



सत्यमेव जयते

# CHECKLIST FOR RETURNING OFFICER

**August 2022**

**Document 22 - Edition 2**



**भारत निर्वाचन आयोग**  
**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

*"No voter to be left behind"*





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# 1. Introduction

## 1.1 General duties of DEO

- (i) To coordinate and supervise all the work in connection with the preparation and revision of electoral rolls. (Section 13AA of RP Act, 1950)
- (ii) To coordinate and supervise all the work of conduct of election in the district. (Section 20A of RP Act, 1951).

### General duties of RO/ARO -

- (i) RO (Sec. 24 of RP Act 1951) - To do all such Acts and things as may be necessary for effectively conducting the elections - over all supervision onelection process.
- (ii) Assistant RO (Sec. 22 & 23 of RP Act 1951) – ARO, subject to control of RO, competent to perform the functions of the RO. However, scrutiny of nominations not to be done by ARO unless the RO is unavoidably prevented from performing the scrutiny.

## 1.2 Reading Material –

- (i) Constitution of India (relevant provisions)
- (ii) The Representation of the People Act, 1950
- (iii) The Representation of the People Act, 1951
- (iv) Parliament (Removal of Disqualification) Act, 1959
- (v) IPC, 1860 (relevant provisions)
- (vi) Conduct of Election Rules, 1961
- (vii) Returning Officer's Handbook 2022
- (viii) Presiding Officer's Handbook 2022
- (ix) Manual on Electronic Voting Machine and VVPAT, 2022
- (x) Instructions of ECI
- (xi) Model Code of Conduct
- (xii) Compendium of Instructions on Election Expenditure Monitoring.
- (xiii) The Election Symbol Order, 1968
- (xiv) Latest list of Political Parties and Election symbols issued by ECI.
- (xv) Cyber Security Regulations of the ECI and relevant CSI/ CSA.
- (xvi) List of Disqualified Persons.

## 1.3 General arrangements for conduct of elections - Broad points

- (i) DEO shall coordinate and supervise all works in the district in connection with conduct of all elections to Parliament and the Legislature of the State. He is also responsible to ensure healthy

and correct Photo Electoral Roll of his district.

- (ii) Advance planning of detailed arrangements.
- (iii) To set up polling stations.
- (iv) Polling personnel management for election related various activities & imparting training to polling personnel and various groups.
- (v) Polling material.
- (vi) Building voter awareness, use of EVMs with VVPATs, Model code of conduct etc.
- (vii) Transportation of polling parties, micro observers, police forces and other officials.
- (viii) Keeping record of EVMs and VVPATs.
- (ix) Security measures for EVMs and VVPATs.
- (x) First Level Checking of EVMs and VVPATs.
- (xi) Meeting with political parties on various issues.
- (xii) Law and order measures to prevent booth capturing etc and security plan.
- (xiii) Setting up of control room.
- (xiv) Arrangement of polling personnel, MO, security for Absentee Postal Ballot voting-AVPD, AVSC, AVCO and AVES.
- (xv) Observance of Model Code of Conduct.
- (xvi) Electoral offences / corrupt practices – Prevention and taking strong action against defaulters.
- (xvii) Check on advertisements of political nature on TV channels, Cablenetwork, Radio, Bulk SMSs and Social Media.
- (xviii) Giving required facilities to Observers
- (xix) Finalization and notification of rates of various items of election related expenses after consulting political parties
- (xx) Holding meetings/workshops of recognized political parties to explain process of expenditure monitoring, MCC & other legal provisions.
- (xxi) Monitoring of Election Expenditure by candidates (including paid news).
- (xxii) Establishing Complaint Monitoring Cell & Call Centre
- (xxiii) Scrutiny of accounts of expenses of candidates and submission of reports.
- (xxiv) Printing of Ballot Papers and commissioning of EVMs-VVPATs.
- (xxv) Smooth management of ETPBS/Postal Ballot Papers/EDC.
- (xxvi) Identification of Counting Centres/Strong Rooms and security arrangement thereof.
- (xxvii) Monthly report of pending cases of election expenditure by candidates.

- (xxviii) Holding Account Reconciliation Meeting with candidates/ election agents.
- (xxix) Forwarding the report within 35 days of result to CEO on Election Expenditure on public meetings, hoardings, advertisement etc. by political parties incurred during the period from announcement of election to the date of the notification of election and also after that period.
- (xxx) Safe custody of election papers and EVMs with VVPATs after poll.
- (xxxi) Randomization of EVMs/VVPATs/ personnel.
- (xxxii) SVEEP activities.
- (xxxiii) Holding workshops for sensitization of election officials on various cybersecurity related issues.
- (xxxiv) Ensuring that Non-Disclosure Agreement is signed by all firms and outsourced resources deployed for election duties.
- (xxxv) The candidates shall submit the copies of newspapers in which their declaration in respect to criminal antecedents was published, to the District Election Officer, along with their account of election expenses.
- (xxxvi) Vulnerability Mapping and Identification of critical PS.
- (xxxvii) Setting up of single Window System for issuing permissions for political gathering.
- (xxxviii) To deploy EEM Teams – FST, VST, VVT from date of announcement and SST from date of notification.
- (xxxix) Vehicle for FST, VST, VVT, SST & Mobile Polling Team (for AVSE, AVPD, AVCOVID)
- (xl) Logistics and place of stay for CAPF
- (xli) Prepare DEMP & BLEMP.
- (xlii) Budget- ensure sufficient Fund for conduct of elections.
- (xliii) Completion & Compliance of codal formalities for all procurement.

## 1.4 Special Features of Elections

- (i) Conduct of Election with EVMs and VVPATs.
- (ii) Special procedure/smooth management of Electronically Transmitted Postal Ballots (ETPBs)/Postal Ballot Papers.
- (iii) Special procedure for Monitoring of candidate's Election Expenditure.
- (iv) Role of Income Tax Deptt., state Excise Deptt. and Police Deptt., in Election Expenditure Monitoring.
- (v) "Paid News" Monitoring.
- (vi) DEO's role in monitoring of accounts of election expenditure by political parties.
- (vii) Intensive training to all election related officials.
- (viii) Systematic Voter Education & Electoral Participation (SVEEP).

- (ix) Voter slips for awareness of voters.
- (x) Call Centre with Toll Free Numbers.
- (xi) Revised procedure for First Level Checking (FLC) of EVMs and VVPATs.
- (xii) Allocation of EVMs and VVPATs to ACs and PSs after randomization through EVM Management System.
- (xiii) Live Monitoring of Poll Process through Webcasting.
- (xiv) “Test-vote” concept in case of complaint of printing of wrong VVPAT slip.
- (xv) Voter awareness about any malfunctioning of EVMs/VVPATs during pollprocess.
- (xvi) Use of eVIGIL Application for lodging of MCC violation related cases by voters.
- (xvii) Absentee Postal Ballot Voting for senior citizen, PwD, Covid patient/suspect, Essential services.
- (xviii) Publication of criminal antecedent by political parties and candidates.
- (xix) Activities through various Apps/Portals – ERONET, Online nomination portal, Know Your Candidate, Voter helpline app, Encore, PwD apps, Suvidha, Voter turnout app etc.

## 2. Polling Stations

(Section 25 of RP Act 1951 and Chapter 2 of RO Handbook 2022)

### 2.1 Setting-up of polling stations: -

- (i) DEO's responsibility to set up polling stations.
- (ii) Maximum voters in a PS should be 1500 as per latest instruction.
- (iii) Where number exceeds, Auxiliary PSs should be set up in same building except in unavoidable circumstances.

### 2.2 Modification/change in the list -

- (i) Physical verification of PS for conduct of poll so as to avoid any last moment changes.
- (ii) Check whether any modification is required due to: -
  - (a) Sharp increase in the number of voters
  - (b) Owner of private building where PS is located becomes a contesting candidate or a supporter of a candidate or a political party
  - (c) Building of existing PS is badly damaged
  - (d) The building is not available for poll due to any other reason, or
  - (e) Any natural calamity
- (iii) Shifting of PS on requests - only in extremely exceptional cases and based purely on merit with approval of ECI.
- (iv) Changes in PS list only with approval of ECI
- (v) Proposals for changes are to be discussed with political parties and legislators in the meeting of standing committee.
- (vi) In case no modification is required CEO and ECI should be intimated two weeks before last date of withdrawal of candidature
- (vii) Change in nomenclature of building of PS - Approval of ECI not required; send intimation only to CEO and ECI.
- (viii) Publicity and information to contesting candidates and political parties and public at large, in case of any change.
- (ix) Printing errors to be corrected at the DEO level.

### 2.3 Supply of list of PSs

- (i) Sufficient copies may be printed for contesting candidates, political parties, RO, AROs, Zonal Magistrates, Sector Officer, various cells of DEO's Office, Police authorities, Observers, CEO, for sale and reserve, etc..
- (ii) Contesting candidates shall be supplied, free of cost, with three copies of the list of the polling

station for that constituency, immediately after the last date for withdrawal of candidatures.

- (iii) Copies of list may be made available for sale at price fixed by C.E.O.
- (iv) List of polling stations may also be put on CEO website.

## **2.4 Arrangements at PS for poll**

- (i) Necessary furniture for poll.
- (ii) Permanent ramps with appropriate gradient, wheel chair etc. for Persons with Disabilities (PwD) shall be provided in PSs - (ECI's Instruction No. 564/INSC/PwD/2016/EPS dated 07.09.2016)
- (iii) Assured Minimum Facilities like provision of drinking water, proper lighting, help desk, proper signage, separate toilet for men and women, separate entry and exit door, ramp, medical kit, etc.
- (iv) Prepare a list of Phone No. of P.Ss and nearest phone number- To be incorporated in communication plan also.
- (v) Ensure that no office of political party exists within 200 meters radius of PS. (ECI's Instructions No. 464/INST/2007/PLN-1 dated 12.01.07)
- (vi) Requisitioning of building - If necessary, act u/s 160/166 of RP Act 1951.
- (vii) To photograph all the polling stations.
- (viii) Webcasting of polling stations on poll day.
- (ix) Arrangement for all women polling station.
- (x) Arrangement for temporary Polling stations, if any.
- (xi) Arrangement in multi-booth premises.
- (xii) Arrangement of transport facility for senior citizen and PwD voters on poll day.

## 3. Electronic Voting Machines and VVPATs

(Reference- R. 49A, 49B of CE Rules 1961, Ch. 12 of RO Handbook 2019, ECI's No.464/OBS/ EVM/2007/PLN-IV dated 12.10.2007, ECI's No. 51/8/7/2007 PLN-IV dated 12.10.2007, ECI's No. 51/8/2008 - EMS (INST-1) dated 11.08.2008 ECI's No. 51/08/16/4/2010-EMS dated 04.08.2010; ECI's No. 51/08/3/2010/Vol. II dated 04.10.2011; ECI's No. 51/8/7/2012-EMS dated 19.01.2012; ECI's No. 51/8/7/2011-EMOPS dt. 02.07.2012; No. 51/8/7/2015-EMS dt.02.02.2015; No. 51/8/7/2015-EMS dt.04.02.2015 & 05.02.2015; No.51/8/VVPAT/2015- EMS dt.05.05.2015; No.51/8/6/2015-EMS dt.10.07.2015; ECI No. 51/8/VVPAT/2017-EMS Dt. 11.01.2017; No. 51/8/16/4/2017-EMS dt. 30.08.2017; ECI No.51/8/VVPAT/2017-EMS dt.19.09.2017; No. 51/8/VVPAT/2017-EVM Dt. 13.10.2017; No. 51/8/VVPAT/2017-EMS Dt. 16.10.2017; No. 51/8/VVPAT/2017-EMS Dt. 03.11.2017; No. 51/8/VVPAT/2017-EMS Dt. 05.12.2017; No. 51/8/VVPAT/2017-EMS Dt. 20.12.2017; No. 51/8/7/2018-EMPS Dt. 16.10.2018; No. 51/8/VVPAT/2018-EMS Dt. 08.11.2018, Manual on EVM & VVPAT (December 2021)

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

- (i) RO draws schedule for commissioning of EVMs/VVPATs.
- (ii) Commissioning of EVMs/VVPATs is done for all the assembly constituencies/segments in separate halls.
- (iii) Written intimation to all the candidates about the schedule for their presence to oversee the commissioning and actively participate in the mock poll process and take their signatures on the register maintained as per Annexure-18.
- (iv) In case of Parliamentary Elections, ARO will supervise the preparation of EVMs for assembly segment.

### 3.2 Arrangements in the premises of preparation of EVM/VVPATs

- a. Large Preparation hall to accommodate EVMs/VVPATs, officers nominated by the DEO, engineers of concerned manufacturers and representatives of candidates.
- b. In consultation with BEL/ECIL, install a TV Monitor for each SLU under use in commissioning hall for simultaneously viewing by candidates/their representatives.
- c. Fully sanitized to ensure that the hall is free from any electronic components or devices.
- d. Single entry and exit point to hall with full security by armed police forces round the clock with 24X7 CCTV coverage.
- e. Permission for Entry to hall through Door frame metal detector (DFMD) on production of Identity card of authorised official/pass issued by DEO.
- f. Proper frisking at every entry and exit.
- g. Neither allow anyone to carry any electronic device inside the hall nor anybody to take out anything outside the Preparation Hall.
- h. Commissioning of EVMs and VVPATs pertaining to AS of PC falling in RO headquarters may be done at **ARO** level under direct supervision of **RO** level, in the presence of candidates/their representatives. Further, the commissioning of EVMs and VVPATs of



remaining AS may be done by the respective **ARO** in the presence of candidates/their representatives.

**3.3 Commissioning of EVMs/VVPAT-** Detail procedure mentioned under point 12.5 of RO Handbook, 2022 should be followed.

#### **3.4 Receipt of EVMs and VVPATs etc. by Polling Parties at the time of dispersal**

- (i) RO should keep a separate register showing the number and the name of the polling stations, the name of the Presiding Officer and serial nos. of CU/BU(s)/VVPAT supplied to him and his full signature in token of having receipt the same.
- (ii) That register should have further provision for keeping proper account of the machines received back from the Presiding Officers. The officer who receives the machines back after the poll from the Presiding Officer should clearly note down the serial numbers of the Control Unit, Balloting Unit(s) and VVPAT so received back and should append his full signature in token of having received those units back.
- (iii) If any machine is received back in a damaged condition, full record of each such machine should be maintained.
- (iv) As far as possible, reserve EVMs shall be provided to Sector Officers / Zonal Magistrates on Poll day. In case Reserve EVMs are to be provided to Sector Officers / Zonal Magistrates before Poll day, the Reserve EVMs shall be kept at Govt. Building with proper security. In absence of Govt. Building, Reserve EVMs may be kept at Police Station in exceptional circumstance only with written approval from the Chief Electoral Officer concerned. All EVMs provided to Polling Parties or Sector Officers / Zonal Magistrates shall be under cover of Armed Police at all times. The place of storage of Reserve EVMs shall be identified and earmarked in advance and intimated to all contesting candidates / their agents. (No. 51/8/6/2021-EMS dtd. 17/08/2021).
- (v) These reserve machines or machines used for training should not be moved from their place of storage after conclusion of poll as it may give unnecessary doubts in minds of some persons as if polled EVMs or VVPATs are being shifted.
- (vi) Pr. O to check the serial numbers & Address tags on CU, VVPAT & BU(s) & on their carrying cases.
- (vii) Check the seals put by RO on the 'Candidate Set section' on CU and at the right top and bottom latch covers of BU and affixed Pink Paper Seal on CU & BU.
- (viii) Polling party should never open the seals put by Returning Officer on CU and BU.
- (ix) Switch on the CU and press 'Total' button' to verify that the CU is set for correct number of candidates.
- (x) Check that the ballot paper is properly fixed.
- (xi) Check that the required candidate Buttons are unmasked (blue) and the other Buttons are masked (white).
- (xii) Check that the thumb wheel switch on BU is correctly adjusted.
- (xiii) Switch off the CU and pack it in carrying case before taking it away to polling station.
- (xiv) At the time of dispersal of Polling parties, hand over two copies of trouble shooting instructions (Annexure-24) and a list of additional items of Polling material (Annexure 26) to the Presiding

Officer. Procure adequate number of black paper envelopes for storing the Mock Poll paper ballot slips removed from the VVPAT. (Manual on EVM & VVPAT August, 2022).

- (xv) Under Rule 49L (1) of the Conduct of Elections Rules, 1961, there shall be a Register of Voters at every polling station. Each polling party will be supplied one or more of such Registers depending upon the number of voters assigned to the polling station.
- (xvi) The polling parties shall strictly be instructed not to test VVPAT at the time of dispersal and before mock poll at polling station under any circumstance, as VVPATs issued to them are already checked & tested.
- (xvii) For visual identification of reserve EVMs and VVPATs the following shall be strictly followed:
  - 1. Adhesive Stickers with inscription 'RESERVE' shall be pasted on the carrying cases of reserve BUs, CUs and VVPATs during commissioning of EVMs and VVPATs.
  - 2. Apart from the adhesive stickers" the carrying cases of reserve EVMs and VVPATs shall also be sealed with thread and address tags to avoid doubt on misuse of reserve EVMs and VVPATs while in movement on poll day. The thread and address tag of reserve EVM and VVPAT shall be removed in the presence of polling agents at polling station, if needed to replace any rejected EVM & VVPAT at polling stations. Sector Officers shall also be provided Adhesive Stickers with inscription 'MOCK POLL REPLACED' for affixing on the carrying case of rejected BU/CU/VVPAT' replaced during Mock poll. Specification of the Adhesive Stickers: The colour of such Adhesive Stickers should be 'Pink' for Assembly Constituencies elections and 'White' for Parliamentary Constituencies elections. Dimension of the stickers should be 15 cm x 10 cm. (Sample attached) .(51/8/7/2020-EMS dtd. 18.09.2020)
- (xviii) Use of vehicles with GPS tracking/Mobile app-based tracking for movement of EVM & VVPATs-
  - a) Monitor the end-to-end movement of all GPS enabled vehicle carrying all EVMs and VVPATs including Reserve EVMs and VVPATs at all times.
  - b) Set up 'EVM Control Room at DEO as well as CEO level for round-the-clock monitoring and tracking through GPS Monitors and other related IT infrastructure /applications.
  - c) Sector Officers shall not remove the EVMs and VVPATs from the authorized vehicles except where required for election purpose or for safe storage at designated places.
  - d) DEO notifies the registration number and details of all vehicles carrying Reserve EVMs/ VVPATs along with the name of the Sector Officer to all political parties/candidates and Observers in the district.
  - e) DEO is responsible for the effective end-to-end GPS based tracking and monitoring.
  - f) The General Observer shall monitor the compliance of these instructions and record an entry to this effect in the General Observers' diary. (6.4, Manual on EVM & VVPAT August, 2022)

## 3.5 On Poll day

### 3.5.1 Tracking of Mock Poll

- (i) The RO/ARO through the Sector Officers and using the communication link with the polling station/ mobile teams, shall track the conduct or otherwise of mock poll, and ascertain the mock poll status.
- (ii) Non-confirmation of mock poll could be indicative of non-commencement of poll and in that case the RO/ARO shall make immediate intervention to sort out the problem.

### 3.5.2 Conduct of Mock Poll

- (i) Mock poll shall be conducted normally ninety (90) minutes before the scheduled hour of commencement of poll.
- (ii) All contesting candidates should be informed in writing well in advance in this regard.
- (iii) Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes.
- (iv) If the agents still do not come, then the Presiding Officer may start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present, in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the Pr. O's report on this aspect.
- (v) Remove the Balloting Unit, VVPAT Unit & Control Unit from their carrying cases.
- (vi) After making proper connections of the BU, CU and VVPAT, the connecting wires may be taped to the leg of the table in such a manner that the wire does not hang in the air so that the load of hanging wire does not impact the connecting switch of the BU and VVPAT and the tape is also easy to remove when replacement of units (BU/CU/VVPAT) are required. Accordingly, one transparent tape of half inch width has to be provided to the Presiding Officers for the aforementioned purpose. Taping shall only be done using "TRANSPARENT ADHESIVE TAPE" in such a way that taping does not affect the visibility of the connecting wires and it shall be removed easily when replacement of units (BU/CU/VVPAT) are required.
- (vii) Place the Balloting Unit(s) and VVPAT in the voting compartment and place the CU on polling/Presiding officer's table. It must be ensured without fail that secrecy of voting is not violated. VVPAT should be placed to the left side of the 1<sup>st</sup> Balloting Unit.
- (viii) Connect the Balloting Unit/first Balloting Unit to the VVPAT Unit. Connect VVPAT to the Control Unit.
- (ix) Unlock Paper Roll knob of VVPAT (Rotate to "Working" Position), Open back cover of CU and Switch "ON" power.
- (x) Open "Result" section outer door and inner door of CU.
- (xi) Press Clear button of CU to show to the agents present that there are no votes polled.
- (xii) The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. At least 1 votes shall be polled in favour of each candidate including NOTA. A total of at least 50 votes should be polled in the mock poll.
- (xiii) One polling officer should be present in the voting compartment along with the polling agents to watch operations on the Balloting Unit(s) and the printed ballot slips by the VVPAT unit. This polling officer will keep a record of the votes cast. Leaflet on conduct of mock poll before starting the actual poll at polling stations shall be provided to polling parties at the time of dispersal of polling parties.
- (xiv) Presiding Officer will ascertain the result by pressing the result button in the Control Unit in the presence of the Polling agents. Count the VVPAT paper slips by taking out by VVPAT paper slips from the drop box in the presence of polling agents and confirm that the result of CU and VVPAT paper slip count tally for each candidate.
- (xv) Thereafter, all mock poll data in CU must be cleared by pressing 'clear' button on CU and the

empty drop box must be verified by the polling agents.

The Commission has further directed that any deviation in compliance of the aforesaid instructions shall be viewed seriously by the Commission and the District Election Officer shall take suo-moto disciplinary action against defaulting Presiding Officers. Sector Officers shall be responsible to ensure these instructions are clearly understood by all Presiding Officers. A poster, of size 3 feet x 2 feet (minimum), for Presiding Officer for Mock Poll may be handed over to each of the Presiding Officers during dispersal of EVMs/VVPATs with the instructions that the Poster must be pasted in front of Presiding Officer in the Polling booth to follow the instructions as contained in the poster during conducting of Mock Poll on the Poll day. Sector Officers may be sensitised to check the pasted poster inside each Polling Station. The mock poll VVPAT paper slips, should be stamped on their back side with rubber stamp having inscription “MOCK POLL SLIP”, thereafter these mock poll VVPAT paper slips shall be kept in an envelope made of thick black paper and sealed with the seal of the Presiding Officer.

- (xvi) The Presiding Officer and polling agents must put their signatures on the envelope. The number and name of the polling station, number and name of Assembly Constituency, date of poll and the words “VVPAT paper slips of Mock Poll “ shall be written on the envelope. This envelope must be kept in the special plastic box for mock poll and sealed with a pink paper seal placed all around in such a manner that opening of the box will require breaking of the seal.
- (xvii) The number and name of the polling station, number and name of Assembly Constituency and the date of poll shall be written on the plastic box.
- (xviii) The Presiding Officer and Polling Agents must put their signatures on the pink paper seal and keep the box along with other documents relating to elections.
- (xix) Thereafter, Presiding Officer will sign the Mock Poll Certificate and seal the CU and VVPAT. Mock Poll Certificate of Pr. O Report (Part-I) as provided vide no. 51/8/7/2020-EMS Dated-13/08/2021
- (xx) The Presiding Officers shall mention the names of the Polling agents and the candidates (and their party affiliations), whom they represent and also obtain their signatures on the completion of mock poll on the certificate. (ECI No. 51/8/7/2020-EMS Dated-13/08/2021)
- (xxi) One copy of certificate will be collected by SO immediately after conducting Mock Poll. The Pr. O shall deposit the same envelope along with the EVM, VVPAT and other election material at collection centre.
- (xxii) Micro-observer should also participate in mock poll process and sign the mock poll certificate.
- (xxiii) These proceedings should be videographed wherever videography arrangement has been made at a polling station.
- (xxiv) Sealing of Result Section of the control unit with Green Paper Seal on Poll Day after completion of Mock Poll before starting actual poll: On Poll Day, after completion of Mock Poll and before start of actual poll, Presiding Officer shall affix the modified Green Paper Seal in the Control Unit to seal the Result Section.

To fix the modified Green Paper Seal in the slot provided in the windows of the inner door of the Control Unit, Green Paper Seal shall be inserted in the window of the inner door in such a way that the Green Colour Mark on white side of seal comes on top of the Result button and the Red Colour mark on the top of the print button.

After inserting the green paper seal, the inner door above the result buttons shall be closed. Both

Green & Red colour marks are visible through the windows of the inner door after it is closed.

Then, the inner door of the result section shall be sealed with the special tag.

After fixing the special tag, close the outer door of the Result section ensuring that the loose ends of the Green Paper Seal protrude out from both the sides of the closed outer door. Then the Pr. O shall seal the outer door with thread and address tag.

The Wax paper from 'A' side of the modified Green Paper seal should be removed and the 'A' side shall be pasted on the outer door of the Result Section.

The Wax Paper from 'B' side of the modified Green Paper seal should be removed and the 'B' side shall be pasted on the top of the underlying 'A' side of the Modified Green Paper seal in such a way that the serial number of the seal is visible on the top.

- (xxv) Polling Officer in charge of CU, shall ask the voters if they notice any malfunctioning of BU, they should bring it to notice of him/Presiding Officer. The Presiding Officer thereupon check and verify the genuineness of such complaint in presence of polling agents and the complainant. EVM will be replaced if found malfunctioning. These instructions will be brought in notice of polling agents during mock poll or whenever they report at PS. Advertisement in this regard in newspaper on poll day and displaying of poster at PS also.
- (xxvi) "Test-vote" during poll process- Circumstances and procedure as per ECIs number 51/8/7/2015-EMS dt.04.02.2015.
- (xxvii) In case the CU or BU or VVPAT does not work properly during mock poll, replace the respective unit only. In case the CU or the BU does not work properly during actual poll, replace entire set of CU, BU and VVPAT. In such cases, only one vote should be cast for each contesting candidate including NOTA in the Mock Poll and follow other instructions of mock poll.
- (xxviii) Again, mock poll should be conducted on the new set of EVM (both BU & CU) and VVPAT before it is put to use. However, in this case, it would be sufficient to cast at least one vote each for each of the candidates. A new mock poll certificate should be recorded in such a case. VVPAT Paper Slip of this mock poll shall be kept in separate black envelope, which shall be sealed and description shall be written on this envelope also.
- (xxix) In case replacement of only VVPAT during actual poll, no mock poll will be conducted and submission of report of replacement to be done in Pr. O Report Part-IV for Replacement during Mock Poll & Part-V, if replacement during actual poll.

### 3.5.3 Replacement Protocol:

- (a) Polling Officer in charge of CU, shall ask the voters if they notice any malfunctioning of BU, they should bring it to notice of him/Presiding Officer. The Presiding Officer thereupon check and verify the genuineness of such complaint in presence of polling agents and the complainant. EVM will be replaced if found malfunctioning. These instructions will be brought in notice of polling agents during mock poll or whenever they report at PS. Advertisement in this regard in newspaper on poll day and displaying of poster at PS also.
- (b) All 'ERROR' messages for BU, CU & VVPAT will be displayed on CU only. **Switch OFF CU before any sort of replacement.** *Part-I of the Presiding Officer's Report will be prepared after every mock poll.* All defective units, replaced before start of actual poll, should not be left in the polling station. These defective units will be carried by Sector Officer after affixing the sticker "MOCK POLL REPLACED" on the carrying case of the defective unit.

- (c) **Replacement of Power Pack of the Control Unit:** In case the Power pack of CU does not function properly or show low battery *during mock poll or during actual poll or after completion of the poll*, Power pack of CU shall be replaced. Part-II of the Presiding Officer's Report will be prepared, no mock poll is required in this case.
- (d) **Replacement of Units During Mock Poll:** If any of the units found defective before start of the actual poll only the defective unit(s) will be replaced and mock poll will be completed with the new unit(s). Part-IV of the Presiding Officer's Report will be prepared and given to Sector Officer.
- (e) **Replacement of Units During Actual Poll:**
  - (i) If BU or CU is found defective during actual poll, complete set of BU+CU+VVPAT will be changed. Mock poll by casting one vote to all candidate including NOTA will be done with the new set. Part-I and Part-V of the Presiding Officer's Report will be prepared and Part-V will be given to Sector Officer.
  - (ii) If CU shows "Low Battery VVPAT", then replace power pack of VVPAT, no mock poll is required in this case. No separate report will be prepared.
  - (iii) If VVPAT does not work properly, replace VVPAT only, no mock poll is required in this case. Part-V of the Presiding Officer's Report will be prepared and given to Sector Officer.
  - (iv) If VVPAT has not printed the paper slip, or the printed paper slip remains uncut, then-
    1. Do not try to remove/cut hanging slip from the paper roll, no effort should be made to make it fall into the drop box. It should be allowed to remain hanging as it means that the vote has not been recorded in Control Unit and as it is not to be counted at the time of counting of the printed-paper slips. The details of such an occurrence should be clearly recorded in the Presiding Officer's dairy in the following format:
      - (a) The date and time of the occurrence.
      - (b) The name of the voter and his serial number in the part in the electoral roll, who was allowed to cast his vote after replacement of VVPAT.
      - (c) Whether the voter cast his vote after replacement of VVPAT or went away without casting his vote.
      - (d) The Total number of votes cast before the occurrence.
    2. The last voter is allowed to cast his vote after the replacement of VVPAT.

#### 3.5.4 Conduct of Poll

- (i) Before the first voter signs in Form-17A (Register of Voter) the Polling Officer-1 shall check with the Pr. O and record in ink in form-17A that "Total in the Control Unit checked and found to be ZERO".
- (ii) In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/names/ballot button, the Presiding Officer may from time to time inspect Balloting Unit (BU) but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

- (iii) Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the BU, supplied by DEO/RO in the presence of polling agents and never inside the voting compartment.
- (iv) At the time of closure of poll, the Presiding Officer shall press the 'Close' button and make a note of the Poll end date and time displayed on the CU in the presiding officer's diary. And do the other prescribed procedures. He will also fill up Part-III of Pr. O Report as per Memo No. 51/8/7-2020-EMS Dt. 13/08/2021. In Part-IV of Pr. O also, it is to be included.
- (v) After the poll has been closed and the account of votes recorded in the voting machine has been prepared in Form 17C and copies thereof furnished to the polling agents present, EVM and VVPAT should be sealed and secured for transportation to the counting/ collection centre.
- (vi) For sealing and securing EVM and VVPAT, the power switch in the Control Unit should be switched 'OFF' and then Balloting Unit(s) and VVPAT should be disconnected. Rotate the VVPAT paper roll knob to "lock" position. Battery of VVPAT has to be taken out and to be submitted separately at Receiving Centre. The Balloting Unit(s), the Control Unit and VVPAT should be put back in their respective carrying cases. The carrying cases of BU(s), CU and VVPAT should then be sealed by passing a thread through the two holes provided for the purpose on both sides of the carrying cases and putting thread seal with the Presiding Officer's seal on common address tag showing the particulars of the election and the polling station. The candidates or their polling agents as are present and desirous of putting their seals should also be allowed to do so.
- (vii) "Test-vote" during poll process- Circumstances and procedure as per ECIs number 51/8/7/2015-EMS dt.04.02.2015.

### 3.6 Collection Centre

- (i) The machines shall be escorted back after the poll under proper escort.
- (ii) R.O. should make proper arrangements for the safe transportation and custody of EVMs and VVPATs and other election papers and materials after the close of the poll from the polling stations to the storage centre, where the EVMs and VVPATs and election papers will be stored pending the counting.
- (iii) After poll all available EVMs and VVPATs are divided in 4 categories.

Category A - Polled EVMs and VVPATs

Category B - Defective Polled EVMs and VVPATs

Category C - Defective Unpolled EVMs and VVPATs

Category D - Unused EVMs and VVPATs

After poll EVMs and VVPATs of category A and B shall be stored in the strong room, EVMs and VVPATs of category C and D will be stored securely separately in a different room, not in the vicinity of AC strong room. (ECI's letter no. 51/8/7/2018-EMS dtd. 03.11.2018 and 06.12.2018.)

- (iv) After all formalities are completed, the EVMs and VVPATs shall be kept in strong room in double lock system and the strong room shall be sealed in the presence of the candidates/ their agents and Observer, under videography. Storage protocol as per Memo no. 51/8/6/2021-EMS dt 17/08/2021.

Three categories of Strong Rooms:

- a) Polled Strong Room (Store Category 'A' & 'B' EVMs)
  - b) Defective un-polled Strong Room (Store Category 'C' EVMs), not in the vicinity of AC/AS Strong Room.
  - c) Reserve Strong Room (Storage Category 'D' EVMs), not in the vicinity of AC/AS Strong Room.
- (v) In case of re-poll, the EVM and VVPATs required for re-poll shall be drawn from the reserve list and the CU/BU/VVPAT number shall be informed to the candidates/agents in writing and also to be entered in the EVM Management System.

### 3.7. Re-polled EVMs and VVPATs

- i. After re-poll the strong room shall be re-opened in the presence of the candidates/ their agents and Observer for the storage of the re-polled EVM and VVPAT.
- ii. This re-polled EVM and VVPAT should be placed together with the old EVM which was used earlier in the original poll. Paste "Re-poll EVM/VVPAT" pre-printed sticker on the EVMs/VVPATs and on their carrying cases.
- iii. A tag 'Not to be counted' shall be put prominently on the old EVM and another tag 'Re-polled EVM – to be counted' shall be put on the new re-polled EVM. RO shall put signature on both the tags. Enter the unique ID number of the EVMs/VVPATs used in re-poll in EMS.

### 3.8 Post-poll storage of EVMs and VVPATs

- (i) Strong rooms to have double lock system. One key with RO and one key with ARO of AC segment.
- (ii) Two cordoned security round the clock. CAPF for innermost perimeter immediately outside the strong room and SAP for outermost perimeter security.
- (iii) Candidates to be asked in writing to depute representative to keep close watch.
- (iv) CCTV coverage on strong room doors.
- (v) Control room adjacent to strong room. A Gazetted Officer along-with Police Officer on round the clock duty.
- (vi) Fire extinguishers near and inside strong room. Un-interrupted power supply and in contingency standby generators. Exhaust fans installed on the wall of strong rooms shall be operated for circulation of air.
- (vii) No one (even Observer, DEO and SP) shall be allowed to enter inner perimeter without making required entries in logbook and under videography by CAPF personnel.
- (viii) Phone numbers of election authorities shall be given to candidates/ representatives to make any complaint in case of any lapse.
- (ix) RO shall visit daily at strong room and daily status report will be submitted to DEO. The DEO shall also visit.
- (x) Alighting point for vehicles to be marked at storage centre.
- (xi) DEO/DM and SP will be personally responsible for security of strong rooms/ EVMs.



(xii) On the day of counting the strong room shall be opened in the presence of candidates/representatives, Observer, RO under videography.

