

HAND BOOK
FOR
PRESIDING OFFICERS
FOR
MUNICIPAL & CORPORATION ELECTIONS

STATE ELECTION COMMISSION
ODISHA, BHUBANESAR

2022

PREFACE

Presiding Officers have enormous responsibility in conduct of election. They play a pivotal role in conduct of free and fair election in each Polling Station. It is, therefore, necessary that Presiding Officers should follow scrupulously the prescribed election procedures to conduct the poll in a flawless manner at the Polling Station. Any error or irregularity in the process may vitiate the election. Hence, in order to familiarize the Presiding Officers with different procedures, operational know-how of EVMs, a Handbook for Presiding Officers has been brought out. Here in this Hand Book, every item of task that a Presiding Officer has to perform during the course of entire process of conduct of election has been explained.

It is desired that once Presiding Officers make reference to the book to update their knowledge, it shall be useful in preparing themselves thoroughly for better performance of their election duty. Further, the Sector Officers and other Supervisory Officers must go through the book to refresh their knowledge and for imparting proper guidance to Presiding Officers while performing their duty at Polling Station in case of doubt or other contingencies.

The Commission shall consider its endeavor worthy and satisfying, if Presiding Officers find the book useful and handy in equipping them better to perform their tasks in a hassle free manner.

Aditya Prasad Padhi, IAS (Retd).,
State Election Commissioner

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CHAPTER-1

BROAD OUTLINE OF DUTIES OF THE PRESIDING OFFICERS

The Presiding Officers conduct election at the Polling Station level. They play a major role in conducting the election in smooth, free and fair manner. Conduct of free and fair election does have a serious impact on the electors and enhances the credibility of democracy. The duties and responsibilities of a Presiding Officer during conduct of election at a Polling Station are enumerated below in a nutshell.

- (i) You should acquaint yourself fully with rules and procedures prescribed for conduct of Poll through EVM.
- (ii) You must keep in readiness all relevant instructions of the Election Officer.
- (iii) You must acquaint yourself about the use & operation of EVM with utmost thoroughness.
- (iv) You must attend the training classes along with your 1st Polling Officer without fail.
- (v) On the day of dispersal acquaint yourself with other members of your team such as 1st Polling Officer, 2nd Polling Officer, 3rd Polling Officer and 4th Polling Officer.
- (vi) While collecting election materials it is your responsibility to check that all the items as per Check Memo (**Annexure-1**) have been provided to you. Specifically indelible ink phial is not empty or dried up. If so, replace the same at the dispersal centre.
- (vii) At the **Dispersal Centre** while receiving Electronic Voting Machine you should ensure,
 - (a) Control Unit and Ballot Unit given to you pertain to your Polling Station.
 - (b) The Candidate set section of Control Unit is duly sealed by Election Officer and address tag firmly attached.
 - (c) The battery in the Control Unit is fully operational.
 - (d) Ballot Unit(s) have been duly sealed and address tag firmly attached.
 - (e) Appropriate Ballot Paper for your Ward has been fixed in the Ballot Unit and is properly aligned with ballot paper screen.
 - (f) The slide switch has been set to 1 (one) position in Ballot Unit in case of one Ballot Unit where contesting candidates are 16 or less. Slide switch set to 2 (Two) in case of two Ballot Units where contesting candidates are more than 16 and less than 32 and so on.
 - (g) The other important items such as **Ballot Paper for Tendered Votes, Register of Voters, Marked Copy of Electoral Roll**, other copies of Electoral Roll, **Presiding Officer's Diary, Green Paper Seal, Strip Seal, Special Tag and Address Tag** have been provided.

- (h) You must remember that Marked Copy of Electoral Roll does not contain any mark other than 'EDC' (if any) mentioned against the name of an elector. Further, it shall bear the signature of the Election Officer with his seal on each page and Marked Copy will be written on the top of it.
- (viii) On arrival at the Polling Station, you should have a clear idea of the arrangements to be made for setting up of a Polling Station in prescribed manner especially to secure secrecy of voting, regulation of queue of voters, conduct of poll proceedings free from outside interference, etc.
- (ix) You have to keep your appointment order with you as well as the polling officers to keep theirs with them during poll.
- (x) You have the authority to allow Polling Agents to remain present at the Polling Station during the voting. You shall examine the letter of authority issued by a candidate in favour of a Polling Agent received from the Election Officer along with his **Photo Identity Card**. You will also record the attendance of the Polling Agents in a Form at **ANNEXURE-13** and obtain their signature on it.
- (xi) Before the commencement of poll, the voting machine has to be shown to the Polling Agents present to satisfy them that no votes are already recorded therein.
- (xii) For this purpose, a **mock poll** shall be held at least half an hour before the time fixed for commencement of poll by recording a few equal number of votes at random for each of the contesting candidates and tallying the result & shown to Polling Agents present.
- (xiii) After holding the mock poll, the votes recorded at such mock poll **have to be cleared from the voting machine** so that no data relating to the mock poll remains in the memory of the machine (**Close-Result-Clear**) i.e. CRC.
- (xiv) Then only you have to fix the **Green Paper Seal** and **Special Tag** to close and seal the result section with **Address Tag** of the Control Unit. Then **Strip Seal or 'A', 'B', 'C', 'D' Seal** is to be fixed. The procedure of fixing the green paper seal and sealing of Control Unit is explained in details in Chapter 5 of this Hand Book.
- (xv) The Poll should commence at the hour fixed for such commencement by the Commission. Before commencing the Poll, the candidates or their agents present and the Polling Officers should be explained about the maintenance of secrecy of vote by reading the relevant provision of Section 128 of Representation of Peoples Act, 1951 regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.
- (xvi) Further after reading out the provision of 128 R.P Act and before commencement of the Poll you should also read out & sign a declaration in the form at **Annexure-3** and obtain the signature of Polling Agents Present.
- (xvii) You have to go on recording the relevant events during poll as and when these occur, in the Presiding Officer's Diary

- (xviii) You have to regulate the proceedings in the Polling Station for peaceful and smooth conduct of poll.
- (xix) The identity of an elector should be properly verified by the 1st Polling Officer. The instructions for establishing the identity of elector as provided in rule 48 of Odisha Municipal (DWRSC) Rules, 1994, and Rule 47 of Odisha Municipal Corporation (DWRSC&CE) Rules, 2003 and Commission's Order No. 4550/SEC dt 07.12.2021 should be followed scrupulously. After an elector has been identified, the 1st Polling Officer shall underline the name of the elector in the Marked Copy of Electoral Roll & in addition put a tick mark against the name of Female Voter.
- (xx) Then 2nd Polling Officer is required to put the Indelible Ink on the left hand forefinger of the elector and write the serial no. of the elector in Register of Voters and obtain signature or thumb impression of the elector in the Register.
- (xxi) After that he will issue a Voter's Slip to the elector who in turn will proceed to 3rd/4th Polling Officer and submit the Voter's Slip
- (xxii) The 3rd Polling Officer will examine the left hand forefinger of the elector and collect the Voter's Slip. Then the elector will be allowed to enter into the voting compartment to cast his vote.
- (xxiii) The 3rd and 4th Polling Officer will be in charge of the Control Unit of the voting machine.
- (a) To enable the elector to record his vote, the Polling Officer will press the **Ballot button** on the Control Unit to make it ready for recording the vote. On the ballot button being pressed, the "Busy" lamp will **glow red** and simultaneously the ready lamp on Ballot Unit in the voting compartment will start **glowing green**. The elector will record his vote in the compartment by pressing the "**Blue button**" provided against the name and symbol of the candidate of his choice.
- (b) When the voter presses that button, the lamp provided on the Ballot Unit against the name and symbol of that candidate will start **glowing red** and green light on the Ballot Unit will go off. Also a beep sound will be heard emitting out from the Control Unit. After few seconds the beep sound and red light in the candidates lamp on the Ballot Unit and the red light on the "Busy" Lamp on the Control Unit will also go off.
- (xxiv) Sometimes, the Presiding Officer may have a suspicion or reason to suspect that the Ballot Unit kept in the screened voting compartment is not functioning properly or that an elector who has entered the voting compartment is tampering or otherwise interfering with the Ballot Unit or has remained inside the voting compartment for unduly long period. In such cases, the Presiding Officer has to take such steps as may be considered necessary by him to ensure that the Ballot Unit is not tampered or interfered with in any way. If it is required to enter the voting compartment, the Presiding Officer should permit the Polling Agents to accompany him if they so desire.

- (xxv) You shall close the poll at the hour fixed for the purpose by the Election Commission. However, all voters present at the Polling Station at the closing hour of poll shall be allowed to vote who have been provided with slips signed by you. You will start distributing the slips from the end of the queue, before the closing hours.
- (xxvi) After the close of poll, the voting machines and all election papers should be sealed and secured in the manner prescribed by the Election Commission and described in detail in **Chapter – 11** of this Hand Book. .
- (xxvii) It is your personal responsibility to hand over the voting machines and all election papers duly sealed and secured to the officer responsible for the collection thereof at the Receiving Centre under proper receipt.
- (xxviii) In the performance of your duties you are only bound by the instructions of the Commission/ Election Officer / Election Observer or other officers authorized by Commission.
- (xxix) **In case you are unable to remain present in the Polling Station for reasons beyond your control, you shall authorize your 1st Polling Officer to act as Presiding Officer during your short absence from the Polling Station.**

* * *

[N.B. : All the Annexure marked ‘A’ are meant for use in Municipal Corporation Election.]

CHAPTER-2

DUTIES OF POLLING PERSONNEL

1. Polling Party & Duties of Polling Personnel.

A Polling party consists of one Presiding Officer and four Polling Officers appointed by the Election Officer for each Polling Station under Rule 35(1) of the Odisha Municipal (Delimitation of Wards, Reservation of Seats & Conduct of Election) Rules, 1994 and Rule 34(2) of Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats and Conduct of Election) Rules, 2003.

To each Polling Party, a Police Personnel will be attached. His services are meant to be used by you to maintain orderliness at the Polling Station including queues of voters, and safety of Electronic Voting Machines during voting. He is not to enter inside the Polling Station.

2. Training of Polling Personnel:

The Election Officer shall arrange training and rehearsal. The Presiding Officer and 1st Polling Officer are compulsorily required to attend the training on the date, time and venue fixed by the Election Officer to get them acquainted with the functioning of Electronic Voting Machines (EVMs), provisions of law and other processes of conducting poll.

3. Duties of the Polling Personnel:

(a) Presiding Officer:

The Presiding Officer is in over all charge of the conduct of poll in the Polling Station. He has to provide periodic information on percentage of poll or any other important event during poll. He has to maintain the Presiding Officer's Diary in the form at **Annexure-12** for recording important events happening during poll. He has to issue EDC Ballot Paper received from Election Officer when someone produces the proper authorization. He has to keep Account of Votes recorded in the appropriate Form given at **Annexure-11**. This is in addition to whatever has been outlined as duties in the Chapter-1 of this manual.

(b) 1st Polling Officer.

(i) 1st polling officer is in-charge of **Marked Copy of Electoral Roll**. On entering the Polling Station, the elector will proceed direct to 1st Polling officer for identification. The

Commission has notified vide Order No. 4550/SEC, dt 07.12.2021 the following documents out of which any one, a voter must produce to establish his identity.

Document for identity proof.

- (a) Electoral Photo Identity Card (EPIC) issued by Election Commission of India
 - (b) Aadhaar Card
 - (c) Passport
 - (d) Driving License
 - (e) Service Identity Card issued to the employees by the State/ Central Government/ Public Sector Undertaking, Local Bodies/ Public Limited Companies
 - (f) Passbook with photograph issued by Bank, Post Office
 - (g) PAN Card
 - (h) Smart Card issued by RGI under NPR
 - (i) Pension document with photograph
 - (j) Official Identity Cards issued to MPs/ MLAs
 - (k) Certificate of Disability
 - (l) Freedom Fighter Identity Card
 - (m) Any other documentary evidence establishing the identity of the voters to the satisfaction of the Presiding Officer.
- (ii) It should be noted that possession of a Photo Identity Card as specified above will not confer the right to vote unless his/her name finds place in the Electoral Roll supplied to the Polling Party.
- (iii) When the identity of the voter is established by production of any one of the documents as instructed by the Commission the 1st Polling Officer will **underline the name of the elector and in addition will put a tick mark against the name of women voter** in the Marked Copy of the Electoral Roll.
- (iv) Whenever, there is either **challenge or doubt regarding identity of the elector**, the same shall be referred to the Presiding Officer.

