written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their Communication no. 11012 (4)/2008-Estt. (A) dated 08.12.2009 advised the Chief Secretary of all states to obtain the Commission's consent before reinstating any officer who is placed under suspension on the orders of the Commission.

5. The Commission has been bringing the above instructions to the notice of Chief Secretary of State/UTs from time to time; the latest being vide letter no. 464/INST/2019/EPS dt. 17.12.2019 (copy enclosed).

6. Therefore, I have been directed by the Commission that above instructions may be brought to notice of all concerned including DEOs/SPs and other officers engaged for election related work, for their information and strict compliance.

Yours faithfully,

(Narendra N. Butolia)
Sr. Principal Secretary

STANDARD DISTRIBUTION

INSTRUCTION SL.NO. 46

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/1/2022/SDR/Vol.I Dated: 19th January, 2023

To

The Chief Electoral officers of
All States/UTs

Sub: - Misuse of religious institutions for political purposes-regarding.

Sir/Madam,

I am directed to refer to the subject cited above and to reiterate the Commission's direction issued vide letter no. 3/1/2012-SDR dated 27th July, 2012 whereby the Commission directed that the existing provisions of the Model Code of Conduct for the guidance of political parties and candidates, prohibit the use of places of worship as forum for election propaganda in any manner.

Further, Sections 3, 5 & 6 of The Religious Institutions (Prevention of Misuse) Act, 1988 (No. 41 of 1988) prohibit 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. Contravention of the provisions of any of these Sections is punishable by imprisonment upto 5 years and with fine. (Copy enclosed)

The Commission desires that the above provisions of the existing law may be brought to the notice of all DEOs and ROs so as to ensure that any violation of these provisions during election is dealt with firmly and FIRs/ complaints are lodged under relevant provisions in the event of any offence under the said Sections of the Religious Institutions (Prevention of Misuse) Act, 1988.

DEOs, ROs and other election authorities should be instructed to ensure strict observance of the above provisions of law. This may also be circulated to all political parties based in your State/ UT, including State units of the political parties for their information.

Kindly acknowledge receipt.

Yours faithfully,

NARENDRA N. BUTOLIA
(Sr. Principal Secretary)

Copy to: The President/General Secretary of all recognized National and State parties (As per list attached).

INSTRUCTION SL.NO. 47

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/ER/2023/SDR/Vol.II Dated: 18th August, 2023

To

The President/General Secretary of
Recognized National and State Political Parties

Subject: Making election campaign eco friendly– Consolidated instructions- regarding.

Ref:

1.	Commission's letter no. 4/3/99/JS.II,	dated 16.07.1999
2.	Commission's letter no. 4/3/2003/JS.II/Vol.I,	dated 01.05.2003
3.	Commission's letter no. 4/3/2004/JS.II/Vol.I,	dated 11.03.2004
4.	Commission's letter no. 4/3/2006/JS.II,	dated 16.03.2006
5.	Commission's letter no. 4/3/2016/SDR,	dated 05.04.2016
6.	Commission's letter no. 4/3/2019/SDR,	dated 26.02.2019,
7.	Commission's letter no. 3/ER/2019/SDR/Vol.II,	dated 19.03.2019
8.	Commission's letter no. 3/ER/2019/SDR/Vol.II,	dated 02.04.2019 (Sent to CEO Kerala), and
9.	Commission's letter no. 3/ER/2019/SDR/Vol.II,	dated 09.09.2021

Madam/Sir,

In today's world, the environmental concerns have become more significant, Election Commission is also very concerned with the issue of environment hazards caused by use of non-biodegradable materials in elections. The Commission has been urging all political parties and candidates to avoid the use of plastic/ polythene for preparation of posters, banners etc. during election campaign, since 1999.

2. Para 4(b) of the Notification No. G.S.R. 571(E) dated 12.08.2021 issued by Ministry of Environment, Forest and Climate Change amending the Plastic Waste Management Rules, 2016, provides that-

"(2) The manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022:-

(a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;

(b) plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers.

(3) The provisions of sub-rule (2) (b) shall not apply to commodities made of compostable plastic.

(4) Any notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags,

plastic sheets or like, or cover made of plastic sheets and multilayered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, issued after this notification, shall come into force after the expiry of ten years, from the date of its publication".

