

ABC of Voting - A Voters Guide

A GUIDE FOR VOTING IN INDIAN ELECTIONS



Public Affairs Centre
Bangalore

ABC...of Voting - A Voters Guide

Why A Guide For Voters?

We the people - these are the most important words in our constitution. Everything depends on us- the voters, who have an opportunity and the right to choose our representatives, demand accountability and determine the direction of growth and governance of the country. Several problems have surfaced in the gigantic task of conducting elections in India and to ensure that elections are free and fair. With each passing election, the educated citizens of our country seem to have grown ignorant and apathetic about the electoral process and elections. The result has been a steady deterioration in the standards and practices of political parties reflected in rampant corruption and the reckless use of money and muscle power to win elections.

Active participation of citizens is an absolute prerequisite to make the electoral system more representative, fair, transparent and free from all the other ills. Eleanor Roosevelt once said: "nobody can hurt you without your consent" which in this context can be rephrased as "nobody can marginalise you without your cooperation".

The Voter's Guide has been conceived on the basis of a thorough assessment of needs and problems faced by eligible voters. Designed in a Frequently Asked Questions (FAQ) format, the main objective of the guide is to provide information and some useful tips to the Indian voter on:

- Procedures of registering/ correcting/deleting entries on electoral rolls
- Procedures involved in casting vote at the polling booths
- Procedures for redressing grievances related to both- the electoral rolls and votingll. Section One: Registering As A Voter On The Electoral Rolls

Disclaimer: This guide must neither be treated as exhaustive in all respects nor as a substitute reference for various provisions of election law governing the conduct of elections. Section I:

Registering As A Voter on the voters list

1. WHO CAN VOTE?

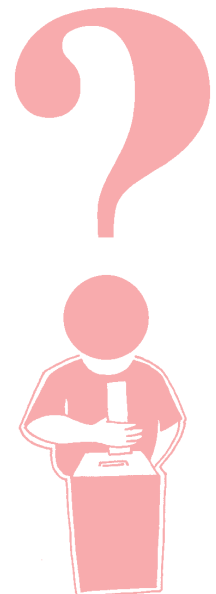
Any citizen of India who is 18 years or older and is registered on the electoral rolls is entitled to vote. Citizens declared as mentally unsound by courts and those disqualified for corrupt practices and other electoral offences are not eligible to vote.

2. WHY SHOULD WE VOTE?

Your vote is important. Decisions made by elected people affect your life. Voting represents power. It is an opportunity for you to let your voice be heard in electing the Government of your choice. Groups that don't vote are ignored. Some times elections are extremely close. Even one vote may change the result. That vote may be yours!

3. WHAT ARE ELECTORAL ROLLS? WHY SHOULD I ENROLL ON ELECTORAL ROLLS?

Electoral rolls or voters' list are official lists of voters which determine who is eligible to vote and where. For every constituency/area, the election registration officer prepares a list in which the names of eligible voters of the area/constituency are serially arranged along with other particulars. Electoral rolls are normally prepared once in five years and revised/updated periodically before any elections as per the directions of Election Commission of India. **Before you can vote, you need to get your name registered** on the current official list of voters.



4. WHO ARE ELIGIBLE FOR REGISTRATION?

You are eligible for registration if you are -

- 18 years and above on the qualifying date (1st January of the year of preparation of voter's list)
- Ordinary resident of the constituency /ward in which you live.

5. WHAT DOES ORDINARY RESIDENT MEAN?

You are said to be an ordinary resident of the place where you mainly/normally reside. If you are living or working away in a city/town other than the place where you normally reside, you can choose to register either at home or at the town/city where you are studying/working but not both!

6. WHEN DO I REGISTER?

Registration can be done most conveniently when the electoral rolls are revised. Electoral rolls are normally prepared once in five years by the election authorities. During the preparation of electoral rolls, enumerators will visit your household to include your name on the electoral rolls. This is called intensive revision.

During intensive revision, the entire electoral rolls are prepared 'de novo' – which means, that the previous voters' list gets nullified. Enumerators visiting each household, will leave an electoral data form with you. Preserve this card carefully. This can be presented, if your registration/ identity is challenged during elections.

7. WHAT IF I WAS AWAY WHEN ENUMERATORS VISITED MY HOUSE?

If you were not available when the enumerator visited your house as part of the intensive revision, he/she is required to leave behind a *letter of request (in form 4)* for your perusal. You have to fill up Form 4 and submit to the electoral registration officer of your constituency. In case Form 4 had not been left behind by the enumerators, you can complain to the Electoral Registration Officer (usually the sub divisional Magistrate/ Sub Divisional Officers /Tahsildars/ Revenue Officer of the Municipality) of your constituency and obtain Form 4, fill the particulars and submit to the same office within the specified time.

8. WHAT IF I MISSED REGISTERING MY NAME DURING INTENSIVE REVISION?

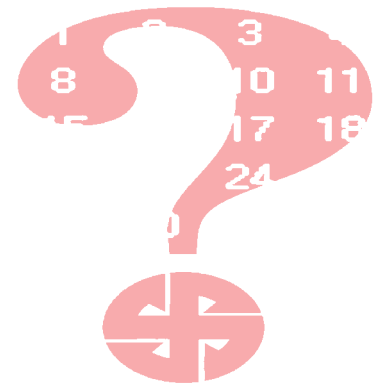
Despite these efforts or due to any other reason if you still missed registering your name during the last intensive revision, you can register during the summary revision. This is the periodic updating of electoral rolls done generally every year or just a few months before an election, as ordered by the Election Commission. During summary revision, the Chief Electoral Officer of the State advertises in the media, calling all eligible voters, who are not enrolled earlier, to register their names. The onus is on the eligible voters to get their names included, corrected or deleted from the electoral rolls, since there is no house-to-house enumeration.

Summary revision is specially useful if you:

- Are 18 years or above on the qualifying date
- Are 18 years or above, but not yet enrolled
- Have recently shifted residence within the constituency
- Have moved to a new place
- Need to delete names of family members who have passed away

9. HOW DO I KNOW IF I AM REGISTERED OR NOT?

At the time of summary revision, you have an opportunity to check at the Electoral Registration Office, whether your name is listed on the rolls. You can also verify as to the corrections of the details pertaining to your inclusion.



10. IS THERE A DATE BY WHICH I NEED TO REGISTER?

There is no last date for submitting applications, except when elections are announced. You can submit your application to the Electoral Registration Officer(ERO) of your constituency along with a signed declaration stating reasons for not availing the opportunity during the earlier revisions of the electoral rolls. Your application will be considered after a summary inquiry conducted by the ERO. Remember to collect and preserve the acknowledgement receipt.

11. WHERE DO I GO FOR REGISTRATION?

You can go to one of the following offices depending on where you live:

- The Revenue offices of your municipality / City Corporation, if you live in a city or town
- Revenue Sub-divisional Offices for Mofussil districts
- Tahsildar's office for Talukas
- Office of your local bodies
 - Delivery Post Office of your locality
 - log on to website: <http://ceokarnataka.kar.nic.in> for on-line registration (during specific period)

12. HOW DO I REGISTER?

Ask for **Form No. 6** to include your name in the voters' list.