(c) **2nd Polling Officer.**

(i) **Indelible Ink**

The 2nd Polling Officer is also in charge of Indelible Ink. When the identity of the elector is established, he is required to check the left forefinger of the voter whether there is any indelible ink mark. If nothing is there he shall put the indelible ink mark on the left hand forefinger.

If the voter has forefinger in the left hand missing then any other finger in his left hand has to be marked.

If the voter has **all the fingers of his left hand missing** he shall put indelible ink mark on any of the fingers on the right hand in the same sequence.

If fingers on both the hands are missing, the ink can be put to extreme of voter's left or right arm as he or she possesses.

(ii) **Register of Voters**

He is to maintain **Register of Voters** in the form at **Annexure-2**. He will be responsible for maintaining in that register the proper account of electors whose identity has been established.

After an elector has been identified, the entry relating the elector in the Marked Copy of Electoral Roll i.e. Serial Number (Not the name) as called out by the 1st Polling Officer should be noted in the Register of Voters.

(iii) **Signature of Elector**

Then he will obtain the signature or thumb impression of each elector in Register of Voters before he is allowed to vote.

(iv) **Voter's Slip**

Only after obtaining signature/thumb impression he shall issue a voter slip to the elector.

Voter's Slip

Serial No. of elector as per Col. (1) of the Register of Voters..... Serial No. of elector as entered in the electoral roll
Signature of Polling Officer

(v) **Refused to Sign:**

If an elector **refuses to put his signature or thumb impression** on the Register of Voters, he **shall not be permitted to vote** and entry "**refused to sign**" will be made in the remark column of Register of Voters. Presiding Officer will put his full signature underneath.

(d) **3rd Polling Officer.**

3rd Polling Officer is required to receive the **Voter's Slip** and only after which shall allow the elector to enter into voting compartment containing the EVM for the office of Chairperson/ Mayor. The 3rd Polling Officer will be in charge of the Control Unit of the EVM for election to the office of Chairperson/ Mayor.

- (i) He will check the left hand fore finger of the voter for indelible ink mark before allowing the voter to voting compartment.
- (ii) In case it is smudged or removed, he should ask the 2nd Polling Officer to put fresh mark.
- (iii) Voter Slips collected from the voters should be tagged serially and after the completion of the poll the same should be kept in a separate cover provided for the purpose.
- (iv) **Refused to Vote.**

If the voter does not register any vote in the compartment and comes out without voting '**Refused to Vote**' should be recorded in the remark column of the Register of Voters and the Presiding Officer shall put his full signature underneath.

(e) **4th Polling Officer**

After coming out of the voting compartment having cast his/ her vote for the office of Chairperson/ Mayor, the elector will proceed to the 4th Polling officer, who shall allow the elector to enter into voting compartment containing the EVM for the office of Councillor/ Corporator. The 4th Polling Officer will be in charge of the Control Unit of the EVM for election to the office of Councillor/ Corporator.

CHAPTER-3

ARRANGEMENT FOR POLL

1. Setting up of Polling Stations & Voting procedure.

Polling party is to reach its Polling Station on the day preceding the day of poll.

2. On arrival at the Polling Station

- (i) You must form a clear idea of arrangement to be made for setting up of proper voting compartment to ensure secrecy of voting, regulation of queue of voters and protection of poll proceeding free from outside interference.
- (ii) Make sure that;
 - (a) there is enough space for the voters to wait outside the Polling Station;
 - (b) there is separate waiting space for men and women as far as practicable;
 - (c) there is separate entrance and exit for voters. If one door to the room is existing, then make provision for Entry & Exit by drawing a rope.

3. Voting Compartments:

- (i) Voters have to vote in secrecy and for this purpose, the **Ballot Unit(s)** is required to be kept in Voting Compartments. Voting Compartments have to be covered from three sides. Please ensure that nothing is visible from outside of the Voting Compartments.
- (iii) The Voting Compartments should be so provided and located as to prevent any breach of secrecy when elector is actually voting. It should also be adequately lighted.

4. Display of Notice:

Display prominently outside each Polling Station-

- (i) notice specifying the polling area and the electors who are entitled to cast their votes at the Polling Stations and when the polling area has more than one Polling Station the particulars of the electors so entitled; and
- (ii) copies of final list of the contesting candidates

5. Sitting Arrangement:

The sitting arrangement in the Polling Station should be such that the 1st and 2nd Polling Officers should be sitting in a row. The 3rd Polling Officer must be sitting near to the Voting Compartment for Chairperson/ Mayor while the 4th Polling Officer must sit near to the Voting Compartment for Councillor/ Corporator. The entire arrangement is such that the Presiding Officer shall be able to watch

total proceeding inside the Polling Station. There must be a clear passage for entry and exit of the electors in the Polling Station. The sitting arrangement in a Model Polling Station is shown at **Annexure-14.**

6. Sitting Arrangement for Polling Agents

The Polling Agents are to be seated in such a way that when an elector enters the Polling Station they may see the face of the elector and can challenge the identity of elector, if needed. They should also be able to watch the entire operation inside the Polling Station including his/her movement to Voting Compartment and his/her voter exit from the Polling Station after registering his/her vote.

CHAPTER-4

VOTING THROUGH ELECTRONIC VOTING MACHINE

1. Check of Control Unit

- (i) At the time of taking delivery of the Control Unit, you must have carried out the checks earlier described in this Hand Book and ensured that the Control Unit relates to your Ward and Polling Station.
- (ii) You must also have checked that 'Cand Set Section' of the Control Unit has been duly sealed and the Address tag is firmly attached.
- (iii) The battery installed in that section is fully operational.

2. Preparation of Control Unit.

- (i) Before a Control Unit is put to use at the Polling Station, some further preparations, apart from the preparation made at the Election Officer's level are necessary to be made by you at the Polling Station.
- (ii) The preparations to be made in the Control Unit are as follows;
 - (a) Interlink the Control Unit with the Ballot Unit
 - (b) Switch the power switch to 'ON position'
 - (c) Close the rear compartment after performing above functions
 - (d) Conduct the Mock Poll (as explained in Chapter 5 of this Hand Book)
 - (e) Clear the machine after the Mock Poll and setting all counts to ZERO (as explained in Chapter 5 of this Hand Book)
 - (f) Switch the power switch to 'OFF position'
 - (g) Fix the green paper seal(s) on the result section (as explained in Chapter 5 of this Hand Book).
 - (h) Fix the Special Tag for closing and sealing of the inner compartment of the result section (as explained in Chapter 5 of this Hand Book)
 - (i) Close and seal the outer cover of the result section with a Address Tag (as explained in Chapter 5 of this Hand Book)
 - (j) Fix the Strip Seal on the result section of the Control Unit (as explained in Chapter 5 of this Hand Book).

3. Voting Procedure.

After the mock poll is conducted, the poll is to commence sharp at the time fixed by the Commission for the purpose.

- (i) The voter when he enters the Polling Station will proceed to the **1st Polling Officer**. When the identity of the voter is established by production of any one of the documents as instructed by the Commission the 1st Polling Officer will **underline the name of the elector and in addition will put a tick mark against the name of women voter** in the Marked Copy of the electoral roll.
- (ii) The voter will then move to **2nd Polling Officer**.
- (iii) The **2nd Polling Officer** is in charge of Register of Voters, Indelible Ink and Voter's Slips.
 - (a) After the identity of an elector has been verified by the 1st Polling Officer, and if there is no challenge as to the Elector's identity, his left hand fore finger will be inspected by the 2nd Polling Officer.
 - (b) If no mark is seen on the finger, he will put the indelible ink in the left hand forefinger of the voter.
 - (c) After the marking of left hand forefinger of the voter, he shall write the serial no. of elector in the Register of Voters.
 - (d) Then he will ask the voter to sign or put thumb impression in the Register of Voters.
 - (e) There after he shall issue the voter the Voter's Slip by filling up the particulars therein.
- (iv) The **3rd Polling Officer** will inspect the left hand forefinger of the Voter for clear mark of indelible ink and then will receive Voter's Slip and allow the voter to proceed to the voting compartment.
- (v) After coming out of the voting compartment having cast his/ her vote for the office Chairperson /Mayor, the elector will move to the 4th Polling Officer who shall allow the elector to proceed to the voting compartment to cast his/ her vote for the office of Councillor/ Corporator.

4. Voting by EVM:

- (i) To enable the elector record his vote the Polling Officer will press the **ballot button** on Control Unit to make it ready for recording of vote by elector.
- (ii) On ballot button being pressed "**Busy**" lamp in Control Unit will glow **red.**,
- (iii) The "**ready**" lamp on Ballot Unit shall glow **green**. This indicates that the Ballot Unit of EVM is now ready to record vote.

- (iv) The elector will record his vote in the compartment by pressing the “**Blue**” button provided against the name and symbol of candidate of his choice.
- (v) When the elector presses the button the lamp provided in the Ballot Unit against the name and symbol of that candidate will start glowing **red** and green light on the Ballot Unit shall **go off**.
- (vi) After the vote is recorded a beep sound emitting from CU will be heard and “**Busy**” lamp on Control Unit **go off**.
- (vii) So also the **red** light in the candidate lamp in Ballot Unit shall **go off**.

5. Stoppage of Poll

- (i) If at anytime or in any event the proceeding at any Polling Station is interrupted or obstructed by failure of voting machine or any reason whatsoever and you are satisfied that free and fair conduct of election has been affected there by, you shall forthwith stop the poll, make an announcement to that effect in the Polling Station and inform the fact to Election Officer.
- (ii) Where a Presiding Officer stops a poll, he shall observe the procedure for sealing of EVMs and other election related papers as detailed in **Chapter – 11**.

CHAPTER-5

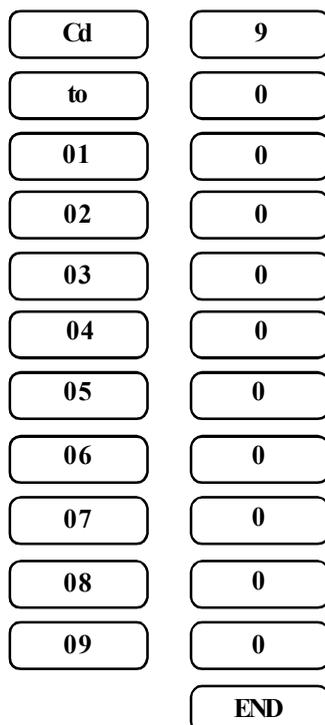
CONDUCT OF MOCK POLL AND SEALING OF CONTROL UNIT

1. Conducting Mock Poll:

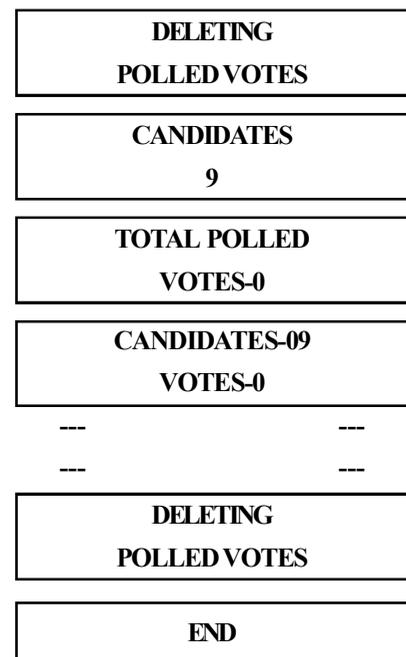
Before commencing the poll, you have to satisfy not only yourself but also all Polling Agents present that the voting machine is in perfect working order and that no votes have already been recorded in the machine. The following procedure should be followed in both the EVMs i.e the EVM meant for election of Chairperson/ Mayor and that for Councillor/ Corporator:

- (i) To start the Mock Poll you have to perform the following operations in the Control Unit & Ballot Unit of the EVM.
 - (a) Interlink the Control Unit with the Ballot Unit or the first Ballot Unit where more Ballot Units than one are used;
 - (b) Switch the power switch at the rear compartment of the Control Unit to 'ON' position;
- (ii) For satisfaction of the Candidates/Polling Agent, you should first show to all present that all counts have been set to **ZERO** by pressing the 'Clear' button. The 'Clear' button is provided in a compartment in the Result Section of the Control Unit. This compartment is covered by an inner door and an outer cover. The display in the Control Unit will show as per the following diagrams:

(For EVMs supplied by ECI)



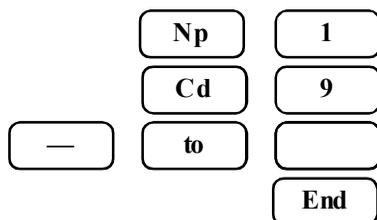
(For EVMs supplied by SEC)



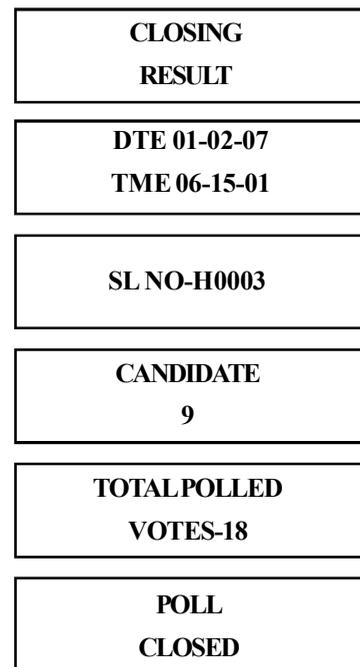
- (iii) Then Press the 'Ballot' button on the Ballot Section of the Control Unit. On pressing the 'Ballot' buttons, 'Busy' lamp in the Display Section will glow red. Simultaneously, the 'Ready' lamp on the Ballot Unit will also start glowing green.

