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OFFICE OF THE CHIEF ELECTORAL OFFICER
ARUNACHAL PRADESH
ITANAGAR

The 28th November, 2006

No. EN/LEG/52/06.—The following direction issued by the Election Commission of India, New Delhi, is reproduced below for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/ID/2006/J.S.II/(BYE)

Dated : 23rd November, 2006

ORDER

1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under Section 62 of that Act more effective, provisions may be made by rules under that Act for use of Electoral Identity Cards for electors as the means of establishing their identity at the time of polling ; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electoral Identity Cards to electors bearing their photographs at State cost ; and
3. Whereas, Rules 49H (3) and 49K (2) (b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electoral Identity Cards under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electoral Identity Cards at the polling station and failure or refusal on their part to produce those Electoral Identity Cards may result in the denial of permission to vote ; and
4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electoral Identity Card, where provided by the Election Commission at State cost, and that both are to be used together ; and
5. Whereas, the Election Commission made an Order on the 28th August, 1993, directing the issue of Electoral Photo Identity Cards (EPICs) to all electors, according to a time bound programme ; and
6. Whereas, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPICs was taken up, the election machinery of Arunachal Pradesh, Chhatisgarh, Karnataka and Maharashtra have issued these cards to a substantially high number of electors and made all possible efforts, by way of repeated rounds of the constituencies and areas, with a view to issuing cards to the left-out electors ; and
7. Whereas, at the general election to the Legislative Assembly of Haryana held in January - March, 2000, and at all general and bye-elections held since then, the Commission had directed that all electors who were issued with EPICs should produce those cards to exercise their franchise at the said elections, and that it would permit the odd electors who have not obtained their EPICs to vote at the said elections, provided their identity is otherwise established by production of one of the alternative documents prescribed by the Commission ; and
8. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in 43- Roing (ST) Assembly Constituency in Arunachal Pradesh, 25-Kota Assembly Constituency in Chhatisgarh, 117-Chamundeswari Assembly Constituency in Karnataka and 118-Daryapur and 158-Chimur Assembly Constituencies in Maharashtra, who have been issued with their EPICs, shall have to produce these cards to exercise their franchise, when they come to the polling stations for voting at the current bye-elections to the State Legislative Assemblies of abovementioned States, notified on 10th November, 2006.

9. The Election Commission will, however, permit the electors who have not been issued their EPICs to vote at the current bye-elections, provided their identity is otherwise established by the production of any of the following alternative documents :-

- (i) Passports,
- (ii) Driving Licences,
- (iii) Income Tax Identity (PAN) Cards,
- (iv) Service Identity Cards issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks issued by Public Sector Banks/Post Office and Kisan Passbooks (Accounts opened on or before 30-9-2006),
- (vi) Student Identity Cards issued by Recognised Educational Institutions on or before 30-9-2006,
- (vii) Property Documents such as Pattas, Registered Deeds, etc,
- (viii) Ration Cards issued on or before 30-9-2006,
- (ix) SC/ST/OBC Certificates issued by competent authority on or before 30-9-2006,
- (x) Pension Documents such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates, Old Age Pension Order, Widow Pension Order,
- (xi) Railway Identification Cards issued on or before 30-9-2006,
- (xii) Freedom Fighter Identity Cards,
- (xiii) Arms Licenses issued on or before 30-9-2006,
- (xiv) Certificate of Physical Handicap by Competent Authority issued on or before 30-9-2006,

10. The above alternative documents for identification will also apply in respect of such of the odd electors, who have been supplied with Electoral Identity Cards, but are not able to produce them for reasons beyond their control.

By Order

K.F. WILFRED
SECRETARY

K.K. Sharma,
Chief Electoral Officer,
Arunachal Pradesh,
Itanagar.