12.1 HOW DO I REGISTER ON-LINE ?

- Visit www.ceokarnataka.kar.nic.in & click on "e-registration"
- Fill out the "Application for enrolment" form & click the "Submit" button
- For your confirmation, check your email account
- Click on the link provided in your in-box
- You will obtain an ' Application ID' to check the status of your registration online
- A person from the office of the ERO or the postman will come to your place for enquiry and getting the signature



12.2 HOW DO I KNOW THE STATUS OF MY REGISTRATON?

With the help of the 'Application ID' provided to you after registering online, you can know the status of your registration.

12.3 WHAT HAPPENS IF I HAVE MADE A MISTAKE WHILE MENTIONING THE CONSTITUENCY I BELONG?

The present arrangement is that the ERO of the concerned constituency mentioned by you would verify the application form. If he finds that the constituency is wrongly mentioned by you, based on your address that application would be forwarded to the concerned ERO through the office of the District Election Officer for further processing

12.4 HOW DO I KNOW WHEN THE AUTHORITIES VISIT MY RESIDENCE FOR CROSS VERIFICATION?

It is difficult to give prior intimation about the visit. However, in case you are not available in your residence at the time of visit, your application would be dropped in your place along with a letter indicating the exact address of the place where you have to return the signed application.

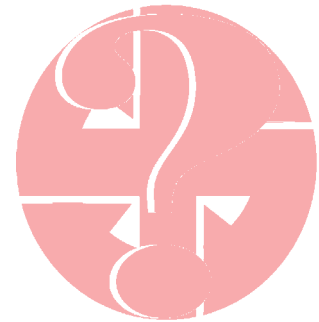
12.3 HOW CAN I MAKE SURE THAT MY NAME HAS BEEN INCLUDED ON THE LIST?

The information about the acceptance or rejection of the application would be hosted on the web, which could be known by following the procedure mentioned under para 12.2 above. In case your application is accepted, the part number and the serial number in that part in which your name has been included would be available on the web. In case of rejection, the reason for rejection would be made known.

13. I HAVE NEVER FILLED THESE FORMS EARLIER?!

The forms are simple to fill out. Just remember a few things:

- you can only register at the place where you normally reside (i.e., more than 6 months). If you are temporarily staying elsewhere, don't register from that area!
- If you are living or working away in a city/town other than the place where you normally reside, you can choose to register either at home or at the town/city where you are studying/working, but not both!
- Make sure the filled in form is neat, legible and complete
- You will need to show 'proof' of your address. You can use any one of the following documents: ration card, rent receipt, bank account statement, passport, LPG (Gas Cylinder) bill, telephone bill or property tax receipt, etc.
- If you have become eligible recently, you need to submit either your Birth Certificate or School Leaving Certificate as proof of your age. If you have never enrolled earlier, even after being eligible, you need to sign a declaration.
- If you know the Part Number and / or Serial Number of any of your family members on the current voters' list, fill this in the relevant section of Form 6. It will help in facilitating easy identification.



14. THE FORM IS FILLED. WHAT NEXT?

- Submit the application at the range/ward office within the specified time period. You may submit applications of other family members too. However, applications in bulk, be it from individuals or organisations or political parties are not accepted.
- Collect and preserve the receipt / acknowledgement card carefully, in order to verify your details when the draft electoral rolls are published (generally within a month from the closing date). The receipt will also come in handy, for locating your polling booth and serial number on the day of voting.
- Within a week or two after submitting the form, the Electoral Registration Officer sends you an "action-taken report", indicating your part and serial number on the electoral rolls. If, for some reason, your application is rejected, you will be informed accordingly, stating the reasons for rejection.
- You can even check the draft electoral rolls at the Municipal Range/Ward offices. The rolls are displayed for inspection for 1-2 weeks at the Registration Officer's Office or at a specified place easily accessible by the public. If you find any errors, inform the concerned authorities within the specified time of 30 days.

15. HOW DO I GET MY NAME/AGE/SEX/ADDRESS CORRECTED ON THE ELECTORAL ROLLS?

- Ask for **Form 8**. This form is to be used only for correction of the details of existing voters. Ensure that it is correctly filled.
- Submit Form 8 to the Electoral Registration Officer (You can even do this by post) and collect acknowledgement.

- Make sure you apply within 30 days from the date of publication of draft rolls or, within the specified date.

16. HOW DO I KNOW THAT THE CORRECTIONS ARE DONE?

A list of names for corrections is published and displayed at the electoral registration office. If the officer is satisfied with the details given by you, your application will be accepted without any inquiry, within a week.

If any other person challenges the proposed corrections, the Registration Officer may conduct an inquiry. You will receive a notice of hearing either in person, or by registered post. If needed, you may have to appear before the Registration Officer in person and give evidence to support your claim under oath.

You can check the draft and final copy of the electoral rolls. It is even possible to get the relevant extract of the final electoral rolls by paying a nominal fee.

17. HOW DO I GET NAMES OF THE NON-RESIDENT / DECEASED FAMILY MEMBER(S) DELETED FROM THE VOTERS' LIST?

Any family member can get this done easily, when the election authorities announce summary revision of the electoral rolls.

Names of the in-eligible / dead / shifted voters could be got deleted from the existing electoral roll by filling **form No. 7** with supporting documents. The names of the dead persons are suo-motu deleted from the electoral roll by the ERO concerned after verification of the registers of births and deaths. (Earlier, Form 8B was used for the same purpose)

18. HOW CAN I DOUBLE-CHECK ON THE DELETIONS?

The list of names to be deleted is published and displayed at the Electoral Registration Office for two to four weeks from the closing date. If the officer is satisfied with your application, it will be accepted within a week without any inquiry.

You can check the draft and final copy of the electoral rolls, when they are displayed – usually within a month from the last date. You can even get an extract of the electoral rolls by paying a nominal fee.

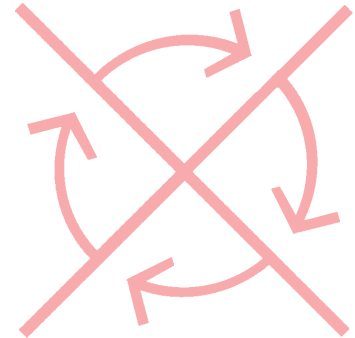
19. WHAT CAN I DO IF NAMES OF NON-RESIDENT / DECEASED NEIGHBOURS CONTINUE TO APPEAR ON THE VOTERS' LIST?

As a registered voter of that constituency, you can object to it, and ensure that the names are deleted during the summary revisions.

20. BUT I MAY NOT HAVE DOCUMENTARY EVIDENCE LIKE A DEATH CERTIFICATE!

That does not matter, and that should not stop you from objecting to names of deceased neighbours / non-resident neighbours appearing on the voters' list.

- Fill out Form No. 7
- Submit your application within the time period as announced during the summary revision
- The Electoral Office will publish the list of names to be deleted at their office. However, before actually deleting the names, the Electoral Registration Officer will give the voter, a reasonable opportunity and send show-cause notices to the voter's last-known address, as to why his/her name should not be deleted.
- The Registration Officer would also conduct a summary inquiry before taking any action, or if anyone objects to the names being deleted. A notice of hearing will be sent to you (Form No. 14), either hand-delivered or by registered post, as well as to the objector. If required, both you as well as the objector may be asked to appear before the registration officer in person, and give evidence to support your respective claims, under oath.