- (iv) Then any Polling Agent can press, according to his choice, any of the candidate's button on the Ballot Unit.
- (v) When the votes are being so recorded, press the 'Total' button on the Ballot Section of the Control Unit to verify at any time that the total votes recorded in the machine tally with the number of votes which have been polled upto that stage. Allow the Polling Agents to cast equal no. of votes for each candidate.
- (vi) Ensure that all the contesting candidates get votes.
- (vii) At the end of the mock poll, press the 'Close' button in the Result Section. On the 'close' button being so pressed, the Display Panels in the Display Section of EVMs will show as follows.

(For EVMs supplied by ECI)



(For EVMs supplied by SEC)



- (viii) Now press the button marked '**Result**' in the Result Section. On that button being pressed, the Display Panels will start showing candidate-wise votes polled the in the machine sequentially. Show the result to all the Polling Agents present to be satisfied about the no. of votes recorded.

(For EVMs supplied by ECI)

Cd	9
to	18
01	02
02	02
03	02
04	02
05	02
06	02
07	02
08	02
09	02
	END

(For EVMs supplied by SEC)

COMPUTING RESULT
POLLRESULT PDT 03-04-18
PST 07-15-10 PET 07-30-10
CANDIDATES 09
TOTAL POLLED VOTES-02
CANDIDATES-01 VOTES-02
-- -- -- --
CANDIDATES-09 VOTES-05
END

(ix) Next, press the 'Clear' button to clear the account of votes recorded during the mock poll. On the 'Clear' button being so pressed, all counts will show ZERO as shown previously.

Then you are to proceed with sealing of Control Unit. For this you are provided with **Special Tag, Green paper seal, Strip seal and Address tag.**

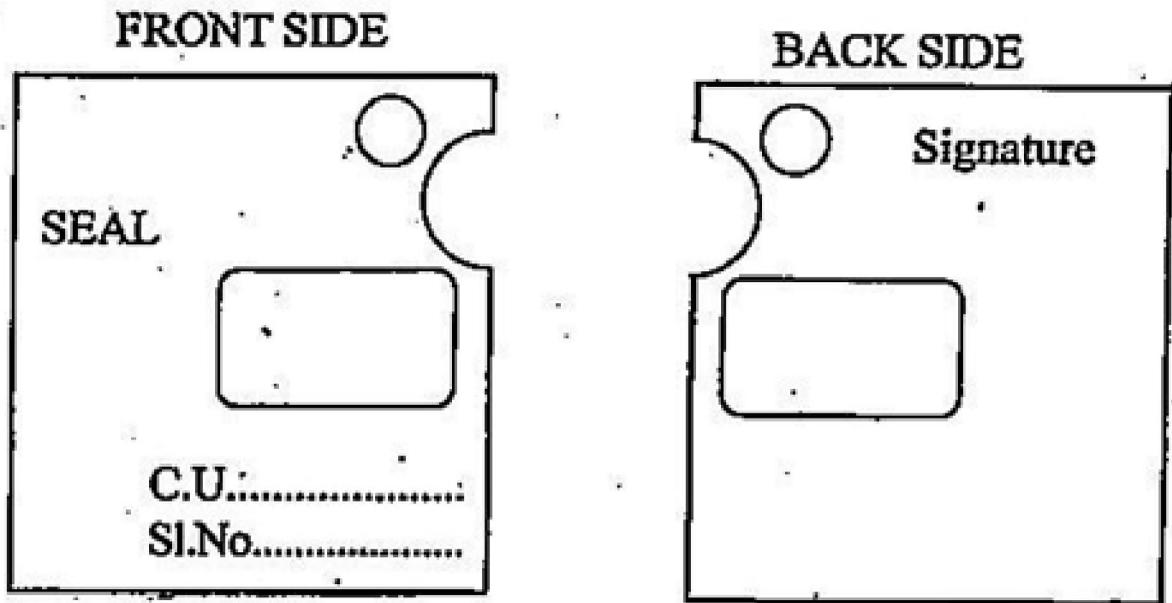
2. Sealing of EVM for Poll

Step-1-Fixing of Green paper seal

Green paper seal is to be signed by you and Polling Agents on the white surface. There is a frame provided for fixing the paper seal on the inner side of the door of the inner compartment of the result section of the Control Unit. Green paper seal is to be fixed in such a way that its green surface is seen through the aperture from outside. After fixing the seal, the door of the inner compartment should be closed and sealed in such a way that two open ends of the green paper seal protrude outwards from the sides of inner compartment. Then outer door of result section is to be closed.



Step-2-Fixing of Special Tag



[Special Tag looks as above]

Special tag is to be fixed in the “CLOSE” button compartment of result section to seal the inner cover of Result Section. There is a hole on the right corner on the top front side with a metal ring to pass thread for sealing. You should put your signature on the back side of the special tag. Candidates/agents present should also be asked to put their signature. Then the special tag tied to a thread is to be sealed with wax. Thereafter without breaking the seal fit the special tag to the “CLOSE” button so that the portion CLOSE protrudes through the hole cut in the special tag.

Step-3-Fixing of Address Tag

ADDRESS TAG
(For Control Unit)

Election to the Municipal
Corporation/Municipality/N.A.C. .

Ward No.

Name of Polling Station r.....

Booth No.

Control Unit CU Serial No.

Date of Poll

OGP—MP-PTS (U-4) (S.E.C.) 79—10,000—30-9-2014

For Control Unit

Address Tag contains Election to the ULB, Serial No., Name of the Polling Station and Date of Poll etc. After the outer cover of result section has been closed, that cover should be sealed by (i) passing a thread through the two holes provided for the purpose on the left side of the outer cover, (ii) tying the thread into a knot, (iii) attaching address tag similar to the one which is attached to the ‘**Cand Set Section**’ in the Election Officer’s level and sealing the thread on the address tag with wax and the seal of the Presiding Officer.

Step-4-Strip seal:



The length of the strip is such that breadth of the Control Unit can be wrapped with it. It is used to provide an extra outer seal of the Control Unit. At both the end of the strip seal, there are four(4) pre-gummed portions “**A**”, “**B**”, “**C**”, and “**D**”. Before strip seal is fixed to seal the Result section you are to put your signature in full below the serial number of the strip seal. Each strip seal is provided with a definite number. The method of sealing strip seal is illustrated in diagrams in next page and details explained below.

Step-a

First double fold the green paper seal, protruding from the lower portion of the outer door of the Result Section, in the middle ensuring that the green side of the seal remains outside.

Step-b

Then keep the strip seal with the pre-gummed portion ‘**A**’ positioned near the base of the green paper seal protruding from the lower portion of the outer door of the result section. Remove the wax paper over ‘**A**’ and press the inner layer (green side) of the green paper seal over the gummed portion and press.

Step-c

Now remove the wax paper over the pre-gummed portion ‘**B**’ and press this gummed portion over the folded portion (again green side) of the green paper seal.

Step-d

After pasting ‘**B**’ over the green paper seal the pre-gummed portion ‘**C**’ press the green paper seal protruding from the upper portion of outer door so that green paper seal is firmly pasted over ‘**C**’ (Now the white side of the green paper seal will come on top and will be visible from outside).

Step-e

Take the remaining portion of the strip seal round the Control Unit from left side taking care that the strip below rubber cap covering the “**CLOSE**” button. Bring the other end of the strip seal from the right side of the Control Unit on the top of the outer door where the pre-gummed portions ‘**A**’, ‘**B**’, and ‘**C**’ have been pasted.

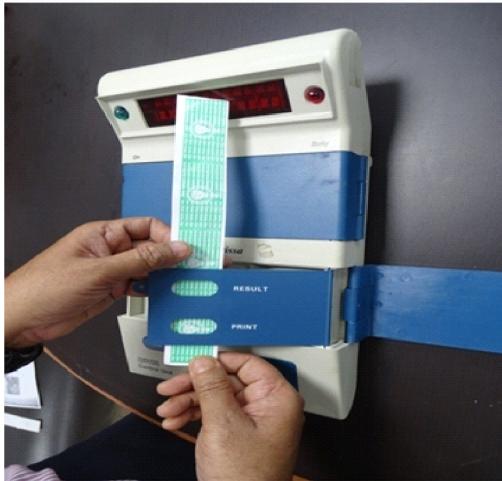
Step-f

Remove the wax paper covering the pre-gummed portion 'D' and press it firmly over the green paper seal, which was protruding from the upper portion of the door and was pasted on the pre-gummed portion 'C'. The pre-gummed portion 'D' spills over the strip seal below the "CLOSE" button. Press this spilled over portion of 'D' firmly over strip seal.

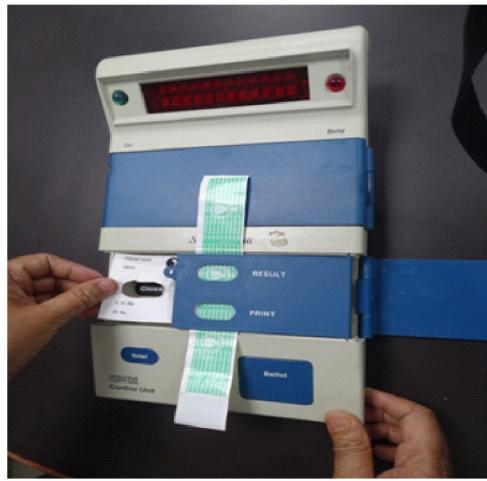
By the above process, both the loose ends of the green paper seal protruding from the both the sides of the outer door get firmly pasted & held by the strip seal. At the same time the outer door over the result section is also with the strip seal from all sides and this section cannot be opened without damaging the seal. You shall take care that the seal is not damaged or tampered during the poll nor it shall be removed during or after the poll.

After sealing, now the EVM will be ready for poll.