**(xiii) Storage protocol**

- a. After completion of poll, escort back the polled EVMs (including defective polled EVMs) to the Collection Centre.
- b. Store Polled and Defective Polled EVMs in the same strong room as per procedure.
- c. EVMs of 2 or more than 2 ACs/ASs should not be stored in the same strong room after completion of poll and counting of votes till the completion of the Election Petition period.
- d. Keep the EVMs safely in demarcated space or the racks for safe storage as per ECI guidelines with prior intimation to the candidate & under proper Videography.
- e. Returning Officer shall earmark specified parts of the floor space in the form of squares in advance for stacking the EVMs (including defective polled EVMs) received from particular polling stations with their serial numbers in one square in the strong room.
- f. If it is not feasible, to accommodate all EVMs in one strong Room follow the protocol mentioned below:
  - Keep polled EVMs (including defective polled) in multiple strong rooms, adjacent to each other, and outside each strong room, paste a notice indicating the particulars of the elections, AC/AS name and No. and serial number of polling stations whose EVMs are kept inside. Ex. Strong Room I having EVMs of PS 1 to 100 and Strong Room 2 of PS 101 to 200.
  - In no case BUs, CUs and VVPATs shall be kept separately.
  - Keep polled EVMs (including defective polled) in multi-layers of storage by fabricating storage racks of steel/iron/wooden, as per ECI specifications.

### 3.9 Counting of Votes

- i. At the time of counting, only the Control Unit of the EVM is required for ascertaining the result of poll at the polling station at which the Control Unit has been used. The Balloting Units have to be kept in strong room.
- ii. Along with the Control Unit used at a polling station, sealed cover containing the relevant Account of Votes Recorded in Part I of Form 17C pertaining to that polling station shall also be supplied to the counting table. Also supply adequate number of Part-II of Form 17C (with candidates' names pre-printed).
- iii. Before starting the counting in the EVM the unique ID number of the CU, the Unique ID number of the Pink Paper Seal and the unique ID number of Green paper seal should be verified from the record and shown to the polling agents.
- iv. Poll start date and time and poll end date and time displayed on the CU should be verified from the record and shown to the polling agents.
- v. In case of any discrepancy in the date and time of start and end of poll displayed in the Control Unit with Indian Standard Time of start and end of poll, the difference will be compared with the date and time noted by Presiding Officer in the mock poll certificate of PR.O Report.
- vi. If the date and time difference at the time of mock poll does not match with the date and time difference of start and end of poll, the EVM will be kept aside and the matter will be referred to the Commission for its decision.

- vii. Procedure in case the close button is not pressed at the end of the poll–Take the following action during counting of votes, in the presence of candidates/their authorized agents, under videography:
  - (a) Press ‘TOTAL’ button of the CU to see total votes polled in the CU. If total votes polled in the CU tally with total votes polled in CU mentioned in Form-17C, Counting Supervisor should press the “Close” button of the Control Unit(s) and then press “Result” button for getting result data.
  - (b) If total votes polled in the CU don’t tally with total votes polled in CU mentioned in Form-17C, keep the CU back inside its carrying case and keep under Returning Officer’s custody in the counting hall. Count the votes in other machines as usual. The action shall be taken as mentioned in para 9.
- viii. Instructions in case of Control Unit does not display result at the time of Counting.
  - (a) First install new power packs in CU to obtain Result. Even then CU does not display result, keep the CU inside its carrying case and then under the Returning Officer’s custody in the counting hall. Counting of votes in other machines should continue as usual.
  - (b) Corresponding VVPAT shall be counted.
  - (c) A report regarding counting of printed ballot slips of VVPAT should be sent to the Commission through Chief Electoral Officer concerned for information.
- ix. Issues regarding counting of VVPAT slips: Non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C- should be dealt with the provision of the instruction- (51/8/7/2019-EMPS dtd. 21.05.2019 & 51/8/7/INST/EMS dtd. 10.11.2021.)
- x. In the aforesaid cases, where the Control Unit(s) has been discarded/not used for counting of votes, these polling stations will be excluded from the random selection of 5 (five) Polling Stations for Mandatory Verification of VVPAT paper slips count.
- xi. Power Pack (Battery) of the Control Units shall be removed from the Control Units after counting of votes. For this purpose, Returning Officers shall ensure that the Power Pack of all the Control Units, whether result is retrieved from it or not, are removed before keeping inside their respective carrying case.

### 3.10 Videography of Events –

All the stages beginning from first level checking should be fully covered with videography and records kept properly.

### 3.11 Application for VVPAT Paper Slips counting –

After announcement of result sheet entries, any candidate their election agent or their counting agents may apply in writing to the RO to count the printed VVPAT paper slips in any or all polling stations. If such application is made, the RO shall pass a speaking order on whether the VVPAT paper slips should be counted. If the

RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO shall give due consideration to the following:

Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate making the application.

Whether EVM had a problem and was replaced at that polling station during poll.

Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll. (ECI’s letter no. 51/8/VVPAT/2017-EMS dtd. 05.12.2017)

### **3.12 Mandatory Verification of VVPAT Paper Slips –**

The verification of VVPAT paper slips of randomly selected 5 polling stations for each AC / segment shall be taken up after completion of the last round of counting of votes recorded in the EVMs. (14.7. Manual on EVM & VVPAT August, 2022, Page 60)

Mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations must be conducted in all General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs, as under: (Manual on EVM & VVPAT August, 2022)

## 4. Polling Personnel

(Reference - Section 26 and 159 of R.P. Act 1951, R. 53 of CE Rules 1961 and Ch. 3 of R.O. Handbook 2019, ECI's No.464/Inst /2007/PLN-I dated 08.01.07, ECI's No. 464/Inst/2007/ PLN-I dt.11-12-07, ECI's No. 464/KT-LA/2008 dated 4.4.2008, ECI's No. 64/OBS/ Misc /2008/PLN-1 dated 27.5.2008, ECI's No. 437/6/2006/PLN-II dated 6.11.2006, ECI's No.464/INST/2007/PLN-I dated 12.10.2007, ECI's No.464/INST/2008/EPS dt.19.9.2008 and 26.12.2008,ECI's No. 464/INST/2008/EPS 12.9.2008, No.76/Instruction/2013/EEPS/ Vol.-I dt. 21.03.2013; No.437/6/1/2014-CC&BE Dt.09.01.2014; No.464/INST/PAY/2014-EPS Dt.28.02.2014; No. 218/6/2014/EPS Dt.25.04.2014)

### 4.1 Deemed deputation of ECI -

- (i) All Officers/officials related to election duties including police personnel shall be deemed to be on deputation of ECI during election process (Sec. 28A of RP Act 1951)

### 4.2 Requirement to be assessed - Deployment of Staff in connection with conduct of election - following categories of officers/officials will be required in various stages -

- (a) Presiding Officers and Polling Officers.
- (b) Micro observers.
- (c) Sector Officers.
- (d) Area/Sector Magistrates.
- (e) Assistant Expenditure Observer and other teams to be engaged in Election Expenditure Monitoring.
- (f) Control Room/Help Line Staff.
- (g) EVM Ground Staff.
- (h) Officers/Officials to be engaged in Dispersal Counters, Facilitation Centres & Receipt Centres.
- (i) Assembly Level Master Trainers for imparting training to various categories of officials.
- (j) Officers/Staff required for various election cells.
- (k) Police Personnel.
- (l) Counting Supervisors and Assistants.
- (m) Counting Micro Observers.
- (n) Voter Assistance Booth Staff.
- (o) Digital/Video camera Supervisors.
- (p) Booth Level Officers.
- (q) Personnel for absentee postal ballot voting

### 4.3 Who can be deployed- Staff of following authorities can be deployed-

- (a) Central Government and State Government.
- (b) Local Authority.
- (c) University established or incorporated by/ under a Central / State Govt. Act.
- (d) Government Company.
- (e) Institution, Concern or Undertaking which is established by/under Central/State Act or which is controlled/ financed wholly/substantially by funds provided directly/ indirectly by Central/State Govt.
- (f) Staff of above categories (b), (c), (d) & (e) will be requisitioned on the request of Chief Electoral Officer (sec. 159(2) RP Act, 1951).

**4.4 Database** -District Database of all employees of Central Govt./State Govt., Central/State PSUs, Govt. Companies shall be prepared.

- (a) Software – Supplied by CEO Office.
- (b) Particulars like name, sex, Date of Birth, Home AC, work place AC, designation, office, pay scale, phone No., and Name & No. of AC, where he is enrolled, Part No & Voter Serial No. in the electoral roll, etc.
- (c) Database to be comprehensive – Every employee of all departments of Central/State Govt. and Central/State PSUs must be covered in the database, irrespective of the fact that an employee will be assigned the election duty or not.
- (d) While deputing the staff on election duty ensure that there should not be too much of strain on a particular department/ organisation.
- (e) Bank/LIC employees only in contingency.

**4.5 Not to be deployed in election duties -**

- (i) Officials working in CBI, IB and RAW and personnel working in essential services.
- (ii) Contractual workers or Anganwadi workers not to be engaged in elections.
- (iii) Sr. officers of Indian Forest Service, Veterinary Doctors and Compounders, Cattle Extension Officers, Medical Practitioners, Territorial staff of Wild Life/Sanctuary Deptt., Staff of AIR and Doordarshan.
- (iv) Staff of commercial bank in rural area, where the bank has only one employee.
- (v) Operational staff of BSNL, UPSC and educational institutions (except in unavoidable circumstances)
- (vi) Officials against whom ECI recommended disciplinary action or who have been charged for lapses in election related duties.
- (vii) Officials against whom criminal case is pending.
- (viii) Physically challenged persons in polling duty.
- (ix) Where female employees are engaged in polling duty, guidelines of ECI be followed.
- (x) Govt. servants who are due to retire within 6 months.

#### 4.6 Grouping and formation of polling party -

- (i) Presiding Officer and POs to be classified on the basis of pay, post and rank.
- (ii) Presiding Officers should be Gazetted Officers and failing that official who are working in supervisory capacity should be deployed.
- (iii) Proper mix up of personnel. Two officials of the same group/category or from same deptt./office should not be put together.
- (iv) Certificate regarding proper mix up.
- (v) One Presiding Officer + three POs in a polling party. In case of simultaneous elections for Vidhan Sabha & Lok Sabha the norms are One Presiding Officer + 5 Polling Officers.
- (vi) Persons not to be deployed in home AC or AC wherein he is posted or AC in which he resides.
- (vii) Where electors are small in numbers one Presiding Officer + 2 PO may be sufficient.

#### 4.7 Randomization of poll personnel- Three stage of randomization process -

- (i) **First stage** - To identify and select required number of polling personnel for district. In the appointment letter (in prescribed format as given in RO Handbook) the identity of AC not to be disclosed. Polling personnel will know whether he/she is a Presiding Officer or a PO, the venue and time of training. Presences of observers are not required at this stage.
- (ii) **Second stage** - Polling parties shall be formed. AC may be known but actual PS will not be known. Observers must be present. Second randomization as soon as after this completion of scrutiny of nominations. (ECI's no. 464/INST/2014-EPS Dt. 28.03.2014).
- (iii) **Third stage** –It shall take place on the day prior to actual dispersal of polling parties in the presence of the observer (ECI's letter no. 464/INST/2014-EPS Dt. 12.03.2014).
- (iv) Randomization of female polling personnel, manually, as per ECI instruction no. 464/INST/2014-EPS Dt. 10.03.2014. No female polling personnel to stay at polling station during night. May be allowed to reach on the morning of poll day.

Certificate regarding formation of polling parties on the basis of three stage randomisation process be given by DEO to ECI through and separately to CEO.

#### 4.8 Central Government Employees -

- (i) The polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable. Central govt. officials must first be used for appointment as micro-observers and then, if available for proper mix as stated above.
- (ii) Assistant Expenditure Observer are also to be deployed from Gr. B officers of Income Tax Department, Central Excise, Audit & Accounts or Central PSUs (if available)
- (iii) Separate database for Gr. A, B, C employee of Central Govt.
- (iv) The Gazetted officers/officials of Central Govt. and Central Govt. PSUs be identified as Micro Observers, which will be deployed randomly after consultation of Observer.
- (v) One Additional Counting Staff drawn from Central Govt./PSUs of Central Govt., will be

deployed for each counting table.

#### **4.9 Photo Identity Cards etc. for polling personnel -**

- (i) Photo identity card in the prescribed format be issued by DEO/RO to ARO/ Sector Officer/ Zonal Magistrate/ Micro Observers/ Presiding Officer / Polling Officers / Counting Supervisors / Counting Assistants, Cameraman / Video Supervisors/ BLO/ Voter Assistance Booth Staff/ All other staff associated with polling booth. Capturing of photographs of personnel at the time of first training be arranged. (ECI No. 464/Inst./2007/PLN-I dated 12-10-07)
- (ii) Polling Parties to stay at polling stations itself - In no case they shall be allowed to stay at the residence of any private person.
- (iii) Arrangements for shelter and drinking water for polling personnel/ voters.
- (iv) Training sessions for teaching staff be conducted on holidays or after working hours. [ECI's No. 509/65/2003/ J.S.I. dt. 28.1.08]
- (v) In case, the polling personnel is not a voter he should be enrolled in the roll and EPIC be issued - DEO should ensure it through sponsoring authority.
- (vi) Micro Observer should, be enrolled as voter and EPIC issued.

#### **4.10 Polling personnel welfare measures** (ECI No. 464/INST/2008/EPS dt. 12.9.2008)

- (i) Senior officer as nodal officer to coordinate and supervise welfare measures.
- (ii) Proper arrangement of basic amenities at training venues, dispersal centres / reception centres.
- (iii) Refreshment arrangements - on payment or otherwise.
- (iv) Basic amenities at polling stations and
- (v) Health care/first aid.
- (vi) In relation to women personnel all instructions of ECI and Court orders to be complied with.

#### **4.11 Engagement of Child Labour in Election related activities** (ECI No. 464/INST/2013-EPS dt. 02.05.2013)

- (i) Children (below 14 years) not to be engaged for any work connected with the election process like campaigning, carrying campaigning materials etc.
- (ii) Penalty under Child Labour (Prohibition and Regulation) Act, 1986.

#### **4.12 Disciplinary proceedings by Govt. against officials on election duty**

(Sec. 28A of RP Act, 1951 and ECI's No. 464/INST/2009-EPS dt. 31.03.2009)

Written prior permission of the ECI is mandatory before suspending/initiating any disciplinary proceeding against officer/official connected with conduct of election during the period of election.

#### **4.13 Remuneration etc. to officers/officials deployed on election duty –As per ECIs instruction No. 464/INST/PAY/2014-EPS Dt.28-02-2014.**

No.464/INST/2022-EPS dated 9<sup>th</sup> June, 2022: The Commission decided *to*

**double** the rates of remuneration of the polling official going to the Polling Stations 3 days or more in advance.

**4.14 Ex-Gratia Compensation in case polling personnel dies** – meaning of “election duty” (ECI’s No. 218/6/2006/EPS dt.5.11.2008 and Dt.25.04.2014)

- (i) A person to be considered on election duty as soon as he leaves his residence /office to report for any election related duty including training and until he reaches back his residence/office after performance of his election duty. There should be a causal connection between occurrence of death/injury and the election duty.
- (ii) Ex-gratia compensation as per ECI’s instruction Dt.25.04.2014.
- (iii) Ex-gratia compensation will be applicable to all personnel deployed in all types of election related duties, all security personnel (CAPF, SAP, State Police, Home Guards, ECIL/BEL Engineers etc.) private persons like drivers, cleaners etc. hired for deployment for election duty.
- (iv) Applicable period- from announcement of elections.
- (v) Ex-gratia compensation to security forces will be in addition to the payment made by MHA/State Government under existing guidelines.



## 5. Election Materials

### 5.1 Polling material

- (i) Permanent articles like - Brass seal, Arrow Cross Seals etc. be checked - In case of shortage procurement as per instructions of CEO.
- (ii) Forms and envelopes received from CEO be checked/assessed. [Ref Handbook of Presiding Officers, and Handbook of ROs]
- (iii) Stationary articles to be procured from CEO/ as per direction of CEO.
- (iv) Forms for appointment of polling parties to be generated from computer.
- (v) Indelible Ink - Only fresh stock be used.
- (vi) Dummy Ballot Sheet.
- (vii) Green paper seals, Pink Paper seals, Special Tags, Common Address Tags be obtained from stores of CEO/DEO.
- (viii) Final result sheet in Form No. 20 and Part-II of Form No. 17C (bearing names of contesting candidates) should be generated through computer.
- (ix) Proforma for recording of votes by additional counting staff also to be printed.
- (x) Updated list of disqualified persons u/s 8A, 9, 10A of RP Act 1951 to be procured from CEO and to be given to ROs before scrutiny of nomination papers.
- (xi) Presiding Officer diary formats should be serially numbered - keep proper account thereof.
- (xii) Register of accounts of election expenses by candidates should be serially numbered and authenticated by DEO
- (xiii) Card board model of EVM also to be given to polling party for explaining voting process to voters (ECI No. 51/8/7/2008 EMS(INST-II) dt. 11.8.2008)
- (xiv) Voting compartment – Only of flex-board of steel grey colour to be used. Dimensions 24”x24”x30”. If one BU is used. Width may be increased by 12” for each additional BU(s). Other norms as per ECI’s directions. The height of the table on which the voting compartment should be 30”. The thickness of corrugated flex board for making Voting Compartment will be minimum 3 mm.
- (xv) Pre-printed serial numbered voter slips (about 200 per PS) should be supplied to polling parties for distribution to electors standing in queue at the hour fixed for close of poll. (ECI’s No. 464/INST/2015-EPS dt.04.02.2015)
- (xvi) Pre-printed posters for awareness of voters.
- (xvii) Procure following new formats/envelopes also –
  - (a) Additional report by Presiding Officer after poll (to be submitted to Observer and RO).
  - (b) Micro Observer’s report after poll (to be given to Observer)
  - (c) SO’s report (to be submitted to Observer and RO).

- (d) Presiding Officer's Report Part- I, II, III, IV, V.
- (e) "Visit Sheet" at PS.
- (f) Envelopes in black paper for sealing mock poll VVPAT paper slips (to be used on poll day).

## 5.2 Working copies of Electoral Rolls

(ECI's No. 22/2/2006 - PLN-II dt. 24-3-2006; ECI's No. 22/2/2007-ERS dt. 6-11-2007, ECI's No. 23/LOCATOR/2007-ERS dt. 5-11-2007; ECI's No. 22/2/2008 PLN-II dt. 8.8.2008; ECI's No. 51/8/7/2008-EMS (Inst-II) dt. 11.8.2008; ECI's No. 22/2/2008/ERS dt. 5.9.2008)

- 5.2.1 Working copies of rolls inclusive of supplements carrying modifications upto the last date of nomination shall be prepared by the ERO/RO - Timely preparation be ensured.
- 5.2.2 Total 15 sets of rolls should be prepared -
  - 5.2.2.1 For candidates of recognized political party - One each.
  - 5.2.2.2 For Polling Party - 4 set to each party including marked copy in sealed cover.
  - 5.2.2.3 For Sector Officer.
  - 5.2.2.4 For safe custody of DEO/RO.
  - 5.2.2.5 For reserve.

## 5.3 Copies of Electoral Rolls & Voters Slips

- 5.3.1 A copy of this electoral roll printed by the software shall be given free of cost to contesting candidates of recognised political parties and will also be made available for sale by the ERO to other persons.
- 5.3.2 At the time of final publication, the final roll will be a single integrated one, in which all the addition entries will come with Sl. No. in continuation after the last entry of the mother roll and all the modifications and deletions during summary revision will be reflected in the mother roll itself, as per the Commission's existing instructions. No separate addition, deletion and modification lists will be printed and given to the political parties, though the EROs will generate these lists from ERO-Net and keep them for future reference. (No. 23/2020-ERS dated 07.08.2020).
- 5.3.3 A separate and part wise electoral roll in alphabetical order, preferably in English - For use at Voter Assistance Booth/ P.S. (ECI No. 23/LOCATOR/2007-ERS dated 05-11-2007).
- 5.3.4 RO to prepare PS wise list of absentee voters in roll, both, with family and without family linkage - This will be used for identification for critical PSs also.
- 5.3.5 List of Absentee/Shifted/Dead voters to be prepared and to be given to polling party.
- 5.3.6 In addition to the EPICs, Voter Slips should be printed by the District Election Officer, as per Voter Lists and these Voter Slips have to be distributed to the Voters by visiting door to door by the BLOs concerned personally, one week before the Poll day under proper

acknowledgement. All undistributed Voter Information Slips shall be returned by the BLO to the ERO concerned. The ERO shall keep the same in the sealed cover under safe custody. No further distribution of Voter Information Slips would be done after the same are returned to the ERO. ERO shall make an alphabetical list of undistributed Voter Information Slips in respect of each part/polling station. Two copies of the alphabetical list shall be handed over to the RO of the constituency. (ECI No.464/INST/VS/2017-EPS Dated 19.01.2017).

## **6. Trainings**

### **6.1 Imparting training at district level and AC level to poll personnel/ counting staff etc.**

#### **6.1.1 Training for various groups by resource persons/ALMTs**

- (a) Sector Officers
- (b) Micro Observers
- (c) Dy. SPs/SHOs/Inspectors/Sub Inspectors/Police Mobile Parties & other Police personnel
- (d) Area Magistrate / Sector Magistrates
- (e) Presiding Officers and Polling Officers
- (f) Voters Assistance Booth Staff & BLOs
- (g) Asstt. Exp. Observer
- (h) Flying squads, SSTs, VSTs, VVTs, Accounting team and other officials engaged in EEM.
- (i) Personnel engaged in SVEEP
- (j) In charge of digital cameras for inside/outside photography at specified/identified PSs
- (k) Counting Supervisors / Assistants and Additional Counting Micro Observers.
- (l) Briefing to candidates and their election agents - about EEM/Paid News/Poll/Counting process as well as provisions of MCC/RP Act/ ECI circulars.
- (m) Booth Level Officers
- (n) Dispatch and receipt staff engaged in material distribution/Collection/Facilitation Centres for Postal Balloting
- (o) Staff for compilation of information and MIS.
- (p) Training for personnel for Absentee Postal Ballot voting.
- (q) EVM Ground Staff.

#### **6.1.2 Separate training module for separate category of Officers/Officials.**

#### **6.1.3 Selection of training Venues - Not more than 50 persons to be trained together.**

#### **6.1.4 Training at different levels – IIIDEM, State/Divisional HQ., Distt. HQ. and Assembly Level.**

### **6.2 Training to BLOs - Role of BLO in updation of Electoral Rolls, Preparation of polling stations and other poll day arrangement, their communication plan, vulnerability mapping, SVEEP, Garuda**

app and other such matters related to conduct of elections in which they have a role in the run-up to an election. They would also be trained on matters related to electoral rolls in the run up to an election under the ECI modules.

**6.3 Training to Area/Sector Magistrate & Sector Officers** - Matters relating to law & order, vulnerability mapping, District Election Plan preparation (including communication plan), poll-day arrangements including preparation of polling stations, MCC, route and transport planning and preparation, EVM-Do's and basic de-bugging, cVigil, receipt & dispatch of polling parties, monitoring and reporting (esp. on poll day) rules, regulation and guidelines relating to conduct of polls, postal ballots, SVEEP etc. Hands on training on use of various mobile applications provided by ECI for these functionaries shall be given.

**6.4 Training to Micro Observers** - To be trained on their specific roles and responsibilities if and as required by the Observers appointed by ECI with support of ALMTs (if asked for by Observers). The topics may include operations at polling station, EVM-essentials, postal ballots etc.

Special training for Micro observers for Absentee postal ballot voting has to be arranged.

**6.5 Training to Various Nodal Officers** – Issues and applications related to them.

**6.6 Officers & Staff engaged in EEM & Paid News** – Issues related to EEM, MCC, Daily reporting, Paid News etc.

**6.7 Dy. SPs, SHOs, RIs etc.** - Law and order control, vulnerability mapping, deployment and logistics of forces, control over liquor, arms and ammunitions etc., election expenditure/MCC monitoring related matters, cVigil, special drives for preventive measures, electoral offences, defacement of public properties, discipline during nomination process, communal harmony, poll day management, CAPF co-ordination and amenities for them etc.

**6.8 Training to Micro Observers for counting (GoI Staff)** – About noting of result, filling of forms and reporting to Observer.

**6.9 Counting Personnel** – Opening of Strong Room, counting of votes, Preparing Result Sheets and related aspects of EVMs, tabulation, IT, sealing of records, training on feeding round-wise counting data in the application stipulated by ECI etc.

**6.10 EVM ground staff** - Matters relating to handling, preparation, administrative logistics EMS web portal and android App, etc. of EVMs.

**6.11 In-charge of digital cameras** – Poll process inside polling station.

**6.12 Police mobile parties** – Vulnerability mapping and action to be taken on poll day, check on plying of vehicles, Prohibitions on poll day, Electoral offences, poll process and other issues.

**6.13 Police personnel at police stations** – Poll process, Prohibitions on poll day, their duties at polling station.

**6.14 Training to Polling Parties-**

**6.14.1 Training Management -**

(a) 1st randomization on database - 120% trainees be called.

(b) Pre-filled Form No. 12 and 12A to be attached with appointment letters.

- (c) 1st training limited to Pr.Os and PO 1st
- (d) A model kit having polling material for the use of polling party, should be kept in training hall.
- (e) 2nd training to Pr. O, PO 1st and PO 2nd.
- (f) Separate ‘Hands on’ training to 3rd P.O.
- (g) Last training on dispersal - Entire polling team to be called.
- (h) Last moment EVM training and briefing on the departure day.
- (i) Arrangements for advance TA/DA and remuneration.
- (j) Videography of training process.
- (k) Test for Pr. O and P.O. 1st in 2nd training classes.
- (l) Training should be organised in smaller groups.

#### **6.14.2 EVM and VVPAT Training to polling parties-**

- (a) More emphasis for “Hands on” training.
- (b) Besides operation of machine, hands-on training on the following: –
  1. Connecting the BU with VVPAT and CU and switching on/off the battery.
  2. Mock poll and conduction and certification.
  3. Clearing of data after mock poll
  4. Preparation for poll.
- (c) Irreversibility of the ‘close’ button;
- (d) Proper sealing of machine -
  1. Before commencement of poll - green paper seal, special tag, address tag
  2. Final sealing after close of poll
- (e) Precautions, Trouble shooting, DOs & DONTs
- (f) Safeguard about Pink Paper Seal.

#### **6.14.3 Training to polling personnel on other items-**

- (a) Procedure / instructions as given in PO Handbook.
- (b) Duties of Pr. O, PO-I, PO-2 and PO-3 (including duty of extra PO, if any)
- (c) Checklist for Presiding Officer - as provided in Pr. O Handbook.
- (d) Use of postal ballot papers/EDC.
- (e) Poll day arrangements inside polling stations; voting compartment to be secure & secluded; only authorized persons to be allowed inside PS
- (f) Polling Agents must be a voter in the same constituency and must have EPIC or any

other photo ID device issued by Govt. or any Govt. agency which may be displayed prominently on their persons during poll. (464/INST/2007/PLN I dt.12.10.07 and No. 464/INST/ 2008/EPS dt.18.12.2008 & No.464/INST/2009/EPS dt.10.03.09, 464/INST/2021/EPS dated 18.03.2021)

- (g) Entry pass system into PS.
- (h) Further, the polling agents may be allowed to go out of the polling stations even after 3.00 pm to attend the nature's call, etc. and come back inside the polling station. However, it may be ensured that only the polling agent or his substitute can be present inside the polling station at a time.
- (i) Agents to be given 17C, PB and EDC list and shown marked copy of roll;
- (j) Polling agent not to be allowed to take out their marked copy of roll outside the PS (ECI No. 576/12/99-JS-II dated 18-08-1999).
- (k) Display of Photo Identity Cards by polling personnel.
- (l) Issues related to identification documents of Voters including "Voters Slips".
- (m) Mock poll certificate by Pr. O in prescribed format - Details of agents present be recorded and their signatures be obtained. Wait for 15 minutes in case if two or more polling agents are not present. (ECI's No. 51/8/7/2008- EMS dtd. 15.7.08 and No. 464/INST/2008/EPS dtd.18.12.2008).
- (n) Not to show any excitement and get overwhelmed, when some VIPs/glamorous personalities come to cast their vote. (ECI No. 464/INST/2008 EPS dt.23.7.08)
- (o) Identification protocol and Voters Slips.
- (p) Marking of indelible ink on left fore-finger of the elector and in case of proxy voter on the left middle finger. Indelible ink shall be applied on the right index finger of the companion of an elector before an elector is permitted to take with him a companion inside the voting compartment. (ECI instruction No. 4/MISC/ECI/LET/FUNC/JUD/SDR dtd. 23.10.2017)
- (q) Filling up of 17A (Identification document and only last 4 digits of No. to be written in 'remarks') (ECI No. 464/INST/2007 - PLN-I dt.25.10.2007)
- (r) Tallying of 17A, 17C and the EVM count
- (s) Writing of Presiding Officers Diary - no column should be left blank.
- (t) Additional report by Pr. O in prescribed format will be handed over to SO then RO/Observer.
- (u) Proper and correct filling up of statutory / non-statutory forms.
- (v) Maintenance of visit sheet at PS (ECI No. 464/Inst./2006 /PLN-I dated 17.03.2006)
- (w) Pr. O not to go to voting compartment and 'assist' the voters – agents to accompany him when he has to go in special circumstances.
- (x) Pr. O to explain to a voter, if needed, the voting process using the card board model of EVM (ECI No. 51/8/7/2008 EMS (INST-II) dt.11.8.2008 and No. 464/INST/2008/EPS dt.24.10.2008)

- (y) Braille signage in Balloting Units and Ballot Sheets
- (z) Polling personnel should be sensitized about the special needs of the disabled, for courteous behaviour towards them and for providing necessary support to them at PS. (ECI's No. 509/110/2004- JS-I dt.26.10.2007)
  - (aa) Facilities to be provided to persons with Disabilities (ECI's instruction dt.07.09.2016)
  - (ab) "Test-Vote" – procedure as per ECI's instruction dt.04.02.2015.
  - (ac) Use of Standardized Voting Compartment as per ECI's instruction dt.10.07.2015.
  - (ad) Role of PO in-charge of CU to instruct voters that if they notice that the BU is malfunctioning in any manner, they should bring it to the notice of Pr. O. Further action and procedure as per ECI's No.51/8/7/2015-EMS dt.02.02.2015.

### **6.15 Facilitation Centres for Postal Balloting by election duty staff-**

- (i) On each training day separate and exclusively two hours period shall be fixed for Postal Balloting at Facilitation Centres within training venue.
- (ii) Relevant electoral rolls be kept
- (iii) Arrangements for voting compartment for marking of Postal Ballots and sealed trunk box for deposition of PBs.
- (iv) One gazetted officer/Group-A/Group-B Officers authorized to attest in the State for attestation of Form 13A
- (v) Employees on election duty should be briefed about procedure.
- (vi) Candidate should be asked to remain present.
- (vii) Videography of Postal Balloting process.

### **6.16 Deployment and training to Sector Officers**

#### **6.16.1 Pre-poll responsibility about vulnerability mapping–**

- (i) For identification of the areas well in advance Sector Officers should be ready before the announcement of election. All help including vehicular support should be given to the SO.
- (ii) For identification of the areas/communities Sector Officers should do exercise soon after declaration of election.
- (iii) Sector Officer, after visiting the area and collecting information, shall fill up detailed information in Format VM-3(SO) for each polling station in his Sector.
- (iv) Each Format VM-3(SO) must contain the details of all vulnerable localities/pockets/voter segments in one polling station area.
- (v) SVEEP activities – about "Ethical Voting".

#### **6.16.2 Pre-poll responsibility - About polling location-**

- (i) To verify whether route plotted on map is feasible - Ascertain the approach and accessibility.
- (ii) Ascertain network feasibility for webcasting. Finalise the location of IP based web camera



inside the polling station.

- (iii) Collect phone no., ascertain mobile connectivity at PS;
- (iv) Party Offices, whether they exist within 200 meters periphery of PS
- (v) He shall keep an eye and report to the RO on movement of unauthorized campaign vehicles, defacement of property, unauthorized campaigning, misuse of public buildings/ Govt. Vehicles/ Government servants and all possible violation of MCC.
- (vi) Ascertain network feasibility for webcasting. Finalise the location of IP based web camera inside the polling station.

### **6.16.3 Pre-poll responsibility – About voter turnout-**

- (i) To increase voter turnout - awareness
- (ii) To organize SVEEP activities in the field
- (iii) EVM and VVPAT demonstration to the voters in catchments;
- (iv) Inform voters about help lines and locations of their PSs.
- (v) Ensure that GPS enabled/Mobile App based GPS tracking system is installed in the vehicle carrying EVMs and VVPATs. (ECI No.51/8/ INST/2019-EMPS dated 05.02.2019)
- (vi) SO will act as Zonal/Sector Magistrate, therefore will accompany with police officer.
- (vii) Since SO will act as Zonal/Sector Magistrate, he will prepare a Zonal/Sector Magistrate Plan with a sketch map for PSs, list of telephone Nos. of PSs and election related officers, police stations, list of responsible persons, list of Anti-Social elements etc.
- (viii) To inform voters to check their names and entries in PER through BLO.

### **6.16.4 Poll-eve responsibility of SO -**

- (i) Ensure that the polling teams and all material have reached their PSs.
- (ii) Ensure that force has arrived at PSs according to the plan.
- (iii) Clarify any last-minute doubt on EVM/VVPAT operation or the polling process, amongst the poll personnel
- (iv) Give OK report to control room.
- (v) Give polling station-wise certificate for those polling stations from where web-casting will be done, to the Returning Officer that webcasting arrangements have been made as specified and are functioning properly. (ECI Inst. no. 464/INST/2016-EPS dt. 30.04.2016)

### **6.16.5 Poll day responsibility**

- (i) To ascertain the mock poll status before commencement of poll - Remedial action to sort out problem, if any, on the part of Pr. O or the EVM/VVPAT.
- (ii) Frequent visit and attention on the PS where the mock poll had to be conducted in the absence of agents.

- (iii) Report commencement of polls without any delay.
- (iv) To ensure that Forces deployed at PSs is in position.
- (v) Replacements of EVMs/VVPATs and Power Packs of CU and VVPATs where required.
- (vi) Track and report the presence /absence of polling agents
- (vii) To assist polling team inside polling station with procedures,
- (viii) To maintain the purity of poll process and check all aspects of polling during their visits to PSs.
- (ix) Mock poll certification be ensured - mock poll status be reported within 30 minutes to RO [ECI's No. 51/8/7/2008-EMS dt.15.7.08]. The proforma of Mock Poll Certificate in Pr.O's Report Part I according to ECI Inst. No.51/8/VVPAT/2017-EMS dt. 05.12.2017.
- (x) Check voting pattern – any segment/section conspicuous by its absence. Inform RO for remedial measures.
- (xi) Report 2 hourly voting percentage from time to time to RO as instructed (including male and female voting percentage).
- (xii) Check the sealing of EVMs-VVPATs and preparation of papers by polling parties.
- (xiii) Replacement of polling personnel from reserve parties
- (xiv) Escort all EVMs/VVPATs with the polling team to Receiving Centre.
- (xv) Replacement of polling personnel from reserve parties.
- (xvi) At the end of poll, he will ensure that: -
  - (a) Pr. O diary is filled up properly
  - (b) EVMs and VVPATs are properly sealed after removing the VVPAT power pack.
  - (c) Copies of 17C are given to polling agents
  - (d) Register of 17A is properly filled up.
- (xvii) After poll, submit a report on polling to RO.