21. CAN I REGISTER ON THE DAY OF ELECTION?

No, you cannot. In the event of an election, registration closes after the last date for nomination of contesting candidates.

22. I HAVE CHANGED MY RESIDENCE WITHIN THE CITY. DO I NEED TO REGISTER AT THE NEW PLACE?

If you are a registered voter in a particular Legislative Assembly constituency, and have moved to another area within the same constituency, you can fill in **Form No. 8 A** (application for transposition of entry) specified for this purpose. If you have moved to another Assembly Constituency, you have to register afresh by filling in Form 6. Make sure you furnish details about your previous registration. If you don't remember details about your previous registration, at least furnish the full address of your previous residence in the relevant section of Form No.6.

23. I WAS REGISTERED IN ANOTHER CITY / STATE IN INDIA. CAN I VOTE ON THE BASIS OF MY EARLIER REGISTRATION ?

No. You cannot vote on the basis of your previous registration in any other city/ constituency / state. You can only vote in a place (city/town/village) where you are registered as a voter.

24. CAN MY EARLIER REGISTRATION BE TRANSFERRED?

No. Your earlier registration cannot be transferred. You need to register afresh in the current place of residence.

- Use Form No. 6 to include your name in the voters' list of your current constituency.
- Submit the form at the revenue offices of the current Municipal/Corporation range/ward.
- Obtain deletion certificate from the previous Registration Officer. Make sure you furnish details about your previous registration. If you don't remember details about your previous registration, at least furnish the full address of your previous residence in the relevant space provided for in Form No.6.

25. CAN I BE ENROLLED AT MORE THAN ONE PLACE?

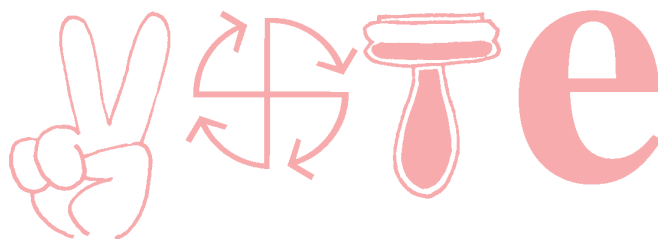
No. According to the Representation of People's Act of 1950, a person cannot be enrolled as a voter in more than one place within a constituency, or in more than one constituency and it is punishable.

26. WHERE CAN I GET A COPY OF THE ELECTORAL ROLLS?

Extracts of the electoral rolls are available any time with the Electoral Registration Officer, at any of the following places:

- Range/Ward offices of your Municipality
- City Corporation
- Revenue Sub-Divisional Office
- Tahsildar's office
- Panchayat Office in villages

You can get relevant extracts of the rolls for a small fee from the Electoral Registration Officer. During summary revision, copies of the electoral rolls of the concerned part are available at the polling booths and delivery post offices of the concerned area which function as designated centers.

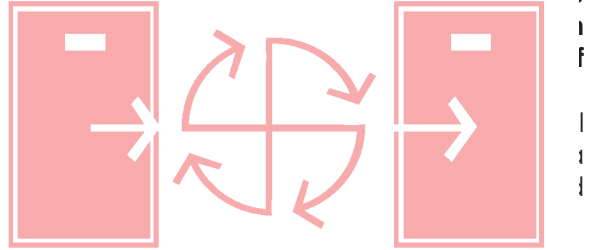


26.1. WE ARE A PUBLIC INTEREST CITIZEN GROUP. HOW CAN WE PARTICIPATE DURING SUMMARY REVISION TO ENSURE CORRECT ROLLS?

Public interest groups are encouraged by the authorities to involve themselves in revision process with a view to bringing out an accurate and updated voters' list.

1. **The group may obtain the electoral roll of the concerned part from the Electoral Registration Officer concerned.**
2. **The group may conduct surveys streetwise to check for any irregularities in the roll.**

3. **The group may make available to the citizens in their locality, form-6, form-7, form-8 and form-8A (as the case may be) obtained in bulk from the Electoral filled application individually at the Designated centre in the form-6 for inclusion of names in the electoral roll the household authorized by the claimant in this regard**
4. Claim applications in form-6 or objections in form-7 se may be submitted in bulk through the Resident We recognised political party. There is no provision fo applications in bulk on behalf of the citizens of the conc



Section II: How To Exercise Your Vote?

27. WHAT ARE POLLING STATIONS?

Polling Station is the place where you go to vote, on the day of election. It is generally located in educational institutions/ government/semi-government institutions, within a distance of less than 2 kms. in your neighbourhood. Sometimes, make-shift polling stations may also be set up.

28. HOW DO I LOCATE MY POLLING STATION?

You can ask the following authorities to help you:

Revenue office of the municipality / City Corporation, if you are in a city

Revenue Divisional Office, if you are in a mofussil district

Tahsildar's office, if you are in a Taluka

You can even ask your neighbours. Generally, all residents of a neighbourhood, are likely to belong to the same polling station within the area.

29. WHAT ARE ELECTORS PHOTO IDENTITY CARDS (EPIC)? ARE THEY COMPULSORY?

Elector's Photo Identity Card is an official document issued by the Election Commission, which establishes your identity as an eligible voter. This card will soon be made mandatory for voting in elections.

The Election Commission of India has initiated the distribution of EPIC to the eligible voters. Citizens whose names are already on the voter's list are eligible to get the Photo ID on designated days in each area.

The task of issuing Photo IDs has been entrusted to the private agencies with state of the art technology, wherein a voter can obtain his/her card within 15 minutes at specific centres called '**Designated Photography Locations (DPL)**', located at the selected polling booths in every Assembly constituency.

30. WHAT ARE THE ADVANTAGES OF EPIC?

Making the ID card mandatory to vote in an election would prevent impersonation of electors and facilitate your identification at the time of poll. It is also useful for obtaining passports, government schemes such as PDS, school admissions, account opening in banks etc.

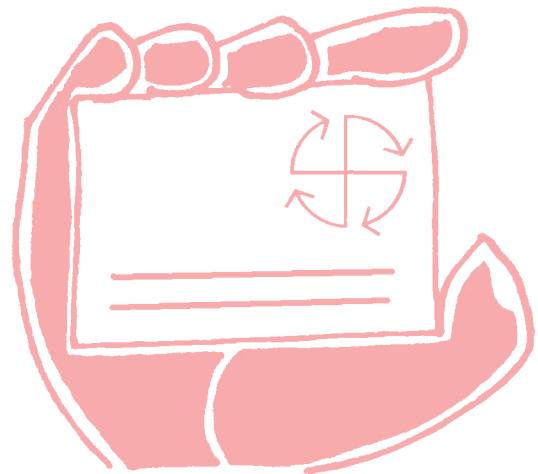
31. HOW ARE THE PHOTO IDS ISSUED?

- People whose names are on the voter's list are given information notices by the ERO offices of each area. The Assembly Constituency is divided into several parts.
- Each part has a number. The notices issued contain useful information such as the name and age of the person, the house number, the constituency number, and the part number. It also mentions the date on which the Photo IDs are issued for a particular part.
- Once the voter receives the notice, he/she could visit the DPL (Designated Photographic Location) which is generally in a school of the locality.
- Each DPL would usually have two systems equipped with digital cameras.