3. Attention is also drawn to Para 3 of the Commission's instruction No. 509/241/ECI/LET/FUNC/JUD/RCC/2011 dated 20th April, 2018, which specifies that

"The Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016 and other applicable laws in this regard are hereby adopted for disposal of the campaign material by the local municipal authority and the cost for the same shall be recovered from the candidates or political parties, as the case may be, in accordance with the polluter pays principle."

4. The M/o Environment, Forest and Climate Change had also approached the Commission vide letter no. 12/79/2018-HSMD(Pt.) dated 17th January, 2019 with the request to impress upon all concerned to follow sustainable practices and use alternate option to single-use plastic during elections and accordingly the Commission vide its letter dated 26.02.2019 addressed as under:

"A lot of the campaigning material including posters, cut-outs, hoardings, banners, political advertisements, etc., is made of plastic. After the elections, the campaigning materials, are discarded and become waste. Such single-use plastic waste generated during campaigning does not get collected and causes choking of drainage and river systems, ingestion by stray animals, land and water pollution, open air burning, etc. leading to adverse impacts on human health and environment. Some of these plastics are Poly Vinyl Chloride (PVC) based, which produces toxic emissions on burning.

A number of alternate options to use of plastic in campaigning material are available such as compostable plastics, natural fabrics, recycled paper material etc., which have a lesser environmental impact. Such materials need to be promoted as a sustainable and environmentally sound management practice. The upcoming General Elections present an excellent opportunity to introduce a behavioral change in election campaigning and to promote sustainable practices."

5. The Hon'ble Kerala High Court has also taken note of the use of plastics in election campaigns by the political parties and candidates and passed orders while disposing the petitions in the following cases: -

(i) In the Order dated 11th March, 2019 passed by the Kerala High Court in WP(C) No. 7193 of 2019 (B.S. Syamkumar Vs. State of Kerala & Others), has taken note of the Commission's direction in the letter No. 4/3/2019/SDR dated 26.02.2019 regarding making our elections eco-friendly and passed the following Order: -

"..... We also deem it appropriate to order that all candidates and the National/State Political Parties must strictly adhere to the aforequoted guidelines of the Election Commission, so that only the eco-friendly materials are used during the election campaign and there is no use of PVC Flex Boards and other such non bio-degradable materials as campaign material, in the State of Kerala."

(ii) In the Order dated 26th February, 2019 and 25th March, 2019 the Hon'ble Kerala High Court in WP(C) No. 22750 of 2018 (St. Stephen's Malankara Catholic Church Vs. State of Kerala & Ors.) has inter-alia given the following directions: -

"5……..I direct all the District Collectors; who are also the designated District Election Officers, to ensure that the directions of this Court in the interim order, dated 26.02.2019, are implicitly implemented with

respect to election campaign materials and that any unauthorized Board/Banner/Flag, installed by any political party/entity, in violation of the orders of this court and that of the learned Division Bench be forthwith removed and returned to the parties/entities, who have installed it and initiate further action as has been directed in paragraph 10(c) of the order of this Court dated 26.02.2019. Obviously, therefore, the concerned District Collector will have to charge the person/entitites, the applicable tariff and penalty for installing these illegal Boards and further initiate action for recovery; and as I have already ordered in the afore mentioned interim order, the said Authorities will be personally held responsible if this is not done. Further, they will also fully accountable to this Court, if an appropriate criminal case, either under the Indian Penal Code or under the National Highway Act or under the Police Act, is not registered against the installation of these Boards/Banners/Flags and the concerned Station House Officer of the local Police Station will ensure that suitable FIR is registered in terms of these directions, when duly approaded."

6. Protecting the environment is not an individual task but a collective responsibility and hence the Election Commission urges all the political parties to avoid the use of plastic/polythene and similar non-biodegradable materials for preparation of posters, banners, etc. during election campaign in the interest of environment and human health.

Yours faithfully,

(S. B. Joshi)
Principal Secretary

Copy to : **-** The Chief Electoral Officers for information. The CEOs are requested that the content of this instruction shall be brought to the notice of all DEOs, ROs, other election authorities, candidates and registered unrecognized political parties based in your State/UT.

Instruction Sl. No. 48

Election Commission's Letter No.3/1/94/J.S.II dated 05.12.1994, addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Countermanding of Poll under Section 52 of the Representation of the People Act, 1951 on Account of the death of a contesting candidate set up by Recognised Political Party -Regarding

I am directed to state that a question has been raised whether the election will be countermanded or not under the amended section 52 of the Representation of the People Act, 1951 on the death of a candidate set up by a political party which is recognized in another State but not in the State in which the candidate set up by that party after obtaining the concession under Para 10 of the Election Symbols (Reservation and Allotment) Order, 1968, has died.