**6.17 Deployment and Training of Micro Observers (MOs)** (ECI instruction No. 464/KT-LA2008 dt. 04.04.08 and No. 464/INST/2008-EPS dt. 24.10.2008, No. 464/ INST/2008-EPS dt.10.12.2008 and No. 464/INST/2014-EPS dt.21.03.2014)

### **6.17.1 Appointment**

- (i) Employees of Government of India/ Central Public Sector Undertakings (not below Group-C) can be appointed as Micro Observers.
- (ii) Responsibility of Micro Observers (Observers will decide the details)
- (iii) MO would directly work under control and supervision of the observer.
- (iv) DEO to arrange their database and their interaction with Observers

- (v) Appointment of Nodal Officer for MOs.
- (vi) Route chart for Micro Observers
- (vii) To provide communication plan to MOs.
- (viii) MOs would be picked up randomly from Gazetted Officers/Officers of GOI in the district - In case Gazetted Officers are not sufficient in number, Gr. 'C' employees and above can also be utilised. Inter - district / inter-division movement of central govt. employees to function as micro observers, within the state, if necessary.

### 6.17.2 Deployment -

- (i) The list of PSs where MOs are to be deployed will finally be approved by the General Observer and kept confidential in a sealed envelope till the last moment of deployment.
- (ii) In a multi polling station building one MO will be sufficient.
- (iii) PSs to be assigned to MOs randomly on pre-departure day in the presence of Observers and duly approved by him. Exact PS would be informed to them on the day of departure.
- (iv) DEO will provide them with an I-Card, photo entry pass to PS and other requirements.
- (v) DEO to call them for familiarization training in the polling personnel's training - DEO to arrange training – Observer will train them.
- (vi) Arrangements by DEO for their drop and pick up to and from the PSs. They will not travel with polling personnel; they can travel with the Sector Officers. They have to be provided the general facilities.
- (vii) They should reach PS at least one hour before the commencement of poll, or otherwise in the evening of previous day.
- (viii) After the poll MO to submit report to the Observer about activities of poll day for each PS under his jurisdiction.
- (ix) MOs report along-with scrutiny of the 17A etc will be taken into consideration for taking a decision on re-poll etc.

## **7. Transportation**

### **7.1 Transport arrangements for the following:**

- (a) Observers
- (b) Area Magistrate / Zonal Magistrate
- (c) Polling parties – Special care for P-2/P-3 movement
- (d) Sector officers, Micro Observers
- (e) Asstt. Expenditure Observer, Flying Squads, SSTs, VSTs
- (f) Police forces (State and Central)
- (g) Teams for observance of model code.
- (h) Videographers/Cameramen carrying digital cameras.
- (i) Various Cells related to Election work.
- (j) Vehicle arrangement for Absentee Postal Ballot voting.
- (k) Vehicles for Transportation of Persons with Disability Electors on the Poll day.

### **7.2 Route Chart -**

- (i) Route Chart for every PS; and be given to polling party and Sector Officer.
- (ii) Route Chart must indicate the distance of last polling station from HQ -Routes must be plotted on constituency map also.
- (iii) Route chart should be most feasible and convenient- Separate route chart for-
  - (a) Polling parties
  - (b) Sector Officers/Zonal Magistrates
  - (c) Micro Observers
  - (d) Police Parties

### **7.3 Arrangements -**

- (i) Buses, Mini bus, Trucks, Cars, Jeeps etc., vehicles to be used for transportation of EVMs to be fitted with GPRS (both of private and government) be assessed.
- (ii) Draft movement programme and ad-hoc ear-marking of vehicles.
- (iii) Tentative transport programme of polling parties
- (iv) Police personnel to be deployed at PSs should be accompanied with polling parties.
- (v) Minor repair of roads/ routes, if necessary, by PwD or related authorities/departments.
- (vi) Availability of POL (Petroleum, Oil & Lubricant), be ensured. Need of extra barrel points to be examined.

## 7.4 Requisitioning -

- (i) Requisitioning of vehicles, Private and Government both - Sec. 160 of RP Act, 1951.
- (ii) Vehicle of the following should not be requisitioned. (ECI's No. 464/ INST/2008 - EPS dt. 26.12.2008)
  - (a) Vehicles of BSNL, UPSC and education institutions (except in unavoidable circumstances)
  - (b) Vehicles of Forest department, AIR, Doordarshan, WHO, UNICEF and Organisations of UN.
- (iii) Vehicle should be in good condition and shape and free from dirt and smell.
- (iv) As far as possible truck should be not used for polling parties.
- (v) Vehicle should not be retained unnecessarily.
- (vi) Check if any boats or such other means would be necessary to be deployed, and whether any special preparations/precautions would be required in eventuality of rains or other such events.
- (vii) Have the districts' 'Disaster/Flood Contingency/ Management Plans' been re-looked into/ updated, and due preparations been kept in light of the same.

- 7.5 Database -** All the vehicle owners should be asked to furnish data about drivers/conductors/cleaners including their enrolment details in electoral rolls. Database to be prepared in advance.

## 8. Nominations

### 8.1 Notification -

- (i) Notification for general election to House of the People is issued by the President u/s 14 of R.P. Act, 1951, as recommended by ECI. The notification shall be published in official gazette of India.
- (ii) Notification for general election to a State Legislative Assembly is issued by the Governor u/s 15 of R.P. Act, 1951, as recommended by ECI. The notification shall be published in official gazette of the State.
- (iii) On the date of notification u/s 14 or u/s 15, another notification u/s 30 shall be issued by ECI appointing the dates of nominations, scrutiny, withdrawals, date/dates of poll and date before which election shall be completed. This notification shall also be published in official gazette of the State.

### 8.2 Public Notice (Sec. 31 of RP Act 1951 and R. 3 of CE Rules 61)

- (i) Public Notice in Form-1 - to be published on the day of notification of election (u/s 14/15 and 30), well before 11:00 AM (time for commencement of filing of nominations)
- (ii) In English and in the languages used for the official purposes of the State.
- (iii) To be signed by RO only – No other authority can issue this public notice.
- (iv) To be published on the notice boards of RO, ARO and other prominent public offices, PSs etc. Gazette publication not needed.
- (v) One ARO should be specified in Form-1 and he should, as far as possible, be the one stationed at RO's headquarters.

### 8.3 Presentations of Nominations Papers (Sec. 8, 32, 33, 33A of RP Act, 1951 and R. 4, 4A of CE Rules, 1961; Ch. 5 of RO Handbook, ECI's No. 3/4/2012/SDR/dated 24.08.2012) -

- (i) The nomination of a candidate for election to the House of the People shall be made in Form 2A appended to Conduct of Elections Rules, 1961. Relevant form for filing nomination of a candidate at an election to the State Legislative Assembly is Form 2B. (Amended vide ECI letter no. 3/4/ECI/LET/FUNC/JUD/SDR/Vol. I/2016 dated 07.07.2017)
- (ii) In case of general/bye-election to Sikkim Legislature Assembly, the form to be used for nomination is 2F, 2G and 2H of Conduct of Assembly elections (Sikkim) rules, 1979.
- (iii) Returning Officer must ensure that the candidates are given the latest revised Form 2A/2B.
- (iv) Nomination cannot be filed on a public holiday.
- (v) May be presented on the day of public notice or any of the days up to last date for making nominations, except on holidays.
- (vi) Every holiday for Government offices is not to be treated as 'public holiday', unless that is declared under N.I. Act, 1881 as 'public holiday'.

- (vii) Government of India vide notification dt.20.8.2016 have declared holidays for Bank on 2nd and 4th Saturdays under N.I. Act, 1881. Therefore, RO should not receive any nomination on 2nd and 4th Saturdays. (2nd and 4th Saturday also declared as public holiday under N.I. Act, 1881 vide ECI letter no. 4/ECI/LET/FUNC/JUD/SDR/Vol. I/2016 dated 29.12.2016)
- (viii) Nomination papers shall be presented by candidate personally or by proposer at the place specified and at no other place.
- (ix) To be presented before RO/specified ARO only. ARO should sign as “Assistant Returning Officer” and not “for Returning Officer”.
- (x) Cannot be sent by post or filed through any other person.
- (xi) A maximum of 4 nomination papers can be accepted. But accompanying documents – Only one original needed.
- (xii) An affidavit in Form 26 (as amended on 28.02.2019) also to be filed. ECI Letter No. 3/4/2019/SDR/Vol. I dated 28.02.2019 and its Annexure I (Format of Form 26 Affidavit by Candidates) supplied to the intending candidates as and when they are supplied form of nomination paper.
- (xiii) A written reminder by RO in Form C-3, to the Candidates having criminal background, regarding publishing declaration in News Papers and TV Channels for wide publicity.
- (xiv) Time of presentation - between 11:00 A.M. and 3:00 P.M. If some intending candidates or proposers are physically present in the office at 3:00 PM along with their papers, their nominations should be treated as presented at 3:00 P.M.
- (xv) Only 4 persons can enter in the chamber of RO/specified ARO other than the candidate.
- (xvi) During filing of nominations, only a maximum of 3 vehicles to be allowed to come within periphery of 100 meters of RO/ARO’s office on behalf of one candidate.
- (xvii) The RO shall display one copy of Nomination Paper and affidavit on the notice board of his office.
- (xviii) The Commission has decided to provide an optional facility to candidates for online data entry of personal details in nomination form. (No. 3/ER/ 2020/SDR/Vol. III dated 01.10.2020).

#### **8.4 Submission of Photograph by candidate for printing of ballot paper**

(ECI’s No. 576/3/2015/SDR dt.16.03.2015 and 19.01.2016) –

- (i) The photographs of candidates will be printed on ballot paper. For the purpose candidate will submit latest photograph (taken within last 3 months) in stamp size (2x2.5 cm.) to the RO along with nomination paper and latest by date of scrutiny of nomination.
- (ii) Specification of photograph as per instructions dt.16.03.2015 and 21.05.2015 of ECI.
- (iii) If the photograph of the candidate is not submitted, the Returning Officer shall give a notice asking the candidate to submit the photograph latest by the date of scrutiny of nomination. If the candidate fails to give photograph, the photo available in the Nomination Paper may be

scanned and used for Ballot Paper.

### **8.5 Preliminary examination of nomination papers** (Sec.33 of RP Act, 1951, Ch. 5 of RO Handbook 2019, ECI's No. 570/3/2013/SDR dt. 30.09.2013) –

- (i) When Nomination paper is filed, it should be examined then and there by RO/ARO from technical point of view, however no formal scrutiny be made at this stage.
- (ii) Entries in electoral rolls as mentioned in nomination form should be compared.
- (iii) Defects, if any, in the part relating to electoral roll particulars to be pointed out to candidate.
- (iv) Clerical errors in names, sl. no. etc. of electoral roll particulars can be allowed to be corrected or even ignored. {Sec. 33(4)}
- (v) RO has to check whether all the columns of affidavit are filled up, if not, he shall give a reminder in the checklist and ask the candidate to submit a fresh affidavit with all the columns duly filled up (see circular dt. 30.09.2013).
- (vi) ECI letter no. 576/3/ECI/LET/FUNC/JUD/SDR/2013 dated 07.02.2019 the checklist of documents required to be filed by the candidate along with the nomination paper to be given in writing to the candidate.
- (vii) A declaration is to be published by the contesting candidates and political parties regarding criminal cases, if any, in format C 1, C 2, C 3, C 4, C 5, C 7 and C 8 vide ECI letter no. 3/4/2017/SDR/Vol. II dated 10.10.2018 and letter no. 3/4/2017/SDR/Vol-II dated 05.11.2018. 3/4/2019/SDR/Vol. III. dated 30.08.2019

### **8.6 Check List regarding documents/ requirement**

- (i) A Check List (as modified) of documents required to be filed and other requirements to be fulfilled by candidates at the time of filing of nominations should be maintained.
- (ii) The Check List should be in duplicate. One copy to be given to candidate and the other retained with RO.
- (iii) While checking the documents filed with nomination and filling up the Check List, RO/ARO should clearly mention therein about defect if any noticed in the documents.
- (iv) Both the copies of above Check List with all requirements indicated therein shall be signed by RO/ARO as well as the candidate.
- (v) The duplicate copy of the Check List shall be handed over to candidate/ proposer and original copy to be retained by RO/ARO.
- (vi) If and when a document is filed subsequent to filing of nomination, receipt will be given mentioning the date and time of such filing.

### **8.7 Revised Proforma of Checklist-** as per ECI instruction no. 576/3/ECI/LET/FUNC/JUD/SDR/2013 dated 07.02.2019.

### **8.8 Separate Bank Account by each Candidate for Election Expenditure**



- (i) Each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. It can be opened either in the name of the candidate or in the joint name with the Election Agent.
- (ii) This account shall be opened at least one day before the filing of nomination and account number etc shall be communicated to R.O. at the time of filing the nomination.
- (iii) Wherever the candidate has not opened the bank account or not intimated the bank account number, the R.O. shall issue a notice to comply with the ECI's instructions (Circular dt. 15.10.2013).
- (iv) However, not opening separate bank account or not intimating bank account number is not a ground of rejection of nomination paper.

### **8.9 Proposer** (Sec.33 of RP Act, 1951; Ch. 5 of R.O. Handbook 2019)

- (i) Any proposer of a candidate can present nomination paper duly signed by candidate.
- (ii) One proposer - in case of a candidate set up by a National recognized party or State recognized party in the State. In case of other candidates ten proposers. Candidates of recognised State Party of other States also need ten proposers.
- (iii) No legal requirement that all proposers should be present before the RO.
- (iv) The need for verification of identity will arise only in the case of any complaint or doubt.
- (v) Proposer should be an elector from the same constituency.
- (vi) Proposer can propose more than one nomination papers of the same candidate or different candidates.
- (vii) In case of proposers who are illiterate their thumb impression has to be attested (u/r 2(2) of CE Rules, 1961) by R.O. or an officer authorised by ECI (an administrative officer not below the rank of SDO). Therefore, thumb has to be affixed in presence of the authorised officer.

### **8.10 Acknowledgement of nomination papers & other actions by RO on receipt of nominations** (Sec. 33 and 35 of RP Act, 51; Ch-5 of RO Handbook 2019) –

- (i) Give serial number on each nomination paper and enter the date and time also.
- (ii) Nomination papers in bunch may be assigned serial numbers in the order in which they are dealt with.
- (iii) Acknowledgement (Part-VI) duly filled up be given for each nomination paper.
- (iv) Indicate the time, place and date of scrutiny and allotment of symbols, in the acknowledgement form.
- (v) Nomination paper be entered by RO and ARO in one register. Register to be maintained for making entries about nomination papers filed. Obtain specimen signatures of candidate and election agent in the Register. Also get the name of candidate written therein in the language in which ballot paper is to be provided. Get their contact details also.

### **8.11 Oath or affirmation** (Art. 84 of the Constitution; Para 18 of Ch. 5 of RO Handbook 2019)-

- (i) Making and subscribing Oath or affirmation by candidate in prescribed form before authorized person is must.
- (ii) The oath/affirmation only after his nomination and before the date of scrutiny. It cannot be made and subscribed on the day of scrutiny.

### 8.12 Furnishing of Affidavit of liabilities/assets etc. in Form-26

- (i) Every candidate at the time of filing his nomination paper, shall furnish an affidavit in Form No. 26, with all columns filled, duly signed and sworn before a Magistrate of 1st Class or before an Oath Commissioner or before a Notary Public. (Amended Form 26 vide ECI letter no. 3/4/2019/SDR/Vol. I dated 28.02.2019)
- (ii) ECI letter no. 576/3/ECI/LET/FUNC/JUD/SDR/2013 dated 07.02.2019 the checklist of documents required to be filed by the candidate along with the nomination paper to be given in writing to the candidate.
- (iii) The duly sworn affidavit should be on stamp paper of the value as prescribed under the State Act.
- (iv) If the affidavit is not filed along with nomination paper, this fact may be indicated in the Checklist. It can be filed separately by 3:00 PM of the last day of nominations.
- (v) RO has to check whether all columns are filled up and no column is left blank. If not, the RO shall give a notice to furnish information against blank columns and to submit a fresh affidavit with all columns duly filled up (complete in all respect) before commencement of scrutiny failing which the nomination paper will liable to be rejected.
- (vi) If there is no information to be furnished against any item of Affidavit “NIL” or “Not Applicable” or “Not Known” as may be applicable shall be indicated in such column. Candidate should not leave any column blank.
- (vii) If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by RO.

#### 8.12a Publication of Criminal Antecedents

Publication of Criminal Antecedents by Contesting Candidates and political parties' to be added. No. 3/4/2021/SDR/VOL. III dated 11th January, 2022

Formats	Action to be taken by	Platform
C1	Candidates	Newspaper & TV
C2	Political Parties	Newspaper, TV & Political Party's Websites
C3	Returning Officer	Reminder to the candidate by RO for publication.
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 the CEO of State Concerned	Report about publishing the above declaration in Format-C2.
C6	CEO to the Commission	Report regarding compliance by the Political Parties

C7	Political Parties	Newspapers, Social media platforms & website of the party
C8	Political Parties to the Commission	Compliance report to be sent by the Political Parties
CA	Returning Officer	Information with regard to the individual with criminal antecedent selected as candidate by political parties. (by Last Date of Nomination)

### 8.13 Nomination by Overseas Electors (ECI's No. 576/3/2011/SDR dt. 22.03.2011)

- (i) An Overseas elector can contest election subject to the fulfilment of other requirements.
- (ii) In the case of a candidate who is outside India, the Oath can be made before the diplomatic or consular representative of India in the country where the candidate happens to be.
- (iii) If he is in India at the time of filing nomination, he may make the oath or affirmation before the RO/ARO.
- (iv) If he/she appears before RO/ARO to make the oath, the RO/ARO shall ensure the identity of the person through his/her Passport.

### 8.14 Compendium/Compilation of Circulars/ Instructions & Register for Accounts of Election Expenditure to be given to Candidates at the time of the filing of Nominations-

- (i) Register for maintaining accounts of election expenditure by candidates along with copy of forms relating to filing of account of election expenses to be handed over to candidate and acknowledgement of receipt obtained. Extract of Section 127A of R.P. Act also to be obtained.
- (ii) Acknowledgement obtained from candidate should be sent by RO to DEO within one week from last date of withdrawals.
- (iii) The registers shall be serially numbered and authenticated by DEO.

### 8.15.a A comprehensive list of items to be submitted by the candidate at the time of filing nomination -

Sl No	Items
1	Receipt of deposit
2	Form 2A/2B (Nomination Form for PC/AC ) should be filed up in all respect
3	Affidavit in Form 26 (all columns should be filled in all respect)
4	Form A & Form B- "in case of candidates sponsored by Political Parties.
5	SC & ST Certificate (If applicable ) Original to be shown and one copy self-attested
6	Copy of Epic of Candidate (Self Attested)
7	Copy of Epic of Proposer /Proposers (Self Attested)
8	8 copies of stamp size Photograph (2cmX2.5cm) to be signed at the back side by

	candidate
9	Declaration for submission of photograph by candidate
10	Form 8 (appointment of election agent) signed by candidate
11	4 copies of photograph of election agent to be signed at back side by election agent
12	Copy of Epic of election agent (self-attested)
13	Format for specimen signature of candidate and election agent
14	Information sheet on contact nos. & bank particulars
15	No dues certificate from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges in case of Govt accommodation of candidate (if applicable as per affidavit)
16	Data required for encore declaration

**8.15 The list of rates of various items as notified by DEO-** should also be given to every nominated candidate after obtaining acknowledgement. This list has to be notified by DEO after consultation of political parties before notification of election.

### 8.16 Videography

- (i) Process of filing nomination to be videographed.
- (ii) Continuous/unedited videography in the last hour of filing nomination (2 PM onwards on the last day)
- (iii) Keep all papers securely. Avoid misplacing.
- (iv) Time on the wall clock and video camera/CCTV should be same.

### 8.17 Notice of nominations (Sec.35 of RP Act, 1951 and R. 7 of CE Rules, 1961)-

- (i) After 3.00 PM on each day a notice of the nomination papers presented on that day in form 3A to be published on RO's notice board.
- (ii) In case more than one nomination papers by a candidate, notice must be given for all of them.
- (iii) Give daily intimation to CEO and DEO.

### 8.18 Security Deposits (Sec.34, 55 of RP Act, 1951 and P.-27 of Ch-5 of RO Handbook)

- (i) Security deposit is Rupees 25,000/- (for Lok Sabha elections) and Rupees 10,000/- (for Legislative elections). For SC/ST candidate only half of the amount, i.e. Rs. 12,500/- or Rs.5000/-, as the case may be, even in a general seat. RO must satisfy himself that he is a member of SC/ST.
- (ii) In such case, a receipt of the deposit should be attached with the first nomination paper.
- (iii) Sum may be deposited in cash with RO or in RBI or a Govt. Treasury or online through State

Government payment gateway underprescribed head.

- (iv) One deposit sufficient for each constituency.
- (v) Separate deposit for different constituency.

### **8.19 Consolidated list of nominated candidates** (Para 6.12 of Ch-6 of RO Hand- book 2019)

- (i) Immediately after 3 PM on the last date of nominations, a complete list of all nomination papers to be prepared in the format prescribed in RO Handbook.
- (ii) The names of candidates may be arranged under 3 categories and such names shall be arranged in alphabetical order within each category.
- (iii) In the case of a candidate set up by a Recognized party, in the column for choice of symbol, the reserved symbol of the party may be shown against their names.
- (iv) Even if more than one candidate has claimed to be set up by the same party, all such candidates should be included in relevant category.
- (v) Complete address of each candidate must be mentioned.
- (vi) List should be prepared in English & Hindi/vernacular language as the case may be.
- (vii) List should be sent to CEO & DEO immediately.

### **8.20 Safe custody of nomination papers -**

- (i) Nomination papers along with connected papers shall be kept in safe custody of RO., till transmission to DEO's safe custody.
- (ii) If ARO receives nomination papers at a different location, he should forward to RO for safe custody all the nomination papers received by him, if any, on daily basis.

### **8.21 Receiving Form-A and Form-B** (Para 13 and 13A of Election Symbol order, 1968)

- (i) Form A and Form B delivered to RO shall be accepted only up to 3.00 PM on last date of nominations.
- (ii) Forms signed in original only, be accepted. Facsimile signatures or signatures by means of rubber stamp or forms transmitted by fax/e-mail shall not be accepted.
- (iii) If Form-B received from the same party in favour of more than one candidate and there is no cancellation/rescinding of Form-B for any candidate, then among such candidates, the one who filed nomination paper first shall be treated as the candidate sponsored by that party.

### **8.22 Display of information submitted by the candidates regarding affidavit**

(Sec. 33-A of RP Act 1951, ECI letter no. 3/4/2017/SDR/Vol II dated 10.10.2018 and letter no. 3/4/2017/SDR Vol-II dated 05.11.2018)

- (i) A copy of nomination paper, Affidavit (Form 26) to be displayed at a conspicuous place at the office of RO and also at the notice board of ARO, if his office is in a different place.
- (ii) If office of both RO & ARO are outside the boundary of the constituency, one set of copies

of Affidavit to be displayed at the prominent public places within the constituency limits.

- (iii) Abstract Part of the affidavit (Part B) shall be displayed at specified additional public offices. (ECI's No.3/ER/2013/SDR/Vol. V dt.03.03.2014)
- (iv) Copies to be given freely to electronic media/press, NGO and any other persons seeking it.
- (v) The affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the website soon after the candidate files the same and within 24 hours in any event.
- (vi) Even if the candidate withdraws his candidature the affidavit already uploaded on website shall not be removed. (Instruction No.3/ER/2011/SDR dated 20.7.2012 & 12.10.2012)
- (vii) In cases where columns are left blank in the affidavit and notice is issued by the Returning Officer for filing fresh and complete affidavit, the incomplete affidavit may also be uploaded on the website with a note indicating that the affidavit is incomplete and the candidate has been issued notice. If and when the candidate files affidavit subsequently, the same should also be uploaded on the website immediately on the same day.
- (viii) Information to the contrary, by means of counter affidavits, shall also be displayed.
- (ix) RO is not required to conduct enquiry into correctness of statements in the affidavit.
- (x) The affidavit shall be published for public viewing using the application stipulated by ECI.

### **8.23 Display of Complaints/Counter Affidavits filed against the statements of candidates**

(ECI's No. 3/ER/2003/JS-II dated 27.03.2003 & No. 3/ER/2013/SDR dated 12.06.2013)

Copies of all Counter Affidavits (duly sworn) filed by any person against the statements in the affidavit filed by the Candidate shall also be -

- (i) displayed on the notice board of R.O. along-with the affidavit of the candidate concerned,
- (ii) shall be made available freely to those seeking the same,
- (iii) shall also be uploaded on the website within 24 hours of filing of the same.
- (iv) complaints/ counter affidavits filed against the statement of candidates shall be published for public viewing using the application stipulated by ECI.

## 9. Scrutiny of nomination papers

### 9.1 Scrutiny by RO himself (Sec.22 (2) of RP Act, 51, Ch-6 of RO Handbook 2019)

- (i) Scrutiny of nomination papers has to be done by RO himself except when he is unavoidably prevented from performing the said function. In that case RO should record reasons and authorize ARO in writing.
- (ii) Whole process of scrutiny of nomination papers should be videographed in all cases.
- (iii) Latest List of Disqualified persons notified by ECI should be obtained from CEO office immediately after notification of election but in any case before the date fixed for Scrutiny of nominations.

### 9.2 Entry into place fixed for scrutiny (Sec. 36 (1) of RP Act, 51, Ch.6 of RO Handbook 2019)

- (i) On the date and hours fixed for scrutiny, only following persons should be allowed-
  - (a) candidate himself
  - (b) his election agent
  - (c) one proposer for each candidate, and
  - (d) one another person duly authorized by candidate in writing.
- (ii) Reasonable facilities for examining the nomination papers be given to the persons.
- (iii) Not necessary that the candidate or his representative should be present.

### 9.3 Scrutiny (Sec.33, 36 of RP Act and R.4 of CE Rules, 1961, Ch-6 of RO Handbook)

- (i) Scrutiny is a quasi-judicial function. Enquiry into the question of validity or otherwise of a nomination is a summary enquiry.
- (ii) All nomination papers are to be scrutinized.
- (iii) Reason to be recorded in case of every objection and rejection.
- (iv) RO can raise objection to any nomination suo-moto also.
- (v) Crucial date for qualifications and disqualification is the date fixed for scrutiny.
- (vi) To be liberal in overlooking minor technical or clerical errors.
- (vii) No rejection on the ground of any defect which is not of a substantial nature.
- (viii) Where a recognized party has sponsored a candidate as main candidate and another one as substitute candidate, nomination papers of main candidate should be taken up first in scrutiny.
- (ix) If the nomination paper of main candidate is found valid, the substitute candidate shall not be deemed to have been set up by that party.
- (x) Where a candidate has not made a declaration in his nomination paper that he has been set up

by a political party, he shall not be deemed to have been set up by that party.

- (xi) Inaccurate description of name, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked. [Proviso of Sec. 33 (4)]
- (xii) Question of genuine caste certificate - RO should satisfy himself that candidate from a reserved constituency belongs to SC or ST. In case of doubt, the RO must insist on production of SC/ST certificate - Wherever certificate produced is also challenged, RO need not go into the question, except where it is alleged that the certificate is forged. In case of any allegation/suspicion about the genuineness of the certificate, RO should get the position cross checked with the authority which issued the certificate (ECI's No. 4/3/2008/JS-II/Vol. III dt. 2.7.2008).
- (xiii) Certificate should be of a reasonably recent date.

#### **9.4 Grounds for rejection** (Ch-6 of RO Handbook & Sec.36 of RP Act, 1951)

- (i) Nomination paper will be rejected, if the -
  - (a) Candidate is not qualified, or
  - (b) Candidate is clearly disqualified, or
  - (c) Signatures of candidate or proposer are not genuine.
  - (d) Duly filled and attested affidavit in Form-26 not furnished.
  - (e) Candidate has failed to comply with any provisions of Section 33 or 34 of RP Act, 1951.
- (ii) For Qualifications see provisions of -
  - (a) Article-84/173 of the Constitution.
  - (b) Section 4/5 of RP Act, 1951.
- (iii) For Disqualifications, see provisions of -
  - (a) Article-102/191 of the Constitution.
  - (b) Section 8, 8A, 9, 9A, 10, 10A, 11 of RP Act, 1951.
  - (c) Section 16 of RP Act, 1950 read with section 36 (7) of RP Act, 1951.
  - (d) The Parliament (Prevention of Disqualifications) Act, 1959 (for Lok Sabha election).
  - (e) Act pertaining to individual status on prevention/removal of disqualification (for Legislative Assembly election).
- (iv) Grounds of rejection – Non-compliance of provisions u/s 33, 33A and 34 of RP Act, 1951: -
  - (a) Nomination paper is not signed by candidate,
  - (b) Nomination paper is not subscribed by requisite number of proposers,
  - (c) Requisite security deposit has not been made,



- (d) Certified extract of entry in the electoral roll not submitted, if candidate is contesting from different constituency.
  - (e) Attested Affidavit in Form-26 completely filled-in has not been submitted.
  - (f) Complete Address of candidate has not been mentioned in nomination paper.
  - (g) Not filed within the date and time prescribed or not filed before the RO or the authorized ARO at the specified place.
- (v) Record reasons for rejecting a nomination paper on the spot and supply certified copies of the order, free of cost, in case where all the nomination papers of candidate have been rejected. This may be done even in the absence of an application by the candidate.

## 9.5 Qualifications

- (i) Must be a citizen of India (Act. 84(a)/173 (a))
- (ii) Must be an elector for any Parliamentary Constituency in the case of Lok Sabha election. Must be an elector for any Assembly Constituency in the State concerned in the case of Assembly election. (Sec. 4 &5)
- (iii) In case of a seat reserved for SC, must be a member of SC in the any State for Lok Sabha election. In the case of Assembly election, must be a member of SC of the State concerned. (Sec. 4(a)/5(a))
- (iv) In case of a seat reserved for ST, must be a member of ST in the any State for Lok Sabha election. In the case of Assembly election, must be a member of ST of the State concerned. (Sec. 4(b)/5(a))
- (v) Must make and subscribe before authorised person an oath or affirmation in the form set out in Third Schedule of Constitution. (Act. 84 (a)/173(a))
- (vi) A member of SC or ST is eligible also for a seat not reserved for SC or ST. (Sec. 55)
- (vii) Minimum age must be 25 years. (Sec. 36 (2)(a) and Act. 84 (b)/173(b))

## 9.6 Disqualifications: Disqualifications under Constitution

- (i) If a person holds any office of profit under the GOI or any State Government - Exceptions - Ministers of Central Government or State Government (Act. 102(a)/191(a)) - Other exceptions are mentioned in The Parliament (Prevention of Disqualifications) Act, 1959, and relevant Acts of the States.
- (ii) If a person is of unsound mind, so declared by a competent court (Act. 102(b)/191(b)) – Mere allegation not sufficient.
- (iii) If a person is an undischarged insolvent, and declared so by a competent Court. (Act. 102 (c) /191(c))
- (iv) If a person is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence of a foreign State. (Act. 102 (d)/191(d))

### **9.6.1 Office of profit under the Government – Test for deciding the question [in the light of Judgment of Hon’ble Supreme Court (1971) 3 SCC 870]:**

- (i) Whether the Govt. makes the appointment
- (ii) Whether the Govt. has the right to remove or dismiss the holder
- (iii) Whether any remuneration is paid

However, the offices mentioned in the above-mentioned Parliament Act of 1959 are excluded from the purview of ‘office of profit’ for this purpose.

## **9.7 Disqualification under R.P. Act 1951**

### **9.7.1 Disqualification on ground of conviction for certain offences** (Sec.8 of RP Act, 1951, ECI No. 509/5/2005 JS-I dt. 14.1.05 and dt. 20.1.2005)

- (i) Disqualification commences from date of conviction, and shall continue during the period of imprisonment till further period of six years since release from prison.
- (ii) Offences and period of imprisonment for disqualification -
  - (a) On conviction for offences mentioned u/s 8(1) - Disqualification for six years even if there is no sentence of imprisonment.
  - (b) On conviction, for offences mentioned u/s 8(2) – Disqualification only if there is sentence or imprisonment for minimum 6 months.
  - (c) On conviction for any other offences (Sec 8(3)) minimum imprisonment of 2 years only will result in disqualification.
- (iii) Release on bail does not remove disqualification unless conviction is also stayed during pendency of appeal.
- (iv) In case of conviction for more than one offence in a common trial and with the sentences of imprisonment to run consecutively, for the purposes of Sec. 8(3), the period of sentence of imprisonment for each offence should be added and if the total length of time is two years or more, the convicted person shall be disqualified u/s 8(3) of RP Act, 1951.
- (v) The above interpretation would be equally applicable to the provisions of Sec. 8 (2).

### **9.7.2 Disqualification on ground of corrupt practice** (Sec. 8 A) -

- (i) On being found guilty of a corrupt practice by an order in election petition or in election appeal - Period of disqualification up to six years, as determined by the President after obtaining opinion of ECI.
- (ii) Names of persons disqualified u/s 8A will be circulated to Returning Officers by the ECI.

### **9.7.3 Disqualification for dismissal for corruption or disloyalty** (Sec.9)

- (i) Period of disqualification five years from the date of dismissal.

- (ii) For a person dismissed from an office under Govt. of India/any State Govt. to contest election within 5 years of dismissal has to produce a certificate from ECI that he was not dismissed for corruption or disloyalty to State.
- (iii) Such certificate must be filed with nomination paper otherwise nomination shall be rejected [Sec. 33(3)]

#### **9.7.4 Disqualification for Government contracts etc.** [Sec. 9A]

If there subsists a contract with the appropriate Government (Central Government in the case of Lok Sabha election, and Government of State in the case of Legislative Assembly election) for supply of goods or for execution of works – However the contract shall be deemed not to subsist, where the contract has been fully performed by the person and Government has not performed its part of the contract.

#### **9.7.5 Disqualification for office under Government Company** [Sec.10]

A managing agent, manager or secretary of any company or corporation (other than cooperative society) in which the appropriate Government has 25% or more share.

#### **9.7.6 Disqualification for failure to lodge account of election expenses** [Sec. 10A]

- (i) Disqualification for three years from the date of order of ECI.
- (ii) Only those persons are disqualified whose list is circulated by ECI from time to time.
- (iii) ECI, may remove any disqualification under Sec. 8, 9, 9A, 10 and 10A or reduce the period of any such disqualification (Sec. 11)

#### **9.8 Adjournment of Scrutiny** (Sec. 36 (5) of R.P. Act, 1951 and Ch. 6 of RO Hand- book)

- (i) If the Nomination of a candidate has been objected to, he should be given reasonable opportunity of rebutting the same and, where necessary, scrutiny proceedings in relation to his nomination may be adjourned. Scrutiny proceedings in relation to other candidates should continue.
- (ii) Scrutiny can be adjourned up to 11.00 AM on the second day after the date fixed for scrutiny, which is normally the last day of withdrawal and not beyond that date.

#### **9.9 Decision of RO is final**

- (i) Decision of RO rejecting or accepting the nomination of a candidate is, in normal case, not subject to any review or revision by any authority including the Courts and the Election Commission until the process of the election is over.
- (ii) It can be challenged only by means of an Election Petition [Article 329(b)]

#### **9.10 List of validly nominated candidates** (Sec. 36 (8) of R.P. Act, 1951 and R.8,22(3), 30(3) of CE Rules, 1961 and Ch. 6 of RO Handbook)

- (i) List shall be prepared in Form 4 with photograph of candidate and affixed on notice board. Names shall be classified into three categories i.e.
  - (a) Candidates of Recognized National/State Political Parties of the State concerned.