32. HOW DO I OBTAIN THE PHOTO ID CARD?

The elector must approach the Revenue officials at the DPL with the notice that he/she gets. In case the notice was not issued or the notice has wrong entries, the elector can still go to the DPL.

- If your name is there on the voters' list and if you have not obtained ID card so far, you can obtain the ID



card by filling up Form 1.

- If you have lost your ID card, then you have to pay a fine of Rs. 25 /- and obtain new card by filling up Form 2.
- If you have already obtained ID card but need to make few corrections, it can be done by filling up Form 4.
- Form 3 is an acknowledgement for 2 and 4.

33. I AM VOTING FOR THE FIRST TIME. HOW DO I VOTE?

Go to the polling booth on time. Voting normally begins around 8.00 a.m. and ends around 5 p.m. on polling day.

The polling official will verify your name on the electoral roll. If your name is there, you will be asked to sign the list. If identity cards have been issued in your constituency, you may be asked to produce it.

After verification, a ballot paper will be issued to you, on which you have to mark your choice of candidate / political party.

Remember to mark your choice clearly on the ballot paper. You must put your stamp/ impression on any ONE candidate / party

Fold the ballot paper as shown to you, and then put it inside the ballot box.

- In case of Electronic Voting Machines, you can cast your vote by pressing the blue button of the balloting unit provided against the name and symbol of the candidate of your choice.

Your vote is secret. Do not ask anyone near the polling booth for their choice. Nor must you let anyone near the polling booth influence your choice.

34. WHAT IF I MAKE A MISTAKE ON MY BALLOT PAPER? CAN I ASK FOR A NEW ONE?

Your vote becomes invalid if

- The impression is not marked
- there is more than one impression marked
- the impression or writing is such, that you (the voter) can be identified
- the impression is somewhere other than on or near the symbol of candidate / party
- it is difficult to establish who the vote has been given to
- the vote is given in favour of more than one candidate
- the ballot paper is damaged

If you have made a mistake on the ballot paper and spoiled it during voting, you can surrender the spoiled ballot paper to the presiding officer and obtain a fresh one.

35. WHAT IF I CHOOSE NOT TO VOTE, ONCE I AM INSIDE THE POLLING BOOTH?

You may choose not to vote, even after you get the ballot paper. If you decide not to exercise your franchise, return the ballot paper to the presiding officer. This ballot paper will be cancelled, and not counted. (or make your vote invalid to prevent bogus voting)

36. WHAT ARE ELECTRONIC VOTING MACHINES (EVMs)? HOW DO I USE THEM?

Nowadays, instead of the ballot paper, you might be given the Electronic Voting Machine to cast your vote. EVM is a simple and reliable instrument for use in electing a candidate from among many candidates. An EVM consists of a Balloting Unit & Control Unit that are connected by an Interconnecting Cable.

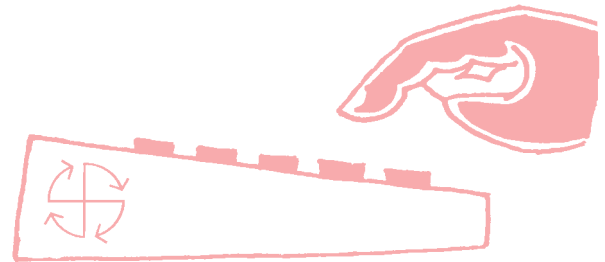
- After verification, indelible ink mark will be put on your index finger
- The Presiding Officer will give you an electronic machine. It has a small lamp on the top left side, which will glow GREEN, when the Ballot button is pressed by the Presiding Officer. This means, that the machine is ready for you to use.



- Use this machine in secrecy. Record your vote by pressing the blue button provided against the name and symbol of the candidate of your choice. When the button is pressed, the lamp provided on the balloting unit against the name and symbol of the candidate will glow RED. This indicates that your choice has been recorded. There are both audio and visual indications to show that your vote has been recorded.

36.1 CAN EVMs BE TAMPERED WITH OR RIGGED ?

EVMs are state-of-the art instruments that are extremely difficult to tamper with. In case of a booth capture, the presiding officer can shut off the EVM by pressing the “CLOSE” button. No votes can be cast on that unit thereafter.



36.2 HOW ARE VOTES COUNTED ?

On the day of counting, the Control Unit is taken to the counting tables. The “Result” section of the EVM is opened. The power is switched on. The control unit displays the following:

- Total number of votes cast
- Individual votes recorded against each of the candidates

36.3. WHAT IF I MAKE A MISTAKE WHILE USING EVM?

You should be very careful in exercising your franchise. The process cannot be reversed.

37. IF I WORK ON POLLING DAY, HOW CAN I VOTE?

Every registered voter is entitled to vote. In some private establishments, holiday may not have been declared on polling day. However, under no circumstances can you be prevented from exercising your franchise. Seek special permission to go and vote. The law allows you to take time off from work, with pay, to vote in the election to both Parliamentary and Assembly constituencies and the local bodies such as municipalities and Panchayats. *Government personnel and Defence personnel are entitled to vote by postal ballot.*

38. CAN A NON-RESIDENT INDIAN (NRI) CITIZEN VOTE?

No. Only a person who is ordinarily residing in India is entitled to vote. There is no provision for NRI citizens to vote. However, non-resident Indian citizens who are Government of India employees, in a post outside India are eligible to be registered as voters, according to the Representation of People's Act, 1950.

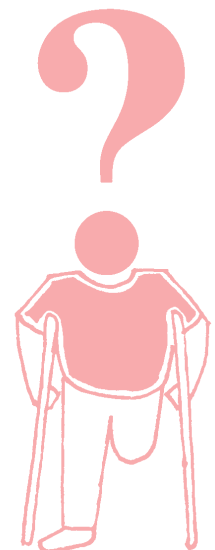
(Please refer Annexure III)

39. I AM PHYSICALLY CHALLENGED & UNABLE TO VOTE WITHOUT ASSISTANCE. ARE THERE ANY SPECIAL PROVISIONS FOR ME?

If you or your family member cannot easily vote because of physical challenges, or, if you are unable to recognise the symbols on the ballot paper without assistance, approach the Presiding Officer at the polling station. You can request for help or take special permission to seek assistance of another person (who is 18 years or above), to cast your vote.

40. IF MY IDENTITY IS CHALLENGED, WHAT CAN I DO?

- Your identity as a voter can be challenged by the polling agent of any candidate, if he/she is sure that you do not belong to the constituency, or are not the person whose name is listed on the rolls.
- The Presiding Officer will ask the challenger to give evidence in proof, of his challenge. Similarly, he will ask you for proof of your identity. You can use the Voter ID card or any other supporting document like Pass Port, Ration card etc for this



purpose.

- If the challenge is not established, you will be allowed to vote. However, if it remains challenged, you will be debarred from voting.

41. IF MY VOTE IS ALREADY CAST BY SOMEONE ELSE, WHAT SHOULD I DO?

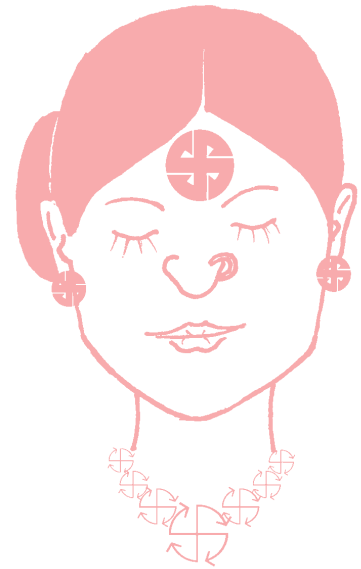
- Bring this to the attention of the presiding officer immediately.
- The law allows you to cast a Tendered Vote.
- Ask for a Tendered Ballot Paper, as per Rule 51 of Representation of People's Act, and sign your name on the list of tendered votes.
- After marking your choice of candidate / party, present your tendered vote to the presiding officer. Do not use the ballot box.

