



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 AND VOTERS SLIPS DURING BYE-ELECTION TO TAMIL NADU LEGISLATIVE ASSEMBLY FROM 219. SANKARANKOVIL (SC) ASSEMBLY CONSTITUENCY TO BE HELD ON 18TH MARCH, 2012.

No. SRO G-8/2012.

The following Order of the Election Commission's Order No. 3/4/ID/2012/ SDR/(Bye-TN), dated 06-03-2012 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 Cards 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 Cards 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 Elector's Photo Identity Cards under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Elector's Photo Identity Cards at the polling station and failure or refusal on their part to produce those Elector's Photo Identity Cards 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 Elector's Photo Identity Card, where provided by the Election Commission at State cost, and that both are to be used together; and

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

6. Whereas, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPICs was taken up, the election machinery of Tamil Nadu, have issued these cards to all electors (100%) in Tamil Nadu; and

7. Whereas, the Commissions has instructed that Authenticated Voters Slips be issued to the electors of 219-Sankarankovil (SC) Assembly Constituency in Tamil Nadu by the election machinery.

8. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in 219-Sankarankovil (SC) Assembly Constituency in Tamil Nadu, for the bye- election notified on 22-2-2012, shall produce their EPICs for establishing their identity before casting their votes. In case EPIC has been lost or misplaced, the authenticated Voters Slip issued by the election machinery shall alone be the alternative identity document.

9. Notwithstanding anything in Para 8 hereinabove, in the case of overseas electors who are registered in the electoral roll under Section 20A of the Representation of the People Act, 1950, based on the particulars in their Passport, they will have to produce their original Passport for their identification in the polling station.

(By Order)

ASHISH CHAKRABORTY,
Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
9th March 2012.

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