- (b) Candidates of registered unrecognized political parties.
- (c) Other (Independent) candidates.
- (ii) Names to be arranged in alphabetical order within each category- first letter of the name as given in nomination paper, shall be considered, irrespective of whether the name or surname. However, initials (viz - T.K., S.R.) prefixed to the name should be ignored for this purpose.
- (iii) Prefixing or suffixing honorific titles to names are permitted, but these prefixes are not taken into account in the determination of the alphabetical arrangements of names.
- (iv) Only one entry for a candidate even if he/she filed more than one nomination paper.
- (v) Photograph of candidates – Display of list of validly nominated candidates with photographs of candidates. (ECI's instructions dt.16.03.2015)
- (vi) NOTA not to be included in Form-4 and in Form-7A.

### **9.11 Corrections in the names of candidates** (Ch. 6 of RO Handbook)

- (i) Normally the name of candidate in the list of validly nominated candidates shall be shown as it appears in nomination paper [R.8(2)]
- (ii) However, spelling of the name may be corrected or alteration in the name may be made on application by RO (if satisfied may be substituted with-as to genuineness of the request) either at the time of nomination or immediately after the scrutiny or at the time of allotment of symbols, and before the preparation of list of contesting candidates.
- (iii) Error/discrepancy in the photograph of candidate should be rectified.
- (iv) After preparation of 7A, request for correction / alteration cannot be entertained.

### **9.12 Substitute Candidates** (Sec. 33 and 36 of RP Act, 1951; Ch.6 of RO Handbook) -

- (i) The nomination paper of substitute candidate with one proposer will be rejected if the nomination paper of main candidate of party is accepted. However, if such substitute candidate has also filed another nomination paper subscribed by ten proposers, then this nomination paper will be scrutinized independently by treating him as an independent candidate.
- (ii) Where the nomination paper of the main approved candidate is rejected, the substitute candidate will be treated as main candidate of the party and his nomination paper will be scrutinized accordingly.

### **9.13 Candidates claiming to be set up by a recognized party-**

If a candidate files a nomination with both Part-I and Part-II thereof filled, and he fails to bring form A and B, the nomination paper may be accepted, if Part-II is properly filled up and subscribed by ten proposers.

## 10. Withdrawal of Candidature

### 10.1 Notice for withdrawal of candidature (Sec.37, of RP Act, 1951 and R. 9 of CERules, 1961 and Ch. 7 of RO Handbook)

- (i) A validly Nominated candidate may withdraw his candidature by a notice in Form 5.
- (ii) Form 5 duly signed by candidate shall be delivered by (a) candidate in person, or (b) his proposer, or (c) his election agent. The proposer or election agent must be additionally authorized by the candidate in writing to submit the notice. Such notice cannot be sent to the RO in any other manner or by any other person.
- (iii) Candidature shall be withdrawn during normal office hours after the scrutiny is over and before 3:00 P.M. of the last date of withdrawal. No withdrawal on public holiday.
- (iv) Notice of withdrawal shall be delivered either to RO or ARO at their offices (as specified in Form -1)
- (v) Receipt for withdrawal submitted in Form 5 be given immediately.
- (vi) RO must satisfy himself as to the genuineness of a notice of withdrawal and identity of the person delivering it.
- (vii) A notice of valid withdrawal in Form - 6 shall be affixed on RO's notice board on every day of withdrawal of candidature.
- (viii) Valid withdrawal not to be cancelled.
- (ix) No provision for retirement from contest after last day fixed for withdrawals.

### 10.2 Preparation of list of contesting candidates (Sec. 38 of RP Act, and R.10 of CE Rules, 1961 and Ch. 7 of RO Handbook)

- (i) Immediately after 3.00 PM on the last date of withdrawal and after allotment of symbols, list shall be drawn in Form 7A (With photograph of candidate).
- (ii) List in Form 7A shall be prepared in languages specified in Commission's directions No. 3/4/2008/JS-II/SDR dated 16.9.2008 & No. 3/4/2018/SDR dated 31.10.2018 in case of Legislative Assembly election and in ECI directions No. 3/4/2008/JS II/SDR dated 6.2.2009 & No. 3/4/2018 dated 31.10.2018 in case of Lok Sabha election. For Lok Sabha election, the list has to be sent to the Commission in English for publishing in Gazette of India.
- (iii) Names shall be classified into 3 categories – namely
  - (a) Candidates of recognized National and State Political Parties.
  - (b) Candidates of registered political parties (other than recognized National and State political parties).
  - (c) Independent candidates.
- (iv) Names shall be arranged in the above order of categories.
- (v) Names in each category shall be arranged in alphabetical order within each category according to the script of the language specified in the third column of Commission direction No.

3/4/2008/JS-II/SDR dated 16.9.2008 & No. 3/4/2018/SDR dated 31.10.2018 in case of Legislative Assembly election and in ECI directions No. 3/4/2008/JS II/SDR dated 6.2.2009 & No. 3/4/2018 dated 31.10.2018 in case of Lok Sabha election.

- (vi) Required particulars including address should be filled up correctly.
- (vii) Even in case of uncontested election, list in Form - 7A shall be prepared.
- (viii) Send immediately copies of the list (along-with English translation) to the Govt. Press, CEO and ECI.
- (ix) If symbol has been revised by order of ECI, the list shall be amended.
- (x) Names of candidate shall appear on ballot papers in same order as in Form 7A, however the headings of 3 categories shall not appear on the ballot papers.
- (xi) Photographs of candidates shall also be printed against their names in the list of contesting candidates in Form 7A. (ECI Inst. No.576/3/2017/SDR dt.18.10.2017)

**10.3 Publication of list in Form-7A** (Sec.38 of RP Act, 1951 and R.10, 11, 31(1)(b) of CE Rules, 1961 and Ch. 7 of RO Handbook)

- (i) It shall be affixed on the notice board even in uncontested election.
- (ii) Copy shall be given to each contesting candidate.
- (iii) It shall be published in Official Gazette of State.
- (iv) It shall be displayed outside the PS through Presiding Officers on poll day.
- (v) The ballot papers will be printed as per 7A.

**10.4 Identity cards to contesting candidates** (Ch. 7 of RO Handbook) -

- (i) Two copies of identity cards with photograph in the form given in Para 7.8 of Ch. 7 of RO Handbook - one copy to be retained in record.
- (ii) ID cards dully attested by the RO with his seal.

**10.5 Issue of list of polling stations** (Ch. 2 of RO Handbook) - Three copies of list of PSs, free of cost, to each contesting candidate.

**10.6 Intimation about legal provisions of corrupt practices and electoral offences** (Ch. 7 of RO Handbook) - A notice to each contesting candidate should be given inviting attention towards penal provisions of corrupt practices and electoral offences - Model Form given in RO Handbook.

**10.7 Supply of copy of electoral roll** (R. 85D of CE Rules 1961 and Ch. 8 of RO Handbook)

- (i) RO shall supply one copy of roll, free of cost to the candidate of every recognized political party.
- (ii) Such copy should be supplied within 3 days after last date of withdrawal.
- (iii) List of CSVs for the constituency should also be given along with roll.

**10.8 Appointment of Election Agent** (Sec. 40, 41 and Sec. 45 of RP Act, 1951 and R.12 of CE Rules 1961)

- (i) Ministers, MPs/MLAs/MLCs/Mayor of Corporation/ Chairman of Municipality/Zila Parishad and others having security cover provided by State not to be allowed as election agent. (ECI's No. 464/INST/2008/EPS dated 14.10.2008, 464/INST/2009/APS dt.25.04.2009, dt.09.05.2009 & dt.12.05.2009)
- (ii) A person who is disqualified for being member of Parliament or Legislative Assembly or for voting at an election shall be disqualified for being an election agent.
- (iii) Appointment in Form 8 (in duplicate) with photographs affixed on top-right - RO shall return one copy after affixing his seal and signature - ID card to the election agent will be provided by RO
- (iv) Revocation in Form-9.
- (v) ID Card to be provided.

### **10.9 Appointment of An Additional Agent for Expenditure Matters** (ECI's No. 76/2011/SDR dt.18.03.2011)

- (i) An additional agent to assist the candidate in various expenditure matters.
- (ii) Appointment in the format prescribed by ECI (dt. 18.03.2013).
- (iii) Person disqualified for being chosen as, and for being a MP/MLA or voting at an election should not be appointed.
- (iv) General prohibition against appointing Minister/ MP/ MLA/Mayor/ Chairperson or Municipality/ Pramukh of Zila Parishad etc. as any agent would also apply.
- (v) This agent would be for the purpose of performing only the non-statutory duties related to expenditure monitoring matters.

### **10.10 Appointment of Authorized Nominee** (ECI's No.76/2014/SDR dt.08.04.2014)

- (i) In addition to election agent, candidate may appoint Authorized Nominee, not more than one the number of assembly segments.
- (ii) He will not have legal status of election agent and not authorized to perform statutory functions. However, he may represent the candidate for meetings and may perform non-statutory function on behalf of candidate.
- (iii) He may be issued vehicle permit for allotted area up to the end of campaign period.
- (iv) All conditions, disqualifications and prohibitions to be applied for appointment as election agent will be applied for Authorized Nominee also.

### **10.11 Declaration of result of un-contested Election** (Sec. 53(2) of RP Act, 1951 and R.11(1) of CE Rules 1961, Ch. 9 of RO Handbook) -

- (i) After affixation of list (Form-7A) on the notice board of RO, result of uncontested election shall be declared in Form 21.
- (ii) Return of Election in Form 21E with suitable amendments.
- (iii) Copies to (i) the Government of India in the Ministry of Law & Justice or State Government (ii) ECI (iii) the Secretary General to the Lok Sabha or Secretary to the State Legislative Assembly, as the case may be (iv) CEO.

- (iv) Date of declaration shall be the date on which the result is declared.
- (v) Certificate of Election in Form-22 – Acknowledgement of such certificate, duly signed, may be obtained from returned candidate - Which shall be sent by registered post to the Secretary General to the House of People. Signature of the candidate should be attested by RO personally before dispatch.

**10.12 Safe deposit of papers relating to nomination etc** (Ch. 7 of RO Handbook)

- (i) Papers/proceedings relating to nominations, scrutiny, and withdrawals should be put together in a cover, with description, and to be retained by R.O.
- (ii) After declaration of result, these documents should be sent to safe custody of DEO.



## 11. Allotment of Symbols

(R. 5 and 10 of CE Rules 1961 and Ch. 8 of RO Handbook)

### 11.1 Approved symbols (R.5 and 10 of CE Rules, 1961; P. 17 of the Election Symbols(R&A) Order, 1968)

- (i) Always refer to latest notification containing the names of National/State recognized political parties with symbols reserved thereto, names of registered unrecognized political parties and list of free symbols approved by the Commission.
- (ii) Only this Symbols in the approved list to be allotted.
- (iii) Reserved symbol only to the candidate setup by that recognized party.

### 11.2 Candidates set up by a political party (Para 13 of Symbol Order, 1968, Ch. 8 of RO Handbook)

- (i) A candidate shall be deemed to be set up by a political party, if, and only if -
  - (a) The candidate has made a declaration in any of his nomination paper that he/she is set up by that Party.
  - (b) Form B signed by authorized person must reach the RO not later than 3.00 PM of the last date of nomination.
  - (c) Name and specimen signatures of such authorized person in Form A are communicated to the RO and CEO not later than 3.00 PM of last date of nominations - However reaching the RO is mandatory.
  - (d) Forms A and B should be signed in original - Fax not to be accepted.

### 11.3 Choice of symbols (R.5 and 10 of CE Rules, 1961 and Symbol (R&A) Order, 1968 and Ch. 8 of RO Handbook)

- (i) A candidate sponsored by National/State recognised party shall choose and shall be allotted only the reserved symbol for that party and no other symbol. Such candidate need not indicate three symbols in his nomination paper.
- (ii) The candidate sponsored by unrecognized but registered party and independent candidate shall choose three symbols out of the list of free symbols specified for the State by the Commission.
- (iii) Common symbol for candidates setup by unrecognised parties only after permission of ECI (Para 10-B).
- (iv) Candidate set up by recognised State Party of another State can be allotted the reserved symbol of that Party only on the direction of ECI.

### 11.4 Which choice of symbol to be considered (R.5 and 10 of CE Rules, 1961.; Election Symbols (R&A) order, 1968 and Ch. 8 of RO Handbook)

- (i) Only the choice of symbols made by a candidate (other than a candidate sponsored by a Recognised Party) in the nomination paper first delivered, shall be considered, even if that nomination paper may be rejected.

### **11.5 Allotment of symbols to party candidates** (R.5 & 10 of CE Rules, 1961 and Election Symbols (R&A) Order, 1968 and Ch. 8 of RO Handbook)

- (i) First pick up the candidates set up by National/State parties and allot reserved symbol. Fulfilment of conditions under Para 13 and 13A of order, 1968 is necessary.
- (ii) If a State party recognized in other State (but not recognized in this State), sets up a candidate in this State, the symbol reserved for that State party shall be allotted to a candidate set-up by it if the communication for allotment of symbol from ECI is received in relation to that constituency.
- (iii) If an unrecognized party which was recognized not earlier than six years from the notification of election, sets up a candidate and communication for allotment of symbols under Para 10A is received from ECI, in relation to that AC, then such candidate may be allotted the symbol reserved earlier for that party.
- (iv) For allotment of symbol for candidates of registered un-recognized parties, paragraphs 10B and 12 of the Symbols Order may be referred. Para 12 also deals with allotment of symbols to Independents.
- (v) If same free symbol is chosen by two candidates (one by candidate of registered un-recognized party and the other by independent), then candidate of registered party gets preference over independent.

### **11.6 Substitution of candidate by political party** (Para 13A of Symbol Order, 1968)

A party which has given notice in Form B in favour of one candidate can nominate a new candidate if the authorized representative submits revised notice in Form B.

If a political party submits Form B in respect of more than one candidate and does not indicate that earlier notice has been rescinded, then Form 'B' in respect of the candidate whose nomination paper was first delivered, shall be accepted as candidate set up by that party.

### **11.7 Common symbols to candidates of registered parties** (Para 10-B)

- (i) Candidates of a registered unrecognized political party may be allotted a common symbol by the ECI subject to fulfilment of certain conditions —
- (ii) Common symbol can be allotted to such candidates only if the party sets up candidates in at least in 2 PCs in the State in case of Lok Sabha election. In case of Legislative Assembly election, common symbol can be allotted to such candidates only if the party sets up candidates from at least 5% seats in that State.
- (iii) The free symbol allotted as a common symbol of a party shall be available for allotment to candidates setup by other parties or independent candidates in those ACs in which that party has not setup its candidates.
- (iv) ROs are required to intimate the Election Department on last date of nomination whether the party allotted common symbol has setup its candidate as per list received from ECI.

### **11.8 Revision of Symbols** (R. 10(5) of CE Rules, 1961)

- (i) RO's decision is final except where it is inconsistent with any direction issued by the ECI in

which case the ECI may revise the allotment of symbols.

- (ii) List in Form 7A shall be amended accordingly, in case symbol is revised under the orders of ECI.
- (iii) RO should obtain latest notification/symbol allotment orders of ECI from CEO Office.

## 12. Postal-Ballot Papers

### 12.1 Voters entitled to vote by post (Sec. 60 of RP Act., 1951; Sec.20 of RP Act, 1950;R. 17, 18(a) & (c), 20-21 & 27B of CE Rules, 1961) -

- (i) Service Voters (including their wives) - (except those who opted for proxyvoting)
- (ii) Special Voters - (including their wives) who are holding declared offices. [List of such declared offices is given in footnote below at Sec. 20 of RP Act,1950].
- (iii) Electors subjected to preventive detention.
- (iv) Electors on election duty – Persons and Staff who are specifically assignedany official work in connection with elections on the day of poll &cannot be able to vote at normal PS. These include all police personnel (except those on leave), HGs, DEOs/ROs/AROs & their Staff, Control Room Staff, Videographers/Staff of EEM Teams/ ZOs/SOs, BLO, MOs, Drivers/Cleaners,etc. also. (ECI’s No.52/2012/SDR dt. 01.11.2012)
- (v) Notified voters, if any (AVPD, AVCO, AVSC, AVES)

### 12.2 Two types of design of postal ballot papers (R.22, 30 of CE Rules, 1961; Ch. 11 of RO Handbook 2019 and ECI’s No. 52/2016/SDR dt.18.09.2015 & 24.02.2016)

Design of Postal Ballots for service voters and for other categories of electors entitledto vote by postal ballot shall be different. Postal Ballot Paper related to Service Elector not to be printed. It will be generated and transmitted through ETPBS. Postal Ballot Paper other than Service Elector shall be printed at district level at private or govt. printing press.

### 12.3 Design and language of postal ballot papers (PB) for other categories (R.22 of CE Rules, 1961 and Ch. 11 of RO Handbook 2019 & ECI Instruction No. 576/3/2013/ SDR dated 14.10.2003; No.576/3/2015/SDR dt.21.05.2015; No.52/2015/SDR dt.18.09.2015; No.52/2016/SDR dt.24.02.2016)

- (i) It shall have counterfoil attached to it at the top.
- (ii) ECI’s detailed direction regarding design, form and language of postal ballotpaper are given in Ch. 11 of RO Handbook 2019.
- (iii) In election to Lok Sabha it shall be printed on White paper and in election to State Legislative Assembly on Pink paper.
- (iv) Width of PB in one column shall be between 4”& 6”, as considered necessary.
- (v) Single column up to 9 candidates – In case of indivisible numbers of candidates, e.g. 10 candidates’, first six candidates will be shown in first column and remaining 4 and NOTA will be shown in second column. Any blank column at the end of second column will be completely shaded.
- (vi) Names of candidates shall be arranged in the same order under 3 categories in which they appear in the list (Form 7A). Headings of categories should not appear in PBs.
- (vii) Panel for NOTA will appear after panel of last candidate.

- (viii) Symbols allotted to candidates and symbol of NOTA will be printed.
- (ix) Photographs of candidates shall be printed in space between name of candidate and symbol
- (x) Party affiliation not to be printed.

#### 12.4 Arrangements for Dispatch of Postal Ballot Papers to Service Electors

- (i) As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, the Returning Officer should get postal ballot paper for 'service voters' prepared and arrange to upload the postal ballot papers and connected papers for service voters on the ETPBs by the day following the last date for withdrawal of candidatures.
- (ii) The Returning Officer shall transmit the following documents electronically within 24 hours after withdrawal of candidature:
  - a) Postal Ballot Paper,
  - b) Form 13-A-Declaration by Elector,
  - c) Label for Form 13-B- Cover A (Inner Envelope),
  - d) Label for Form 13-C-Cover B (Outer Envelope),
  - e) Form 13-D- Instructions for the Guidance of Elector.
- (iii) Covers-A and Covers-B in sufficient quantity should be sent to Record Offices, in advance.
- (iv) Service voters, who opted for proxy voting, not to be issued PB. Mark "CSV" against such voters in the last part of electoral roll.
- (v) Please refer the instructions regarding transmission of electronically transmitted Postal Ballots.

#### 12.5 Return of Polled ETPBs from Service Voters

- (i) For receiving back PBs by post, the DEO will make arrangement with the Postal Department to nominate one post office for each AC which will deliver PBs every day to the RO.
- (ii) The time of delivery will be fixed at 3 PM every day at the office of the RO, except for the counting day when the time for delivery will be 8 AM at the counting centre for that AC.
- (iii) A Pass should be issued by the DEO to the nominated postal department employee to enter the counting centre on counting day for this purpose.

#### 12.6 Intimation by other categories of voters as to vote by post (R.19 and 20(1) of CE Rules, 1961; Ch. 11 of RO Handbook 2019)

- (i) By **special voter** in Form 12 at least 10 days before poll. (R.19)
- (ii) By an elector **on election duty** in Form-12 along with duplicate copy of appointment/ duty letter (R. 20(1)).
- (iii) As regards electors on preventive detention, they may directly apply to RO for Postal Ballot or the Home department will communicate to RO specifying name, address, Part No. & Sr.

No. in the roll and place of detention. In either case, before sending PB, it is to be ensured that the name entered in the roll and the person held under preventive detention is identical and same.

### **12.7 Preparation of postal ballots by RO for other categories (other than service voters)** (R. 23 of CE Rules, 1961; Ch. 11 of RO Handbook)

- (i) Before the PBs are issued, the facsimile signature of the RO will be stamped on the reverse of PB in two places – one on the reverse side of the ballot paper and the other on the reverse side itself in such a way that part of it falls on the counterfoil portion and part on the ballot paper portion.
- (ii) PBs shall be sent by registered post (if not delivered personally) to the electors concerned.
- (iii) PB envelopes for electors contain:
  - (a) A declaration in Form - 13A. (Sr. No. of PB to be filled up).
  - (b) A cover in Form 13B (containing postal ballot paper) (Sr. No. of PB to be written correctly). (Reason of rejection, if Sr. No. of PB not found)
  - (c) A cover addressed to the RO in Form 13C (without postage stamp)
  - (d) Instructions for the guidance of the elector in Form 13-D. (Date and time of commencement of counting to be filled up).
- (iv) Above documents [at (a), (b), (c) and (d)] shall be placed inside a larger cover. This cover should be properly addressed and postage stamp shall be affixed (if not delivered personally).
- (v) Serial number of ballot paper must be written on the Cover (Form-13B) in appropriate column and also in the space provided in Form- 13A. RO to ensure it. (ECI's No.52/ECI/LET/FUNC/JUD/SDR/2016 dt.04.10.2016)
- (vi) Postal ballots be issued as expeditiously as possible.
- (vii) The Covers in Form-13B and 13C for issue of PBs to categories other than service voters, shall be in Pink colour in Vidhan Sabha Election and Green colour in Lok Sabha election.
- (viii) Write "PB" in the marked copy of electoral roll against the name of the electors to indicate that postal ballot has been issued to them.

### **12.8 Issue of E.D.C.** (R. 22 (2) of CE Rules 1961 and Ch. 11 of RO Handbook 2019, ECI's letter no. 52/2014-SDR Dt. 07.03.2014 regarding EDC))

- (i) If a person is not able to cast his vote at the PS where he is enrolled, for reason of being on election duty, such person is entitled to an EDC if he is on duty in the same constituency where he is enrolled as a voter.
- (ii) EDC in Form 12B.
- (iii) EDC on application in Form 12A with duty order.
- (iv) EDC holders not to be issued PB.
- (v) If all Assembly Segments of a district falls within a Parliamentary Constituency, then

polling personnel deployed on duty should be given EDC. Police officials and other officials other than polling personnel should be given PB.

- (vi) Detailed guidelines regarding issue of EDC are mentioned in the ECI's letter no. 52/2014-SDR Dt. 07.03.2014. These are to be followed.

## **12.9 Smooth Management of PBs for Persons on Election Duty** (ECI's No. 52/2012/SDR dated 13.8.2012; No. 52/2013/SDR dated 26.03.2013 issued to CEO Karnataka and ECI's letter no. 52/2014-SDR Dt. 07.03.2014 regarding PB)

Please study these instructions carefully:

- (i) All Departments/Institutions should be asked by DEO to check enrolment of all the employees in rolls.
- (ii) A database of all persons likely to be on election duty should be prepared well in advance
- (iii) Along-with other information about No. & name of AC, No. & Name of PS, Sr. No. in Part where the person is enrolled and EPIC of each person should be captured in the database.
- (iv) The facilitation centre and training centre will be same. If a person is to be called for training more than once, information about all the trainings should be captured in the database.
- (v) Enrolment of a person can be found by using search facility provided on CEO's website based on EPIC/Name/Locality.
- (vi) Based on search, if any correction in roll becomes necessary, appropriate forms should be got filled and correction be made by following due procedure. The timelines for correction in E-Roll may be followed.
- (vii) Database should include not only employees of State Govt, it should include all employees of Central Govt. and Central & State PSUs.
- (viii) The DEO has to prepare a database of all eligible employees who can be put on election duty, viz., polling personnel, Sector Officers, ZMs, AEOs, Micro-Observers, Staff of Control Room/ Helpline, VST/ FST/VVT/ SST/ Accounting team, Communication Monitoring Team, Web cast Teams, BLO, Videographers, MCC Team etc. Please refer to Section 159 of R.P. Act, 1951.

### **12.9.1 Postal Ballot for Police Personnel**

- (i) All police force from Constable to DGP are notified under Sec.28A of R.P. Act, 1951 as on deputation to ECI during election period.
- (ii) On the basis of judgment of Hon'ble Madras High Court dated 22.08.2012 all police personnel, except those on leave during the election period, are treated as personnel on election duty and hence entitled to vote by Postal Ballot.

### **12.9.2 Database of all police personnel**

- (i) The SP should prepare the database of all police personnel (including home guards, to be deployed on election duty).
- (ii) Enrolment status of all police personnel to be collected in the database.

- (iii) Pre-filled Form-12 shall be delivered to the police personnel along with his duty order or by any other means at least 15 days before the poll.
- (iv) RO shall issue PBs to all police personnel whose Form-12 are received in time through SP. This can be combined with training of police officer on poll duty.
- (v) SP should organize a special facilitation camp for police officers forecasting PBs.
- (vi) One Gazetted officer for attestation of Declaration in Form-13A at Facilitation Camp.
- (vii) A ballot box shall be kept at the facilitation centre and police officers who have been issued PB should deposit PB in this box after marking vote. They should ensure that all formalities like making declaration, placing marked ballot inside Form 13B and placing both in Form 13C etc. have to be fulfilled. The envelope in Form 13C has to be dropped in the Box.

### **12.9.3 Database of drivers, conductors and cleaners of vehicle on election duty**

The database of drivers, conductors and cleaners shall be prepared by the OIC of transportation, who shall get the information about enrolment of them through owners of private vehicles (buses, trucks, minibuses, taxi etc.). They should be made aware of the facility and process of vote through PB.

### **12.9.4 Issue of pre-filled Form-12 and collection of signed Form-12**

Pre-filled Form- 12 with information of Name of elector, No. & Name of AC, No. & Name of PS and Sr. No. in Part where the person is enrolled should be sent to all persons on election duty along-with the appointment order.

### **12.9.5 Issue of Postal Ballots to persons on election duty**

- (i) RO/ARO should prepare PB for all employees who are called for training and for all police personnel in anticipation of receiving filled-in Form-12 duly signed.
- (ii) RO/ARO should also prepare PBs for drivers/ conductors/ cleaners who are engaged for election duty and whose Form-12 duly signed are received through OIC, transportation.
- (iii) All employees including police personnel and drivers etc., will be called at least once for training for the purpose of facilitation of postal balloting.
- (iv) For drivers etc. facilitation of casting of PBs can be done one day before the dispatch of polling parties.
- (v) For police personnel facilitation for casting of PBs will be done during the special facilitation camp organized by DCP/SP and all trainings.
- (vi) If more than one training session is organized for employee's facilitation of postal balloting should be done in each session.
- (vii) RO will depute one Officer for each facilitation centre for delivering PBs to persons on poll duty.
- (viii) Prepared PBs may be kept ready, in advance, so that PBs can be delivered as soon as duly signed and filled-in Form-12 received from persons on poll duty.
- (ix) The Officers distributing PB to electors shall maintain a register to keep account of PBs received by him and issued by him.



- (x) The Officer will issue PBs after verifying identity of the Voter concerned based on EPIC or any other photo ID.
- (xi) Register for maintaining this record and obtaining signatures of persons to whom PBs are issued shall be obtained shall be made in a format as per the format of Form 17A.
- (xii) Ensure that Form-12 is obtained from the officials before issuing the PBs to them.
- (xiii) All un-issued PBs, after trainings are over and polling parties are dispatched, shall be kept in a sealed cover with proper record by RO. Thereafter PBs should not be issued.
- (xiv) Employees are generally not sent for election duty outside their district. If, however it becomes necessary to send a PB to a Facilitation Centre outside the district the DEO will co-ordinate with the DEO of the other district.

### **12.9.6 Procedure at the Facilitation Centre (FC)**

- (i) RO shall appoint one senior officer as OIC of PB at each FC.
- (ii) All Recognized Political Parties will be informed in writing the schedule of facilitation of postal balloting at FC. They shall be allowed to send their representatives to witness the facilitation process.
- (iii) In each training session, after training is over, at least 2 hours shall be set apart for facilitation of postal balloting.
- (iv) Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the OIC of facilitation can order such a person to leave the premises immediately.
- (v) Voting compartments (as in a PS) shall be made in each FC for marking the PBs by employees in complete secrecy. Arrangement of glue/ gum also be made to seal the envelopes.
- (vi) At least one gazetted officer/Group-A/Group-B authorized to attest in the State shall be put on duty by the DEO at each FC to attest the declaration in Form 13A based on the identification of the voter by his identity documents.

### **12.9.7 Process of Postal Balloting**

A large steel trunk with one opening at the top for casting of PBs shall be used as a facilitation ballot box. Before the casting of PBs is started the empty facilitation, ballot box will be shown to all present. The facilitation ballot box will then be sealed by the OIC of FC. Every voter shall cast his PB in the Facilitation Ballot Box after marking it and sealing it in the envelopes.

**12.9.7A** In pursuance of the provisions of clause (c) of Section 60 of the Representation of the People Act, 1951, the Commission has specified that the electors above the age of 80 years and electors with physical disability having benchmark disability as already marked / flagged in the database of electoral rolls of the State/Union Territory and who request for voting by postal ballot paper, would be a class of persons to give vote by postal ballot in the general elections or bye-elections in the State/Union Territory concerned, to be notified under Section 30 of the Representation of the People Act, 1951, as per the provisions in Part-III A of the Conduct of Elections Rules 1961, as amended. [ECI No. 52/2020/SDR/VOL.I dated 17.09.2020]

**12.9.7B AVES:** absentee voters for essential service are notified by ECI after obtaining list of such services from the CEO concern. (No. 52/20211SDRIVOL.I Dated 27th February, 2021). - who on account of being on duty on the day of poll will not be able to be present in their respective polling station, as a class of persons to give vote by postal ballot as per the directions and guidelines issued by the Election Commission, in this behalf.

An illustration list is as under:-

1. Health & Family Welfare Department
2. Media Persons authorized by ECI for poll day coverage;
3. Government Ambulance Service;
4. Aviation;
5. Shipping; and
6. Railways etc.

### 12.9.8 Sorting of PBs

- (i) After all PBs for the day have been cast, the box will be opened by the OIC of FC in the presence of the representatives of political parties. All the PBs will be taken out of the box and the empty box will be shown. The PB envelopes will be sorted AC wise and the number of PB envelopes received for each AC will be entered in a register in prescribed Format.
- (ii) Representatives of political parties present will be asked to put their signature on the register. A copy of the relevant pages be given to them.
- (iii) All PB envelopes for one AC shall be kept in one large envelope. The name of the Facilitation Centre, the date of Facilitation, the number of PBs contained therein and no. & name of AC will be clearly written on this envelope.
- (iv) This envelope will then be sent to the concerned RO along with a copy of the relevant pages of register of issue of PBs through special messenger appointed by RO for this purpose not below the rank of Naib Tahsildar.

**12.9.9 Videography** -The entire process of postal balloting will be video-graphed.

### 12.9.10 Monitoring of the process at Facilitation Centre

- (i) The OIC of FC will prepare a return in Format-2 on every day when facilitation of PBs is done and will send it to the RO daily till the facilitation is over.
- (ii) Returns shall also be prepared by RO, DEO and CEO as per instructions 52/2014/SDR dated 7.3.2014.

**12.9.11 Storage of PBs received from facilitation centre**- RO shall keep the envelope containing PBs along with the copy of the relevant pages of the register in a special strong room made especially for this purpose.

### 12.9.12 Receipt of PBs by post

- (i) For receiving back PBs by post, the Postal Department will be asked to nominate one post office which will deliver PBs every day to the RO.
- (ii) The time of delivery will be fixed at 3 PM every day at the office of RO, except for the counting day when the time for delivery will be 8AM at the counting centre.

- (iii) The list of counting centres and the addresses of ROs offices will be communicated in writing to the Postal Department.
- (iv) 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 PBs by the post office.
- (v) The number of PBs envelopes delivered by the post office noted in the presence of representatives of political parties & candidates.
- (vi) Please refer to detailed instructions in this regard.

**12.9.13 Storage of PBs received by Post-** RO will keep all PBs 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 PBs every day after the post has been received.

#### **12.9.14 Role of Postal Department**

- (i) To appoint a Nodal Officer at State, District.
- (ii) To open a prepaid account of RO well in advance to ensure PB deliveries.
- (iii) Collection of service voters’ PBs from RO and its delivery in time.
- (iv) Daily delivery of PBs at 3:00 PM and on counting day before commencement of counting.
- (v) Keeping record of deliveries.

#### **12.9.15 Sending PBs to the counting centre**

- (i) Where the counting of PBs is done at another place than PBs will be transferred to another strong room situated at counting centre.
- (ii) For this purpose, the RO shall inform in writing to the candidates the time at which this will be done. The strong room for PBs shall be opened in the presence of the candidates/representatives present.
- (iii) All PBs will then be kept in steel box to be sealed in the presence of candidates/representatives.
- (iv) This box will then be carried under guard of armed CAPF to the strongroom for PBs at the counting centre. Candidates and their representatives shall be allowed to follow the vehicle carrying PBs.
- (v) The box will then be kept in the strong room for PBs at the counting centre in the presence of the candidates/representatives. Strong room will then be sealed and signatures of candidates/representatives shall be taken.
- (vi) Candidates/representatives shall be allowed to keep watch on the strong room for which they will be provided reasonable facilities by the DEO.
- (vii) Whole process will be video graphed.
- (viii) On the day of counting, the RO will open the strong room and bring all PBs and copies of the relevant pages of registers received from the Facilitation Centres to the table where the PBs will be counted.

### **12.9.16 Tallying of PB numbers before counting**

- (i) The packet of envelopes received from facilitation centres will be opened and the number of PBs found in each packet will be tallied with the numbers mentioned in the copies of relevant pages of the registers received from the facilitation centres.

### **12.9.17 Marked copy of Roll and Record of PBs & EDCs** (R. 20 (2) and 23 of CERules, Ch. 11 of RO Handbook)

- (i) In the marked copy of roll “EDC” or “PB”, shall be marked in RED ink against the name of such elector.
- (ii) In any case only one marked copy should be used as Master Copy for issued PBs to avoid any mistake.
- (iii) Serial number of PBs not to be mentioned in the marked copy of roll.
- (iv) The counterfoils should be sealed in a separate packet and kept in safe custody.
- (v) After marking “PB” or “EDC”, in all cases, marked copy of electoral roll may be sealed and it will be supplied to the concerned Presiding Officer for the use at PS.

### **12.10 Register of postal ballot papers** (*Para 20 of Ch. 11 of RO Handbook 2019*)

- (i) A separate register to keep a record of issue of PBs to all categories and PBs received back.
- (ii) A record of PBs received back should also be entered in the register indicating how many PBs are received in time and how many received late, in each category.
- (iii) In case of service voters, since transmission of postal ballot is done electronically through ETPBS, the record will be available in the system.

## **13. Ballot Papers for EVMs**

### **13.1 Form and Language of ballot paper for EVM (Label)** (R. 49 B of CE Rules 1961 and Ch. 11 of RO Handbook 2019)

- (i) Names of candidates including NOTA option in same language(s) in which the list in Form 7A has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.
- (ii) Name of Constituency in English.
- (iii) Names of candidates to be arranged in same order as they appear in list of contesting candidates (Form 7A) under 3 categories. The headings of categories not to be printed in ballots.
- (iv) Symbol of NOTA as specified vide ECI's No.576/3/2014/SDR dt.18.09.2015. NOTA should be mentioned last in the Ballot Paper.
- (v) Photograph of candidates to be printed on ballot paper in space between name of candidate and symbol.
- (vi) Form and design of ballots as per directions given in Ch. 11 of RO Handbook 2019 and ECI's No. 576/3/2015/SDR dt.16.03.2015 and 21.05.2015.