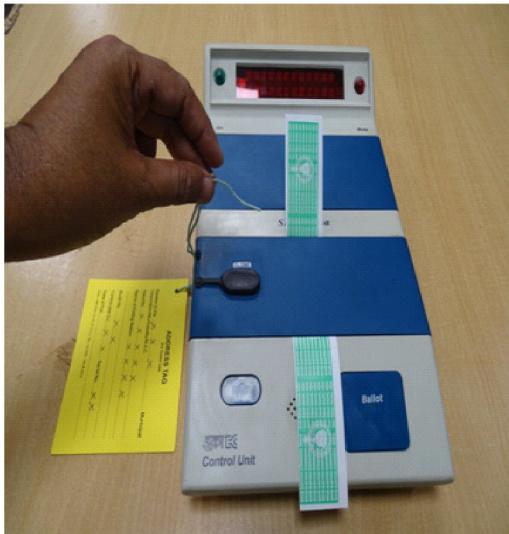
ILLUSTRATION OF SEALING OF RESULT SECTION OF CONTROL UNIT



Pic-1 Fixing the Green Paper Seal



Pic-2 Fixing the Special Tag to the "close" Unit in result Compartment



Pic-3 Fixing the Address Tag to the Outer Cover of Result Section



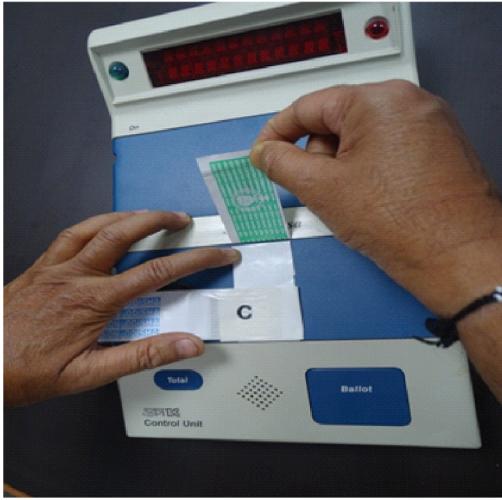
Pic-4 Fixing the Strip Seal with pre-gummed 'A', 'B', 'C' and 'D' labell



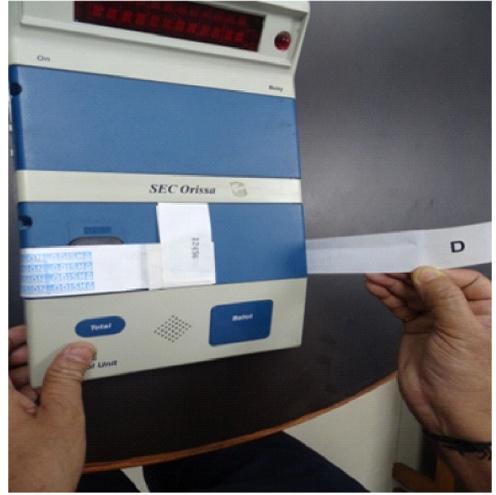
Pic-5 Fixing Strip Seal on 'A' Portion.



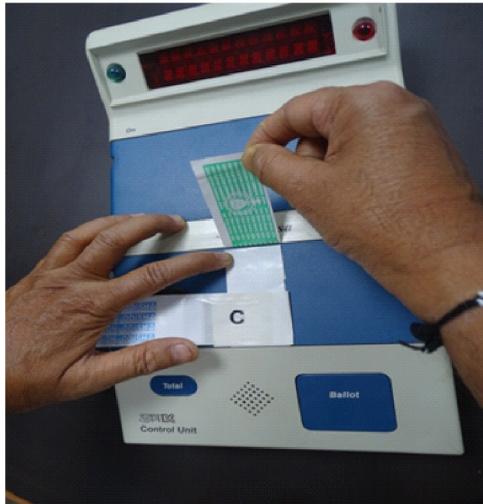
Pic-6 Fixing Strip Seal on 'B' Portion.



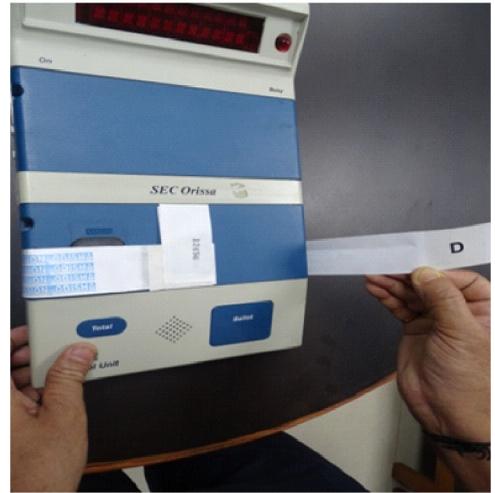
Pic-5 Fixing Strip Seal on 'A' Portion.



Pic-6 Fixing Strip Seal on 'B' Portion.



Pic-7 Fixing Strip Seal on 'C' Portion.



Pic-8 Fixing Strip Seal on 'D' Portion.

CHAPTER-6

COMMENCEMENT OF POLL

1. Commencement of the poll

The poll should commence at the appointed time. All the preliminary activities should be over by then. If for any unforeseen reason you are not in a position to commence the poll at the appointed hour, you should explain the reasons for the delay in your Presiding Officer's Diary.

2. Warning about secrecy of voting

Before commencing the poll, you must read and explain to all including the contesting candidates or their Polling Agents, who are present at the Polling Station, the provisions of Section 128 of the RP Act regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

Section 128 of Representation of People Act, 1951 reads as follows:

- (i) "Every officer, clerk, agent or the other person who performs any duty in connection with recording or counting of votes at an election shall maintain, and aid in maintaining the secrecy of the voting and shall not(except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy."**
- (ii) "Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both."**

Every elector who is permitted to vote shall maintain absolute secrecy of voting within the Polling Station. He or she should strictly observe the voting procedure.

3. Declarations by Presiding Officer as safeguards for ensuring free and fair poll:

You are also required to read out the declaration, in the form at **Annexure-3** before the commencement of the poll in order to ensure that you have duly carried out the instructions. This should be done immediately after reading out the provisions of Section 128 of the Representation of the People Act, 1951, regarding maintenance of secrecy of voting. You should read out the declaration and sign the declaration and obtain thereon the signature of such of the contesting Candidates/Polling Agents present in the Polling Station. If any Polling Agents decline to affix their signature on the declaration, their names should be recorded therein.

In case a new EVM is used in the same Polling Station due to some technical error, the same process regarding preparation of EVM for poll and a fresh declaration has to be signed by you. The signature of Polling Agents may also be obtained on the declaration.

4. Precautions for indelible ink

2nd Polling Officer who is in charge of Indelible Ink has to take adequate precautions to see that the phial containing the indelible ink is kept carefully in such a manner that it does not get tilted and the ink spilt during the poll. For the purpose, the cigarette tin supplied to you with sand filled up may be used to keep the Indelible Ink phial erect.

5. Marked Copy of the electoral roll

Before commencement of the poll, you should also demonstrate to the Candidates/Polling Agents, who are present at the Polling Station that the Marked Copy of the Electoral Roll to be used for 'marking' the names of electors who are allowed to vote does not contain any remarks other than marking of 'EDC' if any.

6. Register of voters

Register of Voters may also be shown to the candidates /Polling Agents who are present at the Polling Station that it does not already contain any entry in respect of any elector.

7. Entry of voters to Polling Station

There should be separate queue for men and women electors. The persons who enforce the queue will allow three or four voters into the Polling Station at a time or as you direct. Other electors waiting to come in should be made to stand in queue outside. Blind/Infirm voters and women voters with babies in arms may be given preference over other voters in the queue. Two women voters may be allowed entry into the Polling Station for entry of one male voter. The formation of more than one queue for men voters or for women voters should not be allowed.

8. Regulation of entry into Polling Station.

Only the following persons can be admitted to the Polling Station:

- (i) Voters
- (ii) Candidates
- (iii) One duly appointed Polling Agent of each candidate.
- (iv) A person accompanying a blind or an infirm voter who cannot move without help
- (v) A child in arms accompanying an elector
- (vi) Any person whose assistance Presiding Officer seeks
- (vii) Public servants on duty in connection with election
- (viii) Any person appointed by the Commission or District Magistrate

However, security personnel accompanying, either any elector or any candidate or his agent **shall not be allowed** to enter the Polling Station.

Entry of persons should be strictly regulated as detailed above, otherwise the smooth and orderly conduct of poll may be vitiated.

9. Attendance of Polling Agents

- (i) Presiding Officer shall examine the form of appointment of the Polling Agent issued by his Candidate and approved by Election Officer. Before allowing Polling Agent inside the Polling Station you shall verify the Photo ID Card identifying the agent out of the items detailed elsewhere in this Hand Book which are used for identifying an elector.
- (ii) You shall also record the attendance of the Polling Agents in a Form prescribed at **Annexure-13** and obtain their signatures on it. At the end of the Poll, the Attendance Sheet along with appointment letters of Polling Agents shall be kept in a separate cover provided for this purpose.

10. Voting at the Polling Station.

At the time specified for Poll, the voting at a Polling Station will be done in the following sequence.

- (i) When an elector enters the Polling Station, he/she will first go to the 1st Polling Officer for identification.
- (ii) 1st Polling Officer will check whether his name has been registered in the Electoral Roll used for the poll. The elector may bring with him/ her an unofficial voter's slip provided to him by a candidate having particulars of Serial Number and Polling Station number of Electoral Roll. This may help 1st Polling officer and Polling Agent to locate his name in the Electoral Roll.
- (iii) Then the 1st Polling Officer will check for his Electoral Photo Identity Card (EPIC) or any other alternative documents prescribed by the Commission at the time of voting.
- (iv) The 1st Polling Officer after being satisfied with the voter's identity, will read out aloud the name and Sl. No. of the elector, so that all the Polling Agents may note down in their copy of the Electoral Roll. Then the 2nd Polling Officer shall note down the Elector's Serial Number in the **Register of Voters**.
- (v) The 1st Polling Officer will underline the entry relating to his name in the Marked Copy of the Electoral Roll and put a tick mark [✓] on the left side of the name of the elector, if she is a female voter. This will help to count the number of female voters periodically and also at the end of the poll.
- (vi) The elector will then move to the 2nd Polling Officer, who will note down the Sl.No. of the elector in the Register of Voters as it is read out aloud by the 1st Polling Officer.
- (vii) Thereafter, the 2nd Polling Officer will apply indelible ink on the left forefinger of the elector in such a way to make a line from the top end of the nail to the bottom of the left forefinger.

- (viii) The 2nd Polling Officer will obtain the elector's signature or thumb impression in the relevant column of the Register of Voters.
- (ix) Finally, the 2nd Polling Officer will prepare the Voter's slip filling all required particulars.
- (x) Thereafter, the elector will move to 3rd Polling Officer with the Voter's Slip.
- (xi) The 3rd Polling officer will first re-check that the indelible ink mark is clear on the finger of the Elector. If it is found that it is not clear or has been wiped off, then he will ask the 2nd polling officer to apply the same once again.
- (xii) Thereafter, he will take Voter's Slip and allow the voter to go to the voting compartment for Chairperson/ Mayor to cast his vote.
- (xiii) The 3rd Polling Officer who is in charge of the Control Unit will press the Ballot Button in the Control Unit so that the voter can cast his vote. The detailed operation of the EVM and display of visual and audio indicators during voting has been explained in point No.4 of Chapter-4 of this Hand Book.
- (xiv) After casting his vote for Chairperson/ Mayor, the elector will proceed to the 4th Polling Officer. The 4th Polling Officer will re-check that the indelible ink mark is intact on the finger of the elector. If not, he will ask the 2nd Polling Officer to apply the same once again.
- (xv) Thereafter, the 4th Polling Officer will allow the voter to go to the voting compartment for Councillor/ Corporator to cast his vote. He will press the Ballot Button in the Control Unit so that the voter can cast his vote.

After having cast both the votes, the Voter will immediately leave the Polling Station.

11. Tallying of number of votes polled periodically during Poll

- (i) During Poll at any time, if the total number of votes polled upto that time has to be ascertained, the '**Total**' button on the Control Unit should be pressed. The display panel on the Control Unit will then show the total number of votes polled by that time. This should be periodically done and tallied with the number of electors allowed to vote up to that time as reflected in the Register of Voters.
- (ii) The '**Total**' button should be pressed only when the busy lamp is not on, i.e. only after the elector allowed to vote has recorded his vote, and before the next elector is allowed to vote by pressing the Ballot button.

CHAPTER-7

Verification of Elector's identity and Procedure in case of Challenge.

During actual voting at the Polling Station many special cases may arise which are explained in this and subsequent chapters like 8, 9 & 10 of this Hand Book..

1. Verification of elector's identity

The Commission has prescribed 12 items for identification of electors before they are allowed to cast their vote. The Presiding Officer must satisfy himself about identity of the elector. However minor discrepancies in the entries relating to elector's name, father's /mother's/husband's name, sex, age (only within 2/3 years) or address in the electors photo identity card shall be ignored and the elector allowed to cast his vote so long as the identity of the elector can be established by means of that card.

2. Challenged Votes

If there is a challenge by any of the Polling Agents or difficulty in establishing the identity of any voter, 1st Polling officer will refer the matter to the Presiding Officer.

