



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part V—Section 4

Notifications by the Election Commission of India.

NOTIFICATIONS BY THE ELECTION COMMISSION OF INDIA.

ORDER OF ELECTION COMMISSION OF INDIA REGARDING USE OF ELECTOR'S PHOTO IDENTITY CARDS DURING BYE-ELECTION TO TAMIL NADU LEGISLATIVE ASSEMBLY, FROM 137. THIRUMANGALAM ASSEMBLY CONSTITUENCY POLL FOR WHICH IS SCHEDULED TO BE HELD ON 9TH JANUARY 2009.

No. SRO G-2/2009.

The following Order of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi 110 001, dated 30th December 2008 is published :—

No.3/4/ID/2008/SDR(TN) .—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 Tamil Nadu, 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, electoral rolls containing photographs of the electors have been prepared and issued in Tamil Nadu; and

8. 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;

9. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that all electors in 137. Thirumangalam Assembly Constituency in the bye-election to the Legislative Assembly of Tamil Nadu, notified on 15th December, 2008, shall produce their EPICs for establishing their identity before casting their votes. If any elector fails to produce his/her EPIC, the photograph on the electoral roll shall be taken into consideration for establishing his/her identity. If, in the case of any such elector, the identity cannot be established by means of the photograph in electoral roll, on account of the photograph being not available in the roll, or not being clear, such electors shall have to produce any of the following alternative photo documents for establishing their identity:—

- (i) Passports,
- (ii) Driving Licences issued upto 31-10-2008,
- (iii) Income Tax Identity (PAN) Cards,
- (iv) Service Identity Cards with photograph, issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks with photograph, issued by Public Sector Banks/ Post Office and Kisan Passbooks (Accounts opened on or before 31-10-2008),
- (vi) Pension Documents with photograph, such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates,
- (vii) Old age Pension Order, Widow Pension Order with photograph issued upto 31-10-2008,
- (viii) Freedom Fighter Identity Cards with photograph,
- (ix) Identity Cards with photograph issued by Directorate of Disability for people with Disability, issued upto 31-10-2008.

(By Order)

K. F. WILFRED,
Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
6th January 2009.

NARESH GUPTA,
Chief Electoral Officer and
Additional Chief Secretary to Government,
Public (Elections) Department.