### **13.2 Assessment of requirement of ballot papers** (Ch. 11 of the RO Handbook 2019) Requirement of ballot papers on the following basis -

- (i) Number of EVMs to be used in Poll including the Reserve EVMs.
- (ii) 20 ballot papers per Polling Station for tendered ballot papers.
- (iii) In addition to point (i) & (ii), 10% of the above number may be printed as extra to meet the contingencies, like mutilation at the time of fixing the BPs in the B.U., defective BPs.

### **13.3 Printing of Ballot Papers** (Ch. 11 of RO Handbook 2019)

- (i) The arrangements for printing of ballot papers required for Returning Officer's constituency will be made by CEO.
- (ii) Furnish to CEO, the list of contesting candidates in Form 7A immediately after the same has been prepared after the last hour fixed for the withdrawal of candidatures and the allotment of symbols to the candidates.
- (iii) Transport and security arrangements to be ensured for printed Ballot Papers.
- (iv) O.I.C. printing will leave at once for printing with the relevant documents.
- (v) Each bundle will have 20 ballot papers - Not to be stitched - Ballot papers will have consecutive serial numbers.
- (vi) Exact alignment with BUs to be ensured - For this purpose a BU should be kept in the press.

### **13.4 Verification of ballot papers** (Ch. 11 of RO Handbook 2019)

- (i) Ensure that names, photograph and symbols have been printed properly and correctly and in correct order.

- (ii) Ensure that there is no discrepancy in the numbers of ballot papers dispatched by the press and received by RO.
- (iii) Defective ballots or with duplicate number, or missing number should be entered in register - Also to be published on notice board and at distribution centre. A copy of notice to be sent to each of contesting candidates also.
- (iv) Ballot papers should be kept in safe custody.

### **13.5 Safe custody of undistributed ballot papers (Ch. 11 of RO Handbook 2022) -**

- (i) Undistributed ballot papers should be kept by Returning Officer at some central place on the day of poll for supply to any polling stations as may be required according to the exigencies of the situation.
- (ii) Such surplus ballot papers may also be used for fresh/adjourned poll.
- (iii) After completion of the election surplus ballot papers should be disposed of in the manner prescribed in Ch. 19 of RO Handbook 2022.

### **13.6 Ballot papers for record of ECI and CEO (Para 21 of Ch. 19 of RO Handbook 2019) -**

- (i) Two undistributed ballot papers duly cancelled with words “Cancelled for the record in Election Commission” and one ballot paper duly cancelled with the words “Cancelled for the record of Chief Electoral Officer” written on the back of ballot paper under the signature of the RO should be sent to the CEO.
- (ii) The ballot papers in respect of bye-elections should also be sent to the Commission. The words “Cancelled for record in the Election Commission” should be written on the reverse of each ballot paper.

### **13.7 Tendered ballot papers (Para 26 of Ch. 11 of R.O. Handbook 2019)**

Tendered ballot papers shall be in same design and form as the ballot papers to be used in balloting unit of EVM. The words “Tendered ballot paper” shall be stamped on the back of ballot paper to be used as tendered ballot paper.

## 14. General Arrangements for Poll

### 14.1 District Election Plan (ECI No. 464/INST/2008-EPS dated 24.10.08)

- (i) Prepare a district profile giving details of the following: -
  - (a) important officials and their telephone numbers,
  - (b) geography,
  - (c) demography,
  - (d) administrative units/assembly segments,
  - (e) general law and order with constituency specific details and
  - (f) past electoral offences
  - (g) District Election Management Plan (DEMP).
- (ii) Information regarding electors be ready in advance: -
  - (a) about sex ratio (form 1B & 1C)
  - (b) Voter population ratio (form 2C)
  - (c) Inclusion & Deletion (form 3B and 3C)
  - (d) EPIC coverage (Form 5B & 5C)
  - (e) Age cohort analysis, AC wise
  - (f) Absentee voters with and without family links details/analysis
  - (g) ESR (Expire, Shifted and Repeated) details and action taken.
- (iii) Polling Stations- Details –
  - (a) Constituency wise No. of PSs, Nos. of polling locations, Categorized by No. of voters etc.,
  - (b) PSs accessible by vehicle, their distance from road, list of PSs without telephone lines - Tel. No. of each PS.
  - (c) Vulnerable villages/Hamlets - List in format.
- (iv) Polling personnel - Man power requirement to be assessed for appointment as sector/zonal magistrates, Pr. Os, POs, etc., - complete database of particulars of officers/officials working in all central/State Govt. officers, PSUs etc.,.
- (v) Movement Plan -
  - (a) Sector movement plan - Plan of movement of polling parties/security forces, SOs with detailed route chart indicating PSs - Sketch map of constituency showing sectors and PSs.
  - (b) Route chart.

- (c) Requirement of vehicle etc - Buses, LMVs and Heavy vehicles for polling parties, special executive magistrates, security forces etc - Assessment well in advance.

#### **14.2 District Security Plan** - As per ECI No. 464/L&O/2014-EPS dated 07.04.2014.

#### **14.3 Communication Plan**

- (i) For polling stations - Prepare list of telephone nos. available in/nearby each PS along with particulars of contact persons/ runners/ police stations/police posts.
- (ii) Prepare list of telephone nos./mobile nos. of Pr. Os, SOs, Spl. Executive Magistrates.
- (iii) Mode of communication such as VHF/HF linkage to ensure connectivity with each PS on poll day where no landline/mobile is available.
- (iv) Putting all contact Nos. and details related to election officials and polling stations on CEO website along with polling station-wise vulnerability/ criticality status.
- (v) Details of shadow areas and measures regarding.

#### **14.4 Counting Plan**

- (i) Identify the place for polled EVMs & VVPATs and counting of votes.
- (ii) Proposals of counting centres through CEO to ECI for approval.
- (iii) Assess the requirement of counting staff.
- (iv) Other logistic arrangements.
- (v) Media arrangements.
- (vi) Security arrangements
- (vii) Communication and furnishing the data.

#### **14.5 Polling Staff Welfare Plan**

- (i) Nodal Officer
- (ii) Detailed guidelines given in ECI's No. 464/ INST/2008-EPS dt.24.10.2008.

#### **14.6 Assembly segment wise Election Plan** (ECI No. 464/ INST /2008 - EPS dt. 24.10.08)

- (i) Details of PSs - Total number-categorization of PSs urban/rural/polling locations.
- (ii) Sectors to be formed - one sector (cluster of PSs) should fall on one common road.

#### **14.7 Sector Management Plan** (ECI No. 464/INST/2008-EPS dt.24.10.08)

- (i) Sectors to be formed in advance so that immediately after the announcement of elections, the SOs could be appointed.
- (ii) Area of the Sector Officers/Zonal Magistrates and police mobile should be same.

#### **14.8 SVEEP Plan**

- (i) For all stages targeted activities to be planned.



- (ii) District level plan for ethical voting. (ECI's direction dt.29.05.2015)
- (iii) The Chief Electoral Officer shall fix a time schedule for a focused campaign throughout the State/UT for generation of EVM/VVPAT awareness. The campaign shall have three components:
- (iv) EVM Demonstration Centers.
- (v) Mobile Demonstration Vans
- (vi) Digital outreach (1/8/T&A/2021-EMS dt 23.11.2021)

## 14.9 Other issues

### 14.9.1 Selection of buildings/premises for various activities

- (i) For training classes to polling personnel etc.
- (ii) For checking and preparation of EVMs/VVPATs and their storage.
- (iii) For storage of EVMs/VVPATs to be used in training.
- (iv) For FLC and storage of EVMs/VVPATs AC wise after first randomisation.
- (v) For Dispersal centres.
- (vi) For safe custody of polled EVMs with VVPATs and counting of votes.
- (vii) For boarding and lodging of central forces / outside police forces.
- (viii) For boarding and lodging of polling personnel, if required.

### 14.9.2 Control Room/Helpline with toll free numbers - To be well equipped.

### 14.9.3 Complaint Monitoring Cell

- (i) Nodal Officer
- (ii) Register to maintained
- (iii) ATR and daily monitoring.

### 14.9.4 ICT and Cyber Security Related Plan - a technical team comprising at least one programmer and two data entry operators must be available full time at district level. (ECI No. PPS/DEC/ JP/2006 dated 15-12-2006).

Preparatory activities related to following shall be carried out

- (i) Creating users for various polling personnel in the relevant applications of ECI.
- (ii) Updation of district and users' profile in the ECI applications.
- (iii) Hand holding training of relevant users and providing support to such users for effective use of ICT applications.
- (iv) Ensure all outsourced staff and agencies sign Non-Disclosure Agreement.
- (v) Passwords are not to be shared.
- (vi) All suspicious activities / events related to cyber security is to be reported to Cyber Security Nodal Officer at CEO office.
- (vii) All local applications used during elections are to be security audited by CERT-In empanelled auditors, hosted under nic.in/ gov. in domain and SSL certificate installed.
- (viii) All computer systems and applications used in the election process are to be updated with

latest security patches and to use licensed version of the software only.

### **14.9.5 Election Expenditure Monitoring**

- (i) Officers and staff and infrastructure or EEM teams.
- (ii) Identification, Appointment and Training to various teams of Election Expenditure Monitoring.

### **14.10 Deputing staff and formation of various cells for general arrangements**

- (i) Polling personnel.
- (ii) Polling stations.
- (iii) Electoral Roll.
- (iv) Transportation arrangements.
- (v) Printing of Postal Ballots and EVM ballots.
- (vi) Issue of Postal Ballots/ EDC.
- (vii) Route Chart preparation (sector movement plan).
- (viii) Counting Staff.
- (ix) Training.
- (x) Polling personnel welfare.
- (xi) Communication plan.
- (xii) Vulnerability Mapping; Critical Polling stations.
- (xiii) Model Code of conduct and videography.
- (xiv) Area Magistrate/Sector officers
- (xv) Facilitation centre (Postal Balloting).
- (xvi) Media centre/cell.
- (xvii) EVMs and VVPATs.
- (xviii) Election Expenditure Monitoring.
- (xix) Procurement and distribution of election materials.
- (xx) SVEEP activities.
- (xxi) Liaison with Observers.
- (xxii) Issue of Identity Card.
- (xxiii) Micro Observers.
- (xxiv) Computerization/ Randomization.

- (xxv) Arrangements at Distribution Centre, reception Centre, Counting Centre.
- (xxvi) Law and Order.
- (xxvii) Police Personnel.
- (xxviii) Statistical Data Cell.
- (xxix) Scrutiny of Election Expenses by candidates.
- (xxx) Reporting of Election Expenditure by political parties.
- (xxxi) Single window to grant permissions to candidates/political parties.
- (xxxii) Deployment of Polling Personnel for Mobile Polling Team for AVSC, AVPD, AVCOVID.

**14.11 Meeting with political parties/Standing Committee** - Meeting as often as may be convenient after declaration of election - Appeal to cooperate in the observance of model code of conduct for free and fair elections and to maintain law and order- Minutes be drawn - Not to be used as mere formality.

#### **14.12 Media Cell**

- (i) Nodal Officer.
- (ii) Holding meetings with media.
- (iii) Publicity about new guidelines regarding EEM and Paid News.
- (iv) Giving information on nominations, affidavits, etc and other events.
- (v) Sharing with other information's.
- (vi) Coverage on poll day.
- (vii) Coverage on counting day.
- (viii) Authority letters.

**14.13 Facilities for Observers** [ECI's No. 464/OBS/2007/ PLN-I dated 9-1-2007 and No. 464/INST/ 2007/PLN-I dt.12.10.2007]

- (i) Boarding, lodging, transport and security to be arranged by DEO.
- (ii) Stationary, wireless communication, guide and secretarial assistance be provided.
- (iii) Contingency expenditure, if any, incurred by observer will also be reimbursed.
- (iv) Fax machine of district administration be used by Observer on a priority basis and confidentiality be maintained.
- (v) One telephone line is sufficient for use of more than one Observer being housed in same premises.
- (vi) STD telephone with fax facility at counting centres.
- (vii) Give constituency maps, list of PSs, table of contents of electoral rolls, telephone numbers, booklet containing plan of election and counting of votes.
- (viii) Proper transport from nearest railway station/airport to constituency.

- (ix) No Guard of Honour - No escort car/pilot or advance pilot.
- (x) Place of stay, phone number and dates of visits of Observer should be publicised.
- (xi) Food arrangements by district administration.
- (xii) Every Observer will be provided a video camera and a videographer from the day he reaches the constituency.
- (xiii) If suitable Government Guest Houses not available, provide alternative accommodation in consultation with CEO.
- (xiv) TA/DA - be drawn from parental ministry/department /office.

**14.14 Assured minimum facilities for electors** (No.464/INST/2019/EPS dated 16.03.2019)

Instructions of ECI to be followed- assessment and advance exercise by Sector Officers etc.  
 – Provisions for ramp, drinking water, furniture, proper lighting, help-desk, proper signage, toilet-Queue handling, health care- Setting of model polling stations.

**14.15 Single window system** (ECI's.No.464/INST/2014-EPS.dt.20.03.2014; No.76/Instructions/2015/EEPS dt.11.10.2015)

- (i) Single window system may be setup in the office of DM/DEO/RO to grant permission to political parties and candidates for usage of non-commercial/remote/un-controlled airports/helipads; organizing public meetings/rallies/ processions, use of loudspeaker, use of vehicles for electioneering.
- (ii) Request for change of helicopter from a candidate/political party at the last moment should be dealt with by DEO on priority basis and decision will be communicated to the applicant within 03 hours of receipt of applications.

**14.16 Providing facilities to Persons with Disabilities** (ECI's No.464/INST/PwD/2016-EPS dt.15.02.2016, 12.03.2016 &07.09.2016;)

- (i) Identification and Database of PwDs.
- (ii) Promoting use of PwD App by PwDs.
- (iii) Voter guide, voter slips, EPIC, Dummy ballot papers etc. in Braille, wherever possible.
- (iv) Wheel Chairs at PSs.
- (v) Braille facility in EVM.
- (vi) Polling officials to be sensitive about PwD requirements.
- (vii) SVEEP plan for PwDs.
- (viii) Comprehensive activity/chart as given in direction dt.07.09.2016.
- (ix) Facilities for PwD Voters- "Providing volunteers & sign language interpreters" may also be added.
- (x) Magnifying sheet/glass for low vision electors.
- (xi) Stool for Dwarf electors.

- (xii) Pictorial posters in sign language for persons with Hearing and Speech Disability.

#### **14.17 Deployment of Booth Level Awareness Groups (BAGs) for ethical voting campaign** (ECI's No.76/Instruction/EEPS/2015- dt.29.05.2015)

- (i) To be formed by BLOs comprising Government functionaries, para workers etc.
- (ii) Spread message for ethical voting.
- (iii) Nukkad meetings etc.
- (iv) Advertisement materials.
- (v) Detailed plan.

#### **14.18 Certain orders to be issued by the DM**

- (i) Suspension of Arms license.
- (ii) Issue of prohibitory orders under section 144 Cr. PC in certain cases (If required).
- (iii) Issue of order under defacement of property (Prevention Act).
- (iv) Prohibition of sale of liquor (declaration of dry day).
- (v) Order relating to use of loudspeakers.
- (vi) Declaration poll day as local holiday (If required).
- (vii) Inviting the attention of Govt. Servants towards relevant provisions of MCC and conduct rules.
- (viii) Sending proposal to the Law department through CEO for vesting powers of special executive Magistrates under the relevant provisions of Cr.PC to certain officer.
- (ix) Appointment of Sector Magistrates, Nodal Officer and Assistant Nodal Officer of various election teams, District Level Master Trainers, Flying Squad, Static Surveillance Team, Video Surveillance Team, Video Viewing Team, Accounting Team, Assistant Expenditure Officer and Micro Observer
- (x) Requisition orders regarding Polling Station, Counting Centre, Training Halls, Dispatch centre, Reception centres and other building meant for Polling Station welfare.
- (xi) Requisition order of vehicles.
- (xii) Issuing orders to the Petrol pump owners for keeping reserve stock of POL.
- (xiii) Inviting the attention of Political Parties and candidates regarding compliance of Model Code of Conduct and ECI guidelines of Election Expenditure Monitoring.
- (xiv) Appeal to general copy about awareness regarding bribery, inducement etc. by candidates' political parties
- (xv) Issue order regarding sealing of Border.

#### **14.19 Sending various statistical information and reports to CEO.**

Sufficient teams and infrastructure have to be kept ready for sending various reports and statistical information to CEO.

## **15. Law and Order–Preventive actions for peaceful, free and fair elections**

### **15.1 Preventive Law and Order actions for peaceful, free and fair elections** [ECI's No. 464/L&O/ 2007 PLN-I dt. 8.1.2007, No. 464/INST/2009/EPS dt. 24.03.2009 & Dt. 01.09.2009, No. 464/UP/2011/EPS dt. 30.12.2011]

- (i) Increasingly vitiative role of criminality and muscle power at elections-Measures to be taken over and above the purview of normal law and order arrangements.
- (ii) Measures include the deployment of CAPF to assist the State L&O Machinery in prevention of pre-poll, poll & post-poll violence and confidence building.

### **15.2 Special drives to be launched from the announcement**

- (i) to compile list of persons indulged in electoral offences during past two elections.
- (ii) updating list of history sheeters, declared absconders, fugitive criminals.
- (iii) to give affect the service of pending warrants/challans and updating list of pending warrants.
- (iv) to expedite the investigation / prosecution of pending election offences.
- (v) Unearthing & seizure of illicit liquor making factories.
- (vi) Thorough search & seizure of illegal arms and places of indigenous manufacturer of arms & ammunitions– Regular raids- Arrest of offenders.
- (vii) 100% scrutiny of arms licenses and ammunition shops.
- (viii) Prohibitory orders u/s 144 CRPC banning the carrying of licensed arms.
- (ix) Fortnightly updated constituency wise information on above points of special drives be made available to DEO & RO to be forwarded to ECI, if and when asked for.
- (x) New arms license after announcement of elections till completion of elections. The issuance of Arms licenses should be in consultation with the Screening Committee.
- (xi) Inter-state and Intra-State movements of trucks and commercial vehicles shall be checked with a view to preventing smuggling of arms & ammunitions and anti-social elements.
- (xii) Preventive actions u/s 107 116/ 109 CRPC.

### **15.3 Deposit of Licensed Arms**

- (i) Immediately after announcement of election, DM/Police Commissioners shall make a detailed and individual review and assessment under prevalent laws of all license holders.
- (ii) Licensed arms which are considered essential may be impounded in order to ensure free & fair elections and for maintenance of Law & Order at elections.
- (iii) Among cases which may need to be reviewed are the arms licenses of persons, -
  - a) released on bail,
  - b) having a history of criminal offences, and

- c) Previously involved in rioting at any time but especially during elections.
- (iv) The above categories are only illustrative and not exhaustive.
- (v) The Bombay High Court laid down the guidelines on the subject.

### **15.3.1 Screening Committee** – In every district and in every Commissionerate area.

- (i) In District – It shall consist of DM & SP.
- (ii) In Commissionerate – It shall consist of Commissioner of Police and Joint/Additional C.P. (Admn.)
- (iii) Work of screening from the day of announcement of election and to be completed in respect of licenses placed before it before notification of elections.
- (iv) On receipt of report from Screening Committee, the Licensing Authority issue notice before last date of withdrawals to the license holder for depositing the arms and inform about prosecution u/s 188 IPC on failure to deposit the arms.
- (v) The license holder, on receipt of notice, shall deposit his arms within 7 days. The Licensing Authority shall give proper receipt to the licensee.
- (vi) Decision of Screening Committee shall be final.
- (vii) License holder if fails to deposit arms within specified period shall be liable for prosecution u/s 188 IPC.
- (viii) All fire arms so deposited shall be returned to the license holders immediately after one week after the declaration of result.

### **15.3.2 Sportsmen members of National Rifle Association** will be exempted from these restrictions.

### **15.3.3 Ban not to apply** those communities also who are entitled to display weapons by long standing law, custom and usage. However, District administration may impound weapons of a person from such communities if they are found to be indulged in violence or causing a threat to peaceful conduct of elections.

## **15.4 Transportation of Arms and Ammunitions**

- (i) Strict vigil and thorough checking of lorries, light vehicles and all other vehicles from 3 days before the poll till counting of votes to ensure that no undesirable elements or arms and ammunitions are being transported from outside.
- (ii) Inter-state supply of Arms and ammunitions only on the basis of valid papers including “No Objection Certificate” from the DM. Care should be taken that supply reaches the actual consignee and not into the hand of unauthorized persons.

## **15.5 Confidence building measures**

- (i) The DEO & SP shall initiate preventive measures to ensure that intimidation /obstruction do not really happen on the poll day. They shall undertake tours and meet the communities and explain the arrangements.
- (ii) Police patrolling parties for tracking of vulnerable locations and Control Room be informed.

- (iii) Wherever necessary police pickets shall be established.
- (iv) List of vulnerable locations shall be given to CAPF.
- (v) Wherever CAPF arrives in advance for area domination, special attention to be given on such locations.
- (vi) On the day of poll Commander/Asstt. Commander should visit such vulnerable pockets.
- (vii) Complaints about obstructions/threat shall be enquired into immediately.
- (viii) Special drive to compile the list of persons who are reported to have indulged in the offences under SC & ST (Prevention of Atrocities) Act, 1989 during the election period.

## 15.6 Display of Arms

Display of arms in support of a candidate shall not be allowed during a procession or in any meeting in support of a candidate under any circumstances.

## 15.7 Monitoring, Production, Distribution etc. of liquor

(ECI No. 576/3/2010/EEM dt.22.10.2010)

- (i) Production, off take from Central Stocks, Stock limits of licensed stockiest, daily receipt/off take of retail sellers of IMFL/Bear/Country liquor and opening /closing time of liquor shops should be closely monitored.
- (ii) Daily report by Excise Nodal Officer at district level and State level notification of elections till poll.

## 15.8 Law & Order Report

- (i) The Chief Secretary shall arrange for compilation of daily Law and Order report for each district in format (LOR- Form -1) and for its transmission to CEO. District Authorities should not send this report directly to ECI.
- (ii) The Chief Secretary shall also arrange for compilation of a consolidated report for entire State in format (LOR- Form-2) by the Home department.
- (iii) The reports should be sent to CEO who in turn would fax the report with comments to ECI.
- (iv) Daily report from announcement of elections till completion of elections.

## 15.9 Actions against persons violating election laws (ECI's No. 4/2012/SDR dt.17.9.2012; No.509/CCEO/2009/RCC dt.12.05.2014)

- (i) Actions to be taken in cases of violation of legal provisions dealing with false declarations in connection with electoral rolls and elections by persons and in connection with breach of official duty by officials with regard to conduct of election.
- (ii) Violation of these provisions under IPC, RP Act, 1950 and RP Act, 1951 are punishable.
- (iii) ERO, RO and DEO to initiate action against defaulters by filing complaints before competent court in case of non-cognizable offences and by getting FIR registered in case of cognizable offences.
- (iv) Delay to be avoided - in view of period of limitation u/s 468 r/w Sec. 469 CrPC.



- (v) Complaints filed before the competent court in the case of cognizable offence – All such cases of violation of law, electoral offences, corrupt practices etc. should not be withdrawn and those should be pursued to their logical conclusion.

**15.10 District Security Deployment Plan** [ECI's No. 464/L&O/2007PLN-I dt.8.1.07 and No. 464/INST/2008-EPS dt.24.10.2008, No. 470/2009/EPS dt.8.9.2009 No. 464/L&O/EPS-2014 dt. 07.04.2014]]

- (i) Full and optimal utilization of CAPFs and SAPs to be ensured.
- (ii) CAPF can be splitted into half section – (SP to certify that the area is insurgency/ naxalite free). In areas which are insurgency / militancy/ naxalite affected, section of CAPF not to be broken.

**15.10.1 State Deployment Plan** – To be prepared in consultation with CEO taking account the available forces of State Police / SAP and CAPF which will be made available by the ECI / MHA.

**15.10.2 District Deployment Plan**

- (i) To be prepared under the chairmanship of DM/DEO – and to be approved by Observers – No deviation without express prior approval of Observer.
- (ii) State deployment plan and district deployment plan would be finalized at least one week before the poll.
- (iii) Observers to be given draft force deployment plan on their arrival.
- (iv) The plan should have sketch map of each sector and identify vulnerable pockets and critical PSs.
- (v) Police patrol routes and SOs route to the extent possible should be common.
- (vi) Deployment of any force (other than State Police and CAPF) i.e. Home Guards etc. will require prior permission of ECI.
- (vii) Security cover to contesting candidates only as per assessment of threat, and not in routine manner – Observers should be provided with adequate security.
- (viii) Adequate security to Observers and Asstt. Election Observers also.
- (ix) Three tier cordoning system to be set up in counting centres.
- (x) Sealing of inter-state borders / inter district borders, well in advance to prevent infiltration of antisocial and disruptive elements.
- (xi) For guarding strong rooms after the poll to the extent possible, CAPF will be used and wherever CAPF is not available SAP will be used.
- (xii) The forces shall be deployed at the PSs in the following order of sensitivity – CAPF followed by SAP followed by DAP.
- (xiii) Additional measures at critical polling stations – As per criteria [ECI's No. 464/INST/2008-EPS dated 24.10.2008]

**15.10.3 Role of CAPF and State Police** (ECI's No. 464/INST/2008-EPS dt. 24.10.2008, No. 464/L&O/2009-EPS dt. 30.3.2009)

- (i) CAPF not to be kept as strike reserve etc.

- (ii) CAPF will be used for the purpose of area domination conducting flag march (should be more on foot), confidence building among electors, checking of border etc., till 2 days before the poll.
- (iii) For the poll day the CAPF shall be assigned duties of guarding PSs, poll material, poll personnel and the poll process and not to look after law and order – CAPF may be deployed in any of the following manners: -
  - (a) Static guarding of chosen polling stations solely and exclusively by CAPF;
  - (b) Static guarding of polling stations as part of a mixed (composite) team with local state force;
  - (c) Patrolling duty on assigned routes (election sectors) covering a fixed cluster of polling stations;
  - (d) Patrolling duty as flying squad in a defined area with surprise element.
  - (e) Escorting duty of polled EVM with polling personnel back to the receipt centre/ strong room after polls are over;
  - (f) Any other duty which is necessitated to ensure the purity and fidelity of the election process.
  - (g) In static duty at chosen PSs – One CAPF Jawan from the CAPF party posted at PS will be stationed at the entrance of PS to watch on the proceedings inside the PS. When a building has multiple PSs CAPF deploy is not sufficient to cover every PS door then the CAPF Jawan on duty at entrance of the PS will oscillate from one PS door to the other. He will report to officer in charge of CAPF or Observer if anything unusual observed by him.
  - (h) Where CAPF has been assigned static guard duties but could not reach the assigned PS, the poll shall not commence.
  - (i) In some cases, CAPF and the local police mixed in the ratio 1:1 in such case the CAPF Jawan will take position at the door of PS.
  - (j) Where CAPF is on static guard duty (whether exclusively or competitively) two (at least one) unarmed local police/ HG be posted at PS premises.
  - (k) When CAPF is assigned duty of mobile patrolling they will ensure the fidelity of election process and assist the sector officer. CAPF be provided list of critical PSs, vulnerable Hamlet etc.
  - (l) Local State Police for maintenance of general law and order, in the catchment area of PSs as well as inside and outside of the polling premises.
  - (m) Local police not to replace the CAPF at PS where the CAPF has been assigned duties

solely and exclusively – Supervision and control over the CAPF at PS not by local Police Officer.

- (n) When the CAPF is assigned duty in a “flying squad” mode, it shall be accompanied by a Zonal Magistrate.
- (o) Hamlets / habitations within polling area that are vulnerable to threat, intimidation and undue influence shall be identified and confidence building and preventing measures be taken in advance by local state police.
- (p) Only if enough CAPF is not available, local State Police can be deployed at PS. In such case the local police shall not stand at the entrance door of PS and instead would be positioned away from the sight of polling personnel inside the PS.
- (q) A minimum two unarmed local State Police personnel/Home Guard for each PS – When a PS is covered with CAPF unit, only one local police will be deployed.
- (r) CAPF mobile patrolling party will be provided sketch map indicating PS locations, their sensitive gradations, name and contact numbers of SO/RO/Observer etc.
- (s) After poll the polled EVMs and polling personnel shall be escorted by CAPF.
- (t) CAPF may also be assigned duty of guarding polled EVMs/ strong room.

#### **15.10.4 Amenities etc. to CAPF personnel**

- (i) IG level officer at PHQ to be appointed as nodal officer to look into matters of CAPF facilities.
- (ii) Name, address etc. of nodal officer to be indicated to ECI and DG of concerned CAPF.
- (iii) Fooding be made par with the State Police/Polling Personnel.
- (iv) Packed lunch or payment for refreshment on poll / counting duty.
- (v) Accommodation – as prescribed - Arrangements to be reviewed by DEO/CEO also.
- (vi) Vehicle / transportation with Petrol oil and Lubricant.
- (vii) SIM card to Coy. Commanders.
- (viii) Mobilization of CAPF from other States - Adequate road transport to destination (up to 500 km) - For distances more than 500 km, rail transport be arranged.
- (ix) Briefing to CAPF personnel about challenges of area - If deployed in a Police Station by SHO and if it is in a district by DM and SP.
- (x) Briefing to CAPF personnel by Observer and RO also about their duties, structure, functioning of forces etc.
- (xi) Ex-gratia compensation to CAPF personnel as per guidelines of ECI No. 218/6/2019/EP dt. 10.04.2019.
- (xii) Honorarium to the CAPF /SAP personnel as per guidelines of ECI No.218/4/2016/EP dt. 14.09.2016. Now the Commission has issued its instruction in year 2022 to give honorarium to CAPF in Bye-Election also.

## **15.11 Identification of critical polling stations and critical zones [ECI No. 464/INST/2008-EPS dt. 24.10.2008]**

- (i) Factors to be taken into account –
  - (a) PSs of high % of Non-EPIC voters.
  - (b) PSs of high % of missing voters without family links.
  - (c) PSs having vulnerable pockets – SO's, Police's and candidate's "worrylist".
  - (d) PSs where polling was more than 90% and where more than 75% of votes have been polled in favour of one candidate in last election.
  - (e) Re-poll reported due to malpractices, and where electoral violence has taken place during last election.
  - (f) Anti-social elements and their areas of influence.
- (ii) Observer will be consulted while finalizing the list of critical Polling Stations.

### **15.11.1 Critical polling stations and zones – Measures to be followed thereat - Police mobiles and zonal mobiles [ECI No. 464/INST/2008-EPS dt. 24.10.2008 and No. 447/2007/PLN-4 dt. 17.1.2007]-**

- (i) One or all of the following measures:
  - (a) CAPF to safe guard the PS.
  - (b) Pr Os be briefed to ensure that EPIC / approved identification document are properly verified and reflected in the remarkscol. of Form 17A.
  - (c) List of such PSs be given to Commanding / Assisting Commanding Officer of CAPF to keep an eye on such PSs.
  - (d) Digital/Video camera be positioned at identified PSs– Photography inside the PS to capture photos of all electors in same sequence as in Form 17A and cover poll proceedingwithout compromising the secrecy of voting.
  - (e) Micro Observer to be deployed – with consultation / approval of Observer.
- (ii) Critical events in and around the PS should also be captured /photographed.
- (iii) Digital cameras will be issued by DEO to the trained officers for suchPSs – The officer shall submit a certificate after the poll.
- (iv) Media persons not to be allowed to capture photograph inside thePS. [See also ECI No. PS /AK/2005 dt. 10.9.2005]
- (v) Webcasting of poll process at identified PS can be done.

## **15.12 Vulnerability Mapping** (ECI No. 464/INST/ 2007 - PLN-I dt. 12.10.2007, No. 464/INST/2008- EPS dt. 24.10.2008, No. 464/INST/2009-EPS dt. 22.03.2009, 31.03.2009 & No. 464/Instructions/EPS/2011 dt. 05.03.2011)

### **15.12.1 "Vulnerability"**- In the context of election may be defined as, -

- (i) susceptibility of any voter or section of voters, whether or not living in a geographically identifiable area,
- (ii) to being wrongfully prevented from or influenced upon in relation to the exercise of his right to vote in a free and fair manner,
- (iii) through intimidation or use of undue influence or force of any kind on him/her.

**15.12.2 The exercise of Vulnerability Mapping** - in the context of elections to be undertaken with the point of view:

- (i) to clearly identify vulnerable voter/ section of voters,
- (ii) to identify the persons/factors causing such vulnerability, &
- (iii) to plan and take adequate corrective action well in advance.

For identification of the areas well in advance, Sector Officers should be ready before the announcement of election. All help including vehicular support should be given to the SO.

### **15.12.3 Exercise on Vulnerability Mapping**

- (i) For identification of the areas/communities, Sector Officers should do exercise soon after declaration of election by, -
  - (a) Visiting the catchment area of every polling station in his Sector.
  - (b) Meeting with community, local intelligence etc.
  - (c) Identify source of threat and intimidation.
  - (d) Considering incidence and current apprehensions.
  - (e) Consultation with SHO, BDO, Tehsildar and other local administrative officers/officials.
  - (f) Candidates' "Worry List" when candidates are finalized and observers have arrived.
  - (g) Identify names of people who are likely to cause undue influence/intimidation.
- (ii) Sector Officer will prepare, -
  - (a) The list of vulnerable households & families,
  - (b) The list of persons and factors causing such vulnerability
  - (c) Contact no. of household/ Contact points within the habitats/community vulnerable.
  - (d) Action taken/proposed.
  - (e) Contact no. & address of the person who are to be tracked/ prevented from intimidating/wrongly influencing the voters.

### **15.12.4 Formats**

- (i) Sector Officer, after visiting the area and collecting information, shall fill up detailed information in following Formats.
- (ii) VM-2 (SO): Proforma for checking and determining vulnerability by Sector Officer.

- (iii) VM-3 (SO): Polling Station wise Format for enlisting Vulnerable Localities/Pockets/Voter Segments and list of intimidators by Sector Officer.
- (iv) VM-4 (SO): Summary of Polling Station wise enlisting of Vulnerable Localities/Pockets/Voter Segments and of intimidators by Sector Officer.
- (v) VM-5 (SO): Certificate by the Sector Officer/Sector Magistrate/Head Constable/Assistant Police Sub inspector.
- (vi) These formats are to be necessarily filled for each such locality/Pocket, while Sector Officer is touring the locality. The sector Officer must retain copies of the filled in Formats and submit all filled in Formats to the Returning Officer within 3 days of announcement of elections.
- (vii) The RO of the constituency shall compile all above information and finalize the VM for the entire constituency and make it available to the DEO, within 5 days of announcement of elections after retaining a copy of the same, in the following format.
- (viii) Format VM-6 (RO): Summary of vulnerability and list of persons causing vulnerability by Returning officer.
- (ix) The DEO, on the same lines, must collect the Formats VM/RO and prepare and make available, the Format 'VM/DEO' to the CEO within 7 days of announcement of election. The format prescribed for DEO reporting is Format VM-7 (DEO): Report on identification of vulnerability, and action taken at district level.
- (x) The CEO must compile all the district Formats VM/DEO of the State into a book and make this compliance available to the Commission within 10 days of announcement of elections.