42. WHAT IS A TENDERED BALLOT PAPER?

A tendered ballot paper is the same as the other ballot papers, except that it shall be endorsed on the back, with the words, "tendered ballot paper", by the Presiding Officer, in his own handwriting, and signed by him. Tendered votes are considered only in case of a tie between the candidates or when the margin of poll results is waifer thin.

43. IF ELECTRONIC VOTING MACHINES ARE BEING USED, CAN I STILL ASK FOR A TENDERED BALLOT PAPER?

Yes. You will not be given another EVM, but an ordinary ballot paper, with the rubber stamp. The ballot paper will be put inside a special cover, sealed and kept with the Presiding Officer.



Section III: Electoral Grievances & Redressal Mechanisms

The electoral process in a country like India, is large and complex. Various problems have arisen that have affected the smooth functioning of this gigantic system. Following are some of the common problems that have been encountered and ways in which they can be dealt with:

PART I: PROBLEMS RELATED TO VOTER REGISTRATION:

44. ENUMERATORS DID NOT VISIT OUR RESIDENCE / LOCALITY; ENUMERATORS DID NOT LEAVE FORM 4 IN OUR ABSENCE; ELECTORAL CARDS WERE NOT ISSUED TO US.

There are several reasons why errors or inadvertence occur in the process of preparing electoral rolls. In some cases, the reasons may be genuine. While in others the errors occur due to inadequacies on the part of enumerators. What you could do is:

- Contact the Electoral Registration Officer (ERO) in your constituency, who will assist you in taking corrective action.
- Ask for Form no. 4, which is used by citizens, whom the enumerator could not contact. It is a simple application form, which asks for details about eligible voters in your family, which you can fill up at the office itself
- Submit the form immediately

The ERO will process your complaint/request, and prepare a list of names that have been omitted. The list will be displayed, along with details of the proposed inclusions. After considering objections, if any, the ERO will decide if the names should be included or not.

45. CAN I MAKE AN APPEAL, IF THE ERO REJECTS MY CLAIM?

If the ERO has rejected your name, you can complain / appeal to the District Election officer/Deputy Commissioner/District Magistrate/Collector who are normally appointed as appellate authority, during the process of preparation or revision of the rolls.

If omissions have taken place en masse, you can give a written complaint to the Election Registration Officer (ERO), District Registration Officer (DRO), Chief Electoral Officer (CEO) or the Election Commission of India (ECI), in that order. Or, mark copies of your complaint simultaneously to all of them, for quick response!

46. DECEASED/NON-RESIDENT VOTERS' NAMES APPEAR ON THE ROLLS; UNDERAGED/INELIGIBLE PERSONS ARE REGISTERED; VOTERS ARE REGISTERED IN MULTIPLE POLLING STATIONS. WHAT CAN BE DONE?

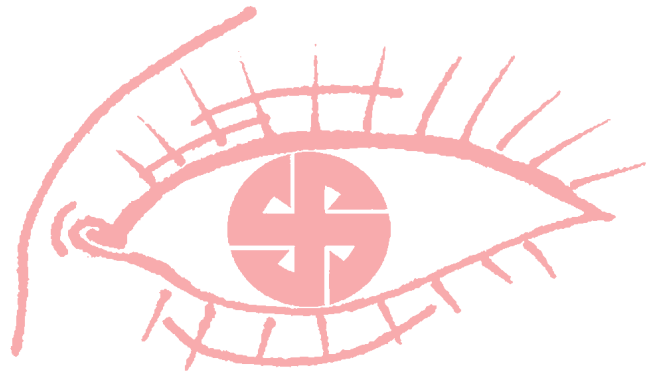
- File objections using Form 7 during the summary revision. (Refer Q. Nos. 19 & 20)
- Verify the draft and the final rolls when they are put up, and file written objections. If, after filing objections, your complaint has still not been attended to, you can organise collective action in association with the community group or residents association in your area.

Here are some steps that you can take:

- Get a copy of the electoral roll for your area from the ERO.
- Conduct a house-to-house investigation/survey of non-resident / deceased voters, and prepare a list of these names
- Submit your complaint to the ERO, along with the survey list, specifying your constituency and polling booth, and the dates of your survey.
- Appeal to the District Registration Officer/ Deputy Commissioner/District Magistrates/Collector, against any decision of the ERO regarding hearing/rejection of requests/appeals.
- Organise public meetings, and ensure that the Electoral Officers publicly explain the lapses



If you are still not satisfied with the decision of the DRO, you can send a written appeal to the Chief Electoral Officer (CEO), even after the due completion of revision process, but within 15 days from the date of last revision. The appeal should be in the form of a memorandum, signed by the complainant, and accompanied by a copy of the order of the registration officer / supporting documents, along with a fee of Rs. 5.00. The fee can be paid either in cash, non-judicial stamp, or deposited in the Government treasury or RBI, in favor of the Chief Electoral Officer.



Enclose the receipt of the fee, along with the appeal.

You can also request the higher authorities for extension of closing dates of the summary revision process or for the conduct of special revision. The request is accepted if the summary inquiry establishes administrative lapses on the part of the authorities.

47. PUBLICITY WAS NOT GIVEN TO DRAFT ROLLS; DRAFT ROLLS ARE EITHER NOT DISPLAYED AT ALL, OR DISPLAYED BUT NOT PROMINENT ENOUGH.

Publicity for draft and final publication of rolls is a statutory requirement. They are to be displayed at the polling stations and at the offices of the ERO.

Written complaints can be made to the designated officer at the polling stations or the Electoral Registration Officer (ERO) or the District Election Officer (DEO).

48. FORMS ARE NOT AVAILABLE, OR ARE OUT OF PRINT; WRONG FORMS ARE GIVEN.

Sometimes, relevant forms are not given to the citizens, as they may be in short supply. You can complain to the designated officer or the ERO of your constituency. You may also use photocopies of application forms, when they are in short supply.

If the problem persists, complain to the DEO. You can mark copies of the complaints to both the ERO and the DEO for speedier response.

49. IF MY APPLICATION FOR INCLUSION IS REJECTED, WHAT CAN I DO?

You can file an appeal to the CEO, within 15 days from the date of rejection. A copy of the intimation from the ERO, and a non-refundable fee of Rs. 5/- should accompany your signed memorandum. The fee can be paid in cash, non-judicial stamp, or deposited in government treasury or RBI, in favor of the Chief Electoral Officer. Enclose the receipt of the fee, along with the appeal.

50. EVEN AFTER SUBMITTING THE APPLICATION, MY NAME STILL DOES NOT APPEAR ON THE ROLLS!

- File an appeal against the ERO to the DEO along with a copy of the acknowledgement for submitting Form 6 earlier. The signed appeal must reach the DEO within 15 days of the announcement of the name not being included. The decision of the DEO is final. Any reversal or change in the previous decision of the ERO is effective only from the date of decision in appeal.
- If you are not satisfied with the decision of the DEO, you can make a revised application to the Election Commission of India (ECI). The decision of the ECI is final.