2. The legal position in this regard has been examined in detail and is stated as hereunder.

3. The said section 52, as amended in 1982, provides as follows:

"52. Death of candidate before the poll.-If a candidate, set up by a recognised political party,

(a) dies at any time after 11 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under section36; or

(b) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 33, 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) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied about the fact of the death of the candidate, by order, countermand the poll and report the fact to the Election Commission and also to the appropriate authority and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate:

Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll;

Provided also that no person who has given a notice of withdrawal of his candidature under sub-section(1) of section37 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

Explanation: For the purposes of this section, "recognised political party" mans a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968".

4. Under the scheme of the Representation of the People Act, 1951, election from each Parliamentary or Assembly constituency is a separate election as has been held by the Supreme Court in Inderjit Barua V. Election Commission and others(AIR198SC1912).Therefore,theabovementionedamendedprovisions of section 52 of the said Act would be attracted only in the case of a candidate set up by a political party which is recognized in the constituency concerned.

5. Section 52 does not expressly spell out whether the recognised political party referred to therein means a party recognised in any State or in the State concerned. That section only says by way of explanation that" recognised political party' means a political party recognized by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968. Therefore, the precise meaning of that expression will have to be gathered from the provisions of the said Symbols Order.

6. Under the Symbols Order, recognised political parties are of two categories, i.e., National Parties and State Parties (Vide Para 7). A National Party is recognised in all States and Union Territories in India, that is to say, in all Parliamentary and Assembly Constituencies throughout India. A State Party is recognized only in that State or States where it is specifically recognised by the Commission, that is to say, only in the Parliamentary and Assembly Constituencies in the State concerned. It is not a recognised party for the purposes of the other States. In such other States, it is only a registered- unrecognized party under the Symbols Order.

7. It is true that a State party recognised in one or more States may be granted concession by the Commission, on an application by that party under Para 10of the Symbols Order and subject to fulfillment of conditions specified therein, allowing its candidates to use the symbol reserved for it in the State or States in which it is recognised, in an another State in which it is not so recognised as a State Party. But that would not make it a recognised as a State party in such other State where it is not so recognized for the purposes of the Symbols Order.Its candidates can ask for the concession of allotment of the party's symbol only in those specified constituencies in respect of which the Commission has granted the said concession and not in any other constituency. The grant of such Concession would not carry with it the recognition of that party as a recognised State party in the constituencies concerned.

8. One of the essential attributes of recognition of a party in a State is the exclusive reservation of a symbol for that party in all constituencies, whether Parliamentary or Assembly, of that State. Its reserved symbol cannot be allotted in that State to any other candidate in any constituency even where the party has not set up its candidates. But this is not so in other States. A symbol reserved for a State Party in one State may be reserved for another State Party in an another State or even may be specified as a free symbol in such other States. If a State Party is granted the above mentioned concession under Para 10 of the Symbols Order to use its symbol in another State, its symbol may be allotted to its candidates only in those specified constituencies in relation to which it has been granted concession by the Commission. That symbol will be available for allotment to candidates of other registered-unrecognised parties and independent candidates in all other constituencies, if that symbol is specified as a free symbol in that State. Even if such symbol is not allotted or available for allotment to other candidates for the reason that it is not specified as a free symbol in that State, the legal position remains unchanged that such symbol is not exclusively reserved for that party in the said State as that party is not recognised State party in that State.

9. Another important aspect of recognition as a National Party or State Party in a State is that the party is supplied, free of cost, with copies of electoral rolls of every constituency in the State. No such grant of free copies of electoral rolls is available to any other party which is not recognised in that State, notwithstanding that it may be a recognised State Party in some other States and may have been granted the above-mentioned concession under Para 10 of the Symbols Order in the former State. Similarly, yet another major benefit of recognition of a party in a State is the facility of political telecast and broadcasts over the Doordarshan and AIR at the time of a general election in the State concerned. But such benefit

is not extended in any circumstances to the political parties recognised in other States, notwithstanding the grant of above referred concession to such parties under Para 10 of the Symbols Order.