#### **15.12.5 Follow up action on Vulnerability Mapping exercise**

- (i) Preventing measures by DEO and SP and confidence building measures for free and fair poll - Frequent visit at such locations.
- (ii) Regular feedback by district intelligence.
- (iii) DEO / RO shall interact with candidates/political parties.
- (iv) A specific officer will be designated at Thana level for tracking the individual trouble mongers.
- (v) The name of Police Officer responsible for each vulnerable location should be mentioned along with his contact no. in the format to be sent as ATR.
- (vi) The ATR is required to be submitted by DEO & SP jointly to the CEO 5 days before the poll.
- (vii) Details of PS wise vulnerability mapping be given to Observer also on his arrival.
- (viii) Action plan by DEO and SP to deal with potential threats and intimidation points - action under 107 / 116 / 151 CRPC, forcing trouble mongers' appearance in police station, placement of police pickets, visits by officers etc.
- (ix) The Police patrolling parties should keep track of the vulnerable locations and keep the control room informed on the day of poll. Wherever necessary police pickets should be established.
- (x) The Commanders/Assistant Commanders of the CAPF shall be given a list of such vulnerable locations by the DEO.
- (xi) On the day of poll, CAPF shall make it a point to visit such pockets as a confidence building measure.

#### **15.12.6 On the day of poll special attention at vulnerable pockets/families**

- (a) The Presiding Officer should be briefed about the vulnerable locations. In the electoral roll the Section within the part should also be marked for proper monitoring.

- (b) SO will verify whether voters from vulnerable habitats /communities/households are turning up for voting or not.
- (c) It can be gauged from the marked copy of electoral roll where voters who have voted are ticked.
- (d) In case SO find that some section of voters is conspicuously absent then they should inform the RO about this immediately and special squad will be sent to ascertain that there is no hindrance.
- (e) At the end of poll SO to submit special report to RO that voters from vulnerable habitats were able to vote or not.
- (f) The Observers shall give their full attention at every stage. A special mention shall be made about this in their final report.
- (g) If ordered by ECI, Observer will make a reading of the Form 17A and the marked copy of the electoral roll used at the PS.

## 16. Model Code of Conduct

### 16.1 Period of MCC

MCC comes into operation in the Constituency/District from the date of announcement of Election Programme by the Commission and remains in force till the Election process is over.

### 16.2 Objective

- (i) To develop and maintain environment for maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth elections.
- (ii) To provide level playing field for all political parties and candidates.

### 16.3 Publicity

- (i) Provisions of MCC, Illustrative list of DO's & DON'Ts, Legal provisions regarding electoral offences and corrupt practices and ECI's directions may be explained in the meetings with political parties/ candidates.
- (ii) R.O. to give copies of ECI's directions to candidates at the time of nominations.
- (iii) Wide Publicity through print/electronic media etc.

### 16.4 Be proactive - check misuse of

- (a) Official vehicles of Government Departments/PSUs.
- (b) Government Buildings.
- (c) Government Officials/Machinery.

### 16.5 Important Aspects of the MCC- DO's & DONT's (ECI No. 464/INST/2007-PLN-Idt. 07-01-07)

#### 16.5.1 On Welfare schemes and governmental works:

- (i) Announcement of new projects or programmes or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., are prohibited.
- (ii) These restrictions apply equally to new schemes and also ongoing schemes. The commissioning of such schemes will be done by civil authority without associating political functionaries and without any fanfare or ceremonies.
- (iii) Even if a budget provision has been made or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor/budget speech the schemes cannot be announced/inaugurated/ taken up while the MCC is in operation.
- (iv) No fresh sanctions for governmental schemes should be made.
- (v) Review by political executives and processing of beneficiary-oriented schemes, even if



ongoing, should be stopped.

- (vi) No fresh release of funds on welfare schemes and works should be made or contract for works awarded without prior permission of the Commission. This includes works under the MP/MLA Local Area Development Fund.
- (vii) No work shall start even if work orders have been issued before the MCC came into effect. However, if a work has actually started, that can continue.
- (viii) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- (ix) Prior approval of Commission is required for schemes like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. However, ostentatious functions are not allowed.

### **16.5.2 Ban on Transfer/Appointments**

- (i) From the announcement of election programme, no officer/official connected with election work or likely to be deputed for election work shall be transferred.
- (ii) Transfer orders issued prior to the date of announcement but not implemented till the announcement should not be given effect without specific permission from ECI.
- (iii) Regular recruitment or appointment or promotion through the UPSC, SSC, State PSCs or any other statutory authority can continue. Recruitments through non-statutory bodies will require prior clearance of the Commission.
- (iv) No Officer's connected directly with elections shall be allowed to continue in the present district (Revenue District) of posting if She/He is posted in Her/His home district or if She/He has completed 3 years in that districts during last 4 years.

### **16.5.3 Conduct of Government Servants** (ECI No. 62/84 dt. 6.11.84 and Sec 129, 134 and 134A of RP Act 1951 and Civil Services (Conduct) Rules)

- (i) No Government servant can take part in political activities - He shall be guilty of misconduct under the relevant service rules.
- (ii) He cannot act as election agent, polling agent or counting agent. It is an offence. (S.134 of R. P. Act, 1951)
- (iii) If he happens to be an official mentioned in Section 129 (1) of R.P. Act, 1951, he shall also be additionally liable to penal action.
- (iv) He should not be present in public meeting during election campaign. Exception - those officers engaged in law & order and security arrangements.

### **16.5.4 Misuse of official vehicles** (ECI No. 437/4/96-PLN-III dt. 15.1.96, No. 437/6/96-PLN-III dt. 9.4.1996, No. 437/6/97 PLN-III dt. 18.3.97 and No. 464/ INST/2007 - PLN-I dt. 7.1.07 and No. 437/6/2008/CC&BE dt. 19.10.2008 and No. 464/INST/2014-EPS Dt. 10.04.2014)

- (i) Total restriction on the use of official vehicles such as helicopters, aircraft (except

PM), cars, jeeps, etc, for campaigning, electioneering.

- (ii) The use of Official vehicles by anyone, including Ministers of the Central or a State Government, even on payment basis, for Campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of official work in their capacity as Ministers is totally prohibited.
- (iii) Use of official vehicles by Ministers, even on payment basis for electioneering purposes including by adopting the purpose of official work is totally prohibited.
- (iv) The only exception will be the Prime Minister and other political personalities who require security of high order.
- (v) Functionaries of autonomies organizations may use the official vehicle only for commuting between office and residence and to attend any official meeting within Head Quarters itself. (ECI No. 437/6/2008/CC&BE dt. 19.10.2008)
- (vi) Close watch by district administration.
- (vii) Vehicles found being misused, may be confiscated forthwith.

**16.5.5 Tours of Ministers** (ECI's No. 437/6/96 PLN.III dt. 17.1.1996; No. 437/6/99 PLN-III dt. 15.7.1999; No. 464/INST/2007 - PLN-I dt. 7.1.2007 and No. 437/6/2007/ PLN-III dt. 23.11.2007, No. 437/6/INST/2011-CC&BE dt, 24.03.2011 & 01.04.2011)

- (i) Official visits and political activities/electioneering not to be combined.
- (ii) Tours of Union Ministers – They may visit on purely official business, a letter certifying to this effect should be sent from the Secretary of the department/Ministry concerned of the Government of India, to the Chief Secretary of the State which the Minister intends to visit with a copy to the Commission. The Chief Secretary thereupon may provide the Union Minister with Government Vehicle and Accommodation and extend other usual courtesies for his official trip.
- (iii) Tours of Ministers of State Government -
  - (a) No Minister shall undertake an official visit to a place when MCC is entered to any Constituency when MCC is in force.
  - (b) Election related officers not to be summoned by Minister.
  - (c) Only exception is Minister in charge or CM in case of failure of law and order and occurrence of natural calamity.
- (iv) Minister entitled for official vehicles at HQ from their residence to offices for official work only and not for any political activity.
- (v) During visit, whether on a private or official, no pilot car(s) or car(s) with beacon lights or car affixed with sirens be used by Minister or by any political functionary, even if he has been granted security cover. This is applicable whether vehicle is government owned or private owned.
- (vi) Official staff of Minister not to accompany with minister during electioneering – But

one member of non-gazetted personal staff of the Chief Minister/Union Cabinet Ministers of States or Union Territories may be allowed to accompany him on personal/ private tour.

- (vii) However, such personal staff shall not take part in political activity or assists the CM/Union Cabinet Minister in his political work.

#### **16.5.6 Security covers to Ministers/political personalities** (ECI No. 437/6/96-PLN-III dt. 9.4.96; No. 437/6/98 PLN-III dt. 18.8.99; No. 4/2001/ JS II dt. 30.3.2001 and No. 437/6/2007 PLN-III dt. 24.10.2007, No. 437/ INST/2009/CC&BE dt. 25.03.2009)

- (i) Security covers as per threat perception assessed by Govt. agencies.
- (ii) Absolute ban on the use of State-owned aircraft or helicopters propelled at State cost or hired at State cost for any reason including security (except P.M.).
- (iii) State owned one bulletproof vehicle be permitted where the security agencies have prescribed such use. Stand-by vehicle not to be permitted unless so specifically prescribed by security authorities.
- (iv) Cost of spare multiple vehicles, where prescribed in the case of SPG protectee by the security agencies will be borne by Govt. (except the vehicle used by the SPG protectee).
- (v) Propulsion charges of bulletproof vehicle used by PP/SPG protectee will be borne by the PP/SPG protectee when it is used for non-official purpose and in case star campaigner it will be borne by the political party.
- (vi) Carcade will be strictly in accordance with security norms. Propulsion charges of such security vehicles and cost of man power will be met by State Govt.
- (vii) Political functionaries of other states (other than Z+ and SPG protectee for whom approved guidelines exist) will not be permitted with private security vehicles or security guards - They will be permitted to come with their PSOs as per X, Y and Z category entitlement. (ECI's No. 464/RJ-LA/2008 dt. 20.11.2008)

#### **16.5.7 Other DO'S & DONT'S** (ECI No. 464/INST/2007-PLN-I dt. 07-01-07)

A. **Illustrative list of DO'S:**

- (i) **Ongoing programmes**, which actually started in the field before the announcement of elections may continue.
- (ii) **Relief and rehabilitation** measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (iii) Grant of cash or medical facilities to terminally or **critically ill persons** can continue with appropriate approvals.
- (iv) Public places like **maidans** must be available impartially to all parties/contesting candidates for holding election meetings. So also use of **helipads** to ensure a level playing field.

- (v) **Criticism** of other political parties and candidates should relate to their policies, programme, past record and work.
- (vi) The right of every individual for peaceful and undisturbed **home life** should be fully safeguarded.
- (vii) The local police should be fully informed of the venue and time of the proposed **meetings** well in time and all necessary permissions taken.
- (viii) Restrictive or **prohibitory orders**, if any, in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (ix) Permission must be obtained for the use of **loudspeakers** or any other such facilities for the proposed meetings.
- (x) The Police assistance should be obtained in dealing with **persons disturbing meetings** or otherwise creating disorder.
- (xi) The time and place of the starting/termination of any **procession** and the route should be settled in advance and advance permissions obtained from the police authorities.
- (xii) **Restrictive orders**, if any, in force in the localities through which the procession has to pass should be fully complied with. So also, all **traffic regulations** and other restrictions.
- (xiii) The passage of the procession must be without hindrance to traffic.
- (xiv) Cooperation to all election officials at all times to ensure peaceful and orderly poll.
- (xv) All Workers must display badges or **identity cards**.
- (xvi) Unofficial **identity slips** issued to voters shall be on plain (white) paper without any symbol, name of the candidate or name of the party.
- (xvii) Restrictions on **plying of vehicles** during campaign period and on poll day shall be fully obeyed.
- (xviii) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the ECI can enter any polling booth. No functionary highly placed (e.g. CM, Minister, MP or MLA etc) is exempt from this condition.
- (xix) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the Observer/RO/Sector Magistrate/ECI.
- (xx) Directions/orders/instructions of the ECI/RO/DEO shall be obeyed in all matters related to various aspects of election.
- (xxi) Political functionaries to leave the Constituency after the campaign period is over, if they are not a voter or candidates election agents of that Constituency.
- (xxii) After the campaign period is over, all such functionaries who are not candidates/voters of the Constituency should leave the constituency immediately after the campaign period is over.

**B. DON'Ts** (ECI No. 464/INST/2007-PLN-I dt. 07-01-07)

- (i) +Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.
- (ii) No Minister shall enter any PS or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (iii) Official work should not at all be mixed with campaigning/ electioneering.
- (iv) No inducement, financial or otherwise, shall be offered to voters.
- (v) Caste/communal feelings of the electors shall not be appealed to.
- (vi) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (vii) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (viii) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (ix) Any place of worship shall not be used for election propaganda, including speeches, posters, music etc., on electioneering.
- (x) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings after campaign period is over and conveyance of voters to and from polling stations are prohibited.
- (xi) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (xii) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner. The specific permission will be shown to and deposited with the DEO.
- (xiii) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.
- (xiv) No procession along places at which another party is holding meetings.
- (xv) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
- (xvi) Posters of other parties/candidates shall not be removed or defaced.
- (xvii) Posters, flags, symbols or any other propaganda material shall not be displayed in election booths of candidates on the day of poll or near polling booths.
- (xviii) Loudspeakers shall not be used either before 6 a.m. or after 10 a.m. and without prior

written permission of the authorities concerned.

- (xix) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be subject to the local laws and other relevant considerations like festival season, examination period, etc.
- (xx) No liquor should be distributed during elections.
- (xxi) On the day of the poll, no person having security cover shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person happens to be a voter also, then he or she shall restrict his/her movement to voting only.
- (xxii) No person having official security or private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.
- (xxiii) Grants/payments out of discretionary funds shall not be sanctioned.

**16.6 References to Politicians/Ministers on official website** (ECI No. 437/6/2007/Inst./ PLN III dt. 21-11-07 and No. 437/6/INST/2014/CC&BE Dt. 20.03.2014)

References to Ministers, politicians or Political Parties on Govt. official website, shall be taken off / purged off.

**16.7 Restrictions on presence of political functionaries who is not voter, in the constituency, when campaign period is over** [ECI No. 464/INST/2007/PLN-I dt. 8.1.2007 and 27.2.2007 and No. 464/INST/2011/EPS/734-768 Dt. 11.10.2011]

- (i) After the campaign period is over, no political functionary who is not a voter will remain in the constituency. However, elected MP or elected MLA of poll going PC/AC should not be asked to leave their Constituency but they shall not be allowed to carry out any campaign in the Constituency.
- (ii) Office bearer of political party, who is in charge of the state, shall declare his place of stay in the State HQ and his movement shall remain confined normally between this party office and place of stay.
- (iii) Premises like community halls etc., be checked to find out outsiders.
- (iv) Check posts in the constituency border for vehicular movement.
- (v) Verify the identity of people/group of people -whether they are voters.

**16.8 Regulation of plying of vehicles during campaign period** [ECI's No. 437/6/96-PLN-III dt. 16.01.1996, No. 464/INST/2007 PLN-I dt. 9.2.07, No. 437/6/97 PLN-III dt. 18.3.97, No. 437/6/2007 PLN-III (Vol. III) dt. 16.3.2007; No. 437/6/2006-PLN-III dt. 12-11-2007 and dt. 23.11.2007, No. 437/6/INST/2010/ CC&BE dt. 05.10.2010 and No. 464/INST/2014/EPS Dt. 10.04.2014]

- (i) Strict action against vehicles plying in contravention of provisions of MV Act.
- (ii) Close watch on vehicles for any possible mischief or criminal activities carrying of illegal arms, illicit liquor, and anti-social elements - Such vehicles not to be release till elections – Penal actions under relevant law also be taken.
- (iii) Vehicles for campaign purpose may ply only with prior approval of DEO- Original permits bearing number of vehicle and name of candidate be displayed premonitory on wind screen of vehicles - Details to be given to Expenditure Observer.
- (iv) Vehicle not registered for campaigning if found being used for campaigning shall be deemed to be unauthorized campaigning for the candidate - Action for such activity be taken u/s 171H of IPC also.
- (v) During filing of nominations up to 3 vehicles be allowed to come within the periphery of 100 meters of RO/ARO office - Expenditure will be included in account.
- (vi) In case visits by party leader as covered U/S 77 (1) (a) the permits of vehicles for road journey be issued centrally by CEO in different colour.
- (vii) Convoys of more than 10 vehicles (excluding security vehicles in view of security gradation of PP) not to be allowed from the date of announcement of Election till completion of election - Bigger convoys shall be broken up.
- (viii) Bicycle, two wheelers or cycle rikshaw is also a vehicle u/s 160 of RP Act 1991.
- (ix) Only one flag/banner/poster/placard be allowed on one vehicle during procession.
- (x) Vehicle permit to Authorized Nominee in addition to Election Agent of a candidate – For a particular area for which he was nominated by the candidate up to the end of campaign period. (ECI's No.76/2014/SDR dt.08.04.2014)

### **16.9 Permission of vehicle to a political party for transporting publicity material** (ECI's No. 464/INST/2018/EPS dated 18.11.2018)

- (i) CEO may grant permission of one vehicle for every 25 ACs to a recognized political party on request, for distributing publicity material to various party offices in the State.
- (ii) The colour of permit will be different.
- (iii) Political party will have to specify the name of district, route map, dates etc.
- (iv) The vehicle will be subjected to normal checks and will not be used for campaigning.
- (v) The expenditure shall be incurred by political party and not by candidate.

### **16.10 Vehicle permit for office-bearers of recognized political party** (ECI's No. 464/INST/2011/EPS dated 23.03.2011 & 28.03.2011 and dated 08.10.2013)

- (i) CEO may issue permit for a maximum 5 vehicles to office bearers of a recognized political party for campaigning only that can move throughout the State.
- (ii) DEO may permit for one vehicle to district level office-bearers (other than Star Campaigners) of recognized political party for electioneering in different constituency

within district.

- (iii) Permit on different colour from the colour of permits issue to candidates and Star Campaigners
- (iv) Permit in the name of person and details of vehicle – journey, period etc.
- (v) The expenditure shall be incurred by political party and not by candidate.

**16.11 Prevention of defacement of property** (ECI's No. 3/7/2008/JS II dt.07.10.2008 and 10.11.2008; No.3/7/2014/SDR dt.11.03.2014)

**A. Defacement of Public Places**

- (a) No defacement in any form (wall writing, banners, posters, flags, hoardings etc.,) be permitted on Government premises.
- (b) Writing of slogans displaying of posters etc, erecting cut-outs, hoardings, banners, advertisement **only in any public place specifically identified** for such purposes be allowed strictly as per local laws - **Equal opportunity** to candidates/political parties.
- (c) If specifically earmarked places are already let out to any agency, the DEO through municipal authorities should ensure equitable opportunity to candidates/ political parties.

**B. Defacement of Private Places**

- (a) Not to be permitted on private places, if the local law do not permit even with consent of the owner.
- (b) Where local law has express provisions permitting wall writings, posters, banners, hoarding etc on private premises the written permission of the owner is must - Photocopies of the same shall be submitted by the candidate with a statement in prescribed format, to the RO within 3 days - Expenditure to be accounted for. However, expenditure incurred on party campaign without indicating any candidate shall not be added to candidate's expenditure.
- (c) In areas where there is no law on defacement of private property, temporary and easily removable campaign material like flags and banners would be permitted with written permission of the owner. Copy of the same is to be submitted to the RO within 3 days of putting up the flags and banners.

**C. Other issues**

- (a) In case of violation of legal provisions relating to prevention of defacement of property penal action to be taken.
- (b) Displaying of flags and stickers on private vehicles - If it aims to solicit vote for a candidate, then provision of S. 171-H IPC would be attracted.
- (c) No poster/flag/campaign material be displayed on commercial vehicles, except in case of vehicles permitted for electioneering (Action u/s 171-H of IPC).
- (d) External modification / fittings including loudspeakers, in contravention of M.V. Act, not to be allowed on vehicles.



- (e) The Election Commission has allowed use of school/college grounds for political meetings provided that:
  - (i) Academic calendar of school/college is not disturbed under any circumstances.
  - (ii) The school/college management has no objection and prior permission for such campaigning is obtained from them as well as Sub Divisional Officer concerned.
  - (iii) Such permission is granted on first-come served basis and nopolitical party is allowed to monopolize use of such grounds.
  - (iv) There is no order/direction of any court prohibiting use of any such premise/ground.
  - (v) The political parties/candidates/campaigners shall ensure that no Model Code norms are violated.
  - (vi) Any violation in allotment of school/college grounds for political meetings will be viewed seriously by the Election Commission. The accountability in this regard lies with the Sub Divisional Officer.

The political party which has been permitted to use grounds for campaigning purpose will be responsible to return the ground to school/college authority concerned, without any damage or with the requisite compensation for the damage caused, if any.

- (f) State Road Transport Corporation Buses and Buses owned by Municipal Corporation etc. and other Government owned vehicles shall not be used for display of political advertisements during period of MCC. (ECI's No. 3/7/2014/SDR dt.26.09.2014)

#### **16.12 Accommodation in Government Guest Houses** (ECI No. 437/6/2006-PLN-III (Vol.-II) dt.1.4.2006)

- (i) Accommodations in the Guest Houses / Rest Rouses of Govt. or PSUs can be given to political functionaries who are provided security cover in Z scale or above, on equitable basis.
- (ii) No political activities while staying in such guest houses etc.

#### **16.13 Liquor - Restrictions on Sale** (Sec. 135-C of RP Act 1951 & ECI No. 464/L&O/2007 PLN-I dt.7.1.2007)

Liquor not to be sold, given or distributed on polling day and period of 48 hours ending with close of poll - Dry day shall be declared.

#### **16.14 Police briefing by CM/HM** (ECI's No.437/6/INST/2009/CC&BE dt. 26.04.09)

- (i) Security briefing of CM/HM when essential should be undertaken by Home Secretary or Chief Secretary. If required Police Agency/ Officers may present in such briefing.
- (ii) In situation where is so warranted, DGP/Police Agencies may inform the political executives and take directions from them in the bonafide performance of their duty.

#### **16.15 Misuse of religious institutions for political purposes** (ECI's No. 3/1/2012-SDR dt. 27.07.2012)

- (i) Use of place of worship for election propaganda in any manner is prohibited.
- (ii) Use of religious institutions for funds of religious institutions for the promotion or propagation of any political idea or political activity or for benefit of any political party is offence and punishable under Religious Institutions (Prevention of Misuse) Act, 1988.
- (iii) In case of violations FIR/complaints be lodged.

**16.16 Prohibition of Misuse of SMSs** (ECI's No. 464/INST/2008-EPS dt. 05.11.2008 & No. 464/INST/2012-EPS dt. 15.05.2012)

- (i) For objectionable SMSs, which are violating the provisions of MCC, Election Law and ECI's directions, the police authorities should advertise special mobile numbers on which the receiver of such SMSs can forward the said SMSs along with the number of sender.
- (ii) Police authority should initiate enquiry and take action under relevant provisions of IPC and RP Act, 1951
- (iii) Total prohibition of bulk SMSs of political nature during the period of 48 hours ending with the hours fixed for conclusion for poll.

**16.17 Use of loud speakers** (ECI No. 3/8/2000/JS II dt. 26.12.2000 and No. 3/8/2005/JS-II dt. 26.9.2005)

- (i) Loudspeakers on vehicles or for meetings can be used between 6.00 Am and 10.00 PM only.
- (ii) Permission is must for use of loudspeakers.
- (iii) In the case of loudspeaker on vehicles, permit issued by Govt. authority, shall indicate registration Number / identification Number of vehicles.
- (iv) Vehicles used without written permission is liable to be confiscated with all equipment.
- (v) Expenditure to be accounted for.

**16.18 Public meeting / processions**

- (i) A register for permissions granted for meetings etc shall be maintained.
- (ii) "First come first" principle be followed strictly.
- (iii) Permission - Subject to local laws / prohibitory orders.
- (iv) No public meeting / processing after campaign period is over.
- (v) Expenditure plan of the public rally must be enclosed with the application for permission.
- (vi) Copy of this expenditure plan shall be given by the DEO along with the copy of permission to the officer deputed for maintenance of Law & Order, Asstt. Expenditure

Observer, VST & Accounting Team.

- (vii) Permission for public rally shall not be given if the candidate does not produce his account for inspection.

**16.19 Temporary offices of candidates during electioneering** (ECINo. 437/6/2007/INST/ PLN-III dt. 12.11.2007)

- (i) No such offices will be setup by way of encroachment or in campus of a religious place or contiguous to an educational institution / hospital or within 200 meters of PS.
- (ii) Only one flag and one banner (4 × 8 ft.) is allowed.

**16.20 Restriction on publication and dissemination of result of exit poll etc.** (Sec 126 A and 126B)

- (i) No person shall conduct any exit poll and publish or publicized by means of the print or electronic media or disseminate in any other manner, the result of any exit poll, -
  - (a) At any time during the period as may be notified by the ECI.
  - (b) The period may commence from the beginning of hours fixed for poll on first day and continue till half an hour after close of poll in all the phases in all States.
- (ii) On contravention punishment- imprisonment up to 2 years/fine.

**16.21 Prohibition of opinion poll or any poll survey** (Sec. 126(1) (b)) – Opinion poll or any poll survey in electronic media would be prohibited during 48 hours ending with the hours fixed for conclusion of poll in the polling area.

**16.22 Use of National Flag in rallies of political parties** (ECI's No.509/35/2014/ RCC dt.04.03.2014)

- (i) No prohibition if proper use.
- (ii) Authorities to ensure strict compliance and observance of provision of Flag Code and the provisions of Emblem and Names (Prevention of Improper Use) Act, 1950 and Prevention of Insult to National Honour Act, 1971.

**16.23 Political Parties & star campaigners**

- (i) Names to come within 7 days of notification - their movements and expenses to be closely monitored - cases when it will be apportioned to candidate(s).
- (ii) CEO & DEO to maintain a party wise register to track the instances of violation of MCC by candidates/star campaigners - Brief description be given about violation, dates of violation, action taken, order passed - This should also be put in public domain. (ECI No. 437/6/INST/2008-CC & BE dated 18.2.2009)
- (iii) Any violation of MCC by candidates of recognized political parties or by a star campaigner must be reported to ECI.

**16.24 Restrictions on the Printing of pamphlets, posters etc.** [ECI's No. 3/9(ES008)94-JS II/5196 dt. 2.9.94, No. 3/9/2004/JS II dt. 24.8.2004 & No. 3/9/2007/JS II dt. 16.10.2007 and Sec. 127A of RP Act 1951] -

- (i) Ensure whether printers and publishers are complying with the provisions of Sec. 127A of R. P Act, 1951.
- (ii) All the printing presses shall be informed within 3 days of announcement of election in writing by the District Magistrate to furnish information and printed material as required U/s 127A of RP Act 1951 - Attention towards provisions of Sec. 77(1) and 127-A of R.P. Act and sec. 171-H of IPC and ECI's directions may also be drawn.
- (iii) Four copies of such printed material along with declaration of the publisher shall be furnished to DM by the printer within 3 days of printing.
- (iv) List of all the election pamphlets, posters etc shall be exhibited on the notice board of DM.
- (v) Surrogate advertisements in print media for/against a political party/candidate - Expenditure involved in such advertisement has to be added to account of election expenses u/s 77(1), hence required to be maintained - Sec. 171H of IPC prohibits expenditure without authority from the candidate.
- (vi) Strict action on violation of the provisions of Sec. 77(1) and 127A of RP Act, 1951, 171H of IPC and Commission's directions.
- (vii) A press note should be issued drawing attention towards provisions of Sec. 77(1) and 127A of RP Act, 1951 and Sec. 171H of IPC.
- (viii) A report to CEO after completion of election.
- (ix) Display of election materials, viz., Cardboard badges, Paper caps, Mobile stickers, Sticker badges, Flag banners, Cut-outs, Caps, Masks, Scarf are not covered under section 127-A. Therefore, they should not be seized for violation of 127-A. (ECI No. 464/INST/2012/EVS dt. 20.01.2012)

**16.25 Feedback about “Dummy Candidates” and measures to be taken in this regard** (ECI's No. 464/INST/2008/EPS dt. 7.1.2009)

- (i) Evidence for misuse of vehicle should be collected by using video camera, statements of witnesses and a notice shall be issued to the candidate and the use of vehicles of such candidate should be reviewed.
- (ii) Before giving permits of vehicles on poll day dummy factor should be considered.
- (iii) Appointment of polling agents should be tracked.
- (iv) Close watch on counting agents.
- (v) On misuse of permitted vehicle, action u/s 171H IPC to be taken.
- (vi) On misuse of vehicle authorized for other candidate, notice be given to include the expenditure of the candidate, who misused the vehicle for his campaigning.

**16.26 Maintenance of high standards in election campaign** (ECI's No. 437/IN-

ST/2015-CCS dt.09.10.2015)

Political leaders/candidates should observe utmost restraint and decency in their election campaign speeches and maintain high standards of conduct and behaviour.

**16.27 Use of videography and digital camera during elections process** (ECI No. 447/2007/ PLN IV dt. 17.1.2007 and dt. 12.10.2007 and No. 4/2008/SDR dt. 15.12.2008)

- (i) DEO/RO to make arrangement of videography of critical events during election campaign day of poll, counting etc.
- (ii) Video teams under supervision of Senior Officers - The private videographers to be properly sensitized and be easily identified.
- (iii) Besides Video Surveillance Teams in EEM separate Video Teams will also be required for videography of various stages of election process to be done by DEO/RO.
- (iv) Critical events which are likely to vitiate the poll and related to election expenditure by candidates/political parties be videotaped - Viz - Meetings, violent incidents, booth capturing, intimidation of voter, inducement/ bribery of voters, canvassing within 100 meters of PS, vulgar display of expenditure, cut-out/hoardings, movement/ activities of candidates with criminals records, critical PS, nominations/ scrutiny/ withdrawal etc, preparation of EVMs, closure and opening of strong rooms, counting process etc.
- (v) Video films to be viewed by R.O/VVTs immediately - corrective actions by R.O - In cases of serious infringement of MCC & seizure of money etc. copy of video tape accompanied by a brief note by R.O., be sent to ECI.
- (vi) Unedited videographic clippings/ cassettes/ CD's will be handed over to Observers on the same evening or latest by morning of next day - Certificate to be also furnished.
- (vii) CDs of all critical events should be made available on reasonable cost to everyone whoever intends to obtain a copy of the same.

**16.28 Campaign activities by persons other than political parties and candidates** (ECI No. 437/6/INST/2014/CC & BE dt.26.04.2014)

- (i) They should not invoke a religion or religious ground or any activities likely to create disharmony among classes/groups of people.
- (ii) No statement that would amount to attack on personal life of any person or statement that may be malicious or offending decency and morality.
- (iii) When persons and organizations seek permission to hold public programmes they should be asked to give a declaration/undertaking to abide by the Commission's guidelines.
- (iv) Videography of such meetings by district administration- Action in case of violation of law.
- (v) If a programme amounts to promote the election prospectus of a candidate/candidates then prior special authority from candidates for incurring expenses shall be obtained in writing which shall be submitted to DEO within 48 hours.

**16.29 Advertisement of political nature on Radio, TV Channel and cable networks** (ECI No. 509/75/2004 JS-I (Vol. II) dt. 15.4.2004; 26.9.2007; 2.11.2007, dt. 08.11.2007; 21.11.2008; 18.03.2009, No. 3/ER/2009/SDR dt. 20.3.2009 and ECI No.491/Paid News/ 2012/ Media dated 27.07.2012; NO.491/MCMT/ 2014/ Communication dt.15.03.2014, 11.04.2014, 12.04.2014 and 28.05.2015)

- (i) Advertisement of political nature on TV Channels, Cable Network and Radio including private FM Channels, Cinema Halls, audio-visuals display in public places and social media are to be got certified.
- (ii) Persons other than political party or a candidate cannot give advertisement on TV Channel, Cable Network or Radio against a candidate or a party as that would benefit other parties/candidates.
- (iii) 'Advertisement' includes programme also which intends to use campaign material.
- (iv) Committees are formed at **three level** for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties before it is inserted in the electronic media.
- (v) Bulk SMSs/voice messages on phone in election campaigning shall also be in purview of pre-certification of election advertisements.

**16.29.1 Committee setup in the office of CEO, Delhi**

- (i) To deal with applications by Central Offices of all Political Parties having HQs at Delhi.
- (ii) Certification by this committee will be valid for telecast/broadcast throughout country in all States.
- (iii) The party should submit a copy of the certificate obtained from Committee in Delhi to CEO of the State in which such advertisements are proposed to be telecast/broadcast.
- (iv) The copy shall be accompanied with declaration that the same is a true copy of the certificate.
- (v) This should be submitted to the CEO of the State before the advertisement is telecast/broadcast.
- (vi) If the party seeks certification in multiple languages, the advt. material in each of the language along-with certified transcripts should be submitted to the Delhi Committee.

**16.29.2 State level Committee**

- (a) Headed by Addl. CEO/Jt. CEO – for certification of political advertisement by
  - (i) State Units of recognized national political parties, (ii) all registered political parties having HQ in the State and (iii) all organizations or groups of persons or associations having their registered offices in the State.
- (b) If a party with headquarter in Delhi seeks certification of advt. in any regional language (without Hindi/English version) the application will be submitted to the State Level Committee of the State to which the regional language pertains.

(c) The Committee may accept and pre-certify the advt. from any political party irrespective of location of their headquarters provided they have the language competency to do so.

### **16.29.3 District level MCMC**

- (i) For purposes of the certification of advertisements, the RO of the Parliamentary Constituency/DEO & an ARO (not below SDM) and an intermediary Expert/Social media expert shall be members of MCMC.
- (ii) For the scrutiny of cases of Paid News etc. there shall be 3 additional members and in such case DEO of the district concerned will preside the Committee.
- (iii) District MCMC will also monitor all the political advertisements in electronic media and social media, for checking if the telecast/broad-cast has been done only after certification by the competent committee.

**16.30 Immediate action** will be taken in case of political advertisement is found without certification.

### **16.31 Broad casting**

Broad Casting of commercial advertisement of political nature on Radio Channels (including private FM Channels) during the period of MCC–Instruction of ECI about pre-broadcasting scrutiny and certification by the Committees setup at three levels shall apply to advertisements on Radio also.

**16.32 Film actor, if contesting election** (ECI's No.437/6/GJ-HP/2014 dt.15.04.2014)

Telecast of films (other than commercial advt.) involving film actors who are contesting elections not to be allowed on Doordarshan during MCC period.

### **16.33 eVIGIL Application**

- (i) Ensure sufficient number of FST team setup in eVIGIL application to handle logged cases for complete AC.
- (ii) Ensure FST Team members download and Install Investigator App on their mobile from eVIGIL website
- (iii) Ensure FST accept and reject case within 5 minutes.
- (iv) Ensure FST submit report within 30 minutes of acceptance, If FST is taking more than usual time contact them.
- (v) By-pass case if FST is not able to reach case co-ordinates.
- (vi) Ensure to choose right status (Drop, Dispose and Escalate) for each case.
- (vii) Ensure to send timely report to the DEO.

### **16.34 Permission to use video-vans** (ECI No. 37/6/Campaign/ECI/INST /FUNCT/ MCC-2016 dated 04.01.2017)

- (i) The permission to use video-vans for campaign purpose can be granted by CEO only.
- (ii) Transport Nodal Officer must submit certificate to the CEO that video-van is in conformity with the Motor vehicle act.
- (iii) The contents of the material for election publicity on the video-van shall be pre-certified from MCMCs
- (iv) Any party / candidate seeking permission to use video vans from CEO, should first obtain necessary NOC from transport authority.
- (v) There is no restriction on the number of video-vans which can be used in a campaign but the expenditure for it shall be duly included in the Election Expenditure Account of the party / candidate as the case may be.