- (i) A candidate or Polling Agent on his or her behalf can object to the identity of a voter on the only ground that he/she is not the person he/she claims to be as per entry in the voters list.
- (ii) For every objection a fee of Rs 20 shall be deposited with and receipt given to the objector.
- (iii) No such objection shall be entertained unless this challenge fee is deposited.
- (iv) Immediately after the deposit has been made, the Presiding Officer shall obtain a written statement for declaration of personation in the appropriate form at **Annexure-4** which shall be signed by the Candidate/Polling Agent and attested by two witnesses in presence of the Presiding Officer.
- (v) Presiding Officer shall then enter the name and address of the person, whose identity is challenged, in the Format **Annexure-5** and ask the person to sign or give thumb impression. If he/she refuses to do so the person shall not be allowed to vote.
- (vi) If the person, whose identity is challenged on being asked first, "Are you the person as enrolled" (entry from the electoral roll to be read) gives answer in affirmative and while being asked a second question "Have you already voted in this Polling Station or any other Polling Station during this election" answers in negative, the person is to be allowed to vote.
- (vii) The Presiding Officer shall make a note of circumstances and of his decisions in the appropriate Form given at **Annexure-5** and shall at the close of poll forward the same in a packet containing "List of challenged votes" along with the declaration of Personation obtained from the Polling Agent.

- (viii) The Election Officer, after instituting such inquiries as may be necessary, shall take steps to prosecute the persons or person whom he believes to be guilty of the offence of personation. If it is found as a result of the enquiry that the offence of personation has not been proved, the Election Officer shall decide whether the whole or part of the deposit shall be declared forfeited and the amount so forfeited shall be credited to such funds as may be directed by the Commission. In coming to a decision on this point, the Election Officer shall be guided by the fact and conclusions recorded at the trial. The deposit or such portion thereof as has not been declared forfeited shall be returned to the person who made the deposit.

* * *

CHAPTER-8

VOTING BY BLIND OR INFIRM VOTERS

1. Companion for Blind/Infirm Voter.

If you are satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbol on the Ballot Unit or unable to record his vote by pressing the appropriate button thereon without assistance, you shall allow that voter to take a companion with him who should not be less than 18 years of age.

2. Declaration from the companion.

The person permitted to act as the companion of an elector shall be required to sign the declaration in the form given at **Annexure -6** wherein it is indicated that he shall keep the secret of the vote recorded by him on behalf of the elector and he has not acted as the companion of any other voter at any other Polling Station on that day. Then the Presiding Officer will maintain the list of such companion(s) in form given in **Annexure-7**.

3. Polling Personnel as companion.

You shall also ensure that none of your polling staff acts as a companion to the blind elector to record vote on his behalf. But a Candidate or a Polling Agent (provided he is not less than 18 years of age) can act as such companion to a blind or infirm voter. But he can act as such companion of only one elector on that day. The person acting as such companion is required to make a declaration in the prescribed form.

4. List of Companions.

After the poll, all such declarations a **Annexure-6** along with list of such companions maintained in the form at **Annexure-7** should be kept in a specified cover and sealed.

CHAPTER-9

TENDERED VOTES

1. Tendered Votes.

If a person presenting himself to be a particular elector mentioned in the electoral roll, seeks to vote, coming after another voter who has already voted as such elector, then after verifying the identity of the voter this elector may be supplied with a tender ballot paper instead of being allowed to vote through EVM.

2. List of Tendered Votes.

Every such elector shall before being supplied with tender ballot paper shall put his signature in Form No. XVII-B given at **Annexure-8** after Presiding Officer has made the entries relating to name of the elector, Sl. No. in the Electoral Roll and Sl. No. in the Register of Voters in the relevant column of the said form.

3. Clerical Error in the Electoral Roll.

The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date e.g. regarding the exact age of the voter. You should overlook mere clerical and printing errors in any entry relating to a voter in the poll, provided that you are otherwise satisfied about the identity of the person claiming to be the voter, according to other particulars entered in electoral roll.

4. Issue of Ballot Paper.

Then the Presiding Officer will put the Distinguishing Mark Rubber seal on the back of the ballot paper. Then Presiding Officer will write '**Tendered Ballot Paper**' on the back side of the ballot paper and sign it. Then the ballot paper will be handed over to the elector. No entry regarding particulars of election will be made in the Register of Voters in connection with any Tendered Votes.

5. Voting by the Elector.

On receipt of the Tendered Ballot Paper the elector shall proceed to the Voting Compartment with Cross Mark Rubber Seal. He will put the Cross Mark Rubber Seal against the name of his choice candidate and after recording his vote put it in an envelope specially meant for the tendered ballot paper. There after the elector shall hand it over to the Presiding Officer. Then the cover will be sealed and kept in a separate big cover along with other Tendered Votes items.

Further, list of such Tendered Votes as maintained in the form at **Annexure-8** to be sealed and put in a specified envelope after the Poll is over.

CHAPTER-10

Vote through Election Duty Certificate (EDC)

1. Voting by a Election Duty Official

Polling Personnel on election duty shall not be deployed in same Wards where they are registered as voters. So, if a voter on election duty chooses to exercise his franchise on the polling day in the Polling Station where he is deployed, he may do so by being issued with an Election Duty Certificate (EDC). The procedure as laid down by the Commission is as following:

- (i) Those Officials, who are on election duty which include Presiding Officer, Polling Officers and Drivers etc, shall apply to the Election Officer in the form at **Annexure-9** prescribed by the Commission along with Xerox copy of the appointment letter atleast 4 days **before date of dispersal**.
- (ii) The Election Officer then verify the details given in the application and shall issue him Form of Authorization in the Form given at **Annexure-10** to vote at a Polling Station located outside the polling area.
- (iii) On the dispersal date, the Election Officer shall put EDC ballot paper in a closed cover writing over it, the name of the person on election duty, Polling Station No. and Ward No. and hand over to the Presiding Officer of the concerned Polling Station where the person is deployed.

2. EDC vote through Ballot Paper

- (i) In the Polling Station when the polling person on duty produces the form of authorization in Form No. XVII shown at **Annexure-10** to the Presiding Officer, then the Presiding Officer shall issue the EDC Ballot paper received from Election Officer and Cross Mark Rubber Seal to record his vote.
- (ii) After marking the ballot paper registering the vote he shall put the Ballot Paper in a "Cover for EDC Votes" supplied by the Presiding Officer and seal it. On the top of the Cover the particulars of the voters on election duty such as **Ward No., Booth No.** where he is registered as an elector as per form of authorisation issued by Election Officer, is to be written.
- (iii) After poll, the Presiding Officer shall collect all such EDC covers containing EDC Votes and then staple the form of Authorization to the concerned sealed cover and put it in a bigger packet.
- (iv) After poll, the Presiding Officer shall hand over **this packet** along with sealed carry case containing CU and BU, sealed cover containing Accounts of Votes recorded and sealed cover containing Presiding Officers Diary to the officer in charge of collection and return the same as a statutory item in the specified counter at the Receiving Centre.

3. EDC Vote through EVM

- (i) In bigger Municipalities and Corporations, it may so happen a Ward may have multiple Polling Stations and the person on election duty is a voter of another Polling Station of the same Ward.

- (ii) Then, in that case he has to record his vote through EVM, on the basis of authorization form so issued by Election Officer in the same process as normal votes.
- (a) *Put the Indelible Ink to the left hand forefinger.*
 - (b) *Electoral particulars of the person may be entered in the column-2 of Register of Voters (e.g. If Polling Station No. is 9 & Sl.No. 111 then it should be entered as 9/111).*
 - (c) *Obtain the signature of the elector in the Register of Voters..*
 - (d) *Write 'EDC' in the Remark Column of Register of Voters against the entry.*
 - (e) *Issue Voter's Slip writing the particulars.*
 - (f) *Then he will proceed to voting compartment to cast his vote.*

CHAPTER-11

CLOSURE OF POLL

1. Closure of Poll.

- (i) A few minutes before the appointed closing hour of the poll, announce to all those within the limits of the Polling Station who are waiting to vote to make a queue. Distribute to all such electors, slips signed by you in full, with Sl.No. from the last person of queue at that hour, so that no one joins the queue after the closure of Polling hour.
- (ii) The poll should be closed at the hour fixed for the purpose. However, all electors present at the Polling Station at the hour appointed for the close of poll should be permitted to cast their votes even if the poll has to be continued for sometime beyond the appointed closing hour.
- (iii) For closing the poll after the last voter has recorded his vote, the voting machine has to be closed so that no further recording of votes in the machine is possible. Press the **Total Button** to verify the total votes polled. You should press the '**Close**' button on the Control Unit. Then Battery switch should be brought to '**OFF**' position. Then both CU & BU will be put in the carry case and sealed with Address Tag.
- (iv) At the close of poll, the voting machine and all election papers should be sealed and secured in the manner prescribed by the Commission. Candidates or their agents present at the Polling Station shall also be allowed to affix their seals.
- (v) Then prepare the Accounts of Votes recorded in the Form given at **Annexure-11** and tally votes recorded in the EVM with total votes as per the Voter's Register. Give a carbon copy of the Accounts of votes Recorded to each Polling Agent and keep the original in the specified cover.
- (vi) Then he has to complete the Presiding Officer's Diary in Form at **Annexure-12** recording important events of the poll and put in a cover and seal it.
- (vii) Make the following packets to be returned to at the Receiving Centre.

2. Sealing of Polled EVMs

The Presiding Officer shall prepare the following items and seal it.

- (i) sealed carry case containing BU & CU
- (ii) sealed cover containing Presiding Officers' Diary;
- (iii) sealed cover containing account of votes recorded in form at Annexure-11;
- (iv) sealed cover containing EDC Votes.

At the receiving centre, first the Presiding Officer shall hand over the above items in a specified counter set up for the purpose.

3. Sealing of Other Election Papers.

Further, the Commission directs that 3 (three) types of packets having different colours shall be prepared for keeping election related documents as follows:

A. Packet – I (Statutory Covers) Pink Colour

Sealed Cover containing:

- (i) Declaration by Presiding Officer
- (ii) Register of Voters
- (iii) Marked Copy of Electoral Roll
- (iv) Tendered Ballot Paper
- (v) Tendered Votes List
- (vi) Unused and Used Voter's Slips
- (vii) Unused Tender Ballot Paper

B. Packet – II (Non-Statutory Covers) Yellow Colour

Cover containing:

- (i) Other copies of Electoral Roll (Other than Marked Copy)
- (ii) Cash receipt Book/Counterfoil/ Forfeited Cash
- (iii) List of challenged votes along with Declaration of Personation.
- (iv) List of blind and infirm voters along with Declaration by the Companion.
- (v) Appointment letter of Polling Agent along with Attendance sheet of Polling Agents.
- (vi) Unused/Damaged Paper seal/Strip seal

C. Packet – III (Miscellaneous) Blue Colour

- (i) Hand Book for Presiding Officer
- (ii) Metal Seal of Presiding Officer
- (iii) Rubber Seal of Presiding Officer
- (iv) Cross Mark Rubber Seal
- (v) Distinguishing Mark Rubber Seal
- (vi) Unused/used Indelible Ink
- (vii) Unused/Damaged Special Tags

4. Non Consumables

Further, Presiding Officers are also required to return the following **non-consumable** items on proper receipt.

- (i) Trunk
- (ii) LED Lamrp
- (iii) Empty Tin for Indelible Ink
- (iv) Cloth for Voting Compartment
- (v) Stamp Pad
- (vi) Metal Rule
- (vii) Lock & Key

5. Paid Acquittance Roll

- (i) Lastly Presiding Officer shall return the **Paid Acquittance Roll** and other **petty vouchers** along with un-disbursed amount, if any, in the counter specified.
- (ii) If you fail to produce vouchers for petty items of expenditure, a certificate (Certified that Rs. _____ has been spent to meet the various contingencies for smooth conduct of Poll) with date and your signature mentioning the name of the ULB/Ward/ Polling Station, shall be given.
- (iii) Similarly, you shall also remit the cash collected towards challenge fee, if any, and obtain proper receipt.

6. Relieve from Election Duties

- (i) It should be kept in mind that 3 big covers Pink, Yellow and Blue need not be sealed for verification of the individual sealed packets supposed to contain therein at the receiving centre.
- (ii) It is your personal responsibility to hand over the voting machine and all election papers duly sealed and secured to Election Officer or any other officer responsible for collection thereof.
- (iii) After returning all the materials you get yourself relieved from Election Duty from Election Officer.