10. Viewed from all these angles, the logical conclusion is that the "recognized political party" for the purposes of section 52 of the Representation of the People Act, 1951 is only that party which is recognised either as a National Party or as a State Party in the State concerned and not a party which may be recognised in some other State. Otherwise, the whole distinction between the National and State Parties under the Symbols order would be obliterated for the purposes of said section 52, and the State Parties would be at par with the National Parties in all States and Union Territories (even in those States/Union Territories where they are not recognised as State Parties) which cannot be the intention of the law, as amended.

11. The above interpretation would also be inconsonance with, and will further the object underlying the amendment made to the provisions of section 52. Under the amended provisions, the election is to be countermanded only on the death of a candidate set up by a recognized party and not on the death of a candidate set up by unrecognised party. This discrimination made in section 52 has been upheld by the Supreme Court as a valid discrimination and classification in the case of Rama Kant Pandey V. Union of India (Judgement Today 1993 (1) SC340). As mentioned above, a party recognised as a State Party in one State is a registered-unrecognised party in other States and the death of a candidate set up by such party in a State in which it is not recognized should be considered at par with the death of a candidate of any other registered-unrecognised party.

12. Having regard to the above legal position, the election should not be countermanded under the amended section 52 of the Representation of the People Act, 1951 on the death of a candidate set up by a political party which is not recognized in the State concerned not withstanding that the said party may be a recognised state party in some State and may have been given concession under Para 10 of the Symbols Order even in the constituency concerned.

13. The above may be brought to the notice of all the Returning Officers in the State/Union Territory.

The receipt of this letter be acknowledge.

INSTRUCTION SL.NO. 49

ELECTION COMMISSION F INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI- 110001

No.4/MISC/ECI/LET/FUNC/JUD/SDR Dated: 23rd October, 2017

To

The Chief Electoral Officer of
All States and Union Territories.

Sub: - Voting by Blind and infirm Voters-instructions – regarding.

Sir,

I am directed to state that Rule 49N of the Conduct of the Elections Rules, 1961, which deals with the recording of votes of blind or infirm electors provides that if the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes. It further says that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

2. For uniformity in application of the provisions in the said Rule, the Commission has formulated the following comprehensive instructions to be followed uniformly by all States and Union Territories for voting by blind and infirm voters at the polling station: -

(i) Infirm voters who are capable of voting by herself/ himself 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, but 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.

(ii) 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 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.

(iii) While Scrutinizing of various documents such as the Form17A, Presiding Officers Diaries etc, by the Observer and Returning Officer on the day following the day of poll, Form 14A shall also be scrutinized to see whether there are unusually larger no. of cases of companions accompanying the electors in recording votes in any Polling Station, which may create suspicion about the fairness of poll.

(iv) 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.

(v) 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.

(vi) Companion shall leave Polling Station Location immediately after assisting an infirm/blind voter.

3. The above instructions may be communicated to all DEOs and ROs in the State and also to the political parties based in your state.

Kindly acknowledge receipt.

Yours faithfully,

(K.F. WILFRED)

Sr. Pr. Secretary

INSTRUCTION SL.NO. 50

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.576/3//SDR/2019-Vol.I Dated: 11th March, 2019

To

The Chief Secretary of
all States and Union Territories

Sub: Protection of voting rights of electors subjected to Preventive Detention - regarding.

Sir,

Your attention is invited to the following provisions of law relating to voting rights of electors subjected to preventive detention.

(i) Proviso to sub-Section (5) of Section 62 of the Representation of the People Act, 1951 confers voting rights on the electors subjected to preventive detention. As per Rule 18 of the Conduct of Elections Rules, 1961, the electors under preventive detention are entitled to cast their votes by post.

(ii) Rule 21(1) of the Conduct of Elections Rules, 1961, provides that the appropriate Government shall intimate to the Returning Officers, the names of the electors, if any, subjected to preventive detention together with their address, electoral roll numbers and places of detention, within fifteen days of calling an election. This will enable the Returning Officers to send postal ballot papers to such electors to facilitate them to exercise their franchise at the election.

2. It is requested that instructions may kindly be issued to the authorities concerned to ensure that the provisions of Rule 21(1) of the Conduct of Elections Rules, 1961, mentioned above, are compiled within the current general elections to Lok Sabha and the Legislative Assemblies.