### **16.35 Use of Flags**

Broad Casting of commercial advertisement of political nature on Radio Channels (including private FM Channels) during the period of MCC–Instruction of ECI about pre-broadcasting scrutiny and certification by the Committees setup at three levels shall apply to advertisements on Radio also.

#### **16.35.1 Use of Party Flags/Banners by Party Workers at their Residences**

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

**16.35.2** Number of party flag to be displayed: There should be only three number of flags of a party/candidate to be used at party workers’/ supporters’ residence and at party offices. In case, some person wants to display flags of more than one party or candidate, then it shall be restricted to only one flag of each party/candidate. Display of flags would be subject to local law and court orders, if any. However, the expenditure shall be strictly accounted for as per existing directions of the Election Commission.

**16.35.3** As for maximum number and size of party flag to be used by party workers on vehicles, Election Commission has instructed as follows:

- (i) Two wheelers- One flag of maximum size 1ft X ½ ft. may be permitted on one two-wheeler including bike. No banner shall be allowed. 1 or 2 small stickers of appropriate size may be permitted on each vehicle.
- (ii) Three wheelers, four wheelers, e-rickshaws- One flag of maximum size 1ft X ½ ft. No banner will be allowed. 1 or 2 small stickers of appropriate size may be permitted on each vehicle.



- (iii) As for a road show, only one flag of the size of 1 ft. X ½ ft. would be allowed by the Returning Officer on a campaign vehicle.
- (iv) Length of pole/stick for carrying flag shall not be more than 3 feet.
- (v) It is clarified that if a party is having a pre-poll alliances/seat sharing arrangement with another party then campaign vehicle of a candidate/political party may display one flag each of such parties.
- (vi) During a road show, the maximum size of a banner to be carried out with hand will be 6 ft. X 4 ft.

**16.35.4** While using flags or stickers on any vehicle, due care shall be taken that visibility of the driver (of concerned vehicle or any other vehicle on road), and any passenger from front or rear view is not hampered in any manner.

**16.35.5** No spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.

**16.35.6** No person shall put any flag or banner or sticker of big size on any vehicle except with prior permission of the Competent Authority, and subject to the relevant provisions of law and court direction/orders, if any.

**16.35.7** Chief Electoral Officer shall ensure that all the local law, court's directions/orders and provisions of Motor Vehicle Act are uniformly applied throughout the State.

## **16.36 Regulation of Road Shows During Elections-**

The Election Commission, to avoid inconvenience to the general public/commuters during road shows, issued the following instructions-

- (i) Prior permission for road shows shall be taken from the Competent Authority.
- (ii) As far as possible, road shows, subject to court orders and local laws, should be permitted only on holidays and during non-peak hours, on routes other than those having big hospitals, trauma centers, blood banks and heavily crowded markets.
- (iii) Number of vehicles and persons expected to join the road show shall be intimated in advance.
- (iv) The road show shall not cover more than half the road width to ensure safety of general public and free movement of traffic on the other half.
- (v) Simultaneous plying of number of vehicles on road including e-rickshaws to be limited to 10. In case it exceeds the limit of 10 vehicles then the convoy shall be broken after every 10 vehicles and a gap of 100 mtrs maintained.
- (vi) Safety of public and persons attending the road show shall be ensured. Bursting of fire crackers and carrying of fire arms shall NOT be permitted at all.
- (vii) Loudspeakers can be used as per the Election Commission's existing instruction and subject to local laws and court orders, if any.
- (viii) Display of animals in road shows is totally banned. Children, particularly school children in uniform, should not take part in road shows.

- (ix) The maximum size of banner to be carried with hand will be 6ft X 4ft.
- (x) Only one flag of the size 1 ft X 1/2 ft with the permission of the Returning Officer concerned would be allowed on campaign vehicles in a road show.
- (xi) No spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.

### **16.37 Prohibition on campaign related activities**

(ECI's Instrumentation No. 3/8/2018/SDR/Vol. I dt. 05.09.2018) -

During MCC period there shall be prohibition on campaign related activity including door to door campaign, SMS, WhatsApp calls, usages of Loud Speakers etc. between 10.00 p.m. to 6.00 a.m. as it is necessary to respect the privacy of the citizens and reduce the disturbance to public life in general.

## 17. Monitoring of Election Expenditure and Accounts of Candidates

### Checklist for RO

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions in Compendium of Instructions on Election Expenditure Monitoring]

#### A. Before announcement of elections: -

1. To have the updated list of all the disqualified candidates, of Disqualification orders of RP Act 1951 who have incurred disqualification u/s 8A and 11 A (b) (for corrupt practices) and 10 A (failure to lodge the account of election expenses in time and manner) be viewed on Commission's website. ([www.eci.gov.in](http://www.eci.gov.in)).
2. To ensure that the following formats are ready at the o/o the DEO/RO:
  - (i) Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 11, Format of Affidavit and Acknowledgement
  - (ii) Shadow Observation Register. (SOR)
  - (iii) Video Cue Sheet
  - (iv) Reporting formats of Flying Squad / Static Surveillance Team
  - (v) Compendium of Election Expenditure guidelines in local language
  - (vi) Form 26 regarding criminal cases, education qualification, assets and liabilities.
3. To identify Expenditure Sensitive Pockets (ESPs), in the Constituency on the basis of level of development, literacy and complaints received during the last Assembly elections and to report to Commission.
- 4.. To identify the Master Trainers of State Police and State Excise Department of the district for Expenditure Monitoring Team.
5. To pursue all pending cases of last election, where FIR was filed and take them to their logical conclusion.
6. To identify officers who will be notified as Executive Magistrate for the Flying Squad/Static Surveillance Team.
7. To prepare plan for training of all manpower to be deployed in Expenditure Monitoring Teams in 2/3 phases.
8. To arrange vehicles for all teams and the logistics.
9. To interact with BAGs and sensitize them about their role in ethical voting campaign and provide information on malpractices during election.

## **B. After announcement of election**

10. To ensure that FS, VST, VVT, MCMC and Accounting team are functional from the date of announcement of election.
11. To ensure that GPRS is fitted in all FS/SST vehicles and the Flying Squads shall attend both the MCC cases and expenditure related cases within ½ an hour of receipt of complaint.
12. The expenses incurred by the political parties shall be observed from the date of announcement of election till completion of election and reported to CEO party wise, after declaration of result.
13. To file FIR in appropriate cases, as detected by FS, SST or E.O.

## **C. After issuance of notification of elections**

14. To ensure that SSTs are functional from the date of issue of notification.
15. Take note of the list of Star Campaigners received by the CEO and ECI within 7 days of notification of election.
16. To scan the affidavit of assets and liabilities submitted by the candidates and upload on to the CEO's website within 24 hours of its receipt.
17. To hold a meeting of all the candidates or agents immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions.
18. To notify dates for inspection of accounts by the Expenditure Observer during the campaign period and issue notices to the defaulting candidates as directed by the Expenditure Observer.
19. To supervise complaint monitoring system and ensure that every complaint is enquired within 24 hours of its receipt.
20. To ensure that all the documents required are put on his website and copies of the same, if requested, are given immediately to the members of public on payment of prescribed fee.
21. To ensure that after seizure by FS/SST, FIR/Complaint is filed promptly in appropriate cases.
22. To interact with Expenditure Observers/Assistant Expenditure Observers and to ensure that all teams are working smoothly.
23. To issue notice to the candidate, when any defect is pointed out by the EO/DEO and received reply from the candidate/agent.
24. To issue notice to the candidate, preferably within 24 hrs. of the date of receipt of information about suppression/omission of the expenditure incurred by the candidate or if the candidate has not produced his account of election expenses for inspection on scheduled date or if the expenses incurred in election campaign are not correctly shown by the candidate.
25. To ensure that the reply of the notices issued to the candidates are received within 48 hrs.

## Checklist for DEO

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions in Compendium of Instructions on Election Expenditure Monitoring]

### **A. Before announcement of elections**

1. To identify officers to be appointed as Assistant Expenditure Observers from Income Tax, Customs & Central Excise or other Accounts Departments of Central Govt. or PSUs or State Financial Services.
2. To identify manpower for Flying Squad (3 or more per AC); Static Surveillance Team (3 or more per AC) and Video Surveillance Team (one or more per AC).
3. To mobilise Video Cameras, Web Cams, GPRS system etc., as per requirement of Video Surveillance Teams, Flying Squads and Static Surveillance Teams.
4. To arrange TV/Computers with TV connection for MCMC.
5. To identify Expenditure Sensitive pockets (ESPs) and Expenditure Sensitive Constituencies (ESCs) – on the basis of level of development, literacy, complaints during Legislative Assembly Election to forward to ECI.
6. To identify a senior officer of ADM rank as Nodal Officer for Expenditure Monitoring and inform to ECI – He will be Master Trainer for all Expenditure Monitoring officials
7. To identify the Nodal Officer of State Police and State Excise Department of the district for Expenditure Monitoring programme- they will be Master Trainers.
8. To pursue all pending cases of last election, where FIR was filed and take it to logical conclusion.
9. To identify officers who will be notified as Executive Magistrate for the Flying Squad / Static Surveillance Team.
10. To prepare plan for training in 2/3 phases of all manpower to be deployed in Expenditure Monitoring Teams.
11. To prepare workshop on EEM for the Media and political party functionaries of the district, especially on requirement for rallies, notification of rates, restriction on cash transaction and role of parties and media during election.
12. To print the following:
  - (i) Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 11, Format of Affidavit and Acknowledgement
  - (ii) Shadow Observation Register. (SOR)
  - (iii) Video Cue Sheets for Video Surveillance Teams
  - (iv) Reporting formats by Flying Squad / Static Surveillance Team
  - (v) Compendium of Election Expenditure guidelines in Hindi/Local language
  - (vi) Form 26 regarding criminal cases/Education qualification, assets and liabilities.
  - (vii) Revised statement of Expenditure for the political parties, to be submitted within 90 days of

declaration of result of completion of Assembly/Loksabha Election.

13. To identify the Booth Level Awareness Groups (BAGs) and have a sensitisation programme with the BAGs at district level for ethical voting campaign, pledge letter, and for familiarising them with software for uploading photo, audio, video of malpractices to complaint centre.
14. To organise meeting with all Citizen Societies (CSOs)/NGOs, academicians, media persons, and intellectuals on ethical voting and sensitise them about their role on ethical voting campaign and creating awareness of penal provisions against bribing.
15. To prepare advertisement materials, audio video visuals, slogans etc. on ethical voting.
16. To organise debate, slogan, cartoon etc. competitions in schools and colleges on ethical voting and against bribery of elections.
17. To ensure that the pledge letters or ethical voting are circulated widely and signature campaign for ethical voting is taken up in large scale.
18. Loksabha Assembly to ensure that all cases of accounts of election expenses of candidates (pertaining to last Assembly elections) have been disposed of.

#### **B. After announcement of election**

19. To arrange meeting with banks (i) for facilitation in opening bank account by candidates and issuing cheque books/(ii) for sending suspicious transaction report exceeding Rs.10 Lakh (iii) Procedure to be followed for ATM Vans as per guideline of Ministry Finance dated 20.2.2013.
20. To go through the Guidelines for permission for helicopter landing in the district and for checking of baggage.
21. The DEO shall hold a meeting with representatives of all the recognized National and State Level political parties within 3 days of announcement of elections to explain all the legal provisions and instructions of the Commission relating to election expenditure and its monitoring and also provide them the rates of items of election expenditure. To arrange a meeting with political parties in the district after announcement of election for notification of rates of different items of election campaign expenditure and get consensus on rates, with their signature.
22. To start functioning of District level Complaint Monitoring Centre, MCMC, FS, VST, VVT and Accounting Team from the date of announcement of election. The SST will start functioning after issue of notification.
23. To videograph all rallies held by the political parties, for tallying expenditure by the party with the expenditure statement furnished after 75 days of Assembly election and 90 days after Lok Sabha elections.
24. To publicise in local language about the checking measures against movement of cash during election.

#### **C. After issue of notification of election**

25. To ensure that SSTs are functional in all constituencies and to see that all teams of EEM are functional at constituency and district level and to ensure that FS/SST are mixed with CAPF in Expenditure Sensitive Constituencies.(ESCs)
26. To form DEMC and inform the procedure of appeal, SOP for FS/SST to all candidates.

27. To publicize in local media, the appeal procedure against the seizure of cash.
28. To take note of the list of Star Campaigners received directly by the CEO office or from the Commission, within 7 days of notification of election.
29. To up-load scanned copies of the Affidavits(Form 26) Criminal cases, regarding educational qualification any Assets & liabilities on the CEO website, within 24 hours of these being filed by candidates of the recognised political parties and in case of other candidates one day after the scrutiny of nomination for public display.
30. Teams involved in EEM like FS, SST, VST, VVT, EMC, Excise Team, MCMC, DEMC, Accounting Team, 24X7 District EEM Control room etc. are to be strengthened during the last 72 hrs. of poll and CAPF be provided to the FS, SST where required, which are deployed near the polling stations.
31. To have police deployment plan during last 72 hrs. as the police may be required for poll duty and in no case the FS, SST be disbanded during last 72 hrs.

#### **D. After completion of elections**

32. To arrange one-day facilitation training programme for all the candidates/ election agents and the personnel engaged for receiving accounts within one week before the last date of submission of the accounts of election expenses.
33. To issue letter just after declaration of result to candidates for “Account Reconciliation Meeting” on the 26th day of declaration of result and to request them to come prepared with the draft expenditure reports/statements and to arrange the said meeting with Expenditure Observers, Assistant Expenditure Observers, members of Accounting Team, Nodal Officer of Election Expenditure Monitoring of the district.
34. To issue a letter just after declaration of results to all the candidates for lodging the account within 30 days of declaration of result and mentioning the date of facilitation training in that notice.
35. If no notice on understatement of items had been issued to the candidate during the election process, the DEO is to issue letter within 15 days of declaration of result to obtain reply of the candidate. Both letter/replies to be considered in Account Reconciliation Meeting first and subsequently shall be informed to the ECI with the recorded views of the District Expenditure Monitoring Committee (DEMC).
36. If there is any procedural defect in the account of a candidate, the DEO shall issue a notice to defaulting candidate giving him 3 days’ time for rectifying the defect in the account. The reply of the candidate along with copy of the notice shall be forwarded to the Commission by the DEO with his comments.
37. In cases of delay in filing of accounts, not exceeding 15 days from the due date, the DEO shall suo-moto issue a notice to the candidate calling for explanation for the delay. The reply of the candidate will be examined by the DEO and he shall forward the copy of notice and reply of the candidate, if any, to the Commission, along with his comments.
38. The DEO shall finalize the candidate wise summary and scrutiny reports in the prescribed format by the 37th day from the date of declaration of result and shall forward the same to the CEO office preferably by the 38th day.
39. Scanned copy of the Abstract Statement (Part I to Part IV along with Schedule 1 to 11) of all the candidates along with copies of all notices issued by the RO, if any, and there replies thereto, during

election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.

40. The Scrutiny report of DEO for each candidate is to be entered in ENCORE Software, within 3 days after submission of DEO's Scrutiny Report with the comments of Expenditure Observer.
41. Expenses on Publication of Criminal antecedents in New Papers and TV Channels will be monitored.

\*The existing format of Abstract Statement of Election Expenses of Candidates has been revised to incorporate the expenditure incurred by Candidates in Virtual Campaigning in Schedule 11 and Row VIII in Part II.

\*\*The existing format of Statement of Election Expenditure of Political Party has been revised to incorporate the expenditure incurred by Political Parties in Virtual Campaigning in Schedule 24 A & 24 B, Row 5.4 (vii), Row 6.4 (vii) and Row 7G(II). No. 76/Virtual Campaign/EEPS/2022 dated: 15th January, 2022.



## **18. Dispatch Arrangements of Polling Parties**

- 18.1 Displaying No. and Name of PSs.
- 18.2 Dispatch arrangements of polling parties: “Arrangements for sufficient refreshment for polling parties and other staff deployed at the dispatch centre” may be added.
- 18.3 Checking attendance of polling parties + zonal magistrates.
- 18.4 Introducing all the members of a polling party.
- 18.5 Wherever required, replacement of absentee and unfit polling personnel due to unavoidable circumstances from reserved list.
- 18.6 Ensuring that polling material has been received by all the parties.
- 18.7 Transport cell at dispersal centres.
- 18.8 Counter system - AC wise.
- 18.9 Third randomization of polling parties in the presence of Observer.
- 18.10 ID cards for poll personnel.
- 18.11 Last minute training-
  - (i) EVM/VVPAT briefing + Hands-on
  - (ii) Non EVM briefing.
- 18.12 Non CAPF force, deployed at PS, to accompany the parties.
- 18.13 Facilities at dispersal centre -
  - (i) Boarding of vehicles.
  - (ii) Training space.
  - (iii) For checking of EVM-VVPATs + material by polling parties.
  - (iv) Facilitation centre for postal ballots.
  - (v) Strong rooms for EVMs, VVPATs and storage of other material.
  - (vi) Distribution counter.
  - (vii) Medical Aid.
  - (viii) Basic amenities.
  - (ix) Availability of good Loud Speaker system
- 18.14 No canvassing during period of 48 hours ending with close of poll.

- 18.15 Arrangement of advance TA/DA and outright charges etc., and medical kits.
- 18.16 POLL arrangement.
- 18.17 New formats, viz for MO, SO and Presiding Officer be given to the concerned.
- 18.18 Additional list of EPICs be included in despatch material.
- 18.19 Every polling material kit to be checked well in advance.
- 18.20 Basic amenities for polling personnel.
- 18.21 First Aid/other medical facilities should be arranged.
- 18.22 ASD list of voters also to be given to polling parties.
- 18.23 OK report of all polling parties reaching their PSs.
- 18.24 P/O shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS No. indicated on the sticker compared with PS No. mentioned in the address tag before accepting the EVM-VVPAT. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

## 19. Poll Day Arrangements

### 19.1 Control Room Arrangements

- (i) Additional staff / Equipment.
- (ii) Communication arrangements - To be in touch with DEO/CEO etc., - Keep mobile on.
- (iii) Complaint handling arrangements.
- (iv) Arrangement for deploying reserve staff.
- (v) Arrangement for EVM and VVPAT replacement.
- (vi) Arrangements for Webcasting at identified PSs.
- (vii) Arrangements of videographers to polling stations.
- (viii) Arrangement for escorting of the polled EVMs and VVPATs and election material by CAPF - Observers to be intimated.

### 19.2 Regulation of plying of vehicles on poll day [ECI's No. 437/6/96-PLN-III dt. 16.01.1996 & dated 24.3.2007 and No. 437/6/2006 - PLN-III dt. 23.11.2007]

- (i) One vehicle for candidate, one vehicle for election agent and one vehicle for candidate's workers/party workers be allowed - not more than 5 persons including drivers be allowed. If candidate is absent from constituency no other person should be allowed to use the vehicle allotted to him.
- (ii) Permits be issued by DEO - Permits be displayed on wind screen of the vehicle.
- (iii) Carrying of voters by these vehicles - Corrupt practice u/s 133 and penal action u/s 123(5) of RP Act, 1951.
- (iv) Exceptions - Govt. Servant on duty, transportation of patient / old /infirm persons, voters in their own vehicle, public transport and other genuine bona-fide use other than election
- (v) Private vehicles used by owners for themselves/ family members for going to polling booth to vote, not to be allowed within a radius of 200 meter of PS.

### 19.3 Prohibitions

- (i) **No canvassing** within PS or any public or private place within a distance of 100 meters of a PS – (S. 130)
- (ii) Arrangement for mobile phones, deposit facility may allowed/provided with the Help Desk/VAB near the entry point of PS Location/Building. Total prohibition of Mobile phones without arrangements for their safe keeping may cause inconveniences to voters and some may even return without casting their votes.
- (iii) **Cellular phones, cordless phone, wireless sets etc.**, not to be allowed, except officers on

duty in the 100 meters of a PS. [ECI No. 464/IN- ST/2007-PLN-1 dt. 12.1.2007 and No. 464/INST/2008-EPS dt. 9.2.2009]

- (iv) **Identity slips** to be plain white slips without name of candidate/party markings/ symbol.
- (v) **No posters or banners.**

#### **19.4 Prohibition of misuse of SMSs** [ECI's No. 464/INST/2008-EPS dt. 05.11.2008 and No. 464/INST/2012-EPS dt. 15.5.2012]

- (i) Objectionable SMSs are to be traced and action to be taken by police. Police authority should advertise special mobile numbers on which receivers of such objectionable SMSs can forward the said SMSs.
- (ii) Bulk transmission of SMSs as an alternative electioneering - cost involved to be noticed.
- (iii) Prohibition on transmission after the campaign period is over
- (iv) Prohibition of **loudspeakers, mega phones** etc and **disorderly conduct** - within 100 meters of a PS (S. 131)
  - (a) Amplifying or reproducing the human voice by any apparatus not allowed.
  - (b) In case of contravention such apparatus be seized.
  - (c) Shouting or otherwise act in disorderly manner not allowed.
  - (d) Penal action also to be taken.

#### **19.5 Video/digital photography of proceedings inside the PS** (ECI's No. 447/2007/PLN-IV dt. 17.1.2007)

- (i) In particular cases, as directed by ECI, photography of voters in identified area/AC/PSs.
- (ii) Faces of all electors, should be in same sequence as in Form 17-A - Special care about faces of voters not having EPIC or ECI approved photo-I cards.
- (iii) Critical events in and around the PS also to be captured - viz - mock poll and sealing of EVM-VVPAT, positioning of voting compartment, presence of polling agents, last voter in queue at the close of poll - visits of SO, etc.
- (iv) After poll such officer will give a certificate.
- (v) Separate counter for depositing camera and the certificate.
- (vi) Downloading of data be arranged - Video cassettes to be treated as part of election record.
- (vii) Video cassettes duly indexed will be kept in the custody of DEO as other election records.
- (viii) Locking seals of cassettes will be kept intact.
- (ix) Inspection and certified copy of print of video cassette - as per direction of ECI and on payment fixed by ECI.

## 19.6 Monitoring of Poll Process through Webcasting

- (i) In the identified polling stations poll process will be monitored by RO/ DEO/CEO/ ECI through Webcasting.
- (ii) Arrangements to be made as per direction of CEO.
- (iii) Placement of camera used for webcasting should such that a broad view of main aspects of poll proceedings are clearly captured and transmitted. (ECI's No.464/INST/2016-EPS dt.30.04.2016)
- (iv) Signage – “You are under web camera/CCTV surveillance” in polling station.

## 19.7 Paid Holiday on day of poll (Sec. 135 B of RP Act, 1951 and ECI's No. 78/2009/EPS dt.30.3.2009; No.78/2014/EPS dt.18.03.2014)

- (i) All establishments and shops should be closed on day of poll.
- (ii) Even those electors including casual workers working outside the constituency having a general / bye - election, would be entitled for a Paid Holiday.
- (iii) Daily wage / casual workers are also entitled for a holiday and wages on poll day.

## 19.8 Candidates' election booths

Candidates' election booths (one table + two chairs) without shamiyana/ tentage and with one party flag and banner with party symbols/photographs beyond 200mtrs. of a PS is allowed. The size of banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner/ hoarding etc.; then the lower size prescribed by local law shall prevail. If it has valid permission from local authority (ECI's No. 437/6/ Campaign/ECI/INST/ FUNCT/MCC-2016 dt. 04.01.2017).

## 19.9 Going armed to / near a polling station (Sec. 134B and ECI No. 464/INST/2007PLN-I dt. 24.2.2007)

- (i) Security personnel attached to any person not to be allowed - Except in case of person covered under Z Plus security who's one security person in simple cloths and with concealed weapon is allowed.
- (ii) Prohibition for Minister/MP/MLA etc. to be an election agent etc., (ECI's No. 437/ INST/2008-EPS dt. 14.10.2008) -
  - (a) Minister/MP/MLA or persons to whom security cover granted not to be an Election Agent/Polling Agent/Counting Agent.
  - (b) Any person having security cover will not be allowed to surrender his security cover to act as such agent.

## 19.10 Entry into polling station

- (i) Only the persons entitled under rule 49-D be allowed -
- (ii) Media person not to capture photograph of the balloting process in any manner that will reveal the secrecy of ballot - Everyone must have a valid pass properly displayed.
- (iii) Where the CAPF is deployed a Jawan will stand at entrance - Not inside the PS except called

by Presiding Officer.

- (iv) **Polling agent**- should be elector in same polling booth or from neighbouring PS of same constituency. He must possess EPIC or any recognized photo ID issue by Govt. or Govt. agency. He shall display EPIC or photo ID prominently on his person.

### 19.11 Before Commencement of Poll

- (i) Presiding Officer to demonstrate the EVM and VVPAT.
- (ii) Marked copy of roll and Register of Voters also to be demonstrated before the polling agents present and their signatures be taken.
- (iii) Mock poll by Presiding Officer. Part-I of the Presiding Officer's Report will have to be filled up by the Presiding Officer after completing the Mock Poll.
- (iv) Control Unit and VVPAT drop box to be sealed properly.
- (v) RO through SO and using other links shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes.
- (vi) Names of personnel using EDC facility should also be intimated to agents.
- (vii) Before mock poll, EVM identification slips be issued to agents (ECI No. 51/8/7/2009-EMS dt. 18.2.2009)
- (viii) Before start of the actual poll if any unit is found defective, only the defective unit will be replaced and mock poll will be conducted with the replaced units. Part-IV of the Presiding Officer's Report shall be filled.

If CU shows CHANGE BATTERY or LOW BATTERY CU, battery of CU shall be replaced, Part-II of the Presiding Officer's Report shall be filled.

In case VVPAT does not work properly during actual poll, replacement of only VVPAT is required and No Mock Poll is required.

The change of EVM/ VVPAT during actual poll is recorded in the Part II of the Presiding Officer's Report.

### 19.12 Duties of Polling Personnel

- (i) Presiding Officer to regulate the voters, and maintain purity of election - To deal with tendered votes, challenged votes, etc., - Overall supervision on poll process.
- (ii) Identification of voters - through EPIC or alternate documents approved by ECI - Minor discrepancies can be overlooked.
- (iii) PO- 1st - Marked copy - Responsible for identification.
- (iv) PO- 2nd - Indelible Ink - Register of voters - voter slips.
- (v) PO- 3rd - Control Unit – Activates BU.
- (vi) Indelible ink will be applied as per ECI's guidelines dt.23.03.2015.

#### 19.12.1 Duties of Polling Personnel in a polling party consisting only 2 Polling Officers (ECI No. 576/3/2011/SDR dt. 22.03.2011)

- (i) PO – 1st – Marked Copy + Indelible Ink
- (ii) PO – 2nd – Register of Voters + CU
- (iii) In such cases it is not necessary to prepare Voters Slips.

- (iv) 2nd PO will activate the CU and then send the voter inside the voting compartment exactly in the same sequence in which they sign in Register 17-A. He will ask voter to report about any malfunctioning of BU during casting of vote.

### 19.13 During Poll Process

- (i) Polling agents not to be allowed to carry electoral roll copy outside the PS- They cannot be allowed to send slips, also, outside indicating the Sr. No. of voters who have voted or not voted. [ECI's No. 464/INST/2008-EPS dt. 21.1.2009].
- (ii) Special attention where mock poll had to be conducted in the absence of agents [ECI's No. 464/INST/2008-EPS dt. 18.12.2008]
- (iii) Type of identity documents, Sr. No. of ID document and last four digits of ID document should be entered in Register 17-A by PrO. (ECI No. 464/ INST/2011/EPS dt. 20.01.2012) However, in the case of electors voting on the basis of EPIC, it is sufficient that "EP" (denoting EPIC) is mentioned in the column.
- (iv) Elector in ASD List should be personally verified by PrO. (ECI No. 464/ INST/2012/EPS dt. 25.01.2012)
- (v) In case BU or CU does not work properly during actual Poll, complete set of BU, CU and VVPAT shall be replaced. Mock Poll will be done by casting on vote to each candidate including NOTA. Part-I and Part-V of Presiding Officer's report will be filled up. In case of VVPAT does not work properly during actual poll, only VVPAT shall be replaced. No Mock Poll is required. Part-V of the Presiding Officer's report will be filled up.
- (vi) If CU shows CHANGE BATTERY or LOW BATTERY CU, battery of CU shall be replaced. Part-II of Presiding Officer's report shall be filled up. No Mock Poll is required. If CU shows CHANGE BATTERY VVPAT, Battery of VVPAT shall be replaced. No Mock Poll is required. No format is to be filled up.
- (vii) If there is a complaint with respect to candidate lamp of BU at the time of voting the EVM should be replaced immediately and matter to be reported ECI also. (ECI's No. 51/8/16/8/2009 – EMS dt. 29-4-2011)
- (viii) Providing facilities to Persons with Disabilities as per ECI's guidelines dt.15.02.2016, 12.03.2016 and 07.09.2016.

### 19.14 Test-vote (ECI's No.51/8/7/2015-EMS dt.04.02.2015 and 05.02.2015)

- (i) If any voter alleges about the wrong printing of particulars of a candidates and / or symbols of that candidate on VVPAT paper slip, provide him a 'Form of Declaration' with rule 49MA of the Conduct of Elections Rules 1961.
- (ii) Test-vote by the complainant in the presence of Pr O and candidates/pollingagents.
- (iii) Additional entry in the Form-17-A before test-vote and after the casting of test-vote.
- (iv) In case allegation found false, then remarks be entered against the second entry in the register and signatures are to be obtained of the elector. Vote casted in favour of a candidate in the test-vote shall be deducted during counting of votes.
- (v) Necessary entries in Form-17-C Part-I, item-5 shall be made by Pr O.

## 19.15 Mobile phone in PS

- (i) Observers, Micro Observers should keep their mobile/cellular phones in silent mode inside the P.S. and shall not use it from inside of a PS.
- (ii) During polling Presiding Officer and other staff shall keep their mobile “silent mode” in the PS. If required they can talk from outside the polling booth.
- (iii) Booth Level Officers to be stationed outside the polling booth and should keep with mobile phone switched on.

## 19.16 Voter Assistance Booth/Desk and Voter’s Slip (ECI’s No. 23/lo- cater/2007-ERS dt.05.11.2007 and No. 464/INST/2011/EPS dt.18.02.2011, dt.19.03.2011, dt.20.01.2012 & ECI No. 464/INST/2013-EPS dt. 14.06.2013; No.464/INST-VS/2014/EPF dt.21.03.2014)

- (i) Voter’s slip including photograph of elector, wherever available, will be distributed by Distt. Adm. 5 days before the poll day to facilitate the voter to know about his enrolment i.e., Part No., Sr. No. & Polling Station- Signature of electors to be taken in pre-printed register.
- (ii) The Voter’s slip should be authenticated by by ERO and distributed by BLO with his/her signature.
- (iii) Only one set of Voter Information Slip(s) would be printed.
- (iv) Roll in alphabetical order, in English, to locate the voter quickly shall also be kept at this facilitation desk.
- (v) Voter Information Slip(s) shall not be accepted for identification of voter. Voter will have to produce EPIC or any other photo ID card notified by the Commission with Voter Slip for his/her identification.
- (vi) Voter Assistance Booth will be set up at each polling station premise/building location irrespective of the number of polling booths
- (vii) Volunteers to be appointed to assist PwD voters.

## 19.17 Identification of electors

EPIC have to be produced for identification. If the elector is not able to produce EPIC, any alternate document notified by ECI shall be produced. Minor discrepancies in the entries in EPIC should be ignored.

## 19.18 Facilitation for Senior Citizen and Persons with Disabilities (ECI’s No. 509/110/2004-JS-I dt.26.10.2007; No. 51/8/2009-EMS dt.12.2.09, No. 464/2009- EPS dt.30.04.2009; No.464/INST/PwD/2016-EPS dt.15.02.2016, 12.03.2016 & 07.09.2016)

- (i) They should be given priority for entering PS without having to wait in queue - Separate queue for Senior Citizen.
- (ii) Full facility be provided to take wheel chairs of physically challenged persons inside the PS.
- (iii) Pr O should follow the provisions of Rule 49N - regarding companion of blind/infirm voter.
- (iv) Wide publicity about the facilities to be given to such voters.



- (v) Dummy Ballot Sheet in Braille - It will be given to a visually impaired voter on his request so that he can be able to cast his vote by reading the Sr. No. of the candidates on the numeric sticker fixed on BU - If he desires, the companion will be allowed to accompany him to voting compartment.
- (vi) Special arrangements may be specified.
- (vii) Volunteers and sign language interpreters should also be deployed for facilitation of PwD Voters.
- (viii) Special arrangements as per guidelines of ECI dt.15.02.2016, 12.03.2016 and 07.09.2016- Comprehensive Activity Chart.
- (ix) Transport facility to be provided for PwDs in each and every polling station on the day of poll. (ECI's letter no. 464/INST/PwD/2018-EPS Dt. 27.09.2018)

### **19.19 Sector Officer**

- (i) Sector Officer shall visit all the polling stations during the first two hours of poll and give the poll commencement report to the RO for polling stations under his jurisdiction.
- (ii) Sector Officer shall ensure replacement of any EVM and VVPAT or Power Packs of CU or VVPAT that would not operate for whatsoever reason at the start and during the poll hours:
- (iii) Sector Officer shall oscillate between his/her polling stations and make himself/herself available/contactable to every Presiding Officer under his/her jurisdiction and ensure that the poll is conducted in a free and fair manner and without interruptions. Sector Officer will ensure that there is no obstruction to any of the vulnerable pockets/population identified earlier in approaching the polling station and casting of votes. Any such thing shall be reported to the RO immediately. Sector Officer will give an OK report on conduct of poll in polling stations under his jurisdiction.
- (iv) He shall ensure that all the vulnerable electors have been participated in voting.
- (v) Sector Officer will safely escort and get deposited the polled EVMs and VVPATs at designated counters.
- (vi) Sector Officers to ensure timely sending of hourly poll report to the RO/DEO/CEO.

### **19.20 After close of poll - Main points for Presiding Officer**

- (i) Tally 17A, 17C and EVM count- PO diary to be completed.
- (ii) Proper sealing of EVM and election papers including Dummy Ballot Sheets.
- (iii) Additional report format to be handed over to SO
- (iv) Form 17C - Attested copies to be given to polling agents.
- (v) SO to ensure about arrangement.
- (vi) A line to be drawn after the last entry in 17A - Signed statement that "The Sr. No. of last entry in form 17A is...." to be recorded - Signatures of agents also to be obtained, in the register.
- (vii) Prepare Part-III of Presiding Officer's Report.

**19.21 Three comprehensive reports on Poll day** (Para 62 of Ch. 13 of RO Handbook 2019)-

First up to 13:00 hrs, Second by 19:00 hrs. and third by 07:00 hrs. on next day by RO to the Commission with a copy to CEO.

**19.22 Recommendation for fresh poll/completion of adjourned poll** (Para 58, 59 & 60 of Ch. 13 of RO Handbook 2019) -

- (i) Where necessary such recommendations should be in prescribed formats given in RO Handbook 2019 (Annexure 44, 45 & 46).
- (ii) While sending report for re-poll, result of Form 17A scrutiny be stated specifically.

**19.23 Adjournment of poll after death of a candidate** [Sec 52 of RP ACT 51, Para 56 of Ch. 13 of RO Handbook 2019]

- (i) RO on being satisfied about the fact should order such adjournment.
- (ii) State party recognised in other state not to be treated as recognised political party within scope of Section 52, even that party has been granted concession under para 10 of Symbol Order to use its symbol. Therefore, poll will not be adjourned on the death of candidate set up by such party in such other state.

