



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 325]

CHENNAI, TUESDAY, DECEMBER 15, 2009
Karthigai 29, Thiruvalluvar Aandu-2040

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 225. TIRUCHENDUR AND 51. VANDAVASI (SC) ASSEMBLY CONSTITUENCIES TO BE HELD ON 19TH DECEMBER, 2009.

No. SRO G-47/2009.

The following Order of the Election Commission's Order **No.3/4/ID/2009/SDR/(TN)/325, dated: 09-12-2009** is published:—

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 Photo Identity Cards for electors as the means of establishing their identity at the time of polling; and

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

3. Whereas, Rules 49H (3) and 49K (2)(b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with 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 Photo Identity Cards may result in the denial of permission to vote; and

4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electoral Identity Cards, 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 the 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 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 elections 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 225. Tiruchendur and 51. Vandavasi (SC) Assembly Constituencies in Tamil Nadu, for the bye-elections notified on 25th November, 2009, shall produce their EPICs for establishing their identity before casting their votes. If any elector fails to produce his / her EPIC, such elector shall have to produce any of the following alternative photo documents for establishing his / her identity:—

- (i) Passports,
- (ii) Driving Licence,
- (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 31-10-2009),
- (vi) Pension Documents with photograph, such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Dependent Certificates, Old Age Pension Order, Widow Pension Order issued upto 31-10-2009,
- (vii) Freedom Fighter Identity Cards with photograph,
- (viii) Property documents such as Pattas, Registered Deeds, etc., with photograph,
- (ix) SC/ST/OBC certificates issued by competent authority with photograph (issued upto 31-10-2009),
- (x) Arms Licenses having photograph issued upto 31-10-2009,
- (xi) Certificate of physical handicap with photograph issued by the competent authority issued upto 31-10-2009,
- (xii) Job cards issued under NERG Scheme with photograph issued upto 31-10-2009,
- (xiii) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme) issued upto 31-10-2009.

10. Any of the above mentioned documents that is available only to the head of the family may be used for identifying the other members of the family provided all members come together and are identified by the head of the family.

(By Order)

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

Secretariat,
Chennai-600 009,
15th December 2009.

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