If there are large-scale omissions from a particular constituency, you can make a collective representation, requesting for special revision. The ERO will hold an inquiry and set dates for hearing the appeals.

51. THE DESIGNATED OFFICERS ARE EITHER NOT AVAILABLE OR DO NOT COOPERATE!

The designated officers should remain on duty in order to guide the voters throughout the prescribed period/hours, irrespective of whether the institution is closed on particular days/working hours.

Complain to the District Election Officer (DEO), Chief Electoral Officer (CEO) or the Election Commission of India (ECI), either in that order, or simultaneously, for a speedier response. If found guilty, the designated officers are punishable with imprisonment for a term of 3 months to 2 years, or fined, or both.

PART TWO: POLLING RELATED GRIEVANCES

52. OFFICIALS MISBEHAVE; ARE POLITICALLY CONNECTED; ASSIST IN ELECTIONEERING; ARE PARTISAN. WHAT CAN BE DONE?

Complain to the presiding officer, preferably in writing, so that action can be initiated.

If your complaint is not attended to, contact the returning officer and election observers. Their names and contact numbers are announced in major newspapers during elections.

If no action is taken even at this stage, complain to the police for breach of official duty.

As a last resort, you can file an election petition against corrupt practices in the High Court.

It would be useful to get a copy of the booklet, 'INFORMATION AT A GLANCE', from the nearest election headquarters in your locality. This booklet is published during elections, and contains the schedule of elections, names of state election authorities, police officers, returning and assistant returning officers, list of sensitive and hyper-sensitive polling stations requiring heavy deployment of security forces.

53. HOW TO ACT AGAINST DEFACING OF PUBLIC AND PRIVATE PROPERTY DURING ELECTIONS?

Campaigning generally starts after the last date of withdrawal of nominations. From this time till the date of election, candidates, political parties, workers, and their followers usually tend to deface walls of public and private buildings by posting election posters, writing slogans etc., all over the village/town/district/city. Permission of the owners of the building or the concerned local body is seldom taken.

Written permission of the owner of the building/property, whether public or private is required to be taken.

The Model Code of Conduct meant for political parties and candidates in item(6) clearly states that -

- *No political party or candidate shall permit its or his followers to make use of any land, building, compound wall etc without the permission for erecting flag staff, suspending banners, pasting notices, writing slogans etc.*
- *No political party/association/ body or candidate or their workers, supporters or sympathisers has/have any right to deface or spoil any private or public building..*

If these codes are not adhered to, candidates / political parties are liable to be prosecuted under the Prevention of Defacement of Property Acts for causing wilful damage to property of others. For instance, according to Karnataka Open Places- Prevention of Disfigurement- Act, 1981, if candidates or their associates erect, inscribe, exhibit on any place, any advertisement without the written permission of local authority having jurisdiction over the area, they are liable to be punished with imprisonment for a term of minimum six months or



fine or both.

You can do the following:

- Send legal notices to the candidate, political party, sponsor, publisher
- Complain to election commission observers and election expenditure observers.
- Request the Election Commission to direct all political parties/candidates to remove all campaign material, and restore the property to its original position, at their own expense
- Lodge criminal cases with the local authorities and the police, under Section 425-427IPC.
- File civil claims for damages to property

54. WHAT CAN BE DONE IF THE MODEL CODE OF CONDUCT IS VIOLATED?

The Model Code of Conduct has specific rules on dealing with the use of government machinery, violence, booth capturing, bribing voters, intimidating voters, distribution of liquor, etc. Violation of the Model Code of Conduct cannot be dealt with, at an individual level. Collective citizen action is required.

- Complain to the returning officer of your constituency
- If your complaint is not addressed satisfactorily, approach the District Magistrate, the CEO and ECI.
- File an FIR in the nearest police station. Contact the Chief Secretary of your State and the Director General of Police immediately. Volunteer to give evidence against the persons/parties.

During instances of violence / booth capturing, etc, the Presiding Officer may choose to immediately close the election and order for a re-poll.

55. HOW DO I FILE AN ELECTION PETITION IN THE HIGH COURT?

Election disputes or petitions can only be filed in the High Court by the voter or candidate. These petitions can be tried wholly or partly, even though it may be presented on one or more grounds. The specified procedure to present election petitions are outlined below.

Step One:

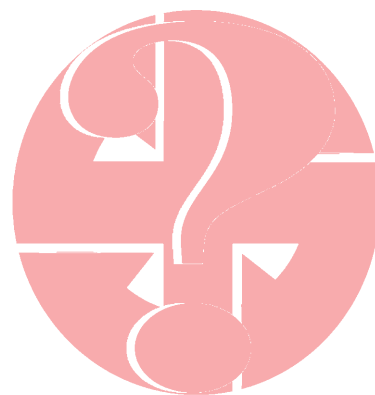
Every petition shall be accompanied by as many copies as there are respondents and every copy shall be attested by the petitioner under his/her own sign to be true copy of petition. A petitioner can include as respondents any elected candidates or all contesting candidates.

- Give statement of facts on which the petition relies.
- Provide full particulars of any corrupt practices the petitioner alleges and names of parties alleged to have committed such corrupt practices and date and places where corrupt practices have taken place.
- Sign the petition and have it verified in the manner laid down in the code of civil procedure for verification of pleading.
- Enclose your petition with an affidavit in the prescribed format in support of allegation.
- Enclose a schedule or annexure to the petition. Petitioner should remember to sign the annexure and have it verified as stated above.

Your petition can be dismissed if it does not comply with above procedure.

Step Two:

After the petition is presented, it will be referred to the appointed Judge. If there are more than one petitions related to the same election, all of them shall be referred. The petition can be tried by the same judge, who may in his discretion, try them separately or together. You can add more respondents if you wish so, within 14 days from commencement of the trial and subject to orders of the High Court which may allow particulars in



the petition to be amended or extended. Please note that new particulars not previously alleged in the petition cannot be introduced.

Step Three:

The trial of a petition shall be deemed to commence on the date fixed for the respondent/s to appear before HC and answer claims made in the petition.

Every petition is generally tried as expeditiously as possible. The trial generally continues on daily basis until its conclusion unless the High Court finds the adjournment of the trial necessary. The trial has to conclude within six months from the date of presentation of petition to the High Court.

Code of Civil Procedure (1905) and the provisions of Indian Evidence Act 1872 is applicable to all election petitions. No witness or person shall be required to state for whom he has voted in the election.

