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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/ID/2013/SDR(MIZ)

Dated : 14th February, 2013

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, 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, the Commission has taken note of the fact that over the last few years since the implementation of the programme of issue of EPIC was taken up, the election machinery of Mizoram, has 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 those 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. Whereas, the Commission has introduced distribution of 'Authenticated Photo Voters Slip' to the electors in Mizoram before every election;

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 8-Chaifilh (ST) Assembly Constituency in Mizoram for the bye-election notified on 30-1-2013, shall produce their EPIC for establishing their identity before casting their votes. Electors who do not have EPIC shall have to produce the 'Authenticated Photo Voter Slip' issued by the election machinery for identification in the polling stations. If any elector fails to produce his/her EPIC/Photo Voter Slip or the photo in the EPIC/Authenticated Photo Voter Slip does not match, they shall have to produce any of the following photo documents for establishing their identity:-

- (i) Passport,
- (ii) Driving Licence,
- (iii) Income Tax Identity (PAN) Card,
- (iv) Service Identity Cards having photograph, issued to its employees by State/Central Government Offices, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks issued by Public Sector Bank/Post Office and Kisan Passbooks with photograph (accounts opened upto 31/12/2012),
- (vi) Property Documents such as Pattas, Registered Deeds, etc. with photograph,
- (vii) SC/ST/OBC certificate issued by competent authority with photograph issued up to 31/12/2012.
- (viii) Pension Document such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates, Old Age Pension Order, Widow Pension Order with photograph (issued upto 31/12/2012),
- (ix) Freedom Fighter Identity Card with photograph,
- (x) Arms License with photograph (issued up to 31/12/2012)
- (xi) Certificate of physical handicap with photograph issued by the Competent Authority (issued up to 31/12/2012),
- (xii) Job Card under the National Rural Employment Guarantee Scheme, (issued up to 31/12/2012),
- (xiii) Health Insurance Scheme Smart Card with photograph (Ministry of Labour's Scheme, issued up to 31/12/2012),
- (xiv) Smart Cards issued by RGI under the scheme of National Population Register (NPR),
- (xv) Aadhaar Card issued by UIDAI.

10. Notwithstanding anything in Para 9 above, overseas electors who are registered in the electoral rolls 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,

Ashish Chakraborty,
Secretary.