Yours faithfully,

(N.T. BHUTIA)
SECRETARY

Copy to: - The Chief Electoral Officers of all States and Union Territories. If any list of electors on preventive detention is received in the office of Chief Electoral Officer, the same may be communicated to the Returning Officers concerned without delay.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली – 110001

सं. 576/3/एसडीआर/2019–खंड–I दिनांक : 11 मार्च, 2019

सेवा में,

सभी राज्यों और संघ राज्य–क्षेत्रों के
मुख्य सचिव

विषय : निवारक निरोध के अध्यधीन निर्वाचकों के मतदान अधिकारों का संरक्षण – सत्संबंधी।

महोदय,

आपका ध्यान निवारक निरोध के अध्यधीन निर्वाचकों के मतदान अधिकारों से संबंधित विधि के निम्नलिखित उपबंधों की ओर आकर्षित किया जाता है।

(i) लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 62 की उप–धारा (5) का परंतुक निवारक निरोध के अध्यधीन निर्वाचकों को मतदान का अधिकार प्रदत्त करता है। निर्वाचनों का संचालन नियम, 1961 के नियम 18 के अनुसार निवारक निरोध के अंतर्गत निर्वाचक अपना मत डाक द्वारा डालने के हकदार होते हैं।

(ii) निर्वाचनों का संचालन नियम, 1961 का नियम 21 (1) उपबंधित करता है कि समुचित सरकार निर्वाचन के समाहूत किए जाने के पन्द्रह दिन के अन्दर, उन निर्वाचकों के, यदि कोई हों, के नाम जो निवारक निरोध के अध्यधीन हैं, उनके पतों और निर्वाचक नामावली संख्यांकों तथा उनके निरोध के स्थानों के साथ, रिटर्निंग ऑफिसर को प्रज्ञापित करेगी। इससे रिटर्निंग आफिसर ऐसे निर्वाचकों को डाक मतपत्र भेजने में सक्षम हो पाएंगे जिससे उनके लिए निर्वाचन में अपने मताधिकार का उपयोग करना सहज हो जाएगा।

2. अनुरोध है कि संबंधित प्राधिकारियों को यह सुनिश्चित करने के लिए अनुदेश जारी किए जाएं कि निर्वाचनों का संचालन नियम, 1961 के नियम 21 (1) के उपबंधों, जिनका उल्लेख उपर किया गया है, का समेकन वर्तमान लोकसभा एवं विधान सभाओं के साधारण निर्वाचन में किया गया हैं।

भवदीय

(एन.टी. भूटिया)

सचिव

प्रतिलिपि :– सभी राज्यों और संघ राज्य – क्षेत्रों के मुख्य निर्वाचन अधिकारी। यदि मुख्य निर्वाचन अधिकारी के कार्यालय में निवारक निरोध पर निर्वाचकों की कोई सूची प्राप्त होती है तो उस संबंध में संबंधित रिटर्निंग ऑफिसरों को अविलंब सूचित किया जाए।

INSTRUCTION SL.NO. 51

By-email/camp bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/2019/SDR/ Dated: 18th May, 2019

To

The Chief Electoral Officer,
Tamil Nadu,
Chennai

Subject: Application of indelible ink in respect of companion assisting blind/infirm voter- in Re-poll -regarding.

Sir,

Please refer to your letter No. 9900/2019-17 dated 16th May, 2019 on the subject cited above. It is clarified that at the re-poll, marking of ink in respect of companion accompanying a blind/infirm elector under Rule 49-N of the Conduct of Elections Rules, 1961, shall be made on the middle finger of the right hand.

Yours Faithfully,

(Binod Kumar)
Under Secretary

Copy to: - All other Chief Electoral Officers

INSTRUCTION SL.NO. 52

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/4/2022/SDR/Vol.II Dated: 11th September, 2023

To

The Chief Electoral Officers of
All States and Union Territories

Sub: Amendments in the Conduct of Election Rules, 1961- regarding

Sir/Madam,

I am directed to state that, on the recommendation of the Election Commission of India, the Ministry of Law & Justice has amended the Conduct of Election Rules, 1961 vide Gazette Notification S.O. 3778(E), dated: 23rd August, 2023 (copy enclosed).

1. The following amendments have been made in the Conduct of Election Rules, 1961

(i) These rules shall come into force on the date of their publication in the Official Gazette.

(ii) After rule 18, the following rule has been inserted, namely:—

"18A. Voters on election duty to cast his vote at facilitation centre.— Notwithstanding anything in this Part, a voter on election duty shall receive his postal ballot, record his vote thereon in accordance with this Part and return the same at the facilitation centre as specified, in writing, by the returning officer."

