



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part V—Section 4

Notifications by the Election Commission of India

NOTIFICATIONS BY THE ELECTION COMMISSION OF INDIA

ORDER OF ELECTION COMMISSION OF INDIA REGARDING USE OF ELECTOR'S PHOTO IDENTITY CARDS DURING BYE-ELECTION TO TAMIL NADU LEGISLATIVE ASSEMBLY FROM 83-YERCAUD (ST) ASSEMBLY CONSTITUENCY TO BE HELD ON 4TH DECEMBER, 2013.

No. SRO G-24/2013.

The following Order of the Election Commission's Order No.3/4/ID/2013/SDR(TN), dated 11th November 2013 is republished:—

Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under Section 62 of that Act more effective, provisions may be made by rules under that Act for use of Electors Photo Identity Card for electors as the means of establishing their identity at the time of polling; and

2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electors Photo Identity Card to electors bearing their photographs at State cost; and

3. Whereas, Rules 49H (3) and 49K (2) (b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card may result in the denial of permission to vote; and

4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Photo Identity Card, where provided by the Election Commission at State cost, as the means of establishing their identity at the time of polling and that both are to be used together; and

5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electors Photo Identity Card (EPIC) to all electors, according to a time bound programme; and

6. Whereas, Electors Photo Identity Card has been issued to all registered electors in the State of Tamil Nadu; and

7. Whereas, the Commission has revised the format of the electoral roll in the State of Tamil Nadu to incorporate the photo of the elector alongside the other particulars of the elector and the photo electoral roll with photos of 100% registered electors will be used during the current bye-election to the Legislative Assembly of Tamil Nadu from 83-Yercaud (ST) Assembly Constituency; and

8. Whereas, the Commission has further directed preparation of 'Authenticated Photo Voters Slip' from the database of Photo Electoral Roll and to distribute these 'Authenticated Photo Voters Slip' to the electors before the date of poll for the said bye-election to the Legislative Assembly of Tamil Nadu for identification at the polling station on the day of poll;

9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for the bye-election to the Tamil Nadu Legislative Assembly notified on 09-11-2013.

(a) All electors in 83-Yercaud (ST) Assembly Constituency in the State, have to produce the EPIC for their identification at the polling station before casting their votes;

(b) Electors who, for some reason, are not able to produce EPIC issued to them, shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for their identification;

(c) For this purpose, Authenticated Photo Voter Slips shall be distributed to all electors, a few days before the poll day;

(d) Returning Officer shall put one officer on duty outside each polling station, during polling hours, with an additional copy of the Authenticated Photo Voter Slips, so that any elector who has not brought his/her Authenticated Photo Voter Slip to the polling station, can collect a copy of his/her Authenticated Photo Voter Slip outside the polling stations;

(e) If any elector who has been issued EPIC fails to produce his/her EPIC or the Authenticated Photo Voter Slip, then such elector shall collect the duplicate photo voter slip from the officer outside the polling station as given in (d) above and produce the same.

(f) For those electors whose photograph on the EPIC does not match, shall have to produce any of the following alternative photo identity documents for establishing their identity:-

- (i) Passport
- (ii) Driving License
- (iii) Service Identity Cards with photograph issued to employees by Central/State Govt. PSUs/Public Limited Companies
- (iv) Passbooks with photograph issued by Bank/Post Office
- (v) Pan Card
- (vi) Aadhar Card
- (vii) Smart Card issued by RGI under NPR
- (viii) MNREGA Job Card
- (ix) Health Insurance Smart Card issued under the scheme of M/o Labour
- (x) Pension document with photograph

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

(By Order)

ASHISH CHAKRABORTY,
Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
23rd November, 2013.

PRAVEEN KUMAR,
Chief Electoral Officer and
Principal Secretary to Government,
Public (Elections) Department.