56. HOW IS THE ELECTION MACHINERY ORGANISED?

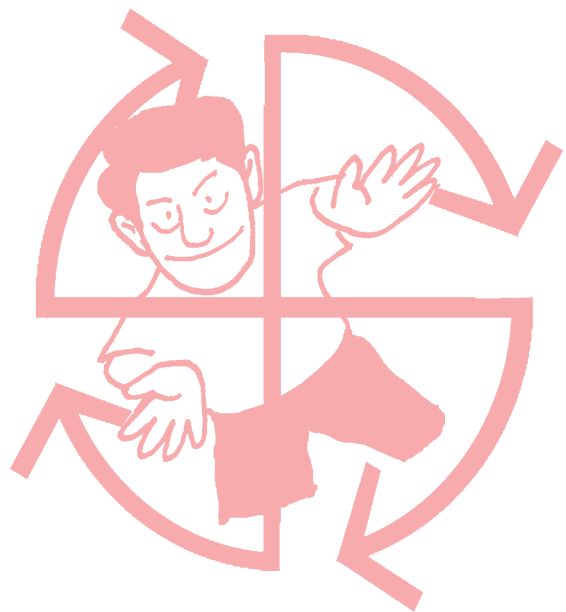
The preparation and revision of electoral rolls in a given state and elections to Parliament and State legislature are held under the *superintendence, direction and control* of the Election Commission of India (ECI) through its representative- the Chief Electoral Officer (CEO) for each state. Districts in a state are represented by District Election Officer (DEO) under the overall *superintendence, direction and control* of the Chief Electoral Officer of the state

The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer/Assistant Returning Officer for each of the Assembly and Parliamentary constituencies in consultation with the State Government/Union Territory. The Returning Officer of a Parliamentary or Assembly constituency is responsible for the conduct of elections.

The State Election Commission (SEC) of each state conducts elections to urban and local bodies. Under the Constitution (Seventy-third and Seventy-fourth) Amendments Act of 1992, in each State / Union Territory, setting up a State

Election Commission is mandatory. The SEC is vested with the powers to conduct elections to the Municipal Corporations, Municipalities, Zilla Parishads, District Panchayats, Panchayat Samitis, Gram Panchayats, and other local bodies.

Though the SEC functions independent of the Election Commission of India, the procedures detailed in this guide regarding preparation and revision of voter's list and the conduct of elections for Parliamentary and Assembly elections apply to election of the local bodies. In fact, in many states the electoral rolls prepared for Parliamentary and Assembly elections are simply adopted for local body elections.



SECTION IV: KNOW YOUR CANDIDATE

57. HOW DO I KNOW ABOUT THE ANTECEDENTS OF THE CONTESTING CANDIDATES TO MAKE AN INFORMED CHOICE IN THE ELECTIONS ?

In response the Public Interest Litigation filed by several NGOs working for electoral reforms in India, the Supreme Court on 13th of March 2003 passed a landmark judgment directing the Election Commission to ensure that candidates contesting for Parliamentary and Assembly elections furnish details on their background compulsorily while filing nomination.

- As per the instructions of the Election Commission of India, every candidate has to furnish to the

Returning Officer full and complete information regarding **pending cases against him, his assets liabilities and educational qualifications** in an affidavit in the format prescribed by the Commission.

- Further, every candidate has to furnish along with the nomination paper, an affidavit in Form-26, containing the information regarding the criminal antecedents of the candidate.
- The Returning Officer concerned shall supply to the District Election Officer concerned, copies of nomination papers filed, the affidavit in the format prescribed by the Commission, affidavit in Form-26 and the counter affidavits, etc. that may be filed by any person against the information furnished by the candidate.

58. WHERE CAN I COLLECT THE BACKGROUND INFORMATION OF THE CANDIDATES ?

- The District Election officer shall furnish copies of these papers to any individual on request, on payment of Rs. 10/- as the fees for copy of one set.
- Further, the information relating to Government dues owed by each candidate is also published in at least in two local newspapers, one of which will be a vernacular newspaper.
- The Returning Officer shall also display copies of the above-mentioned documents on the notice board in his office and also host them on the website - www.ceokarnataka.kar.nic.in, in case of Karnataka State.

59. IS IT MANDATORY FOR CANDIDATES TO DECLARE THEIR DUES?

Yes, on 1st March 2004 the Delhi High Court asked the Election Commission (EC) to seek affidavits from candidates contesting the Lok Sabha elections, with information regarding arrears due from them towards telephone, electricity, water, accommodation and travel. Candidates would not be required to obtain “no dues” certificates from the departments concerned.

The High Court also asked the Mahanagar Telephone Nigam Limited (MTNL) and the New Delhi Municipal Corporation (NDMC) to take all appropriate steps, including disconnection of telephone and electricity, to recover crores of rupees due from over 650 sitting and former Members of Parliament.

(Source: “Candidates must declare dues: HC”, Deccan Herald, March 2, 2004)

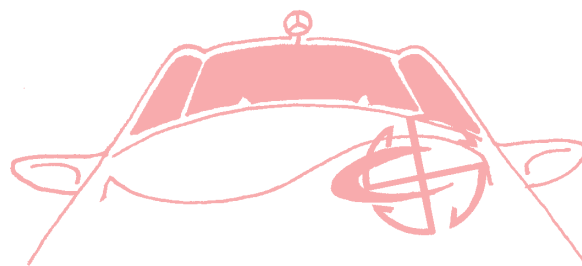
60. WHAT IS THE LIMIT ON POLL EXPENSES?

There are tight legal limits on the amount of money a candidate can spend during the election campaign. Since December 1997, in most Lok Sabha constituencies the limit was Rs. 15 lakhs, although in some States the limit is Rs. 6 lakhs. For Assembly Elections, the highest limit is Rs. 6 lakhs, the lowest Rs. 3 lakhs.

The recent amendment in October 2003 has increased these limits. For Lok Sabha seats in bigger states, it is now Rs 25 lakhs. In other states and Union Territories, it varies between Rs. 10 to Rs 25 lakhs.

Similarly, for Assembly seats, in bigger states, it is now Rs. 10 lakhs, while in other states and Union Territories, it varies between Rs. 5 to 10 lakhs. Although supporters of a candidate can spend as much as they like to help out with a campaign, they have to get written permission of the candidate, and whilst parties are allowed to spend as much money on campaigns as they want, recent Supreme Court judgments have said that unless a political party can specifically account for money spent during the campaign, it will consider any other activities as being funded by the candidates and counting towards their election expenses.

(Table : maximum limit of Election expenses in different States for Parliamentary and Assembly constituency)



61. WHO MONITORS/SCRUTINISES ACCOUNTS OF CANDIDATES DURING ELECTIONS?

- It is mandatory under the election laws (Section –77 of Representation of People's Act 1951 and Rule-86 of the Conduct of Election Rules, 1961) for every contesting candidate or his agent to maintain and furnish accounts of his / her election expenditure.
- They have to maintain and furnish day-to-day account of all expenditure incurred in connection with the election, between the date of nomination and the declaration of the results thereof, in a register authenticated by the District Election Office and issued to him immediately after his nomination.
- All documents such as vouchers, receipts, acknowledgements, etc. in support of the expenditures incurred will have to be maintained in the correct chronological order, and be made available for inspection by the District Election Officer, Returning Officer, Election Expenditure observer appointed by the Commission or any other such other authority, at any time during the process of election.