(iii) In rule 24 (2), in clause (c), for the words "any gazetted officer", the words "any Group A or Group B officer" has been substituted. Therefore, the amended clause (c) is as follows:

"In the case of a voter on election duty, any Group A or Group B officer or the presiding officer of the polling station at which he is on election duty".

(iv) In rule 27A:

(a) in clause (c), for the words "a person flagged", the words "a person with benchmark disability as defined in clause (r) of section 2 of the Rights of Persons with Disabilities Act, 2016 and flagged" has been substituted. Therefore, the amended clause (c) is as follows:

"'person with disability' means a person with benchmark disability as defined in clause (r) of section 2 of the Rights of Persons with Disabilities Act, 2016 and flagged as person with disability in the data base for the electoral roll;"

(b) in clause (e), for the words and figures "above 65 years", the words and figures "above 80 years" has been substituted. Therefore, the amended clause (e) is as follows:

"'Senior citizen' for the purpose of this Part means an elector belonging to the class of absentee voters and is above 80 years of age."

(v) In Form 13D to the said Rules, in paragraph (5),—

(a) for the words "any Gazetted Officer", the words "any Group A or Group B officer" has been substituted. Therefore, the amended Para (5) of Form 13D is as follows:

(5) If you are on an election duty, attestation may be obtained by any Group A or Group B officer or by the Presiding Officer of the polling station in which you are on election duty.

(b) the following has been inserted at the end, namely:—

"A voter on election duty who opts for postal ballot shall receive his postal ballot, record his vote thereon and return the same at the facilitation centre as specified, in writing, by the returning officer."

2. This may be brought to the notice of all District Election Officers/Returning Officers/Assistant Returning Officers and other election officers concerned and also to the State Units of recognized political parties and all registered unrecognized political parties based in your State/Union territory, for their information.

3. Kindly acknowledge receipt.

Yours faithfully,

(Abhishek Tiwari)
Under Secretary

INSTRUCTION SL.NO. 53

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 576/3/2023/SDR-Vol.I Dated: 20th December, 2023

To

The President/General Secretary of
All recognized National and State Political Parties (As per list attached).

Sub: - Advisory to Political Parties in respect of PwDs.–regarding.

Madam/Sir,

I am directed to state that"the Rights for Persons with Disabilities Act, 2016" provides for protection of rights of the Persons with Disabilities. Section 7 of the said Act in respect of Protection from abuse provides as under: -

Protection from abuse, violence and exploitation-

The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

Further, Section 92 of the above mentioned Act lists out punishment for such offences.

2. The very foundation of democracy lies in representation of all communities in the electoral process. Accessible and Inclusive elections have been a non-negotiable priority for the Election Commission of India in particular to ensure equal participation of PwDs. With a renewed rigour, the Commission is consciously striving to promote the principle of accessibility and inclusivity in the elections.

3. Off late, the Commission has been made aware of use of derogatory or offensive language in the political discourse about People with Disabilities (PwDs). Usage of such semantics in speech/ campaign by members of any political parties or their candidates, can be interpreted as an affront to the PwDs. Common examples of ableist language are words like dumb(gunga), retarded (pagal, sirphira), blind (andha, kana), deaf (behra), lame (langda, lula, apahij) etc. It is necessary to avoid usage of such derogatory language. PwDs have to be accorded, justice and respect in political discourse/campaign.

4. To promote inclusivity and respect in the language of political campaigns and related communications, following guidelines are issued to all political parties and their representatives on conduct towards PwDs:

(i). Political parties and their representatives should not use ill/ derogatory/ insulting references on disability or PwDs during any public statement/ speech, in their writings/articles/ outreach material or political campaign.

(ii). Political parties and their representatives should not use disability/ PwDs or terms referring to disability/ PwDs in the context of human incapacity during any public speech, in their writings/ articles, or political campaign.

(iii). Political parties and their representatives should strictly avoid comments related to disabilities/ PwDs that may be offensive or perpetuate stereotypes and prejudices.

(iv). Any usage of such language, terminology, context, mockery, derogatory references or insult to PwDs as mentioned in points (i), (ii) and (iii) may attract provisions of Section 92 of the Rights of Persons with Disabilities Act, 2016.