CHECK LIST FOR PRESIDING OFFICERS

ITEM	ACTION OF BE TAKEN	REMARKS
(1)	(2)	(3)
1	Obtaining and keeping in possession all relevant instructions from the Election Officer.	Whether obtained and kept ?
2	Familiarization with the other members of the polling party and maintenance of close relationship with them.	Whether done ?
3	Collection of election material	Whether ensured that all the election materials and that too in sufficient quantities and numbers have been collected as per the check memo ?
4	Specially, checking up of Ballot Unit & Control Unit of the voting machine for their proper functioning, Marked Copy of the electoral roll, Cross Mark Rubber Seal, Green Paper Seals, Strip Seal, Special Tag, Register of Voters & Voter's Slip etc.	Whether done ?
5	Separate entrance and exit for voters at Polling Stations	Whether ensured ?
6	Display of notice specifying the polling area and the particulars of electors assigned and also a copy of the list of contesting candidates;	Whether displayed ?
7	Inter-linking of Control Unit and Ballot Units and switching on the battery.	Whether done ?
8	Conducting Mock Poll	Whether conducted ?
9	Fixing green paper seal on Result Compartment of Control Unit.	Whether done ?
10	Sealing the inner cover Result Section of the Control Unit with Special Tag.	Whether done ?
11	Sealing outer cover of the Result Section with Address Tag.	Whether done ?
12	Sealing of the CU with Strip Seal.	Whether done ?
13	Reading out the provisions of the Section 128 of R.P. Act, 1951 with regard to the secrecy of voting by Presiding Officer at the beginning of the poll.	Whether done ?
14	Reading out the Declaration regarding Mock Poll & other activities, signing the declaration and obtaining the signature of Polling Agents present.	Whether done ?

(1)	(2)	(3)
15	Allowing Polling Agents to note the serial numbers of Ballot Unit and Control Unit and green paper seal.	Whether allowed ?
16	Marking of indelible ink on left fore-finger and obtaining the signature/thumb impression of the electors on the Register of Voters.	Whether being properly done ?
17	Maintenance of Presiding Officer's Diary and recording of important events during Poll.	Whether maintained and important events recorded from time to time as and when they occur ?
18	Closure of poll at the appointed hour.	Whether done?
19	Supply of copies of Account of Votes Recorded to the Polling Agents ?	Whether supplied ?
20	Sealing of election papers.	Whether done according to the instructions ?

Annexures

ANNEXURE-1

CHECK MEMO

LIST OF MATERIALS TO BE SUPPLIED FOR EACH BOOTH FOR MUNICIPAL ELECTION WHERE ELECTRONIC VOTING MACHINE IS USED

Sl. No.	Item	No./Quantity
	Non-Consumables.	
1.	Control Unit	2
2.	Ballot Unit(s)	2 or more than 2 (Depending upon the no. of candidates)
3.	Metal trunk	1
4.	Screen for voting compartment	2
5.	LED Lamp	2
6.	Metal rule	1
7.	Indelible Ink	4 phials (5 ml)
8.	Empty cigarette tin	1
9.	Lock and key	1
10.	Seals:	
	(ii) Metal Seal for Presiding Officer	1
	(iii) Rubber Seal for Presiding Officer	1
	(iv) Cross mark Rubber Seal	1
	(v) Distinguishing mark seal	1
	(vi) Distinguishing mark seal	1
11.	Consumables:	
	(i) Copying Pencil	2
	(ii) Self inking pad	2
	(iii) Ball pen refill	2
	(iv) A 4 size paper	4
	(v) Pin (Small packet)	1
	(vi) Candle	2
	(vii) Sealing Wax	5
	(viii) Match Box	1
	(ix) Blade	1
	(x) Carbon paper	3
	(xi) Rubber bands	20
	(xii) Thin twine thread	2 metres

(xiii) Cloth for cleaning finger of voters	½ metre
(xiv) Gum paste	1 bottle(100 ml)
12. Forms etc.	
(i) Final list of contesting candidates	1
(ii) Electoral Roll of concerned Booth (For use as Marked Copy, display at Polling Booth and reference of 1st Polling Officer)	3 copies
(iii) Register of voters	1
(iv) Voters slip	Equal to the no. of electors in the Booth
(v) Ballot Paper (For Tender Votes)	5-10
(vi) Account of votes recorded	10
(vii) Address tag for Control Unit	4+4
(viii) Address Tag for Ballot Unit	4+4
(ix) Special Tag	4+4
(x) Green Paper Seals for EVM	4+4
(xi) Strip Seal	4+4
(xii) Presiding Officer's Diary	2
(xiii) Form for Attendance Sheet for Polling Agents	2
(xiv) Form for Declaration by Presiding Officer	4
(xv) Form for Declaration of Personation	5
(xvi) Form for list of challenged votes	2
(xvii) Receipt book for deposit of challenged fee	1 Book
(xviii) List of Tendered Votes	2
(xix) List of Blind and Infirm voters	2
(xx) Form for Declaration by the Companion of Blind and Infirm Voters	10
13. Covers:	
(i) Big Pink Cover for Statutory Papers Packet-I	1+1
(ii) Big Yellow Cover for Non-statutory Packet-II	1+1
(iii) Big Blue Cover for Misc. Items Packet-III	1+1
(iv) Marked Copy of Electoral Roll	1
(v) Other copies of Electoral Roll	1
(vi) Declaration by Presiding Officer	1
(vii) List of Challenged votes	1
(viii) Tender votes	5-10
(ix) Big Cover to contain Tender Ballot Papers	1

(x)	List of Tendered votes	1
(xi)	List of Blind and Infirm voters along with Declaration(s)	1
(xii)	Appointment letters of Polling Agents along with attendance sheet	1
(xiii)	Presiding Officers diary and any other report	1
(xiv)	Small Cover to contain each EDC Votes along with form of authorisation	5-10 1
(xv)	Big Cover to contain small covers of EDC votes	1
(xvi)	Receipt book for challenged fee	1
(xvii)	Account of votes recorded	1
(xviii)	Big cover for Register of voters	1
(xix)	Unused Tender Ballot Papers	1
(xx)	Unused and damaged Paper seal/Strip seal	1
(xxi)	Used/unused Voter's slip.	1
(xxii)	Any other paper that SEC or Election Officer packet has directed to keep in a sealed	

14. Labels:

(a)	ନିଷିଦ୍ଧାଞ୍ଜଳ	2
(b)	ଭୋଟଦାନ କ୍ଷେତ୍ର	2
(c)	ପ୍ରତୀକ୍ଷା ଗ୍ଳାନ (ପୁରୁଷ)	1
(d)	ପ୍ରତୀକ୍ଷା ଗ୍ଳାନ (ମହିଳା)	1
(e)	ପ୍ରବେଶ	1
(f)	ପ୍ରସ୍ଥାନ	1
(g)	ଭୋଟଦାନ କକ୍ଷ	1
(h)	ପୋଲିଂ ଏଜେଣ୍ଟ	1
(i)	ପ୍ରିଜାଇଡିଂ ଅଫିସର	1
(j)	ପୋଲିଂ ଅଫିସର-୧	1
(k)	ପୋଲିଂ ଅଫିସର-୨	1
(l)	ପୋଲିଂ ଅଫିସର-୩	1
(m)	ପୋଲିଂ ଅଫିସର-୪	1

ANNEXURE-2
FORM XVII-A

(See Rule 57D OM (DW, RS&CE) Rules, 1994)

REGISTER OF VOTERS

Election to the Municipality/NAC

from Ward No. and name of Polling Station

Sl. No.	Sl. No. of the Elector in the electoral roll	Signature/Thumb Impression of Elector	Remarks
---------	-------------------------------------------------	------------------------------------------	---------

1.

2.

3.

4.

Signature of the Second Polling Officer

Counter signature of the Presiding Officer.

ANNEXURE-2A

FORM XXII

[See Rule-60 (1) (a) OMC (DCW,RS&CE) Rules, 2003]

REGISTER OF VOTERS

Election to the Municipal Corporation

from Ward No. and name of the Polling Station

Sl.No.	Sl. No. of the Elector in the electoral roll	Signature/Thumb Impression of Elector	Remarks
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			

Signature of the Presiding Officer

ANNEXURE-3

DECLARATION BY THE PRESIDING OFFICER

(See Rule 57(C)(2) OM (DW, RS&CE) Rules, 1994 & Rule 59(2) of OMC (DCW, RS&CE) Rules, 2003)

Declaration by the Presiding Officer before the commencement of the poll Election from Ward No..... of.....N.A.C/Municipal/ Corporation Serial No. and name of Polling Station

Date of Poll

I hereby declare:

(1) that I have demonstrated to the candidates / Polling Agents present –

- (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
- (b) that the Marked Copy of the electoral roll to be used during the poll does not contain any marks other than election duty certificates; if any
- (c) that the Register of Voters to be used during the poll does not contain any entry in respect of any elector;

(2) that I have affixed my own signature on the Paper Seal(s) used for securing the result section of Control Unit and obtained thereon the signatures of the Polling Agents present.

(3) that I have written the serial number of the Control Unit on the Special Tag, and I have affixed my signature on the back side of the Special Tag and also obtained thereon the signatures of candidates/ Polling Agents present.

(4) that I have affixed my signature on the Strip Seal and also obtained thereon the signatures of Polling Agents present.

Signature Presiding Officer

Signature of Polling Agents :

- 1. (of candidate.....)
- 2. (of candidate.....)
- 3. (of candidate.....)
- 4. (of candidate.....)
- 5. (of candidate.....)
- 6. (of candidate.....)
- 7. (of candidate.....)

N.B.: You can write down the name of the Polling Agent(s) who decline to put their signature on this declaration.

1.....2.....

ANNEXURE – 4

FORM XV

(See Rule 51(2) OM (DW, RS&CE) Rules, 1994)

DECLARATION OF PERSONATION

I, (Name) hereby declare and undertake to prove that the person described below has, by applying for a ballot paper at this Polling Station, committed the offence of personation.

Description of the person :

Name	Address	Signature or Thumb impression
(1)	(2)	(3)

Witness :

1.

Signature of candidate or agent

(Name and address)

(Signed before me)

2.

Signature of Presiding Officer

(Name and address)

ANNEXURE – 4A
FORM XVIII

[See Rule-50 (2)OMC (DCW,RS&CE) Rules, 2003]

DECLARATION OF PERSONATION

I, (Name) hereby declare and undertake to prove that the person described below has, by applying for a ballot paper at this Polling Station, committed the offence of personation.

Description of the person :

Name	Address	Signature or Thumb impression
(1)	(2)	(3)

Witness :

1.

Signature of candidate or agent

(Name and address)

(Signed before me)

2.

Signature of Presiding Officer

(Name and address)

ANNEXURE-5

FORM XVI

List of Challenged Votes

[See Rule 51(3) OM(DW,RS&CE) Rules, 1994]

Name of Polling Station

Signature Sheet No.

Number of Elector on Electoral Roll	Name of the elector	Signature of Elector if literate or thumb impression of elector if illiterate	Signature and address of identifier, if any.
-------------------------------------------	---------------------	----------------------------------------------------------------------------------------	-------------------------------------------------

Order of Presiding Officer (in each case)

Station

Date

Signature of the Presiding Officer

ANNEXURE-5A

FORM XIX

[See Rule 50(3)OMC(DCW,RS&CE) Rules, 2003]

List of Challenged Votes

Name of Polling Station

Signature Sheet No.

Number of Elector on Electoral Roll	Name of the Elector	Signature of Elector if literate or thumb impression of elector if illiterate	Signature and address of identifier, if any.
(1)	(2)	(3)	(4)

Order of Presiding Officer (in each case)

Station

Date

Signature of the Presiding Officer

ANNEXURE-6

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR

[See Rule 57E OM (DW, RS&CE) Rules, 1994]

FORM OF DECLARATION

.....Municipality/NAC

Ward No.....and Name of Polling Station.....

I,.....

Son of.....aged.....

resident of*.....

hereby declare that

- (a) I have not acted as companion of any other elector at any Polling Station today, the.....
- (b) I will keep secret the vote recorded by me on behalf of.....

Signature of Companion

*Full address to be given

ANNEXTURE-6A

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR

Rule 61(1) OMC (DCW, RS&CE) Rules, 2003]

FORM OF DECLARATION

.....Municipality/NAC

Ward No.....and Name of Polling Station.....

I,.....

Son of.....aged.....

resident of*.....

hereby declare that

- (a) I have not acted as companion of any other elector at any Polling Station today, the.....
- (b) I will keep secret the vote recorded by me on behalf of.....