## 20. Receipt Arrangements

**20.1 Final storage at district HQ only** - Observers to verify arrangements.

- (i) Facilities -like lighting, proper barricading, control room, drinking water, toilets, refreshment, medical aid
- (ii) Strong rooms/Store rooms - proper security
- (iii) Telephone, Fax, Internet, Computer section, rooms for Observers, DEO, etc.

**20.2 There should be no crowding** - If required set up separate counters for specific numbers of PSs.

**20.3 Receipt of documents and polling material** - as per printed checklist- Receiving officer should sign it.

**20.4 Counter system** - AC wise

- (i) For sealed CUs +BUs+ VVPATs+ Form 17C + Pr. O declaration+ VVPAT Power Pack+ Plastic Box of Mock Polls slips.
- (ii) For other election papers - statutory + non-statutory
- (iii) For other items / articles
- (iv) For PO diary + 17C + SOs report + Addl. report of Pr. O.+ Part-I, II, III of PrO Report.
- (v) For depositing digital camera along with certificate in case of identified PSs.
- (vi) Separate special counter for election papers of PSs identified for scrutiny of 17-A etc.
- (vii) Hoarding indicating such PSs at reception centre
- (viii) Pr. O can be relieved only after obtaining the EVMs-VVPATs and document after proper verification and discussion with RO/ARO/Observer.

**20.5 Check before receipt**

PrO diary is properly filled up and visit sheet attached thereto.

- (i) EVM-VVPAT is sealed, VVPAT Power Pack to be received separately.
- (ii) 17C is given to Polling Agents
- (iii) Additional report format by Pr. O given to SO
- (iv) All documents/material is available as per the Checklist.

**20.6 Strong Rooms**

- (i) Two cordoned security for strong rooms.
- (ii) Firefighting requirements to be kept.
- (iii) Candidates/Agent be permitted to affix their seals and they may keep a watch from a considerable distance.

- (iv) Security measures as per ECI's No.51/8/6/2015-EMS dt.10.07.2015. (See Part-3 of this Check list)
- (v) Strong room of EVMs –VVPATs- AC wise – EVMs-VVPATs + one copy of 17C + PrO declaration+ Plastic Box of Mock Poll Slips.
- (vi) Strong room for election papers - Sealing thereof - To be put up in steel trunks - AC wise
- (vii) Separate room or demarked space for storing election paper of PSs whereatscrutiny of 17-A register etc. will be done after poll.

### **20.7 Scrutiny of 17-A etc.** (ECI No. 464/INST/2007 PLN-I dt. 12.10.2007 & No. 464/INST/2012/EPS Dt. 08.02.2012)

- (i) Scrutiny of PO diaries, 17-A, MO reports, Video reports, Still photography, visitors sheets, ZM reports, Pr. O reports etc. shall be done by Observer and RO in the presence of candidates/agents for such categories of polling stations as described in ECI's instructions dt. 08.02.2012.
- (ii) To facilitate identification of PSs for which scrutiny of 17A etc. is required to be done, RO shall collect information on the points as mentioned in ECI's instruction dt. 08.02.2012.
- (iii) As far as possible scrutiny will take place at 11.00 AM on day after Poll.
- (iv) A written notice, in advance, should be served on all candidates to be present.
- (v) Cross check the entries of Form 17A, marked copy of roll, remarks column of 17A, Form 17C, photography if taken.
- (vi) The entire process shall be videographed.
- (vii) Report shall be submitted to ECI as soon as scrutiny is over.
- (viii) Candidates/Agent not to be allowed with cellular phones.
- (ix) Log book to be maintained.
- (x) After scrutiny packets to be re-sealed.
- (xi) Recommendation for re-poll if any be made by RO and Observer to ECI with reason.
- (xii) Difference in opinion, if any, be reflected with reasons.

### **20.8 Recommendation for fresh poll/completion of adjourned poll**

- (i) Where necessary such recommendations should be in prescribed formats given in RO Handbook.
- (ii) Where polling gets delayed - An adjourned poll should be held where polling fails to start for two hours. (ECI No. 464/INST/2009-EPS dt. 21.1.09)

### **20.9 Arrangements of re-poll - Adjourned poll**

- (i) Re-poll u/s 58 / 58A - Re-poll EVMs-VVPATs be put back in same strong room - old EVM-VVPAT to be prominently marked cancelled / not to be counted - Separate polling party for the re-poll.

- (ii) Adjourned poll u/s 57 - Sealed packets containing marked copy of roll and the Register of Voters and new EVM will be provided to Pr. O. – Pr. O to open sealed packet in presence of polling agents present.

### **20.10 Safe custody of EVMs-VVPATs after poll**

- (i) Ensure that all the Presiding Officers should deposit EVMs-VVPATs and election papers and other materials at the storage centres without any avoidable delay.
- (ii) Earmarked inside the storage room or building, specified parts of the floorspace in the form of squares in advance for stacking the voting machines received from particular polling stations. The arrangement for this should follow the serial number of polling stations.
- (iii) All Balloting Units, Control Units and VVPATs received from one polling station must invariably be kept together at one place on the same square. One copy of the account of votes recorded, sealed black envelope containing Mock Poll slips and the paper seal account of each polling station should be kept on top of the Control Unit pertaining to the polling station. The duplicate copy of the account of votes recorded and the paper seal account should be kept under RO safe custody along with the Presiding Officers Diary and other records like register of voters (17A) reports of Sector/ Zonal magistrates, Additional inputs provided by the Presiding Officer (refer ECI instruction in this regard) etc.
- (iv) Different arrangement of A, B, C and D category.
- (v) Ensure safe custody of metal seals, rubber stamps etc.

### **20.11 Safe custody of election records / EVMS after result**

(Rule. 92, 93 and 94 of CE Rules 1961 and Ch. 14 of RO Handbook)

1. Under double lock – one key with DEO and one with TO.
2. Inspection / Attested copies of record which are not prohibited.
3. Disposal of record – After expiry of prescribed period.
4. EVMs also to be cleared after expiry of prescribed period and be kept in DEO's Godown / Store at safe place and as per prescribed norms / ECI guidelines.
5. Where election petition is pending election record not be disposed off and EVMs not to be cleared and to be kept intact.

## **21. Counting of Votes and declaration of result**

(R. 50 to 54A, 55C, 56C, 57C and 60 to 66 of CE Rules, 1961 and Ch. XIV of RO Hand-book, ECI No. 470/2007 PLN-I dt. 11.1.2007 & 29.8.2007; No. 470/2009/EPS dt. 21.1.09; No. 470/2009/EPS dt. 22.1.2009, No. 470/TN.LA/2011/SS1 dt. 05.05.2011 & No. 470/ INST/2012-EPS dt. 01.03.2012)

### **21.1 Counting centres and Programme of Counting**

- (i) Date, time and place (Counting centre) shall be approved by the Commission
- (ii) While selecting the building, all relevant factors should be considered, viz security, space available, infrastructure, maintenance of law and order, etc.
- (iii) Approval of ECI through DEO and CEO should be obtain for the Counting Centers/halls, Counting Plans, number of counting table etc. in prescribe format immediately after last date of withdrawal of nominations.

### **21.2 Arrangements for emergency lights**

Fool proof effective alternative arrangements for lights in and around the countinghalls.

### **21.3 Giving Notice to candidates about time, date and place**

RO shall give notice to each candidate or his election agent in form prescribed(Annexure 36 of RO Handbook 2022)

### **21.4 Arrangements at counting centre**

- (i) Counting centre and receipt centres should be same.
- (ii) Strong rooms and counting centres should be within same campus.
- (iii) Large rooms can be divided into halls by temporary partitions - In such partition CGI sheets with rigid frame be used, so that any material cannot be slipped through partition.
- (iv) Only one Assembly segment in one hall.
- (v) There should be sufficient place for counting officials/agents, etc.
- (vi) Each counting centre will have a distinct No. and each hall within countingcentre have a distinct No.
- (vii) Counting plan to be prepared - pre-allotment of PSs.
- (viii) Drawings of counting centre be given to Observer.
- (ix) Counting halls should be got ready at least 3 clear days before counting - Areport in this regard to be sent by RO to CEO and by Observer to ECI - consolidated report by CEO also to ECI.
- (x) Photo I-Cards to counting officials/candidates/agents.
- (xi) Arrangement for counting of VVPAT paper slips.
- (xii) Unauthorized persons not to be allowed.
- (xiii) The DEO shall ensure that hands-on training on VVPAT slips counting is conducted during training of counting staff as well as at the Time of mock drill of counting of votes generally conducted on previous day of the counting day. (51/8/7/2019- EMLS dtd 01.01.2020)

### 21.4.1 Checklist for Infrastructural Facilities in Counting Hall/ Outside

- i. Whether counting hall is spacious enough for accommodating Observer, RO, ARO, Tabulating Staff, Agents along with chairs and tables?
- ii. Whether sufficient space available outside for hassle free movement of EVMs, possible crowd, law & order enforcement personnel, etc.?
- iii. Whether power supply and power backup arrangement (generator, emergency lights, petromax lamps) available?
- iv. Whether transparent wire mesh barricades between the counting tables and counting agents erected?
- v. Whether counting table, RO table, Observer table and table for computation and compilation provided?
- vi. Whether white/ black board with pre-written name of candidates and round numbers provided in the hall for writing the results?
- vii. Whether various requirements like counting trays (for ballot paper counting, including PB), pigeon holes (for postal paper counting), sealing material, steel trunks, forms, etc. assessed and procured?
- viii. Whether micro observer's pre-printed statement prepared on which there is space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates as they appear in the ballot paper, for recording votes polled on each EVM?
- ix. Whether a blank Form 17C Part-II (with candidates' names pre-printed), along with carbon paper, made available at each Counting Table to act as duplicate Form 17C?
- x. Whether stationary, including carbon paper, paper pencil, scissors, etc., provided for each table?
- xi. Whether computers provided in the hall for computation of results?
- xii. Whether communication room with telephone, fax, internet facilities, computers, hot line and a senior officer-in-charge ready in the Counting Centre?
- xiii. Whether communication room for Observer set up?
- xiv. Whether media centre with mobile deposit facility, communication facility and an officer-in-charge for media persons set up?
- xv. Whether mobile deposit facility for others set up?
- xvi. Whether loudspeaker for making announcements outside available?
- xvii. Whether counting hall ready 3 days before day of counting, and report sent to CEO for forwarding to ECI?
- xviii. QR Code scanner/reader for ETPBs counting.
- xix. VCB, pigeon holes, plastic boxes etc. for VVPAT paper slip counting.

## 21.5 Security Arrangements

- (i) Three tier cordoning system should be setup to prevent unauthorised entry inside the counting centres.
- (ii) No counting agent without proper identity and having photograph duly displayed on its person shall be allowed to cross the first cordon.
- (iii) Identify of candidates/agents and counting officials should also be thoroughly verified at the first cordon itself.
- (iv) Magistrate to be posted at entrance to control crowd and regulate the entry.
- (v) Proper frisking at 2nd cordon by state police personnel.
- (vi) Barricades for each counting table.

## 21.6 Facilities at counting centres

- (i) Observers or group of Observers will be provided a separate room or cubicle with table/chairs, a telephone with STD and fax.
- (ii) Telephone of Observers to be installed 15 days ahead of counting and to be made known to ECI.
- (iii) Separate one or more telephone lines with STD and fax for RO/DEO to keep in touch with CEO and ECI.
- (iv) Two internet connections and computers in a separate data room.
- (v) Arrangements for on-line results.

## 21.7 Media centres

- (i) Separate room of adequate size should be provided with telephone, fax, data communication network etc.
- (ii) PRO or ARO or other senior officer should be made OIC of the media centre.
- (iii) Escorting of small media groups to visit counting halls from time to time - Officials to be deployed to assist the OIC, for such escorting.
- (iv) Media room should be at some distance from counting hall - media passes will be issued 'counting centre wise' and not 'counting hall wise'.
- (v) Counting trends and result information be given at media centre in systematic manner and in good time.
- (vi) Static camera or video not to be allowed inside counting hall or for this purpose a line be demarcated.

## 21.8 Counting Agents

- (i) Obtain the list of counting agents with their photographs from all the contesting candidates by 1700 hours on the day 3 days prior to counting. Photo I-cards of the counting agents should be issued to them and there.



- (ii) Allow in counting hall only such counting agents as there are counting tables and one more to watch at ROs.
- (iii) Each counting agent may have a badge-bearing name of candidate and table no.

### **21.9 Appointment of Counting Assistants/Supervisors**

- (i) Counting staff should not be affiliated with any candidate or party.
- (ii) Supervisor should be a Gazetted Officer or of equivalent status.
- (iii) One supervisor and one assistant at one table.
- (iv) Counting Supervisor and Counting Assistant for the Postal Ballot should be Gazetted Officer.
- (v) Staff of local bodies should not be appointed.

### **21.10 Randomization of counting officials** (ECI No. 470/INST/2014-EPS dt.30.04.2014)

Three stage randomizations.

- (i) In 1st stage —
  - (a) A list of 120% of required number of officials (Counting Supervisors and Assistants & MOs) in the district should be generated (including reserve) randomly using software by DEO, one week prior to date of counting.
  - (b) In no case at this stage the identity of Assembly segment will be known.
- (ii) In 2nd stage -
  - (a) AC wise randomization shall be done by DEO in presence of Observer(s) 24 hours prior to commencement of counting.
  - (b) There after concerned RO shall issue appointment letters to these officials assigning them allotted AC.
- (iii) In 3rd stage –
  - (a) Randomization of tables in counting hall allotted to counting supervisors/assistant/MOs by RO in presence of Observer at 5.00 AM at the day of counting.
  - (b) 10% staff to be kept as reserve – Replacement in exigency from reserve staff by DEO randomly after consulting Observer.

Videography of randomization process will be done.

### **21.11 Additional counting staff/Micro Observers**

- (i) GOI/Central Govt. PSU official on each table as static observer
- (ii) He will note down the CU No., Round No., PS No., and candidate wise result, in a pre-printed format - The format will be handed over to Observer
- (iii) DEO to issue I-Card to such staff - They will also be selected randomly by Observer.
- (iv) Two additional MOs in each counting Hall, One for the compilation desk and another for

assisting the Observer.

### 21.12 Entry into counting hall

- (i) Only following persons can enter counting centres: -
  - (a) Counting Supervisors/Assistants/staff appointed by RO
  - (b) Persons authorized by Commission.
  - (c) Public servants on election duty.
  - (d) Candidates, their election agents and counting agents.
- (ii) Ministers/ MPs/ MLAs/ MLCs/ Mayor/ Municipal Chairman/ Zila Pramukh/Pradhan will not to be allowed as Election Agent or counting agent, irrespective of whether he/she is provided security or not or anything else. (ECI's No.464/INST/2014/EPS dt.01.04.2014)
- (iii) Candidates whether he is MP/MLA shall be permitted with a stipulation that security persons with arms should not get into counting hall.
- (iv) Such candidates should be asked to given an undertaking that they are voluntarily surrendering their security. Exception is SPG producing or similarly placed persons. One SPG personnel in plain cloth can be accom- panied with them.
- (v) Mobile of RO, ARO, Counting Supervisor of ETPBS is to be allowed.
  - (a) Only that mobile phone of the RO/ ARO/ Counting Supervisor (s), linked to ETPBS, to be used to receive 'OTP' to log into ETPBS to start counting thereof have to be brought inside the counting hall;
  - (b) The mobile handset will be switched on only to receive 'OTP' and be switched off once the system is logged on to ETPBS,
  - (c) Inside the counting hall, such mobile handset are to be kept in the custody of ARO/ RO/ Observer, whosoever is the senior most officer in the Counting Hall for ETPBS counting, in switch off mode till the counting is over.
  - (d) In case the login is closed for some reasons, Counting Supervisor can get the mobile from the officer to whom the mobile set was submitted to receive OTP once again for enabling him to re-login. After re-login, he should return the mobile to same officer in switched off mode.
- (vi) A declaration be got signed by all users separately about Do's and Don'ts for mobile usage.
- (vii) Specific permission be sought from concerned CEO for number of users in each case with the requisite mobile phone numbers being used. Mobile phones are to be allowed inside the Counting hall for all such users.
- (viii) In case of result count from CU: Before taking signatures of candidates/their agents/Counting agents in Part-II of Form-17 C, in the space between Counting Supervisor's signature and signatures of candidates/their agents/Counting agents, write in pen "We, hereby, certify that CU No (s) is/are the same which were used in the polling station no. .... ". No. 51/8/7/2019-EMPS Dated: 22nd May, 2019.
- (ix) In case the observer is allotted to look after counting in **more than one hall/AC**, the **Micro-Observers attached to the Observer in each hall and who are preparing the round-wise**

tabulation format or randomly selected two EVMs, may be authorised to crosscheck the randomly selected EVMs and sign the round-wise tabulation format on behalf of the observer in their absence. The **Observer will countersign** the same thereafter immediately. (464/INST/2019/EPS dtd. 13.05.2019)

- (x) Counting Agents are allowed to carry pen/pencil plain paper/ note pad duplicate copy of 17C furnished by the presiding officer to the polling agent after close of the poll, inside the counting hall for their use/reference during counting. 4/2019/SDR/Vol.IV dtd. 22.05.2019

### 21.13 Counting process

- (i) A round wise statement to be prepared by RO in a format.
- (ii) RO and Observer, both shall verify it.
- (iii) Next round should only start after finishing previous round at all tables.
- (iv) Table wise round wise results be shown at notice board inside counting centre and to be announced through public address system.
- (v) Flow of data through ENCORE.
- (vi) Round wise data to be faxed to CEO and also to be updated in the application stipulated by ECI.
- (vii) Mandatory verification of VVPATs Paper Slips of 5 polling stations per Assembly Constituency/Assembly Segment vide ECI letter no.51/8/VVPAT-INST/2019-EMPS dated. 15.04.2019.
- (viii) After counting, the fully reconciled data should be checked thoroughly before result is declared.
- (ix) RO shall not declare the result without receiving the authorization in the prescribed format.
- (x) **Random Re-counting** – Re-counting of two EVMs selected randomly by Observer from every round separately and additionally.
- (xi) Counting of VVPAT slips - As circumstances specified by ECI directions.
- (xii) Application for VVPAT Paper Slips Counting - As per ECI's No. 51/8/VVPAT/2017-EMS dt. 05.12.2017.
- (xiii) Procedure to count VVPAT Paper Slips- As per ECI's No. 51/8/VVPAT/2017-EMS dt. 05.12.2017. (51/8/VVPAT-INST/2019-EMPS dtd 15.04.2019)
- (xiv) Counting of VVPAT paper slips to be held only after the completion of the last round of counting of votes recorded in the EVMs. The sequence of VVPAT paper slips count would be as per instruction 51/8/VVPAT-INST/2019-EMPS dated 15.04.2019.
- (xv) Issues regarding counting of VVPAT slips: non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C. 51/8/7/2019-EMPS dtd 21.05.2019 & 51/8/7/INST/EMS dtd 10.11.2021.

### 21.14 Counting of votes received by post [R. 54A and ECI's No. 470/INST/2014-EPS dt. 30.04.2014]

- (i) RO to first deal with the PBs - After a gap of 30 minutes the EVM counting can also start.
- (ii) Should be separate tables and separate arrangements.
- (iii) One ARO shall be dedicated to handle the ETPB counting.
- (iv) Procedure to count ETPBs mentioned in ECI's letter no. 52/2018/SDR dt. 21.08.2018 to be followed.
- (v) One ARO shall be dedicated to handle the other PBs counting.
- (vi) Observer & RO should closely monitor the PB counting.
- (vii) Before finalizing the tally of PB counting the RO should personally verify whether PB considered invalid and rejected have been verified properly before rejected.

- (viii) All PBs received till the time fixed for commencement of counting of votes shall be opened for counting.
- (ix) Covers in Form 13C received after hour fixed for commencement not to be opened - They may be rejected and be kept separately into a larger cover and sealed.
- (x) **In 1st phase –**
- (a) Covers in Form 13C be opened one after another and Form 13A will be scrutinized first before opening the Cover-A.
  - (b) RO will reject PB without opening Cover-A if, -
    1. The Declaration (13A) is not found inside 13C, or
    2. The Declaration has not been duly signed or not duly attested or is otherwise substantially defective, or
    3. The Sr. No. of PB on Form-13A is different from the Sr. No. written on Cover-A
  - (c) All such rejected Covers-A containing PBs should be endorsed by RO/ARO and will be re-placed back with respective Form-13A in Cover-B (13C)
  - (d) All such Covers-B will be kept together in separate packet which will be sealed and full particulars will be noted thereon.
- (xi) **In 2nd phase –**
- (a) RO will proceed to deal with remaining Covers-A (13B)
  - (b) In order to protect secrecy of voting all Declarations (13A) which were found in order should be placed together in a separate packet and sealed.
  - (c) Thereafter Covers in Form 13B should be opened and ballot paper will be scrutinized one after another.
  - (d) A Postal Ballot will be rejected if, -
    1. No vote is recorded thereon, or
    2. Vote is in favour of more than one candidate, or
    3. It is a spurious ballot, or
    4. It is so damaged or mutilated that its identity as genuine ballot cannot be established, or
  - (e) It is not returned in the Cover-B sent to the elector, or
  - (f) The mark indicating the vote is doubtful, or
  - (g) The voter is identified.
- (xii) Any mark to indicate the vote can be accepted as valid.
- (xiii) A Postal Ballot shall not be rejected merely on the ground that the attesting officer has not put his seal on Form-13A, if the attesting officer has given all relevant details with regard to his name and designation (ECI No. 464/ INST/2012 – EPS dt. 13.12.2012)
- (xiv) A Postal Ballot shall not also be rejected on the ground that the elector has not put his signature on Cover-B, if the identity of the elector is identifiable on the basis of Form-13A (ECI No. 464/INST/2012 – EPS dt. 13.12.2012)

- (xv) Result of PBs, received within prescribed time, to be shown in Form-20.
- (xvi) Such re-verification/recounting proceedings should be videographed - Video cassette / CD should be sealed.
- (xvii) Format for recording the tally of votes in counting of postal ballots as per ECI's No.470/2014/SDR dt.14.05.2014.
- (xviii) Mandatory verification of VVPAT Paper Slips of **five** randomly selected polling stations in each AC/Assembly segment. (ECI's letter no. 51/8/VVPAT-INST/2019-EMPS dated 15.04.2019)
- (xix) In cases where margin of victory is less than the no. of PBs rejected as invalid at the time of counting, the R.O. to personally verify carefully all PBs rejected as invalid to satisfy that decision to reject PBs was correct. The Observer and the RO shall record the findings of re-verification and satisfy themselves before finalizing the result. The entire proceeding should be video-graphed without compromising the secrecy of ballot and the video-cassette/ CD should be sealed in a separate envelope for future reference. 470/2019/SDR dtd. 18.05.2019

**21.15 Declaration of result and return of election** (Sec. 65, 66 and 67A of RPAct, 1951; R. 64 of CE Rules, 1961; Ch. 15 of RO Handbook 2019, ECI No. 470/IN-ST/2014-EPS dt.30.04.2014)

- (i) After completing final result sheet in Form 20 and receiving approval of the Observer, the RO will declare the result. The result shall also be updated on the application stipulated by ECI.
- (ii) The result shall also be updated on ECI's online application/Portal- ENCORE.
- (iii) Any additional votes casted in favour of any candidate in "test-vote" procedure, as mentioned in item 5 of Part-I of Form-17-C by Presiding Officer, shall be deducted in Form-20 with remarks. (ECI's No.51/8/7/2015-EMS dt.04.02.2015)
- (iv) Formal declaration of result shall be made in Form 21C.
- (v) Date of result is the date of result declared.
- (vi) Return of election in Form 21-E shall be completed and certified as soon as result is declared.
- (vii) One copy each of Forms 20, 21C and 21E will be given to Observer.
- (viii) Copy of Form 21 E to any candidate/agent @ 2/- per copy.

**21.16 Re-sealing of EVMs and election record** (Para 38 and 40 of Ch. 15 of RO Handbook 2022, R. 93(1) of CE Rules 1961)

- (i) Immediately after counting is over, Control Units and packets of election papers specified under rule 93(1) shall be sealed with ROs seal and with the secret seal of the Commission.
- (ii) After completion of counting of votes, VVPAT Paper slips will be taken out from all the VVPATs and power pack of all CUs will be removed, paper slips from all VVPATs will be sealed in black envelopes, there after EVMs will be kept in the strong room.
- (iii) Secret seal shall be put on packets only and not on any of the locks of the trunk.
- (iv) After the sealing of the used Control Unit in boxes and election paper proceedings should be drawn up as prescribed.

### **21.17 Restriction on number of persons for receiving certificate of election**

(ECI No. 464/INST/2009-EPS dt. 15.5.2009)

When the candidate come for receiving certificate of election, only a maximum of 4 persons may accompany him.

### **21.18 Return of secret seal**

- (i) After sealing is over, the secret seal should be put into a separate packet, which should also be sealed. Candidates may be allowed to put their seals on the packet.
- (ii) It should be returned to ECI, within 24 hours of counting of votes, by registered insured post.

### **21.19 Safe custody of election papers** (R. 92 & 57C of CE Rules 1961 and Para 33, 34 and 42 of CH. 15 of RO Handbook 2019)

- (i) Follow the procedure as mentioned in Returning Officer Handbook.
- (ii) Advance arrangement of steel boxes, locks, transportation, security, space in treasury should be ensured.

### **21.20 Certificate of election** (Sec.53 of RP Act 1951 and R. 66 of CE Rules 1961)

- (i) Soon after declaration of result, candidate shall be granted a certificate of election in Form 22. Certificate should be in English or Hindi.
- (ii) Receipt of such certificate shall be obtained from candidate in the format given in para 8 of Ch. 16 of RO Handbook 2019. Signature of candidate on the acknowledgement shall be duly attested by the RO.

### **21.21 Reports of election** (Para 6 of Ch. 16 of RO Handbook 2018)

- (i) Intimation of the result of election shall be sent by an immediate Fax/ quickest means of transmission to the authorities - as mentioned in Ch. 16 of RO Handbook 2019.
- (ii) Copies of documents relating to result etc be sent (Ch. 16 of RO Handbook and Sec. 67 of RP Act, 1951 and R. 64, 66 of CE Rules, 1961)
- (iii) Documents duly signed with seal of RO are to be sent immediately to -
  1. Election Commission of India, New Delhi, through CEO
    - (a) Form - 20
    - (b) Form - 21C
    - (c) Form - 21E
  2. Chief Electoral Officer
    - (a) Form - 20
    - (b) Form - 21C
    - (c) Form - 21E
  3. Form - 21C

- (i) In case of Lok Sabha election to the Union Ministry of Law & Justice(Legislative Department), New Delhi
- (ii) In case of election to the State/UT Legislative Assembly to State Government/UT

- (i) In case of Lok Sabha Election to the Secretary General of the Lok Sabha, New Delhi.
  - (a) Form - 21C (21D for Bye –election)
  - (b) Acknowledgement of Certificate of Election.
- (ii) In case of Election to the State/UT Legislative Assembly to the Secretary of the State/UT.
  - (a) Form - 21C (21D for Bye –election)
  - (b) Acknowledgement of Certificate of Election.

### **21.22 Preparation of due constitution notification** (ECI's No.464/INST/2013-EPS dt.09.01.2014)

While preparing the Form-21C, RO should ensure that,-

- (i) Name of constituency as per Delimitation Order,
- (ii) Name and address of candidates as per 7A.
- (iii) Name of Party as per latest notification of ECI.
- (iv) Form-12C should be ink-signed with seal of RO along with certificate that the above have been adhered to.

### **21.23 Safe custody of election records / EVMs after result** (R. 92, 93 and 94 of CE Rules 1961 and Ch. 19 of RO Handbook 2019)

- (i) Under double lock - one key with DEO and one with TO.
- (ii) Inspection may be allowed and attested copies may be given of records which are not prohibited.
- (iii) Disposal of record - After expiry of prescribed period
- (iv) EVMs also to be cleared after expiry of prescribed period and be kept in DEO's Godown / Store at safe place and as per prescribed norms.
- (v) Where election petition is pending election record not to be disposed of and EVM not to be cleared and to be kept intact.
- (vi) After counting VVPAT slips have to be taken out and preserved in sealed envelopes and it will be disposed as per rule 94 CER, 1961. VVPATs will be released after counting.

## **22. Sending various statistical information and reports to the CEO**

### **22.1 REPORTS**

- (i) Polling Station wise elector information (Gender Ratio) – Current Electoral Rolls.
- (ii) AC wise elector information (Gender Ratio).
- (iii) Polling Station wise elector information (Elector Population Ratio) – Current Electoral Rolls.
- (iv) AC wise elector information (Elector Population Ratio).
- (v) District Age Cohort wise Elector Information.
- (vi) Polling Station wise information on inclusion and deletions in Current Electoral Rolls.
- (vii) AC wise information on inclusion and deletions in Current Electoral Rolls.
- (viii) Polling Station wise information on EPIC and Photo Coverage in Current Electoral Rolls.
- (ix) AC wise information on EPIC and Photo Coverage in Current Electoral Rolls.
- (x) Polling Station Location (PSL) Details.
- (xi) Constituency wise Information on migrated Electors.
- (xii) Information on Service Voters.

### **22.2 Other Information's/Reports**

- a) Related to Electoral Rolls.
- b) Report regarding publication of draft electoral roll.
- c) Report of final publication of Electoral Roll.
- d) Statistical information related to Electoral Roll.
  - (i) Information related to Addition, Deletion, and Modification.
  - (ii) Details of applications of Addition / Deletion.
  - (iii) Information relating to Addition and Deletion.
  - (iv) Information relating to service voters and general voters in the final published electoral roll.
- e) Information related to Polling Stations.
- f) Information related to publication of draft list of Polling Stations. (After Delimitation and as per direction of Commission.)
- g) Information related to publication of final list of Polling Stations. (After Delimitation and as per direction of Commission.)
- h) Proposal relating to modification of the Polling Stations.



### 22.3 Nomination

- a) Information relating to the issue of public notice of election by the RO.
- b) Daily information of nominated candidates.
- c) List of validity nominated candidates in Form-4 with photograph of candidates.
- d) Form-7A with photograph of candidates.
- e) Information relating to the validly nominated candidates (In alphabetical order)
- f) Information relating to report of result of uncontested Election.
- g) Information relating to list of contesting candidates.

### 22.4 Polling Personnel

- a) OK report of the reaching of Polling parties of the AC / District to the Polling Stations.
- b) OK report of the returning Polling parties of the AC / District to reception centre.

### 22.5 Counting Centre

Sending report to the Commission for approval of counting centre. (with strongroom)

### 22.6 Poll Day

- a) Information related to conduct of mock Poll at all the Polling Stations of AC / District.
- b) Information related to commencement of Poll.
- c) Information related to Poll.
  - 1st Report - At 1 P.M.
  - 2<sup>nd</sup> Report - At 7 P.M.
  - 3rd Report - At 7 A.M of next day of Poll
- d) Information relating to % of poll at 9 AM, 11AM, 1PM and 5 PM on Poll Day.
- e) Information relating to EPIC Voter on 7PM of Poll Day.
- f) During the course of polling, the RO will maintain a separate register to identify such polling stations and even before the arrival of the polling party at the reception centre and a hoarding or a notice board at reception centre indicating number and details of the polling stations that would be handled at the special counter should be put up.

### 22.7 On Day of Counting

- a) Information relating to round wise report of result.(Annexure for tabulating trend / result).
- b) Information relating on line generation report.
- c) Information relating to result in the following formats:

Declaration of result of election form 21 C / D	4 Copies	Immediately after the declaration of result
Return of Election Form 21 E	4 Copies	Immediately after the declaration of result
Index Card	3 Copies	Within 3 Days
Form 20 (Final Result Sheet)	4 Copies	Within 3 Days
RO Report	4 Copies	Immediately After Election
Check list	4 Copies	Immediately After Election
Cancelled ballot paper	2 Copies	Immediately After Election
Check Memo	2 Copies	Within 8 Days
Receipt of Certificate from winning candidate	2 Copies	After issuing certificate (Form 22) to winning candidate.
Information relating to executive summary of election		

## 22.8 Precautions while filling Index Cards

1. Name of the candidate must be exactly as it appears in Form 7A.
2. Political Party's name must be written in full, and not in abbreviation.
3. RO's seal and sign must be there in original and ink [No Photocopy etc].
4. Hard copy Index card tallies with soft copy Index card in Encore portal

## 22.9 After Counting

- a) Sealing and storage of polled EVMs and VVPAT slips as per ECI guidelines.
- b) Returning secret seal as per ECI guidelines.

## 22.10 ALLEGATION AGAINST POLLING STAFF

Whenever specific allegations of a serious nature are made in writing against the Presiding Officer or the polling staff about his/her conduct during polling at an election, RO should inquire into the matter as soon as practicable and send the papers together with DEO report to the Chief Electoral Officer and the Commission.

## 23. Miscellaneous

(Ch. 19 of RO Handbook)

### 23.1 Disposal of deposits made by candidates (Sec. 158 of RP Act, 1951)-

- (i) The deposit can be refunded only to the person in whose it was made in the treasury or his legal representatives if he is dead.
- (ii) The deposit shall be refunded if the conditions laid down u/s 158 of RP Act, 1951 are fulfilled.
- (iii) Form of applications for return is given in RO Handbook 2022.

### 23.2 ROs report (Ch. 19 of RO Handbook 2022)

- (i) Two copies of report in Format given in RO Handbook should be sent to Commission through CEO one copy for CEO also.
- (ii) Ensure in advance that required information from Presiding Officers is available and mentioned in P.O. diaries.

### 23.3 Index Card (Ch. 19 of RO Handbook 2022)

- (i) Send it through CEO to the Commission within 15 days of poll.
- (ii) To fill up the Index Card instructions given in the card should be carefully followed (Format given in RO Handbook)

### 23.4 Retention and disposal of VVPAT paper slips generated during mock poll on poll day and actual poll, the following protocol shall be followed:

- (a) VVPAT paper slips pertaining to mock poll on poll day and actual shall be retained till Election Petition period i.e. 45 days from the date of declaration of result.
- (b) After completion of Election Petition period, the CEO/DEO shall immediately obtain within 7 days the status of Election Petition or Court Case from the competent court.
- (c) If any Election Petition or Court case is pending, the VVPAT paper slips pertaining to mock poll and actual poll shall be kept in the custody of District Election Officers till final disposal of Election Petition or Court Case.
- (d) If no Election Petition or Court case is pending, the VVPAT paper slips pertaining to Mock poll and actual poll shall be disposed of as per following procedure:
  - (i) VVPAT paper slips may be disposed of by using Paper Shredding Machine within seven days of the order of District Election Officer.
  - (ii) The above shredding shall be done in the presence of a Gazetted Officer duly nominated by the District Election Officer concerned in the prescribed Annexure of EVM/VVPAT manual.
  - (iii) The District Election Officers shall submit a certificate in Annexure of EVM/VVPAT manual, to the Chief Electoral Officer concerned in this regard within 15 days of confirmation of Election Petition status.

## **23.5 Disposal of surplus and waste ballot papers**

**23.5.1** Directions of Commission given at Para 19.19 of Ch. 19 of RO Handbook 2022 shall be followed strictly. Superintendent Government Press and Collector / District Magistrate of the district, wherein Govt. Press is situated, shall send a report within a week to the CEO certifying that all surplus and waste ballot papers printed have been destroyed in the prescribed manner. Such consolidated report with certificate shall be submitted onwards to the Commission by the CEO.



*"No Voter to be left behind"*

**Document 23 - Edition 2**

**August 2022**



# **भारत निर्वाचन आयोग**

## **ELECTION COMMISSION OF INDIA**

**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

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