(v). All campaign materials, including speeches, social media posts, advertisements and press releases,must undergo an internal review process within the political partyto identify and rectify any instances of ableist language, offensive or discriminatory towards individuals/ PwDs.

(vi). All political parties should ensure and should declare on their website that they will use disability & gender sensitive language and etiquette as well as respect inherent human equality, equity dignity and autonomy.

(vii). All political parties shall use rights based terminologies as mentioned in CRPD (Convention on Rights of Persons with Disabilities) and not incline towards any other terminology.

(viii). All political parties shall make their public speeches/ campaigns/ activities/ events accessible for all citizens.

(ix). All political parties may make their website and social media content digitally accessible to allow accessible interaction with persons with disabilities.

(x). All political parties may provide a training module on disability for party workers at all levels of political process and shall appoint nodal authority to hear complaints from persons with disabilities pertaining to usage of ableist language.

(xi). Political parties may endeavour to include more PwDs at levels such as members and party workers to shed the attitudinal barrier of the party and public and provide equal opportunities.

5. ECI affirms its commitment to an equitable and inclusive democracy and as an important stakeholder in the electoral process, appeals to the Political Parties and their candidates to abide by the guidelines in letter and spirit. It should be our combined duty and endeavor to treat all with respect and create a society that does not discriminate based on disability.

Yours faithfully,

(NARENDRA N. BUTOLIA)
SENIOR PRINCIPAL SECRETARY

Copy to:

The Chief Electoral Officers, All States/Union Territory with a request that this shall be circulated to all the Political Parties based in the State/UT i.e. the State Units of the recognized parties and recognized State parties of other States and all registered un-recognized National/State political parties with headquarters based in your State/Union Territory, with instructions to take note of the above advisory for strict compliance both by the parties and their candidates in all future elections.

INSTRUCTION SL.NO. 54

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.4/3/2023/SDR/Vol.X Dated: 5th February, 2024

To

1. The Chief Secretaries of all the States & Union Territories
2. The Chief Electoral Officers of all States & Union Territories
3. All Recognized National and State Political Parties.

Subject: General Election and Bye election to Lok Sabha and State Legislative Assemblies –(i) Engagement of Child Labour and (ii) Engagement of Child in Election related activities-reg.

Reference: Election Commission's Instructions No. and date

1. No.464/INST/2009/EPS dated 1st May, 2009,
2. No.464/INST/2013/EPS dated 2nd May, 2013,
3. No.464/INST/2013-EPS dated 6th November, 2013,
4. No.464/INST/2013-EPS dated 16th September, 2014 and
5. No. 464/INST/2017-EPS dated 1st May, 2017.

Madam/Sir,

I am directed to refer to the letters mentioned above on the subject cited and to say thatSection 3(1) of the Child Labour (Prohibition and Regulation) Act, 1986 as amended vide the Child Labour (Prohibition and Regulation) Amendment Act, 2016 provides that no child [defined u/s 2(ii)] shall be employed or permitted to work in any occupation or process. The said Section 3(1) is reproduced as under: -

"3. (1) No child shall be employed or permitted to work in any occupation or process.

(2) Nothing in sub-section (1) shall apply where the child,-

(a) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations;

(b) works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed:

Provided that no such work under this clause shall effect the school education of the child.

Explanation.- For the purposes of this section, the expression,

(a) "family" in relation to a child, means his mother, father, brother, sister and father's sister and brother and mother's sister and brother;

(b) "family enterprise" means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons;

(c) "artist" means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (b) of sub-section (2)."

2. The Child Labour (Prohibition and Regulation) Act, 1986 also provides the provisions to regulate the conditions of work of children in certain other employment and penalties for violation of the law.

3. As regards involvement of minor children in election related activities, the Hon'ble Bombay High Court in its Order dated 4th August, 2014 in PIL No. 127 of 2012 (Chetan Ramlal Bhutada Vs. State of Maharashtra and others), stressed the need to ensure that political parties do not allow participation of minor children in any election related activities.

4. The Commission has always taken strong exception to use of children in any way in election related work and has issued instructions in this regard from time to time. The Election Commission of India had directed that no child should be involved in election process by political parties and election officials.

5. In supersession of all the existing instructions on the subject regarding Child Labour and keeping in view of the Child Labour (Prohibition and Regulation) Act, 1986 and the Child Labour (Prohibition and Regulation), Amendment Act, 2016, the Commission has decided to issue the following consolidated instructions for compliance of all electoral authorities and political parties/candidates in future.