Signature of Companion

*Full address to be given

ANNEXURE-7

FORM XIVA

[See Rule 57E OM(DW,RS&CE) Rules, 1994]

LIST OF BLIND AND INFIRM VOTERS

Election to the Municipality/NAC

from Ward No..... and name of the Polling Station.....

Sl. No. of the elector in the Electoral Roll	Full Name of the companion	Full Name of the identifier, if any.	Address of companion	signature of companion
(1)	(2)	(3)	(4)	(5)

Date:

Signature of Presiding Officer.

ANNEXURE-7A
FORM XVI
LIST OF BLIND AND INFIRM VOTERS

[See Rule-45(2)&61OMC (DCW,RS&CE) Rules, 2003]

Election to the Municipal Corporation

from Ward No..... and name of the Polling Station

.....

Sl. No. of the elector in the Electoral Roll	Full Name of the elector	Full Name of the companion	Address of companion	signature of companion
(1)	(2)	(3)	(4)	(5)

Date:

Signature of Presiding Officer.

ANNEXURE-8

FORM XVII –B

(See Rule 57-F OM (DW, RS&CE) Rules, 1994)

LIST OF TENDERED VOTES

Election to the Municipality /NAC.....from Ward
No. name of Polling Station

Sl. No.	Name of the elector	Sl. No. of elector in Electoral Roll	Sl.No. in Register of voters (Form XVIIA) of the person who has already voted in place of elector	Signature/ thumb impression of the elector
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

Signature of the Presiding Officer

Date

ANNEXURE-8A

FORM XIII –B

[See Rule-62 (2)OMC (DCW,RS&CE) Rules, 2003]

LIST OF TENDERED VOTES

Election to the Municipal Corporation from Ward
No. name of Polling Station

Sl. No.	Name of the elector	Sl. No. of elector in Electoral Roll	Sl.No. in Register of voters (Form XVIIIA) of the person who has already voted in place of elector	Signature/ thumb impression of the elector
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

Signature of the Presiding Officer

Date

ANNEXURE-9

(See Rule 57G OM (DW, RS&CE) Rules, 1994 &Rule 63 of OMC (DCW, RS&CE) Rules, 2003)

Application for Election Duty Certificate

To
The Election Officer

.....
N.A.C./Municipality/Municipal Corporation

Sir,

I intend to cast my vote in person in the ensuing Election from Ward No.....of.....N.A.C./Municipality/Municipal Corporation.

I have been employed on Election Duty at No. & Name of the Polling Station.....of Ward No.....

But my name is entered at Serial No.....in Polling Station No./Name.....of the Electoral Rolls for Ward No..... ofN.A.C, / Municipality/ Municipal Corporation.

Hence, I request that Election Duty Certificate in Form of authorization to vote outside Polling Area may be issued to enable me to vote at the Polling Station where I may be on duty on the Polling day. The ballot paper may be delivered to me through the Presiding Officer of the Polling Station where I am deployed, or sent at the following address.

Address:

.....
.....
.....

Place:

Yours faithfully

Date:

Name & Designation

ANNEXURE-10
FORM XVII

(See Rule 57E OM (DW, RS&CE) Rules, 1994)

Form of Authorisation to vote outside Polling Area

Certified thatentitled to
vote at * for Ward No. has
been employed in connection with the election for Ward No.and
is prevented from voting at the said station and that I have therefore authorized him to
vote at **

Station.....

Signature of Election Officer.

Date

Explanation:

* Please insert “as an elector Sl. No..... in No.& Name of Polling
Station”

**Please insert the “No. Name of the Polling Stationof Ward
No.....”

ANNEXURE-10A
FORM XX

(See Rule 51 (i)OMC (DCW,RS&CE) Rules, 2003)

Form of Authorisation to vote outside Polling Area

Certified thatentitled to
vote at* for Ward No.
has been employed in connection with the election for Ward No.
.....and is prevented from voting at the said station and that I have
therefore authorized him to vote at**

Station.....

Signature of Election Officer.

Date

Explanation:

* Please insert “as an elector Sl. No..... in No.& Name of Polling
Station”

**Please insert the “No. Name of the Polling Stationof Ward
No.....”

PART-II
RESULT OF COUNTING

(See Rule 58B,DW,RS&CE RULES, 1994))

Sl.No	Name of the Candidate	No. of Votes recorded		
		No. of Votes as per EVM	No. of Votes as per EDC	Total No. of [Col.(3)+(4)]
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				
	Grand Total			

Whether the total Nos. of Votes shown above in the column(3) of Part II tallies with the total No. of Votes shown against item 3 of Part I or any discrepancy noticed between the two totals.

Place:

Date:

Signature of Counting Supervisor

- 1.
- 2.
- 3.
- 4.

Place:

Date:

Signature of Election Officer

Part-II
RESULT OF COUNTING
(See Rule 70(2)(a)&(b))

Sl.No	Name of the Candidate	No. of Votes recorded		
		No. of Votes as per EVM	No. of Votes as per EDC	Total No. of [Col.(3)+(4)]
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				
	Grand Total			

Whether the total Nos. of Votes shown above in the column(3) of Part II tallies with the total No. of Votes shown against item 3 of Part I or any discrepancy noticed between the two totals.

Place:

Date:

Signature of Counting Supervisor

Name of Candidates /Counting Agent

1.

2.

3.

4.

..

..

Place:

Date:

Signature of Returning Officer

ANNEXURE-12
Diary of Presiding Officer
(Prescribed by State Election Commission, Odisha)

- 1 Name of the Municipality/Municipal Corporation/NAC. (in block letters) :
2. Date of poll :
- 3 Ward No. :
- 4 Number of the Polling Station whether located in
i) Government or Quasi Government Building :
ii) Private building :
iii) Temporary structure :
- 5 Number of Polling Officers in the Party :
- 6 Voting Machine-
i) Number of Control Units used
ii) Sl.No.(s) of Control Units used
iii) Number of Ballot Units used
iv) Sl.No. of Ballot Units used
- 7 i) Number of Paper Seals used :
ii) Sl. No. of Papers Seals used :
- 7A. i) Number of Special tags supplied :
ii) Sl. No.(s) of Special tags supplied :
iii) Number of Special tags used :
iv) Sl. No.(s) of Special tags used :
v) Sl. No.(s) of Special tags returned as unused :
- 7B. i) Number of Strip Seals supplied :
ii) Sl. No. (s) of Strip Seals supplied :
iii) Number of Strip Seals used :
iv) Sl. No. (s) of Strip Seals used :
v) Sl. No.(s) of Strip Seals returned as unused :
- 8 Number of candidates :
- 9 Number of Polling Agents and the number who arrived late :

10. i) Total no. of Voters assigned to the Polling Station :
- ii) Number of electors allowed to vote according to Marked Copy of the Electoral Roll :
- iii) Number of electors who actually voted as per the Register of voters :
- iv) Number of votes recorded as per the voting machine :

Signature of Presiding Officer

Signature of Polling Officer in-charge of Register of Voters.

11. Number of electors who voted – :
- Men..... :
- Women..... :
- Total..... :
12. Challenged vote
- Number allowed.....
- Number rejected
- Amount forfeited Rs.....
13. Number of persons who voted on production of Election Duty certificate (EDC) :
14. Number of electors who voted with the help of companions. :
15. Number of tendered votes :
16. Whether it was necessary to adjourn the poll and if so, the reason for such adjournment :
17. No. of votes cast. :
- From 8 A.M. to 10 A.M. :
- From 10 AM to 12 noon :
- From 12 noon to 2 P.m. :
- From 2 P.M. to 5 P.M. :
18. Number of slips issued at the closing hour of the poll. :
19. Electoral offence with details – :
- Number of cases of - :
- a) canvassing within one hundred meters of Polling Station ; :

- b) impersonation of voters; :
 - c) fraudulent defacing, destroying or removal
of a list or notice or other document at a
Polling Station; :
 - d) bribing of voters ; :
 - e) intimidation of voters and other persons :
 - f) any other ground. :
20. Was the poll interrupted or obstructed by –
- a) riot, :
 - b) open violence, :
 - c) natural calamity, :
 - d) failure of voting Machine :
 - e) any other cause :
21. Was the poll vitiated by any voting Machine
used at the Polling Station having been
- a) unlawfully taken out of the custody of the
Polling Officer, :
 - b) accidentally or intentionally lost or
destroyed, :
 - c) damaged or tampered with, :
- (Please give details.)
22. Serious complaints, if any, made by the
candidate/agents :
23. Number of cases of breach of law and order. :
24. Report of mistakes and irregularities
committed, if any, at the Polling Station :
25. Any other event(s) of importance :

Place:

Date:

Full Signature of Presiding Officer

This diary should be forwarded to the Election Officer along with the Voting Machine and other sealed papers/packets.

ANNEXURE-13

ATTENDANCE SHEET FOR POLLING AGENTS

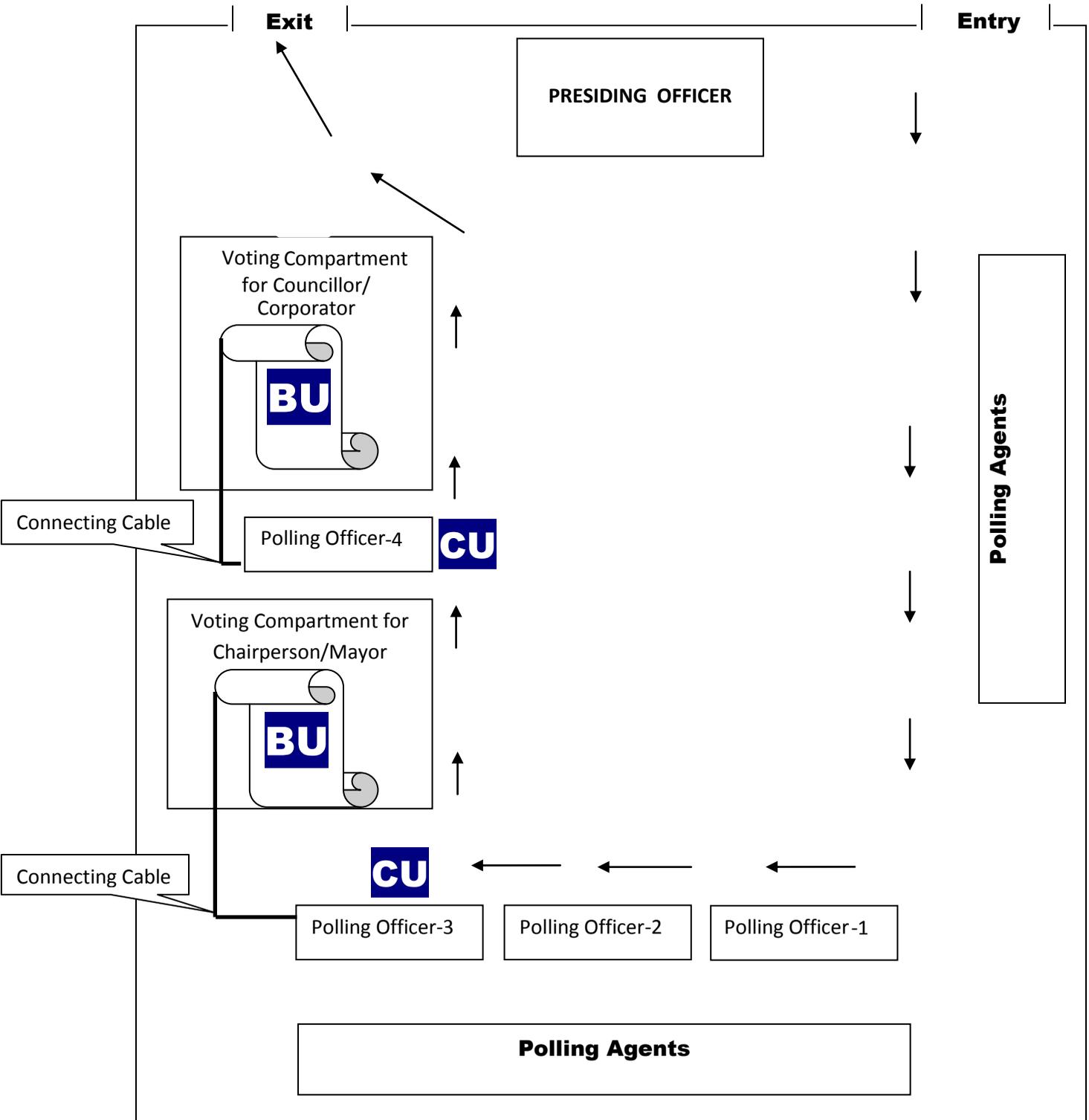
Election to the Municipality/NACfrom Ward
No..... Booth No.....and name of Polling Station

Sl. No	Name of the Candidate	Name of the Polling Agent	Full Signature of the Polling Agent
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

Signature of Presiding Officer

ANNEXURE-14

Model Sitting Arrangement in Polling Station



N.B: Two places are shown in the Diagram for sitting of Polling Agents. Depending on the space of the Room & convenience, any one of the place may be decided by Presiding Officer.

