

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.3/4/ID/2019/SDR/VOL.I

Dated: 18th November, 2019

To,

The Chief Electoral Officer
Karnataka,
Bengaluru

Subject: Bye Elections to the State Legislative Assembly of Karnataka, 2019- Commission's order regarding identification of electors.

Sir,

I am directed to enclose herewith Commission's Order dated 18th November, 2019 regarding identification of electors at the current bye Elections to the State Legislative Assembly, notified on **27-09-2019 from 03-Athani, 04-Kagwad, 09-Gokak, 81-Yellapur, 86-Hirekerur, 87-Ranibennur, 90-Vijayanagara, 141-Chikkaballapur, 151-K.R.Pura, 153-Yeshvanthapura, 156-Mahalakshmi Layout, 162-Shivajinagar, 178-Hosakote, 192-Krishnarajpet & 212-Hunsur Assembly Constituencies in the State of Karnataka**

2. The Commission has directed that all electors in current **bye-elections from 03-Athani, 04-Kagwad, 09-Gokak, 81-Yellapur, 86-Hirekerur, 87-Ranibennur, 90-Vijayanagara, 141-Chikkaballapur, 151-K.R.Pura, 153-Yeshvanthapura, 156-Mahalakshmi layout, 162-Shivajinagar, 178-Hosakote, 192-Krishnarajpet & 212-Hunsur Assembly Constituencies in the State of Karnataka**, who have been issued EPIC have to produce the Electors Photo Identity Card (EPIC) for their identification at the polling station before casting their votes. Those electors who are not able to produce the EPIC shall produce one of the alternative photo identity documents mentioned in paragraph 7 of the Order for establishing their identity. The list of documents is reproduced below for clarity:

- (i) Passport,
- (ii) Driving License,
- (iii) Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies,
- (iv) Passbooks with photograph issued by Bank/Post Office,
- (v) PAN Card,
- (vi) Smart Card issued by RGI under NPR,
- (vii) MNREGA Job Card,
- (viii) Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- (ix) Pension document with photograph,

- (x) Official identity cards issued to MPs/MLAs/MLCs, and
- (xi) Aadhaar Card.

3. In the case of EPIC, minor discrepancies in the entries therein should be ignored provided the identity of the elector can be established by the EPIC. If an elector produces an EPIC which has been issued by the Electoral Registration Officer of another Assembly Constituency, such card shall also be accepted for identification provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting. If it is not possible to establish the identity of the elector on account of mismatch of photograph, etc. the elector shall have to produce one of the alternative photo documents mentioned in Para 7 of the Order.

4. On earlier occasions, the Commission had allowed Photo Voter Slip as a document for identification. However, there have been representations against its use as a stand-alone identification document on the grounds of misuse as these are printed after the finalization of the roll and distributed just close to the poll through Booth Level Officers. The design of Photo Voter Slip does not incorporate any security feature. In fact, Photo Voter Slip was started as an alternative document as the coverage of EPIC was not complete. As per available information, at present, more than 99 per cent electors possess EPIC, and more than 99 per cent adults have been issued Aadhaar Cards. Taking all these facts in view, Commission has now decided that Photo Voter Slip shall henceforth not be accepted as a stand-alone identification document for voting. However, Photo Voter Slip will continue to be prepared and issued to electors as part of the awareness building exercise. In order to make it clear to the electors that Photo Voter Slips shall not be accepted as a stand-alone identification document for voting, the words 'THIS SLIP WILL NOT BE ACCEPTED FOR THE PURPOSE OF IDENTIFICATION IN POLLING STATION. YOU ARE REQUIRED TO CARRY EPIC OR ONE OF THE 11 ALTERNATIVE DOCUMENTS SPECIFIED BY THE COMMISSION FOR VOTING' shall be printed on the Photo Voter Slip in bold letters. Photo Voter Slips shall continue to be printed.

5. Overseas electors shall have to produce their original passport only for identification.

6. The Order may be brought to the notice of the Returning Officers and all Presiding Officers. A copy of the Order translated in the vernacular language should be supplied to each of the Presiding Officers. The Order shall be got published in the State Gazette, immediately. This Order shall also be given wide publicity through print/electronic media for information of the general public and electors immediately and subsequently at regular intervals till the date of polling. This should include paid Advertisements in the newspapers. All political parties in your State/UT and contesting candidates may also be informed, in writing, regarding these directions.

7. The Returning Officers shall explain the implications of this Order and explain the contents thereof to all Presiding Officers through special briefings. They should also ensure that a copy of this letter is available with the Presiding Officers at all polling stations /booths in the constituency.

8. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,



(Binod Kumar)
Under Officer

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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Dated: 18th November, 2019

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 Electors Photo Identity Card for electors as the means of establishing their identity at the time of polling; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electors Photo Identity Card 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 Electors Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card 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 Electors Photo Identity Card, where provided by the Election Commission at State cost, as the means of establishing their identity at the time of polling 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 Electors Photo Identity Card (EPIC) to all electors, according to a time bound programme; and
6. Whereas, Electors Photo Identity Card have been issued to a substantially large number of electors in the State of Karnataka; and
7. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for the current bye Elections from **03-Athani, 04-Kagwad, 09-Gokak, 81-Yellapur, 86-Hirekerur, 87-Ranibennur, 90-Vijayanagara, 141-Chikkaballapur, 151-K.R.Pura, 153-Yeshvanthapura, 156-**

Mahalakshmi Layout, 162-Shivajinagar, 178-Hosakote, 192-Krishnarajpet & 212-Hunsur Assembly Constituencies in the State of Karnataka, for which poll is scheduled to be taken on 05-12-2019, all electors who have been issued EPIC shall produce the EPIC for their identification at the polling station before casting their votes. Those electors who are not able to produce the EPIC shall produce one of the following alternative photo identity documents for establishing their identity: -

- (i) Passport,
- (ii) Driving License,
- (iii) Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies,
- (iv) Passbooks with photograph issued by Bank/Post Office,
- (v) PAN Card,
- (vi) Smart Card issued by RGI under NPR,
- (vii) MNREGA Job Card,
- (viii) Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- (ix) Pension document with photograph,
- (x) Official identity cards issued to MPs/MLAs/MLCs, and
- (xi) Aadhaar Card.

8. In the case of EPIC, clerical errors, spelling mistakes, etc. should be ignored provided the identity of the elector can be established by the EPIC. If an elector produces an EPIC which has been issued by the Electoral Registration Officer of another Assembly Constituency, such EPIC shall also be accepted for identification provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting. If it is not possible to establish the identity of the elector on account of mismatch of photograph, etc. the elector shall have to produce one of the alternative photo documents mentioned in Para 7 above.

9. Notwithstanding anything in Para 7 above, overseas electors who are registered in the electoral roll under Section 20A of the Representation of the People Act, 1950, based on the particulars in their Passport, shall be identified on the basis of their original passport only (and no other identity document) in the polling station.

By Order,



(N.T.BHUTIA)
SECRETARY