(a) For Election Machinery:

(i) All Election Officials/machinery should refrain from involving child labour in any election related work/activities.

(ii) The District Election Officers/Returning Officers shall be personally responsible for any such violation of Acts/laws by election machinery and will face severe disciplinary action apart from facing the consequences of law, if any such instance comes to the notice of the Commission.

(b) For Political Parties/Candidates and their agents/representatives etc:-

(i) All the political parties/candidates should refrain from involving child labour in any election related work/activities and ensure that there is no violation of any provision of the Child Labour (Prohibition and Regulation) Act, 1986 as amended vide the Child Labour (Prohibition and Regulation) Amendment Act, 2016.

(ii) Extant guidelines of the National Commissions for Protection of Child Right (NCPCR) shall be complied by all the political parties/candidates/election agents/polling/counting agents during the elections.

(iii) Political parties are directed not to use children in election campaign/rallies/ in any form whatsoever including distribution of posters/pamphlets or to participate in slogan shouting, campaign rallies, election meeting etc.

Note 1: However, mere presence of a child accompanied by his/her mother/father/guardianor a child in arms of his/her mother/father/guardian in proximity of a political leader and "who is not been involved in any activity relating to election campaigning by the political party", will not be construed as violation of the above said guidelines.

Note 2: It is clarified to obviate any doubt that all political leaders/candidates should not use children for campaign/canvassing/rallies/yatras etc. in any manner, including holding a child in their arms, carrying a child in their vehicles or making child a part of election campaign/rallies etc. Further, use of child to create semblance of political campaign either by spoken words/poem/songs, display of insignia of political party/candidate, exhibiting ideology of political party, promoting achievements of a political party or criticizing the opponent political parties/candidates shall not be resorted to.

6. The above may be brought to the notice of all concerned for strict compliance in letter and spirit.

Yours faithfully

(S.B. Joshi)
Principal Secretary

INSTRUCTION SL.NO. 55

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2024/SDR Dated: 13.03.2024

To

The Chief Electoral Officer of
All States and Union Territories

Sub:- Affidavits filed by candidates with their nomination paper-uploading on website –reg.

Sir/Madam,

I am directed to state that it has come to notice of the Commission that along with the affidavit, copies of other documents such as Aadhar card etc., which have not been prescribed in the Commission's instruction, are also being uploaded on the website. The Commission has directed that the copy of no documents(s) other than affidavit, shall be uploaded on the Commission's portal.

Yours faithfully,

(Abhishek Tiwari)
Under Secretary

INSTRUCTION SL.NO. 56

By special messenger

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 3/4/2022/SDR/Vol.II Dated: 23rd February, 2024

To

The Secretary to the Govt. of India,
Ministry of Law & Justice,
Legislative Department,
Shastri Bhavan,
New Delhi.

Sub: - Amendment in clause (e) of Rule 27A of the Conduct of Elections Rules, 1961-regarding.

Sir,

I am directed to refer to your letter no. H-11019/03/2024-Leg.II dated 23rd February, 2024 on the subject cited forwarding therewith a copy of the draft rule i.e. the Conduct of Elections (Amendments) Rules, 2024 for comments/confirmation of the Election Commission.

2. The above said draft rule has been gone through and found to be in order, therefore it may kindly be notified. However, a slight change of the month has been indicated in the copy of the draft notification of the Ministry of Law & Justice. The same may be carried out.

3. A copy of the gazette notification issued in this regard may be sent to the Commission at the earliest.

Yours faithfully,

(S. B. JOSHI)
PRINCIPAL SECRETARY

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT

NOTIFICATION

New Delhi, the February, 2024

S.O. _____(E). – in exercise of the powers conferred by section 60 read with section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission of India, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely :-

1. (1) these rules may be called the Conduct of Elections (Amendment) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961, in rule 27A, in clause (e), for the words and figures "above 80 years", the words and figures "above 85 years" shall be substituted.

[F.No. H-11019/3/2024-Leg. II]

(Diwakar Singh)

Joint Secretary and Legislative Counsel

Note – The principal rules were published in the Gazette of India, Extraordinary vide notification number S.O. 859(E) , dated the 15th April, 1961 and were last amended vide notification number S.O. 3778(E), dated the 23rd August, 2023.

Note:

Note:



ELECTION COMMISSION OF INDIA

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