Corrupt Practices & Election Offences

Corrupt Practices & Election Offences

PART-I

Corrupt Practices

The following are the extracts from the Odisha Municipal Act, 1950 and Odisha Municipal Corporation Act, 2003 on Corrupt Practices during election and penalties thereof:—

THE ODISHA MUNICIPAL ACT, 1950

Section 28—A person shall be deemed to have committed a corrupt practice who directly or indirectly by himself or by any other person,—

(a) induces, or attempts to induce by fraud, intentional misrepresentation, coercion or threat or injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(b) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate or in consideration of any voter having voted or refrained from voting for any candidate, offers or gives any money or valuable consideration or any place or employment or holds out any promise of individual advantage or profit to any person including a promise or spiritual salvation;

(c) Induces or attempts to induce candidates or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure with a view to influencing him in any way in connection with the election;

(d) employs, instigates or threatens any form of social boycott of any voter or candidate or of any one in whom such voter or candidate is interested;

(e) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

(f) makes or promises to make any payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote or hires, employs, borrows or uses for the purpose of election any boat, vehicle or animal usually kept for letting on hire or for convenience of the passengers by hire except for carrying himself or his agents and messengers. Provided that nothing contained in this clause shall prevent a conveyance being hired by a voter or several voters at their joint cost for the purpose of conveying him or them to or from the poll;

(g) offers any money or valuable consideration to any person to induce him to withdraw from being a candidate at an election or being a candidate accepts any money or valuable consideration so offered;

(h) abets within the meaning of the Indian Penal Code XLV of 1860 the doing of any of the acts specified in Clauses (a), (b), (c), (d), (e), (f) and (g).

Explanation—(i) “A promise of individual advantage or profit to a person” includes a promise for the benefit of the person himself or of any one in whom he is interested, but does not include a promise to further purpose or to vote for or against any particular Municipal measure or work;

- (ii) No agent, clerk, messenger or other person, who may in accordance with prescribed rules, be employed for remuneration by candidate at an election shall, by reason of such employment alone, be deemed to come within the provisions of the section;
- (iii) A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge or consent or by a person who is acting under the general or special authority of such candidate with reference to the election;
- (iv) Every person, who is guilty of a corrupt practice at, or in connection with an election held under the provisions of this Act, shall be punishable with imprisonment which may extend to six months or with fine or with both.

THE ODISHA MUNICIPAL CORPORATION ACT, 2003

Section 87—The following shall be deemed to be corrupt practices for the purpose of this Act:—

(a) bribery and under influence as defined in sub-sections (1) and (2) respectively, of Section 123 of the Representation of the People Act, 1951;

(b) the systematic appeal by a candidate or his agent or by any other persons to vote or refrain from voting on grounds of caste, race, community, religion, or the use of or appeal to religious symbols, or use of appeal to National Symbols such as National Flag, or the National Emblem, for the furtherance of the prospects of that candidate’s election;

(c) the publication by a candidate or his agent or by any other person of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate’s election;

(d) the hiring or procuring whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of any such vehicle or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any Polling Station provided in accordance with the rules made under this Act;

Provided that the hiring of a vehicle or a vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such Polling Station shall not be deemed to be a corrupt practice under this clause, if the vehicle or the vessel so hired is a vehicle ;

Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from any such Polling Station shall not be deemed to be a corrupt practice under this clause.

Explanation—In this clause, the expression ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise,

(e) the holding of any meeting in which intoxicating liquors are served:

(f) the issuing of any circular, play card or poster having a reference to election which does not bear the name and address of the printer and publisher thereof; and any other practice which the Government may, by rules, specify to be a corrupt practice.

PART-II

Election Offences

The following are the extract of the Odisha Municipal Act, 1950, Odisha Municipal Corporation Act, 2003 and Indian Penal Code, 1860 on Election offences and penalties thereof—

THE ODISHA MUNICIPAL ACT, 1950

Section 29—Every person convicted of an offence punishable under this Chapter or under Chapter IX-A of the Indian Penal Code XLV of 1860 shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of the Councillor of a Municipality for a period of four years from the date of his conviction or for such shorter period as the Court may, by order, determine.

Section 30—(1) Every person who by claiming a qualification which he knows that he does not possess to vote at a Municipal election or by using false document or by a false declaration or by any other deceitful means procures or attempts to procure the improper entry of the name whether of himself or of any other person in the electoral roll or the improper omission of any name there from shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) Every Municipal Officer or Servant or Polling Officer, or any other Officer, whether designated as Election Officer or otherwise engaged in or associated with the work of preparation of electoral rolls pursuant to Section 13 of this Act who wilfully makes or procures or attempts to make or procure any improper entry in the electoral roll or any improper omission therefrom shall be punishable with imprisonment which may extend to six months or with fine or with both.

Section 31—Every person, who in the course of electoral operations falsifies or attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by an omission, shall be punishable with imprisonment which may extend to one year or with fine or with both.

Section 32—(1) Every person, who applies for a ballot paper at an election, having already voted, once at the same election and in any electoral ward on knowing that his name is not included in the electoral roll shall be punishable with imprisonment which may extend to six months or with fine or with both.

(2) Every person who applies for a ballot paper in the name of any other person, living or dead, or of fictitious person shall be punishable with punishment provided in sub-section (1).

Section 33—Every Presiding Officer, Polling Officer, Clerk or other person, in attendance at the Polling Station who, except for some purpose authorized by law, communicates to any person information, showing directly for which candidates any voter has voted, and every person who by improper means procure any such information, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both.

THE ODISHA MUNICIPAL CORPORATION ACT, 2003

Section 102— (1) No person at an election shall—

- (a) deface or destroy fraudulently and nomination paper; or
- (b) deface, destroy or remove fraudulently any list, notice or other documents affixed by or under the authority of a Returning Officer; or
- (c) deface or destroy fraudulently any ballot paper or the official mark on any ballot paper; or
- (d) without due authority, supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or
- (e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or »
- (f) without due authority destroy, take open or otherwise interfere with any ballot paper other than in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall,—

- (a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a Polling Station or any other officer or clerk employed on official duty in connection with the election be punished with imprisonment of either description of a term which may extend to two years or with fine, or with both; or
- (b) if he is any other person, be punished with imprisonment of either description for a term which may extend to six months or with fine or with both.

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Section 104—Every person convicted of an offence punishable under Sections 94, 95, 96, 97, 98, 99, 100, 101 or 102 or under Chapter IX-A of the Indian Penal Code, 1860 shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of Corporator for a period of five years from the date of his conviction.

PART-III

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

Chapter-IXA

153-A—Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony:

(1) Whoever—

- (a) bywords, either spoken or written, or by signs or, by visible representations or otherwise promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other grounds whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial language or regional groups or castes or communities, or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or
- (c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use criminal force or violence, against any religious, racial language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine or with both.

(2) Offence committed in place of worship, etc.—Whoever commits an offence specified in subsection (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

153-B—Imputations, assertions prejudicial to National Integration— .

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise—

- (a) makes or publishes any imputation that any class of persons can not, by reason of their being members of any religious, racial language or regional group of caste or community bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or
- (b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

- (c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons by reasons of their being members of any religious, racial language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

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Offences Relating to *Elections*

171-A— “Candidate”, “Electoral right” defined—For the purposes of this Chapter,—

[a] “Candidate” means a person who has been nominated as a candidate at any election.

[b] “electoral right” means the right of a person to stand, or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election.

171 -B—Bribery-(1) Whoever—

(1) gives a gratification to any person for the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercise any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person, who obtains or agrees to accept or attempts to obtain a gratification, shall be deemed to accept, a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171-C—Undue influence at elections—(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section(1)

(3) A declaration of public policy or a promise of publication or the mere exercise of a legal right without intent of interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171-D—Personation at elections—Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election,

171-E—Punishment for bribery—Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation—”Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171-F—Punishment for undue influence or personation at an election—Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

171-G—False statement in connection with an election—Whoever with intent of affect the result of an election makes or publish any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171 -H—Illegal payment in connection with an election—Whoever without the general or special authority in writing of a candidate incurs or authorities expenses on account of the holding of any public meeting or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidates shall be punished with fine which may extend to five hundred rupees.

171-1—Failure to keep election accounts—Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

Extracts of the Representation of the People Act, 1951

Extracts of the Representation of the People Act, 1951

ELECTORAL OFFENCES

125. Promoting enmity between classes in connection with election— Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

125A. Penalty for filing false affidavit, etc.—A candidate who himself or through his proposer, with intent to be elected in an election,—

- (i) fails to furnish information relating to sub-section (1) of section 33A; or
- (ii) gives false information which he knows or has reason to believe to be false; or
- (iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

126. Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.—(1) No person shall—

- (A) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
 - (B) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
 - (C) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.
- (3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

127. Disturbances at election meetings.—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the

transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees], or with both.

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) This section applies to any public meeting of a political character held in any constituency” between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing any offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

127A. Restrictions on the printing of pamphlets, posters, etc.—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(A) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(B) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

128. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

129. Officers, etc., at elections not to act for candidates or to influence voting.—(1) No person who is a district Election Officer or a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer for the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

130. Prohibition of canvassing in or near Polling Stations.—(1) No person shall, on the date or dates on which a poll is taken at any Polling Station, commit any of the following acts within the Polling Station or in any public or private place within a distance of ⁴[one hundred metres of the Polling Station, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

131. Penalty for disorderly conduct in or near Polling Stations.—(1) No person shall, on the date or dates on which a poll is taken at any Polling Station,—

- (a) use or operate within or at the entrance of the Polling Station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the Polling Station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the Polling Station for the poll, or so as to interfere with the work of the officers and other persons on duty at the Polling Station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the Presiding Officer of a Polling Station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

132. Penalty for misconduct at the Polling Station.—(1) Any person who during the hours fixed for the poll at any Polling Station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the Polling Station by the Presiding Officer or by any police officer on duty or by any person authorized in this behalf by such Presiding Officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a Polling Station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a Polling Station re-enters the Polling Station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

132A. Penalty for failure to observe procedure for voting.—If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

133. Penalty for illegal hiring or procuring of conveyance at elections.—

If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

134. Breaches of official duty in connection with elections.—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

The persons to whom this section applies are the district Election Officers, returning officers, assistant returning officers, Presiding Officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

134A. Penalty for Government servants for acting as election agent, Polling Agent or counting agent.—If any person in the service of the Government acts as an election agent or a Polling Agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

134B. Prohibition of going armed to or near a Polling Station.—(1) No person, other than the returning officer, the Presiding Officer, any police officer and any other person appointed to maintain peace and order at a Polling Station who is on duty at the Polling Station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighborhood of a Polling Station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.]

135. Removal of ballot papers from Polling Station to be an offence.—(1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a Polling Station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the Presiding Officer of a Polling Station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may, before such person leaves the Polling Station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

135A. Offence of booth capturing.— (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation—For the purposes of this sub-section and section 20B, “booth capturing” includes, among other things, all or any of the following activities, namely:—

- (a) seizure of a Polling Station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of a Polling Station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote];
- (c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the Polling Station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;
- (e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub-section (1) shall be cognizable.

135B. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

135C. Liquor not to be sold, given or distributed on polling day.—(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty- eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

136. Other offences and penalties therefor.—(1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers than in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,—

(a) if he is a returning officer or an assistant returning officer or a Presiding Officer at a Polling Station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under this Act (4) An offence punishable under sub-section (2) shall be cognizable.

137. Prosecution regarding certain offences. – [Rep. by the Representation of People (Amendment) Act, 1966 (47 of 1966), sec. 61 (w.e.f. 14-12-1966)]

138. Amendment of Act 5 of 1898. – [Rep. by the Repealing and Amending Act, 1957 (36 of 1957), sec. 2 and the First Schedule (w.e.f. 17-9-1957)]