KEY TERMS

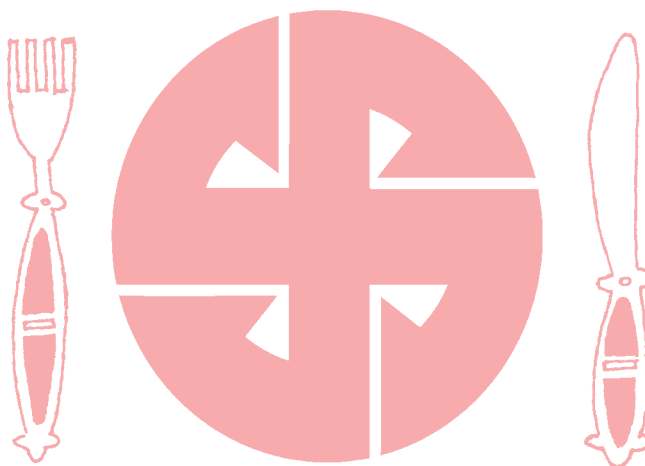
1. ORDINARILY RESIDENT:

The term ordinarily resident is understood in the following manner-

A person is said to be ordinarily residing in a place if he uses that place for sleeping, according to handbook for electoral registration officer. It is not necessary that the period of stay should be continuous for particular length of time. Temporary absence will not deprive you of the qualification of ordinarily resident. But mere ownership or possession of immovable property will not bestow on the owner the residential qualification.

The following guidelines of (Section.19 & 20) Representation of Peoples Act are taken into consideration in determining whether an elector is ordinarily resident in a constituency

- (a) A person cannot be said to be ordinarily resident in a constituency on the ground that he owns or possesses a dwelling house there.
- (b) A person absenting himself temporarily from his place of ordinary residence does not cease to be ordinarily resident there.
- (c) A member of Parliament or of the Legislature of State does not cease to be ordinarily resident in the constituency during the term of his office by reason of his absence from that constituency in connection with his duties as such member.
- (d) A patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, is not deemed to be ordinarily resident there.
- (e) A person detained in prison or legal custody at any place is not deemed to be ordinarily resident there.
- (f) A person having a service qualification or holding a declared office is to be treated as ordinarily resident in the constituency in which, but for his duty he would have been ordinarily resident. The persons who belong to the category of service qualifications are:
 - i. A member of the armed forces of the union
 - ii. A member of a force to which the Army Act, 1950 applies.
 - iii. A member of an armed force of a State, who is serving outside that State.



iv. A person who is employed under the Government of India, in a post outside India.

The declared offices are the President of India, Vice President, Governors of States, Cabinet ministers, Minister of State, members of the Planning Commission, members of State Legislatures, Parliamentary Secretaries, etc.

g) The spouse of a person covered by (f) is also extended the same privilege.

2. BALLOT:

The official paper of who or what you can vote for in the election and on which you mark your choices. You receive the ballot at your polling place.

3. ADVERTISEMENT:

Printed, cyclostyled, typed or written notice document paper, letter, word, picture, sign or visible representation.

4. PLACE OPEN TO PUBLIC:

Includes any private place or building, monument, statue, post, wall, fence, tree...visible to a person being in, or passing along and public place

5. PUBLIC PLACE:

Any place including a road, street, shelter, thoroughfare, bathing place to which the public are granted access or have a right to resort or wherever they have right to pass

6. LOCAL BODIES:

Panchayat, Taluk offices, City Municipal Councils, Town Municipal Council, Municipalities/Municipal Corporations, Notified areas, Sanitary boards, Development authority, or any other local area. Annexure II: Disqualifications

DISQUALIFICATIONS :

1. Disqualification for registration in an electoral roll

A person shall be disqualified for registering in an electoral roll if he is not citizen of India; is of unsound mind and is so declared by a competent court; or is disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections. No person shall be registered in the electoral roll for more than one constituency nor be registered in any one constituency more than once.

2. Disqualification from voting:

If any person is convicted under Sections 171 E, 171 F of the Indian Penal Code (IPC) or Sections 125, 135 or 136(a) (2) of the Representations of People's Act, he/she shall be disqualified from voting for six years.

Section 171 E of IPC: Offence of Bribery

Section 171 F of IPC: Offence of undue influence or impersonation at an Election

Section 125 of RPA : Offence of promoting enmity between classes in connection with the election

Section 135 of RPA : Offence of removing ballot papers from polling station

Section 135 A of RPA : Offence of Booth capturing

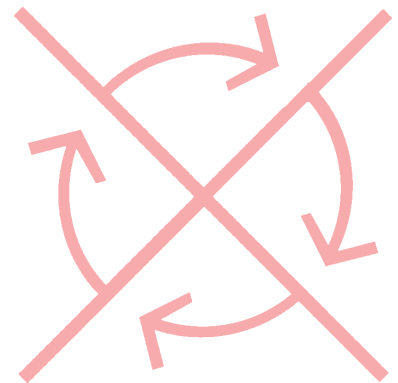
REGISTRATION AND VOTING PROCEDURE FOR GOVERNMENT AND DEFENCE PERSONNEL:

a. REGISTRATION:

Defence personnel:

The last section of electoral rolls of every constituency has the names of defence personnel (having service qualifications) and their spouses belonging to that constituency.

If you satisfy the eligibility conditions for registration and would like to register in the rolls of your constituency, please fill in and send in application Form No. 2 to the Registration Officer of your constituency (range/ward offices of your municipality, city Corporation, the Revenue Divisional offices, Tahasildar's offices or Panchayat



offices in villages.

If you are with the state armed forces and serving outside the state, send in application Form No. 2A.

Government of India personnel posted outside India:

Send in application Form No. 3

Your registration will be accepted after verification. An intimation would be sent to you. You can also obtain a copy of electoral roll of your constituency after paying a small fee.

b. POSTAL VOTE:

If you are a Government personnel on election duty, you can either use postal ballot or vote in person -

If you wish to vote by post, send application (form 12) to the returning officer to reach at least seven days before the date of poll. A postal ballot paper will be personally delivered or sent to you under certificate of posting along with a declaration (form 13A) a cover (form 13 B) returning address cover (form 13C) and instructions(form 13 D).

Return your vote to the returning officer as per the instructions. The declaration can be signed in the presence of a Magistrate, Commanding Officer, Deputy Secretary to Government, Gazetted Officer (presiding officer) as applicable to you. If the ballot paper is returned/undelivered or unusable, there is provision for re-issue of the same. Note that it is the duty of returning officer to ensure that the postal ballot reaches you and in time!

If you wish to vote in person and not by post, send in your request to reach the returning officer four days before the date of poll. You will be issued a *election duty certificate* (EDC) in form 12B. Please note that you will not be allowed to vote at the polling station where you would otherwise be entitled to vote.

If you are a Defence personnel or Government of India personnel posted outside India -

Send in your intimation to the Returning Officer. Ensure that the intimation reaches the concerned Returning Officer at least 10 days before the poll.

Defence / GOI officer(s) through whom a postal ballot paper is sent to the addressee must ensure its delivery to the addressee without any delay.

A postal ballot paper will be personally delivered or sent to you under Certificate of Posting along with a declaration (form 13A) a cover (form 13B) returning address cover (form 13C) and instructions(form 13D).

Return your vote to the returning officer as per the instructions. The declaration can be signed in the presence of a magistrate, commanding officer, deputy secretary to Government, gazette officer (presiding officer) as applicable to you. If the ballot paper is returned/undelivered or unusable, there is a provision for re-issue of the same.

Note that it is the duty of returning officer to ensure that the postal ballot reaches you and in time!

Government of India/Embassy officer(s) through whom a postal ballot paper is sent to the service voter must also ensure its delivery to the addressee without any delay.

The army post office should ensure quick delivery to the addressee at the place of posting without any delay.

